ATTACHMENT B

RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTEREST NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE EXERCISE OF EMINENT DOMAIN
WESTSIDE PURPLE LINE EXTENSION, SECTION 1 –
PARCEL NO. W-2309

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 Interest described hereinafter is 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 Interest sought consists of the acquisition of a 33-month exclusive Temporary Construction Easement ("TCE"), of the property described more specifically in the legal description (Exhibit "A") and depicted on the Plat Map (Exhibit "B"), attached hereto (hereinafter, the "Property Interest"), all of which are incorporated herein by this reference, for the purpose of all necessary and convenient activities associated with the construction of the Project. The TCE shall be valid for a period of not more than 33-months. The TCE shall commence on March 31, 2023, and it shall terminate on the earliest of (a) the date upon which LACMTA notifies the applicable owner that it no longer needs the TCE or (b) 33-months from the commencement date of the TCE.

Upon the expiration of the TCE, the Property shall be returned to the Owner subject to the following conditions:

1. All existing buildings and structures on the property having been demolished and not returned to the owner;
2. Any existing underground water, gas, sewer, telephone or electrical lines shall be abandoned in place and only interfering portions shall be removed;
3. Any below ground obstructions not removed as part of construction work, such as old foundations, will be left in place;
4. The Property will be backfilled and compacted to existing grade;

Section 4.

(a.) The acquisition of the above-described Property Interest is necessary for the development, construction of the Westside Purple Line Extension Project Section 1 ("Project");

(b.) The environmental impacts of the Project were evaluated in the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR), which was certified by the Board on April 26, 2012 and May 24, 2012. The Board found that in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project, and the FEIS/FEIR documents are consistent with CEQA; and;

(c.) The Board has reviewed and considered the FEIS/FEIR, before and as part of the process of determining whether to acquire the above-referenced Property.

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 Interest 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

(e.) Environmental review consistent with the California Environmental Quality Act (CEQA) for the Project has been previously certified by this Board.

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.

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 Interest described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property Interest 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 Interest.

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 action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. 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 22nd day of June, 2023.

Date: _____

COLLETTE LANGSTON
LACMTA Board Clerk

EXHIBITS

1 - Exhibit "A" - Legal Description
2 - Exhibit "B" - Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 438 OF TRACT NO. 4988, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 54, PAGES 98 AND 99 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 4334-022-063

NOTE:
THIS LEGAL DESCRIPTION WAS NOT PREPARED FOR ANY PURPOSE THAT WOULD BE IN VIOLATION OF THE STATE OF CALIFORNIA SUBDIVISION MAP ACT OR LOCAL ORDINANCES OF THE GOVERNING BODY HAVING JURISDICTION.

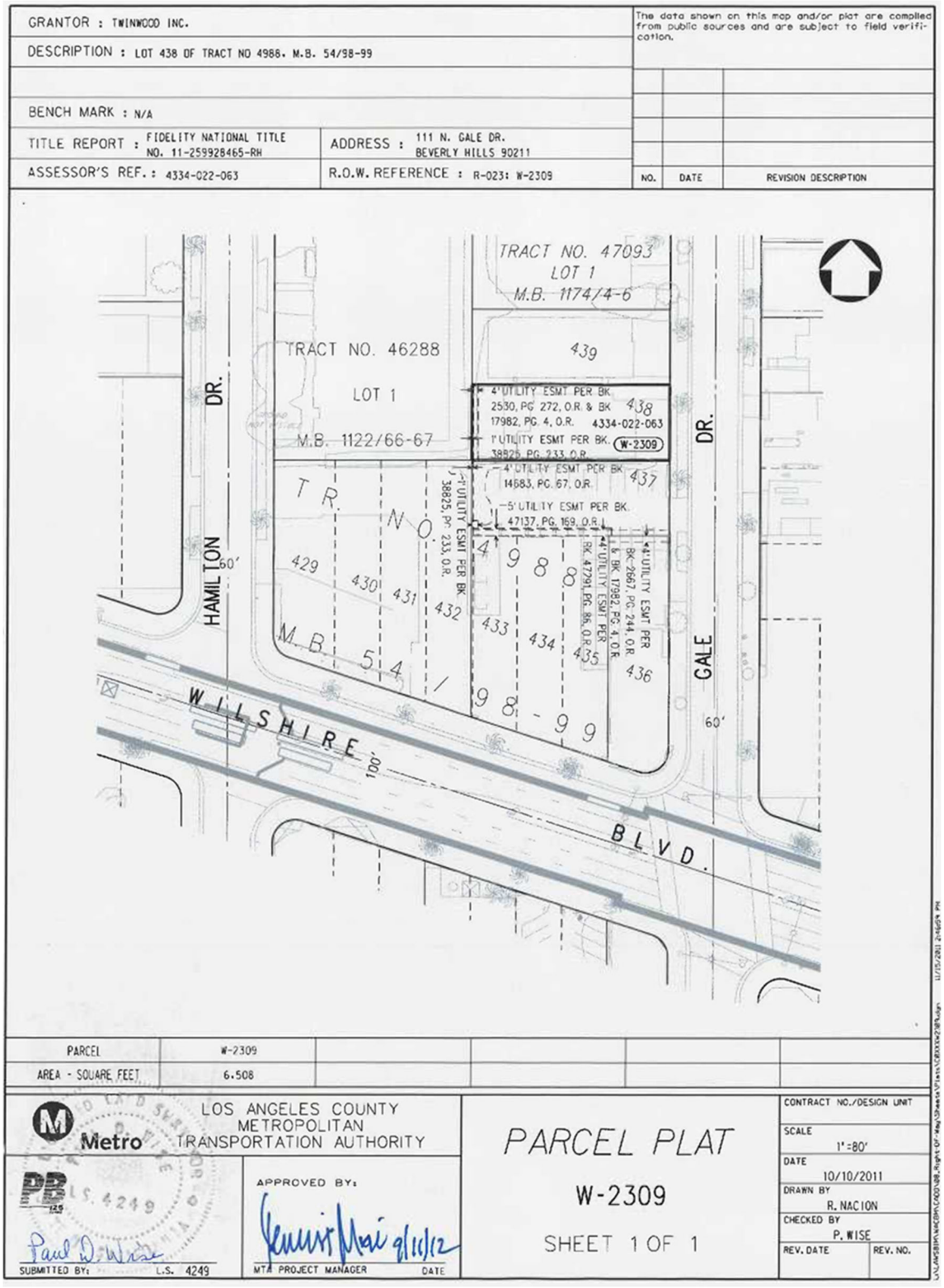
PREPARED BY:

JAMES L. ELLIOTT, P.L.S. 6334

9-6-12
DATE

W-2309

EXHIBIT B


GRANTOR : TWINWOOD INC.
DESCRIPTION : LOT 438 OF TRACT NO 4988. M.B. 54/98-99
BENCH MARK : N/A
TITLE REPORT : FIDELITY NATIONAL TITLE NO. 11-259928465-RH
ADDRESS : 111 N. GALE DR. BEVERLY HILLS 90211
ASSESSOR'S REF. : 4334-022-063
R.O.W. REFERENCE : R-023: W-2309
The data shown on this map and/or plat are compiled from public sources and are subject to field verification.
NO. DATE REVISION DESCRIPTION
TRACT NO. 47093
LOT 1
M.B. 1174/4-6
TRACT NO. 46288
LOT 1
M.B. 1122/66-67
439
438
437
436
435
434
433
432
431
430
429
4334-022-063
W-2309
4' UTILITY ESMT PER BK. 2530, PG. 272, O.R. & BK. 17982, PG. 4, O.R.
1' UTILITY ESMT PER BK. 38825, PG. 233, O.R.
4' UTILITY ESMT PER BK. 14583, PG. 67, O.R.
5' UTILITY ESMT PER BK. 47137, PG. 169, O.R.
TR. NO. 4988
M.B. 54/98-99
HAMILTON DR.
GALE DR.
WILSHIRE BLVD.
60'
100'
PARCEL W-2309
AREA - SQUARE FEET 6,508
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
Metro
PARCEL PLAT
W-2309
SHEET 1 OF 1
CONTRACT NO./DESIGN UNIT
SCALE 1"=80'
DATE 10/10/2011
DRAWN BY R. NACION
CHECKED BY P. WISE
REV. DATE REV. NO.
PB
L.S. 4249
Paul D. Wise
SUBMITTED BY: L.S. 4249
APPROVED BY:
MTA PROJECT MANAGER DATE