

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE
IMPROVEMENT PROJECT (“PROJECT”) APN: 7030-001-048 CPN: 81510-1, 2, 3, 4**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS (“BOARD”) HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (“LACMTA”) is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The property interests consist of the acquisition of a partial fee simple interest (“Fee”) and 48-month Temporary Construction Easements (“TCE’s”), as described more specifically in the legal descriptions (Exhibits “A-1” through “A-4”) and depicted in the plat maps (Exhibit “B-1” through “B-4”), (hereinafter, the “Property Interests”).

The Fee consists of 167 square feet (CPN 81510-1; Exhibits “A-1” and “B-1”), and 44 square feet (CPN 81510-2). The Fee is located at the top of the slope along Bloomfield Avenue and improved with metal fencing and landscaping. The Fee is required for the bridge reconstruction.

The TCE’s consists of the following:

CPN **81510-3** with a total area of ±1,937 square feet, is located in the slope area adjacent to the fee acquisition areas. This area is improved with landscaping and a staircase. This easement is required for the reconstruction of the sidewalk due to the bridge widening and reconstruction. The staircase will not be available for use during an approximate 6-to-12-month exclusive use Construction Period (as that term is defined below).

CPN **81510-4** has a total area of ±338 square feet, is located north of the metal fence and has an approximate 6- to-12-month exclusive use Construction Period. The TCE is needed to construct a soundwall. There will be a 2-foot gap between the metal fence at the rear of the property and the new soundwall. This area will be slurried as a part of the project.

The term for each TCE shall have a duration up to forty-eight (48) months. The TCE's are scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than September 30, 2026. The TCE term shall include within it the exclusive use by the easement holder of the TCE area for the duration of the construction period ("Construction Period"), which is estimated to run approximately six (6) to twelve (12) concurrent months for both parcels 81510-3 and 81510-4 with the remainder of the 48-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

Section 4.

- (a.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project ("Project");
- (b.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by Caltrans in January 2019. A Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) was prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), respectively.
- (c.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain

Section 5.

The Board hereby declares that it has found and determined each of the following:

- (a.) The public interest and necessity require the proposed Project;

- (b.) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

That notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein and each person whose property is to be acquired by eminent domain was given an opportunity to be heard.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 26th day of January 2023.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit A-1, A-2, A-3, and A-4 – Legal Description

Exhibit B-1, B-2, B-2, B-3, and B-4 – Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

**WESTBOUND - STATE ROUTE 91
PARCEL 81510-1 (FEE PARCEL)**

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, also shown on that certain Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

BEGINNING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet; thence leaving said line, South 00°42'46" East, 28.49 feet; thence South 89°17'14" West, 4.37 feet; thence North 62°39'32" West, 0.78 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 02°23'59" West, 31.91 feet to the **POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

Westbound
State Route 91
Parcel 81510

This conveyance is made for the purpose of a freeway and the **GRANTOR** hereby releases and relinquishes to the **STATE** any and all abutter's rights including access rights, appurtenant to **GRANTOR'S** remaining property, in and to the freeway.

John Duquette 1/6/2022
JOHN R DUQUETTE, P.L.S. 7566 Date



Michael Baker International
5 Hutton Centre Drive, Suite 500
Santa Ana, California 92707
Project No. 175383

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LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

**WESTBOUND - STATE ROUTE 91
PARCEL 81510-2 (FEE PARCEL)**

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, also shown on that certain Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

COMMENCING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet; thence South 00°42'46" East, 28.49 feet to the **TRUE POINT OF BEGINNING**; thence South 89°17'14" West, 4.37 feet; thence North 62°39'32" West, 0.78 feet to the Westerly line of said Lot 1; thence along said line, South 02°23'59" East, 9.32 feet; thence leaving said Westerly line, North 89°17'14" East, 4.79 feet; thence North 00°42'46" West, 8.95 feet to the **TRUE POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

Westbound
State Route 91
Parcel 81510

This conveyance is made for the purpose of a freeway and the **GRANTOR** hereby releases and relinquishes to the **STATE** any and all abutter's rights including access rights, appurtenant to **GRANTOR'S** remaining property, in and to the freeway.

John Duquette 1/6/2022
JOHN R DUQUETTE, P.L.S. 7566 Date



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LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

**WESTBOUND - STATE ROUTE 91
PARCEL 81510-3 (TEMPORARY CONSTRUCTION EASEMENT)**

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

COMMENCING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said line, South 58°30'33" East, 55.84 feet; thence South 00°20'33" East, 19.67 feet; thence South 88°09'44" West, 45.10 feet; thence South 03°45'45"W, 26.98 feet; thence South 01°33'57"E, 27.19 feet; thence South 87°36'01"W, 3.14 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 02°23'59"W, 67.08 feet; thence leaving said Westerly line, North 89°17'14" East, 4.79 feet; thence North 00°42'46" West, 37.44 feet to the **TRUE POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

CONTAINING: 1,937 Square Feet more or less.


Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch

Westbound
State Route 91
Parcel 81510

1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

Rights to the above described temporary easement shall cease and terminate on **September 30, 2026**. Said rights may also be terminated prior to the above date by **STATE** upon notice to **GRANTOR**.



JOHN R DUQUETTE, P.L.S. 7566 1/6/2022 Date



Michael Baker International
5 Hutton Centre Drive, Suite 500
Santa Ana, California 92707
Project No. 175383

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LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

**WESTBOUND - STATE ROUTE 91
PARCEL 81510-4 (TEMPORARY CONSTRUCTION EASEMENT)**

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

BEGINNING at the Northeast Corner of said Lot 1; thence along the Easterly line of said Lot 1, South 00°42'11" East, 2.36 feet; thence leaving said Easterly line, North 58°30'33" West, 169.83 feet; thence North 31°29'27" East, 2.00 feet to the Northerly line of said Lot 1; thence along said Northerly line, South 58°30'33" East, 168.57 feet to the **POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

CONTAINING: 338 Square Feet more or less.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

Westbound
State Route 91
Parcel 81510

Rights to the above described temporary easement shall cease and terminate on
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STATE upon

notice to **GRANTOR**.)

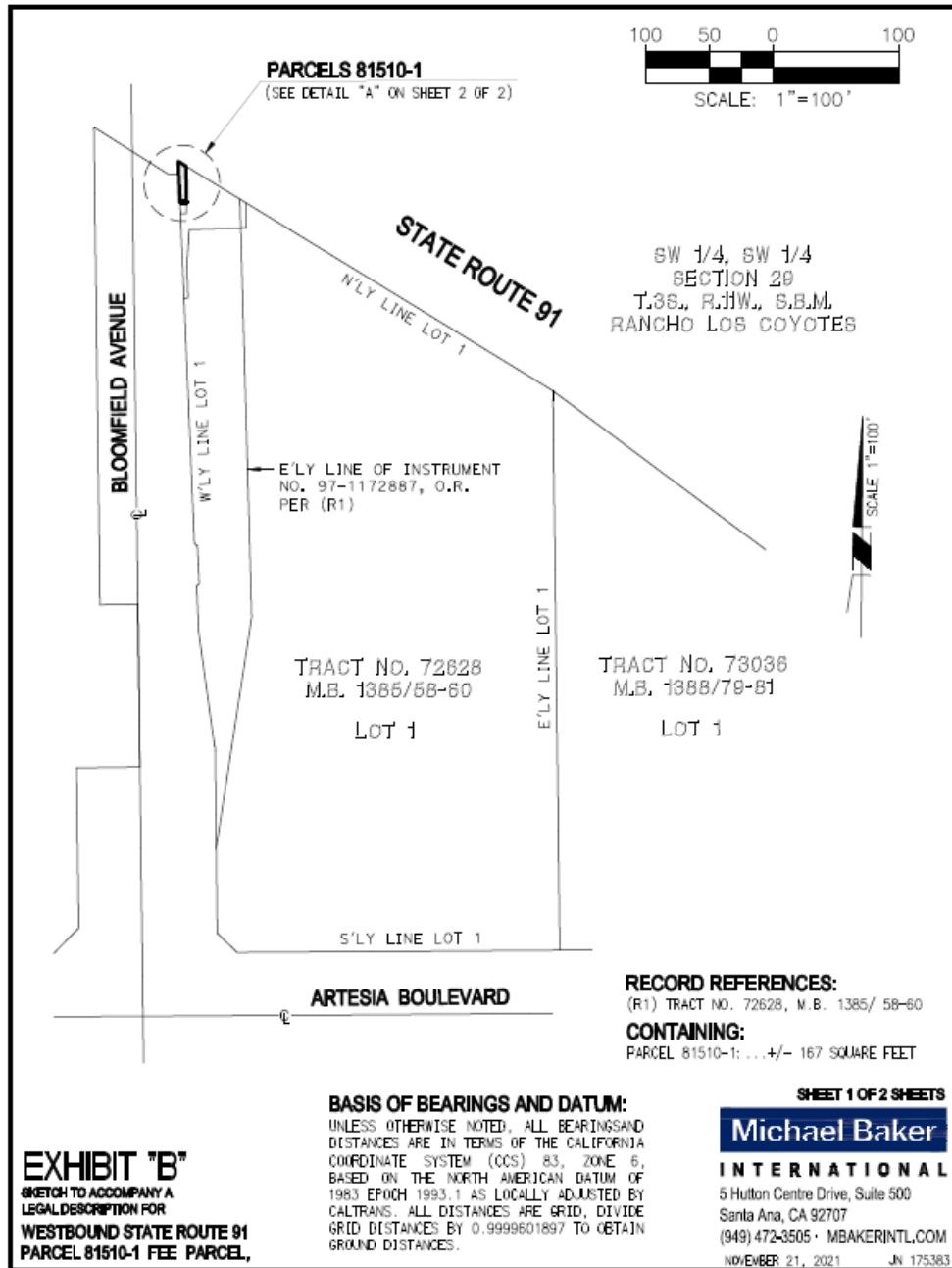
John Duquette 1/31/2022
JOHN R DUQUETTE, P.L.S. 7566 Date



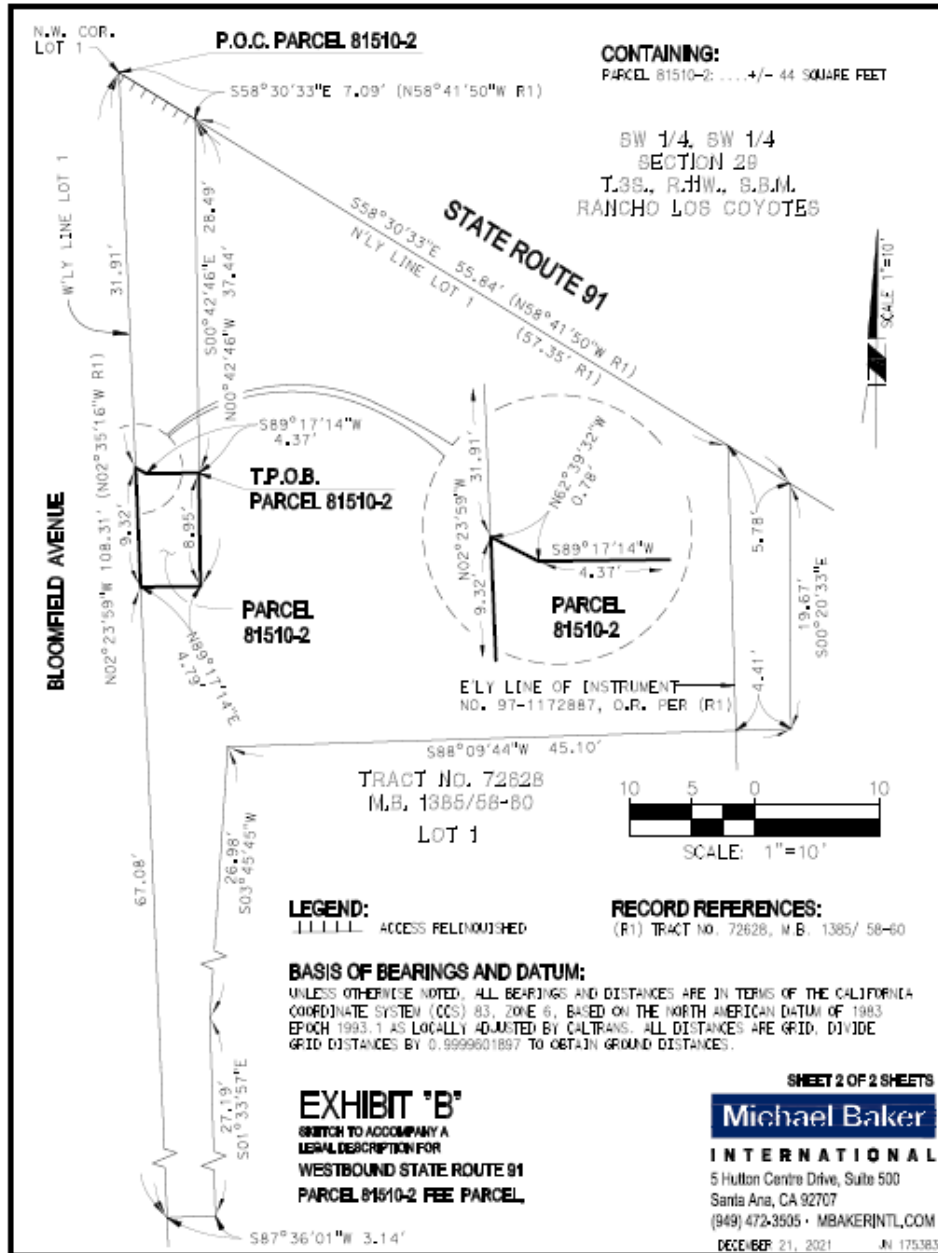
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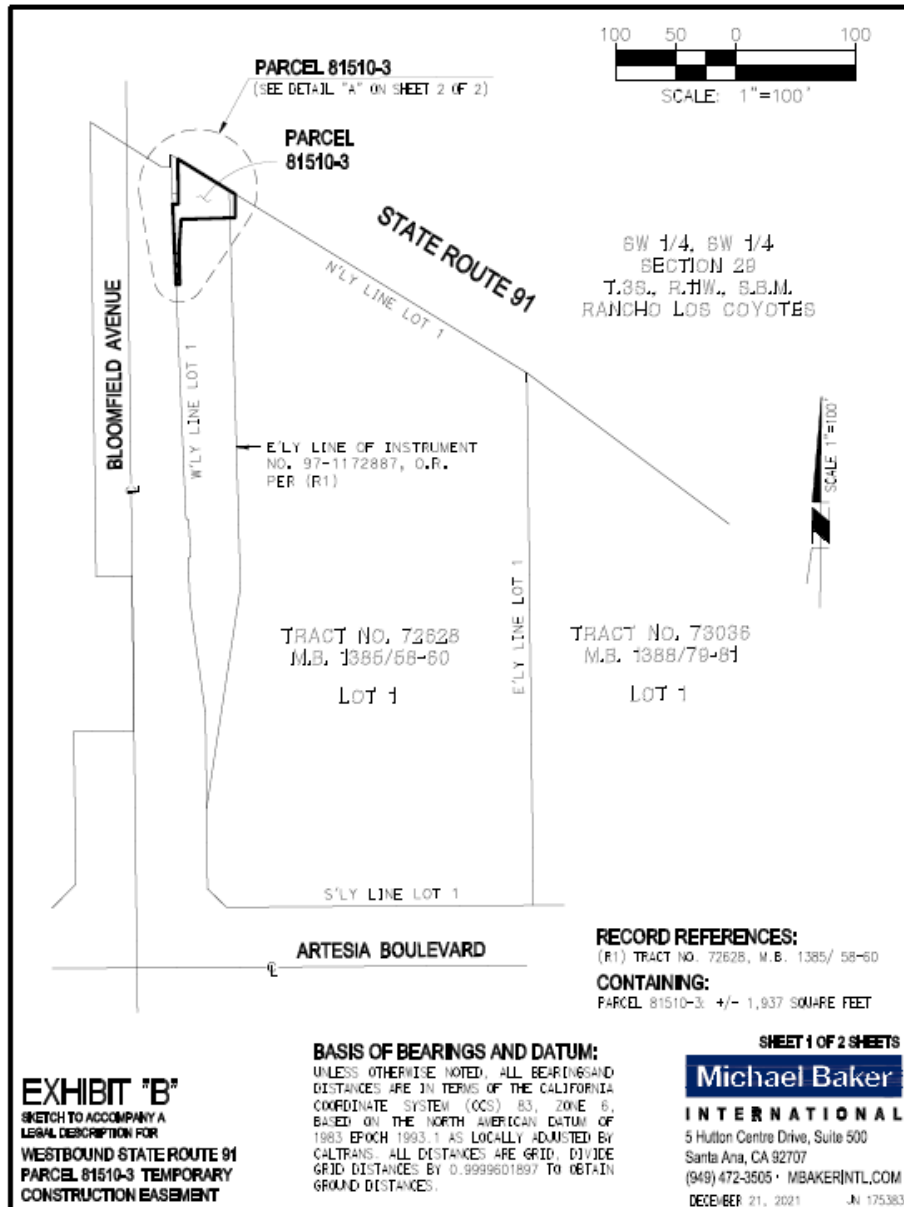
PLAT MAP



PLAT MAP



PLAT MAP



PLAT MAP

