

**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  
WHITTIER BOULEVARD/PAINTER AVENUE INTERSECTION IMPROVEMENT  
PROJECT ("PROJECT") APN: 8142-033-068 CPN: 81783-1, 81783-2**

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 interests 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 28-month Temporary Construction Easements ("TCE's"), as described more specifically in the legal descriptions (Exhibits "A-3") and depicted in the plat map (Exhibit "B-3"), (hereinafter, the "Property Interests").

The TCE's consist of the following:

The TCE identified as CPN 81783-1 contains  $\pm 1,209$  square feet and impacts the parcel's easterly driveway along Whittier Boulevard. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway pavement and curb within the property due to improvements to the sidewalk within Caltrans right of way. The TCE has an estimated exclusive use Construction Period of 10 days to 2 months. All improvements within the TCE will be protected in place or replaced in kind. The TCE identified as CPN

81783-2 contains ±1,790 square feet and impacts the larger parcel's Whittier Boulevard westerly driveway. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway pavement and curb within the property due to improvements to the sidewalk within Caltrans right of way. The TCE has an exclusive use Construction Period of 10 days to 2 months. All improvements within the TCE will be protected in place or replaced in kind.

The term for the TCE's shall have a duration up to twenty-eight (28) 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 June 19, 2026. The TCE term shall include within it with the remainder of the 28-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 Whittier Boulevard/Painter Avenue Intersection Improvement Project ("Project");

(b.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by the City of Whittier in March 2018 (ED) and Caltrans in June 2018 (PA). A Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act (CEQA).

(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 Interests 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 Interests, 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 Los Angeles County Metropolitan Transportation Authority at a meeting held on the 23rd day of March 2023.

\_\_\_\_\_  
COLLETTE LANGSTON  
LACMTA Board Clerk

Date: \_\_\_\_\_

**ATTACHMENTS**

Exhibit - A-3--Legal Description

Exhibit - B-3 --Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"  
LEGAL DESCRIPTION  
TEMPORARY CONSTRUCTION EASEMENT  
(APN 8142-033-068)

THOSE PORTIONS OF PARCEL 1 OF LOT LINE ADJUSTMENT NO. 09-003, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED JUNE 1, 2009 AS INSTRUMENT NO. 20090811856, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PARCEL 81783-1**

**BEGINNING** AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID PARCEL 1 WITH THE NORTHEAST LINE OF WHITTIER BOULEVARD, SAID NORTHEAST LINE BEING PARALLEL WITH AND DISTANT 43 FEET FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, A DISTANCE OF 58.80 FEET; THENCE LEAVING SAID NORTHEAST LINE, NORTH 33°59'12" EAST, 20.55 FEET; THENCE SOUTH 56°02'59" EAST, 58.80 FEET; THENCE SOUTH 33°58'48" WEST, 20.59 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1209 SQUARE FEET, MORE OR LESS.

**PARCEL 81783-2**

**COMMENCING** AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID PARCEL 1 WITH THE NORTHEAST LINE OF WHITTIER BOULEVARD, SAID NORTHEAST LINE BEING PARALLEL WITH AND DISTANT 43 FEET FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, A DISTANCE OF 153.77 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, 47.07 FEET; THENCE LEAVING SAID NORTHEAST LINE, NORTH 33°58'56" EAST, 38.03 FEET; THENCE SOUTH 56°00'48" EAST, 47.08 FEET; THENCE SOUTH 33°59'12" WEST, 38.03 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 1790 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

*Maria Hall*

7/7/2021

Maria Hall, PLS 9300



