

**Board Report**

File #: 2016-0280, **File Type:** Policy

Agenda Number: 42.

**REGULAR BOARD MEETING
APRIL 28, 2016**

SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT

ACTION: **ADOPT AN AMENDED RESOLUTION OF NECESSITY TO PROVIDE FOR THE FUTURE BIFURCATION OF AN EXISTING SUBSURFACE TUNNEL EASEMENT, AND FOR THE OUTGRANT TO THE PROPERTY OWNER OF CERTAIN EASEMENT RIGHTS IN A PORTION OF ASSESSOR'S PARCEL NOS. 5161-017-021, 5161-017-022, 5161-017-023, & 5161-017-033 (HEREINAFTER THE "PROPERTY").**

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Amended Resolution of Necessity;
- B. ADOPTING an amended **Resolution of Necessity** clarifying the nature of the property rights to be acquired in the pending eminent domain action against **Japanese Village, LLC, et al (hereinafter "Owner")**, in support of the Metro Regional Connector Transit Corridor Project, including a provision for the bifurcation of the existing subsurface tunnel easements, and for the outgrant to the Property Owner of the space between the bifurcated tunnel easements in the context of Metro's long-range plans affecting the Property.

(REQUIRES TWO-THIRDS VOTE)

DISCUSSION

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the Owner, as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests from the Owner:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project

Parcel Nos. RC-450 and RC-451; and

- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface tunnel and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface tunnel easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface tunnel easements, which would result in a three (3) to four (4) foot wide area between the bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface tunnel easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 wherein the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015. Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner. An amended Resolution of Necessity is necessary to enable Metro to amend its existing Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), METRO has prepared and mailed notices of this hearing to the Owner informing them of their right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least

private injury; (3) whether the Property is necessary for the Project; and (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

Attached is evidence submitted by staff that supports adoption of the Resolution that has been approved by counsel, and which sets forth the required findings (Attachment "B"). After all of the testimony and other evidence has been received by METRO from all interested parties, METRO must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment "C") to acquire the Property by eminent domain. In order to adopt the resolution, METRO must, based upon all the evidence before it, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated above exist.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on safety standards for Metro.

FINANCIAL IMPACT

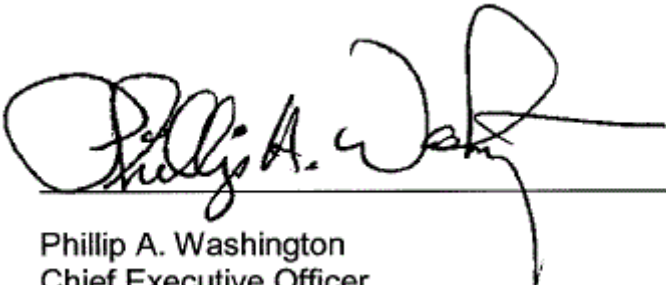
This project is funded by Measure R 35% backed TIFIA loan, and a combination of various local and state grants and Federal grants. The funding to acquire the Property is included in the approved fiscal year 2016 project budget, under Measure R Project Regional Connector Transit Corridor Project 860228, in cost center 8510 (Construction Procurement), account number 53103 (Acquisition of Land). This has no impact to operations eligible funds.

ATTACHMENTS

- Attachment A- Order for Prejudgment Possession
- Attachment A-1-Subsurface Easements - Portion to be Abandoned
- Attachment A-2-Subsurface Easements - Portion to be Retained
- Attachment B-Staff Report
- Attachment C-Resolution of Necessity

Prepared by: Velma C. Marshall, Deputy Executive Officer - Real Estate (213) 922-2415

Reviewed by: Calvin E. Hollis, Interim Chief Planning Officer, (213) 922-7319



Phillip A. Washington
Chief Executive Officer

Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

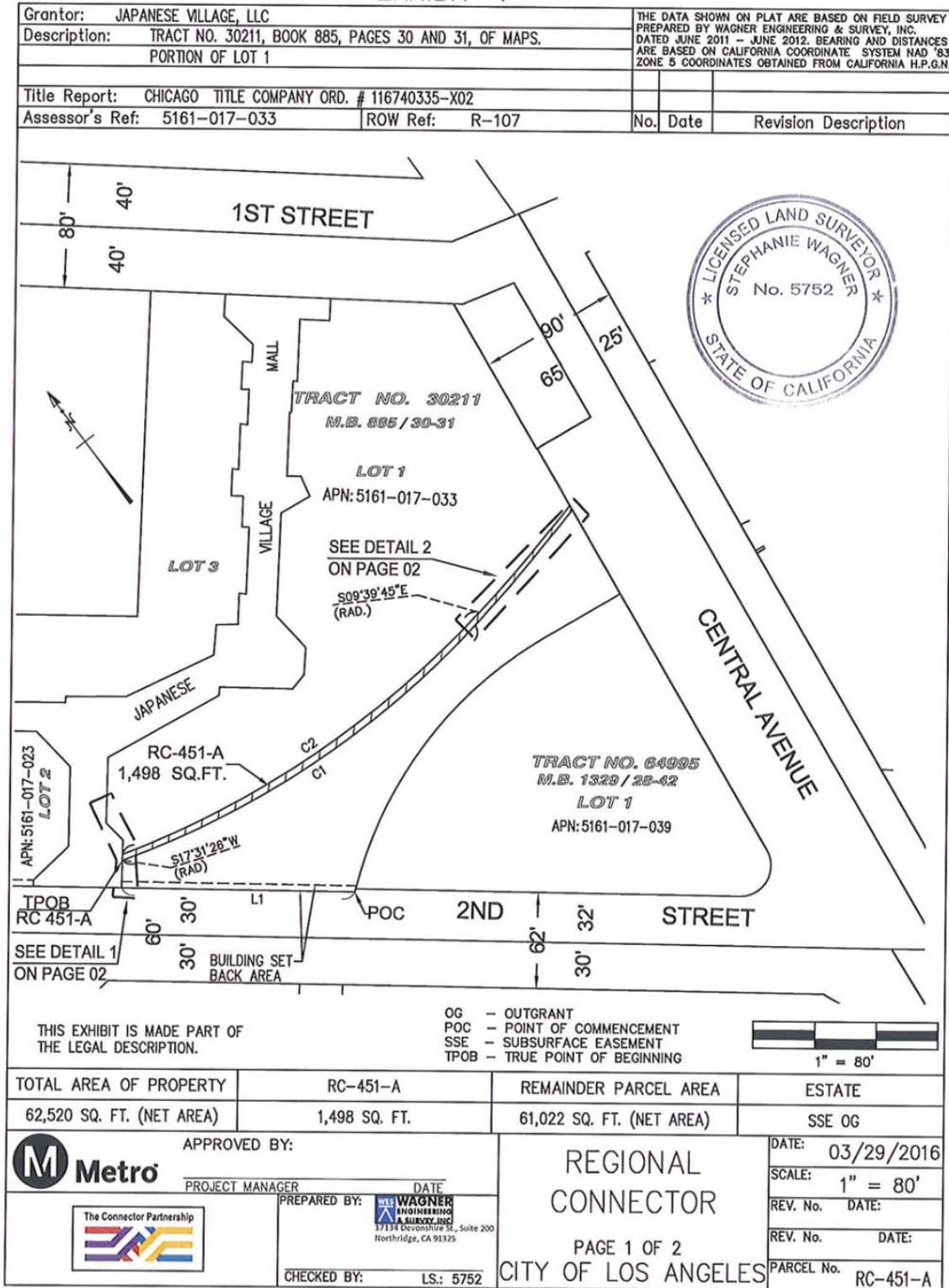
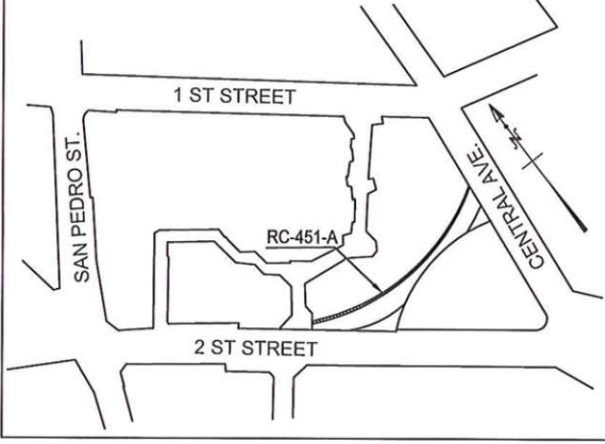


EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision Description	

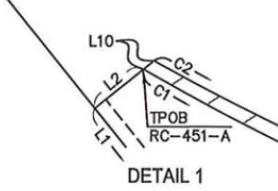
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

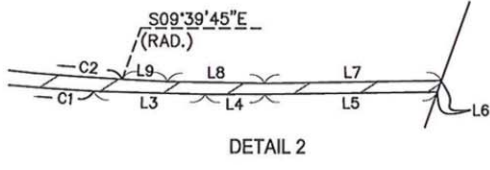


VICINITY MAP
N.T.S.


OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING



DETAIL 1






DETAIL 2



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

 APPROVED BY: _____ PROJECT MANAGER	PREPARED BY:  DATE: _____ 17134 Devonshire St., Suite 200 Northridge, CA 91325	DATE: 03/23/2016
		SCALE: NTS
 CHECKED BY: _____ LS.: 5752	REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	REV. No. DATE:
		PARCEL No. RC-451-A

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

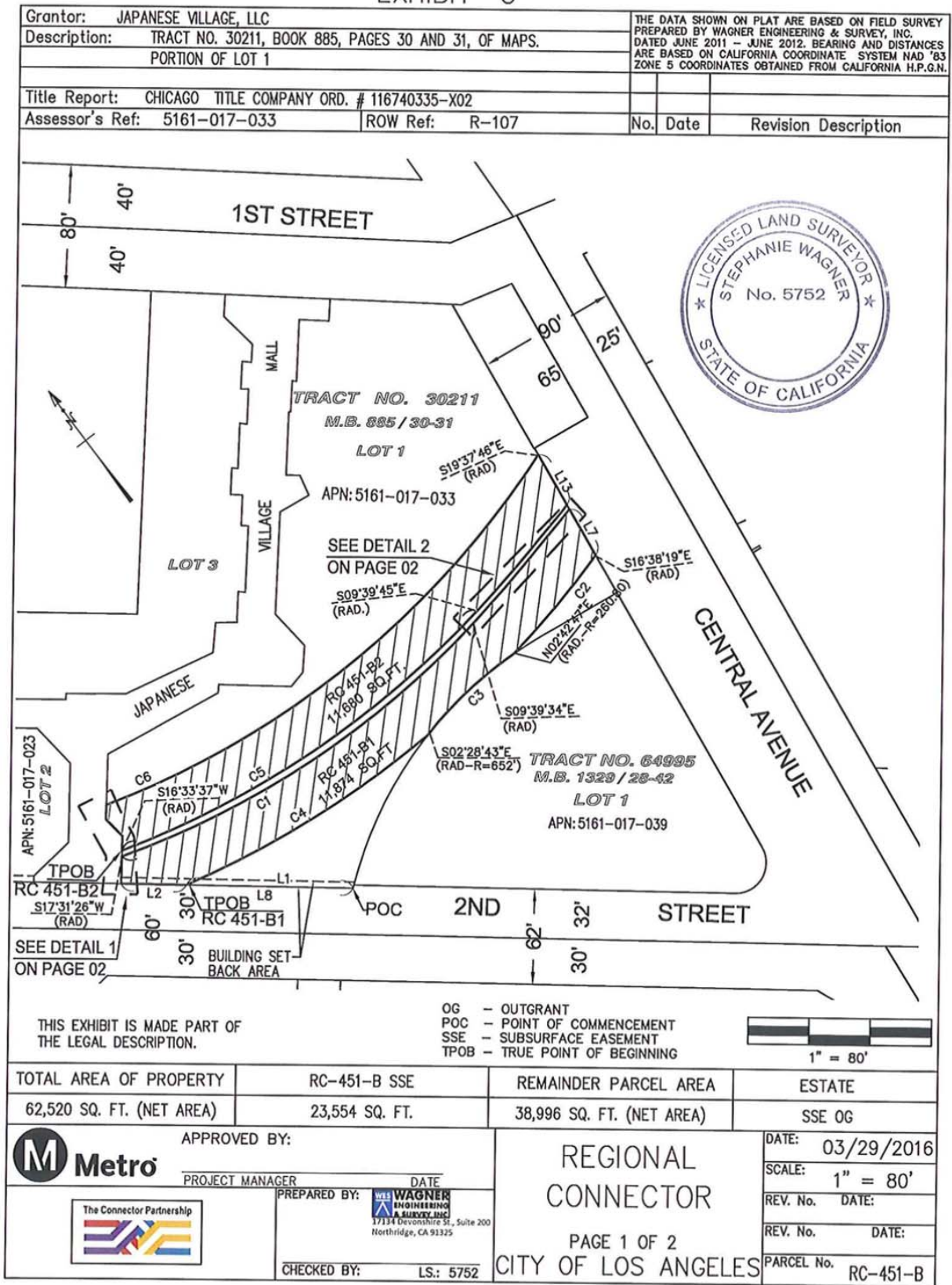


EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No. Date	Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

VICINITY MAP
N.T.S.

CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"

OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING

DETAIL 1

DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY: _____	REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	DATE: 03/29/2016
	PROJECT MANAGER _____		DATE _____
	PREPARED BY: _____	REV. No. _____	DATE: _____
	CHECKED BY: _____ LS.: 5752	PARCEL No. RC-451-B	

ATTACHMENT A

Order of Prejudgment Possession (June 4, 2015)

COPY

FILING FEE EXEMPT PURSUANT TO GOVERNMENT CODE § 6103

CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk By Stephen M. Smythe, Deputy

1 MARK J. SALADINO, County Counsel
ROBERT C. CARTWRIGHT, Asst. County Counsel
2 ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • abyers@counsel.lacounty.gov
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4 Los Angeles, California 90012-2713
(213) 974-1885 / Fax: (213) 687-7337

5 GREGORY M. BERGMAN (Bar No. 065196)
6 BRIAN J. BERGMAN (Bar No. 240584)
7 MATTHEW T. ANDERSON (Bar No. 280311)
BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd. Suite 900
8 Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931

9 Attorneys for Plaintiff and Cross-Defendant
10 LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

14 LOS ANGELES COUNTY
15 METROPOLITAN TRANSPORTATION
16 AUTHORITY, a California Public Entity,

17 Plaintiff,

18 v.

19 JAPANESE VILLAGE, LLC, et al.,

20 Defendants.

21
22 JAPANESE VILLAGE, LLC,

23 Cross-Complainant,

24 v.

25 LOS ANGELES COUNTY
26 METROPOLITAN TRANSPORTATION
AUTHORITY,

27 Cross-Defendant.

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

~~PROPOSED~~ ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

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[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 **ORDER**

2 IT APPEARING and the Court determining that Plaintiff is entitled to acquire
3 subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022,
4 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

5 IT FURTHER APPEARING and the Court determining that Plaintiff has deposited
6 the probable just compensation to be awarded in the State Treasury under Code of Civil
7 Procedure § 1255.010;

8 IT FURTHER APPEARING that there is an overriding need for the Plaintiff to
9 possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021,
10 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this
11 proceeding and that Plaintiff will suffer a substantial hardship if the application for
12 possession is denied or limited; and

13 IT FURTHER APPEARING and the Court determining that the hardship Plaintiff
14 will suffer if possession is denied or limited outweighs any hardship on the Defendants or
15 occupants that would be caused by the granting of the order for possession;

16 IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is
17 authorized and empowered to take possession and use of the subsurface tunneling and
18 grouting easements sought in the Complaint, and to remove from them all persons,
19 obstacles, improvements, or structures after the dates set forth below or, on the 30th day
20 following the date of service of this order, whichever is later.

21 Parcel No.	Date After Which Possession to Be Taken
22 5161-017-021	July 30, 2015
23 5161-017-022	July 30, 2015
24 5161-017-023	July 30, 2015
25 5161-017-033	July 30, 2015

26 Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

28 F:\1047\21\Pldg\ORD-MOT-POSSESSION-REV.docx 2

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

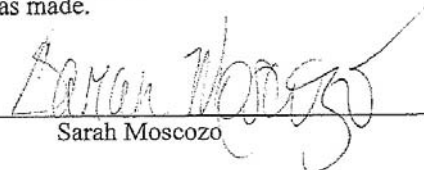
I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing “[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460” on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

- (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am “readily familiar” with the firm’s practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.
- (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.
- (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015



Sarah Moscozo

EXHIBIT "B"

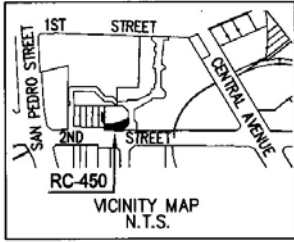
Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
 PORTION OF LOT 2

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY
 PREPARED BY WAGNER ENGINEERING & SURVEY, INC.
 DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES
 ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83
 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

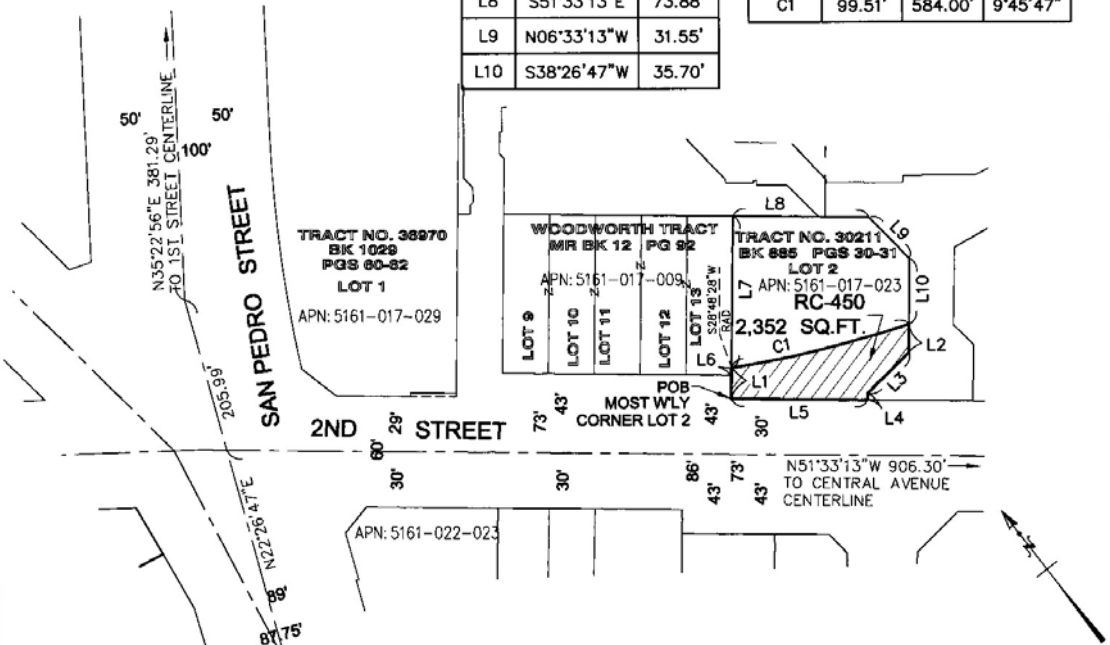
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02
 Assessor's Ref: 5161-017-023 | ROW Ref: R-107 | No. | Date | Revision Description



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'

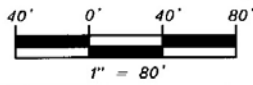


CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
 POB - POINT OF BEGINNING
 SSE - SUBSURFACE EASEMENT



TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

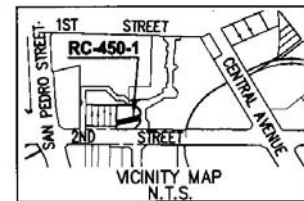
	APPROVED BY: <i>Kevin Ray</i> 7/18/12 PROJECT MANAGER DATE	REGIONAL CONNECTOR CITY OF LOS ANGELES	DATE: 12/16/11
	PREPARED BY: <i>Stephanie Wagner</i> CHECKED BY: <i>LS: 5752</i>		SCALE: 1" = 80' REV. No. DATE: REV. No. DATE: PARCEL No. RC-450

EXHIBIT "B"

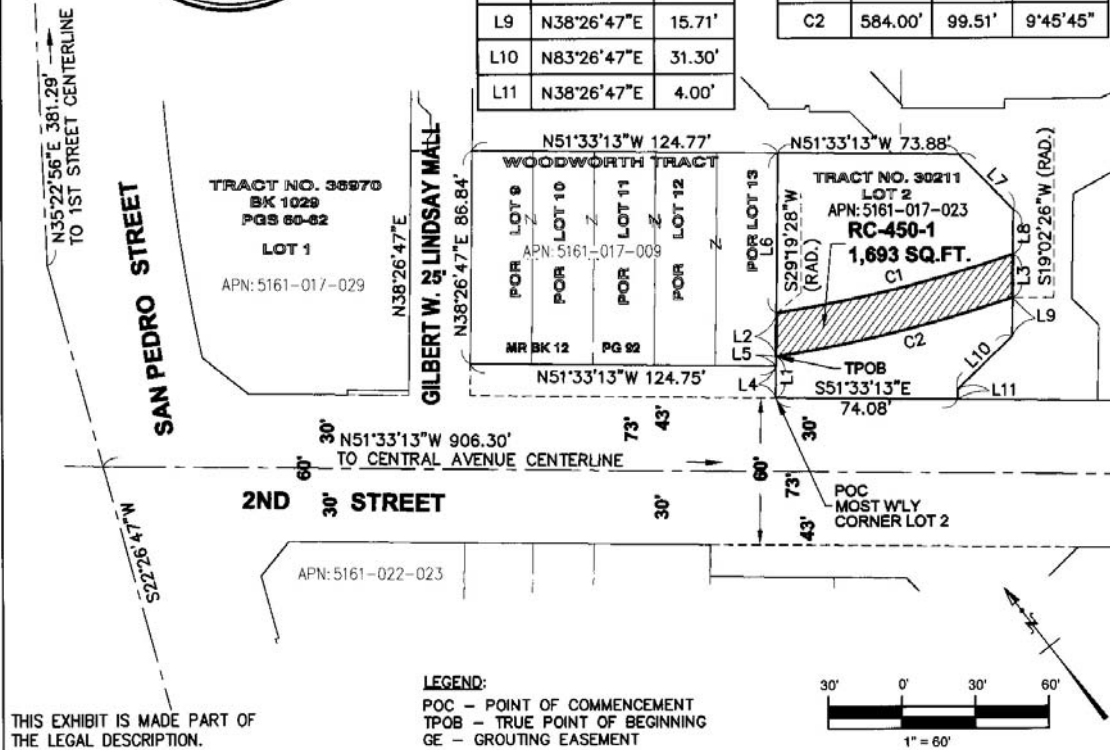
Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.		
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31			
PORTION OF LOT 2, CITY OF LOS ANGELES			
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No.	Date
		Revision Description	



LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'

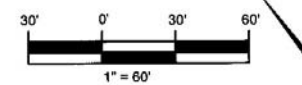


CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
 POC - POINT OF COMMENCEMENT
 TPOB - TRUE POINT OF BEGINNING
 GE - GROUING EASEMENT



TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

	APPROVED BY: <i>Kevin Ray</i> 7/18/12 PROJECT MANAGER DATE	REGIONAL CONNECTOR CITY OF LOS ANGELES	DATE: 05/30/12
	PREPARED BY: <i>Stephanie Wagner</i> CHECKED BY: LS: 5752		SCALE: 1" = 60' REV. No. 1 DATE: 06/26/12 REV. No. DATE: PARCEL No. RC-450-1

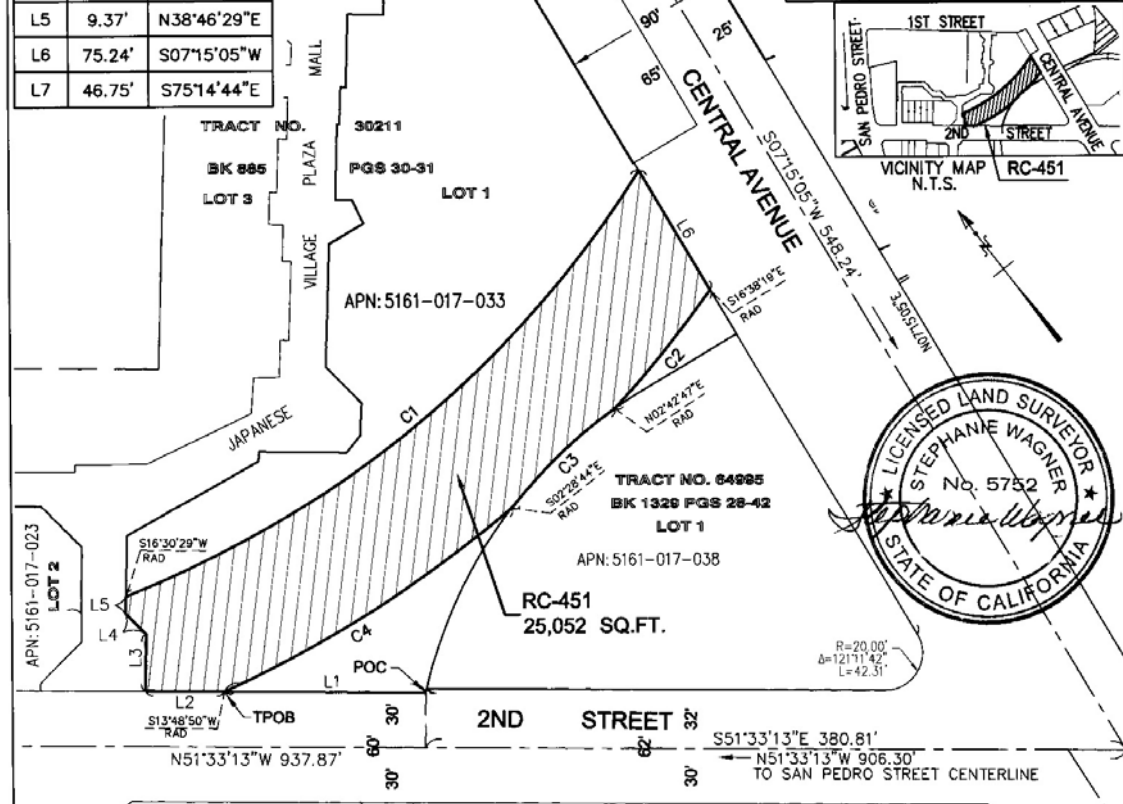
EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
 PORTION OF LOT 1

The data shown on plot are based on field survey prepared by Wagner Engineering & Survey, Inc. dated June 2011 - June 2012. Bearing and distances are based on California Coordinate System NAD '83 Zone 5 coordinates obtained from California H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: R-107

LINE TABLE			CURVE TABLE			
LINE	LENGTH	BEARING	CURVE	LENGTH	RADIUS	DELTA
L1	109.13'	N51°33'13"W	C1	368.34'	584.00'	36°08'16"
L2	42.77'	N51°33'13"W	C2	82.77'	652.00'	7°16'26"
L3	30.89'	N38°48'46"E	C3	78.61'	260.80'	17°16'11"
L4	15.38'	N07°27'45"W	C4	185.40'	652.00'	16°17'33"
L5	9.37'	N38°46'29"E				
L6	75.24'	S07°15'05"W				
L7	46.75'	S75°14'44"E				



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

Scale: 1" = 80'

TOTAL AREA OF PROPERTY	RC-451	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	25,052 SQ. FT. (NET AREA)	37,468 SQ. FT. (NET AREA)	SSE
APPROVED BY: <i>Loim Roy</i> 7/18/12 PROJECT MANAGER DATE		REGIONAL CONNECTOR CITY OF LOS ANGELES	
PREPARED BY: <i>Stephanie Wagner</i> CHECKED BY: LS: 5752		DATE: 12/16/11 SCALE: 1" = 80' REV. No. DATE: REV. No. DATE: PARCEL No. RC-451	

EXHIBIT "B"

Grantor: JAPANESE VILLAGE
 Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
 PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

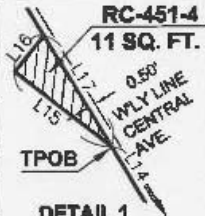
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-XD2

Assessor's Ref: 5161-017-033

ROW Ref: RC-107

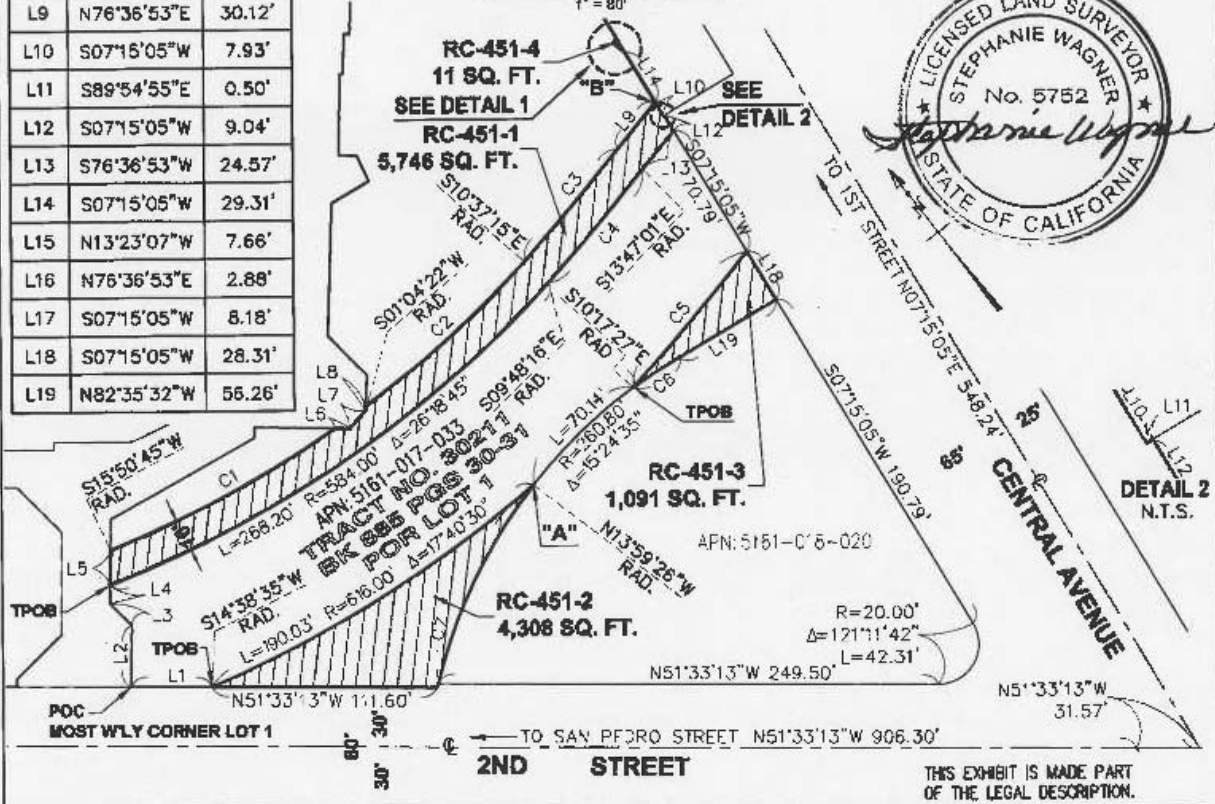
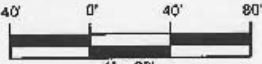
No. Date Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	S51°33'13"E	40.30'
L2	N38°48'46"E	30.89'
L3	N07°27'45"W	15.38'
L4	N38°46'29"E	9.37'
L5	N38°46'29"E	17.33'
L6	S51°11'23"E	7.59'
L7	N76°33'38"E	11.82'
L8	N40°57'52"E	1.79'
L9	N76°36'53"E	30.12'
L10	S07°15'05"W	7.93'
L11	S89°54'55"E	0.50'
L12	S07°15'05"W	9.04'
L13	S76°36'53"W	24.57'
L14	S07°15'05"W	29.31'
L15	N13°23'07"W	7.66'
L16	N76°36'53"E	2.88'
L17	S07°15'05"W	8.18'
L18	S07°15'05"W	28.31'
L19	N82°35'32"W	55.26'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	568.00'	127.85'	12°53'48"
C2	568.00'	107.72'	10°51'57"
C3	1322.36'	73.05'	3°09'55"
C4	1338.36'	74.00'	3°10'04"
C5	1318.79'	88.55'	3°50'49"
C6	260.80'	27.26'	5°59'19"
C7	260.80'	113.61'	24°57'37"

LEGEND:
 POC - POINT OF COMMENCEMENT
 TPOB - TRUE POINT OF BEGINNING
 GE - GROUTING EASEMENT



TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	11,156 SQ. FT. (NET AREA)	51,364 SQ. FT. (NET AREA)	GE

APPROVED BY: *Chris Ray* 7/18/12
 PROJECT MANAGER DATE

PREPARED BY: *Stephanie Wagner*
 WAGNER ENGINEERING & SURVEY, INC.
 10933 Parkview St., Suite 100
 Northridge, CA 91345

CHECKED BY: L.S. 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 06/18/12
 SCALE: 1" = 80'
 REV. No. 1 DATE: 06/26/12
 REV. No. DATE:
 PARCEL No. RC-451-1

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF A
SUBSURFACE AND GROUTING EASEMENTS ON PARCEL NOS. RC-450, RC-
450-1, RC-451, & RC-451-1 THROUGH RC-451-4 (THE "PROPERTY") FOR THE
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT.**

BACKGROUND

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the owner of record (hereinafter "Owner"), as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project Parcel Nos. RC-450 and RC-451; and
- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface easements, which would result in a three (3) to four (4) foot wide area between the then bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 where the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary

grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015. Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned (returned) upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

An amended Resolution of Necessity is necessary to enable Metro to amend its existing condemnation Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

A. The public interest and necessity require the Project.

The public interest and necessity require the Project for the following reasons:

1. The existing population and employment density in the Regional Connector Transit Corridor ("Corridor") is higher than the surrounding County demographics, and is highly transit dependent. The Corridor population density is approximately two-and-a-half times higher than Los Angeles County as a whole. The Corridor has a very high concentration of low-income, minority, transit-dependent residents. More than 39 percent of all Corridor households are below the poverty threshold. 83 percent of Corridor residents are considered minorities, and 60 percent of all households in the Corridor do not have access to an automobile. The Project will provide significant improvements in transportation and attendant access to economic and employment opportunities for low-income, elderly, transit-dependent persons living in the Corridor area.
2. The Project would connect the Metro Gold, Blue, and Expo Lines through downtown Los Angeles, enabling passengers to travel the region's largest employment center on Metro's light rail transit (LRT) system without the need to transfer. By providing continuous through service between these lines, the Project will improve access to both local and regional destinations – greatly improving the connectivity of the transportation network for the region.

3. The Project will offer an alternative transportation option to congested roadways and provide significant environmental benefits, economic development, and employment opportunities throughout the Corridor and Los Angeles County as a whole.
4. The Project will enable Los Angeles County rail to operate more efficiently and attract higher ridership, thereby reducing congestion, improving air quality and lessening the regional carbon footprint. By linking several LRT systems through Downtown Los Angeles, the Project will significantly increase regional mobility.

It is recommended that based on the above evidence, the Board find and determine that the public interest and necessity require the Project.

B. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

On September 3, 2010, a Draft Environmental Impact Statement/ Draft Environmental Impact Report (DEIS/DEIR) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments. A total of five alternatives were presented in the DEIR/DEIS: No Build, Transportation Systems Management (TSM), and three build alternatives utilizing Light Rail Transit (LRT) technology - Fully Underground, Underground Emphasis, and At-Grade Emphasis. On October 28, 2010 the Board adopted the Fully Underground LRT Alternative as the Locally Preferred Alternative (LPA), after review and consideration of the comments received from circulation of the 2010 DEIS/DEIR. The Board certified the Final Environmental Impact Statement/ Final Environmental Impact Report (FEIS/FEIR) on April 26, 2012. A Record of Decision was received from the Federal Transit Administration on June 29, 2012.

Various parties have challenged the FEIS/FEIR pursuant to the National Environmental Protection Act ("NEPA") and the California Environmental Quality Act ("CEQA"). On May 29, 2014, a federal judge held in *Japanese Village LLC v. Federal Transit Administration*, 2:13-CV-0396-JAK (PLAx)(C.D. Cal, complaint filed Jan. 18, 2013) that the Project fully and properly complied with NEPA in relation to the Property, but the Court did take issue with certain portions of the Project FEIS that are unrelated to the Property. The fact that a portion of the FEIS unrelated to the Property was found to be insufficient does not prevent MTA from approving a Resolution of Necessity and filing an eminent domain action to take interests in the Property. (U.S. v. 0.95 Acres of Land (1993) 994 F.2d 696 (NEPA compliance is not a defense to a condemnation action); *Golden Gate Land Holdings LLC v. East Bay Regional Park District* (2013) 215 Cal.App.4th 353 (irregularities in environmental documentation do not prevent a public entity from filing a condemnation action)). Further, while there is a pending CEQA challenge to the Project, *Japanese Village LLC v. Los Angeles County Metropolitan Transportation Authority*, No. BS137343 (Los Angeles Sup. Ct., complaint filed May 21, 2012), a pending CEQA challenge does not prevent MTA from approving a Resolution of Necessity and the filing of an eminent domain action to take the Property. (*Golden*

Gate, 215 Cal.App.4th at 376-377; *Santa Monica Baykeeper v. City of Malibu* (2011)193 Cal.App.4th 1538, 1547).

The Project is a Fully Underground LRT dual-track alignment, which will extend from the Metro Gold Line Little Tokyo/Arts District Station to the 7th Street/Metro Center Station in downtown Los Angeles, allowing passengers to transfer to the Blue, Expo, Red, and Purple Lines, bypassing Union Station. The 1.9-mile alignment will serve Little Tokyo, the Arts District, Civic Center, the Historic Core, Broadway, Grand Ave, Bunker Hill, Flower St., and the Financial District, and will benefit the City of Los Angeles and portions of unincorporated Los Angeles County. The Project includes three stations:

- 1st Street/Central Avenue
- 2nd Street/Broadway
- 2nd Place/Hope Street

The Corridor has some of the highest population and employment density in the Southern California region, as well as the highest proportion of transit ridership. No significant expansion of existing freeway and street networks is planned to accommodate this density and future expected growth. During various community meetings, the residents of the Corridor area expressed their need for improved transit service because many are transit-dependent and need better access to the region's educational, employment, and cultural opportunities. The Locally Preferred Alternative (LPA) addresses those needs and moves more people in a way that is energy efficient and with the least environmental impact.

The Project will cause private injury, including the use of certain private property. However, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter. It is recommended that, based upon the foregoing, the Board find and determine that the 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 is necessary for the Project.

The Property is needed for the construction and operation of the tunnel alignment which connects the Red Line 7th and Metro Station and Little Tokyo Gold Line Station Site. The Property requirements are based on the approved FEIS/FEIR for the Project. The Project requires subsurface tunnel and grouting easements for the monitoring of the installation of grouting pipes, and subsurface tunnel and grouting easements to install, monitor and remove surface ground movement instruments. Staff recommends that the Board find that the acquisition of the subsurface tunnel and grouting easements on the Property are necessary for the Project. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

D. Offers were made in compliance with Government Code Section 7267.2

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owner and in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the Property. In addition, the agency is required to provide the Owner with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Obtained appraisals to determine the fair market value of the subsurface tunnel and grouting easements;
2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation;
3. Determined the Owner with ownership of the interests at issue by examining the county assessor's record and the title report;
4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner with a written statement of the basis for, the amount established as just compensation.

It is recommended that the based on the above Evidence, the Board find and determine that the offers required by Section 7267.2 of the California Government Code has been made to the Owner.

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

ATTACHMENTS

- A Order for Prejudgment Possession
- A-1 Subsurface Easements – Portion to be Abandoned
- A-2 Subsurface Easements – Portion to be Retained

Order of Prejudgment Possession (June 4, 2015)

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 MARK J. SALADINO, County Counsel
2 ROBERT C. CARTWRIGHT, Asst. County Counsel
3 ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
4 648 Kenneth Hahn Hall of Administration
5 500 West Temple Street
6 Los Angeles, California 90012-2713
7 (213) 974-1885 / Fax: (213) 687-7337

8 GREGORY M. BERGMAN (Bar No. 065196)
9 BRIAN J. BERGMAN (Bar No. 240584)
10 MATTHEW T. ANDERSON (Bar No. 280311)
11 BERGMAN DACEY GOLDSMITH
12 10880 Wilshire Blvd. Suite 900
13 Los Angeles, California 90024-4101
14 (310) 470-6110 / Fax: (310) 474-0931

15 Attorneys for Plaintiff and Cross-Defendant
16 LOS ANGELES COUNTY METROPOLITAN
17 TRANSPORTATION AUTHORITY

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28
**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

29 LOS ANGELES COUNTY
30 METROPOLITAN TRANSPORTATION
31 AUTHORITY, a California Public Entity,
32
33 Plaintiff,

34 v.
35 JAPANESE VILLAGE, LLC, et al.,
36
37 Defendants.

38 JAPANESE VILLAGE, LLC,
39
40 Cross-Complainant,

41 v.
42 LOS ANGELES COUNTY
43 METROPOLITAN TRANSPORTATION
44 AUTHORITY,
45
46 Cross-Defendant.

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TO GOVERNMENT CODE § 6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

**PROPOSED ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460**

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 **ORDER**

2 IT APPEARING and the Court determining that Plaintiff is entitled to acquire
3 subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022,
4 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

5 IT FURTHER APPEARING and the Court determining that Plaintiff has deposited
6 the probable just compensation to be awarded in the State Treasury under Code of Civil
7 Procedure § 1255.010;

8 IT FURTHER APPEARING that there is an overriding need for the Plaintiff to
9 possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021,
10 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this
11 proceeding and that Plaintiff will suffer a substantial hardship if the application for
12 possession is denied or limited; and

13 IT FURTHER APPEARING and the Court determining that the hardship Plaintiff
14 will suffer if possession is denied or limited outweighs any hardship on the Defendants or
15 occupants that would be caused by the granting of the order for possession;

16 IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is
17 authorized and empowered to take possession and use of the subsurface tunneling and
18 grouting easements sought in the Complaint, and to remove from them all persons,
19 obstacles, improvements, or structures after the dates set forth below or, on the 30th day
20 following the date of service of this order, whichever is later.

21	Parcel No.	Date After Which Possession to Be Taken
22	5161-017-021	July 30, 2015
23	5161-017-022	July 30, 2015
24	5161-017-023	July 30, 2015
25	5161-017-033	July 30, 2015

26 Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

28 FA104721\Pldg\ORD-MOT-POSSESSION-REV.docx 2

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California, I am over the age
4 of eighteen years and not a party to the within entitled action; my business address is
10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

5 On May 21, 2015, I served the foregoing "[PROPOSED] ORDER RE NOTICE
6 AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT
7 TO C.C.P. § 1255.460" on the interested parties, by placing a true copy thereof, enclosed
8 in a sealed envelope addressed as follows:

9 See Attached Service List

10
11 (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed
12 in the United States Mail at Los Angeles, California. I am "readily familiar" with the
13 firm's practice of collection and processing mail. Under that practice, it is deposited
14 with the U.S. postal service on that same day with postage thereon fully prepaid at
15 Los Angeles, California in the ordinary course of business. I am aware that on
16 motion of the party served, service is presumed invalid if the postal cancellation date
17 or postage meter dates is more than one day after date of deposit for mailing in
18 affidavit.


19 (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the
20 parties to accept service by electronic transmission, I caused the documents to be sent
21 to the persons at the electronic notification addresses listed above. I did not receive,
22 within a reasonable time after the transmission, any electronic message or other
23 indication that the transmission was unsuccessful.

24 (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s)
25 above.

26 (STATE) I declare under penalty of perjury under the laws of the State of California
27 that the above is true and correct.

28 (FEDERAL) I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

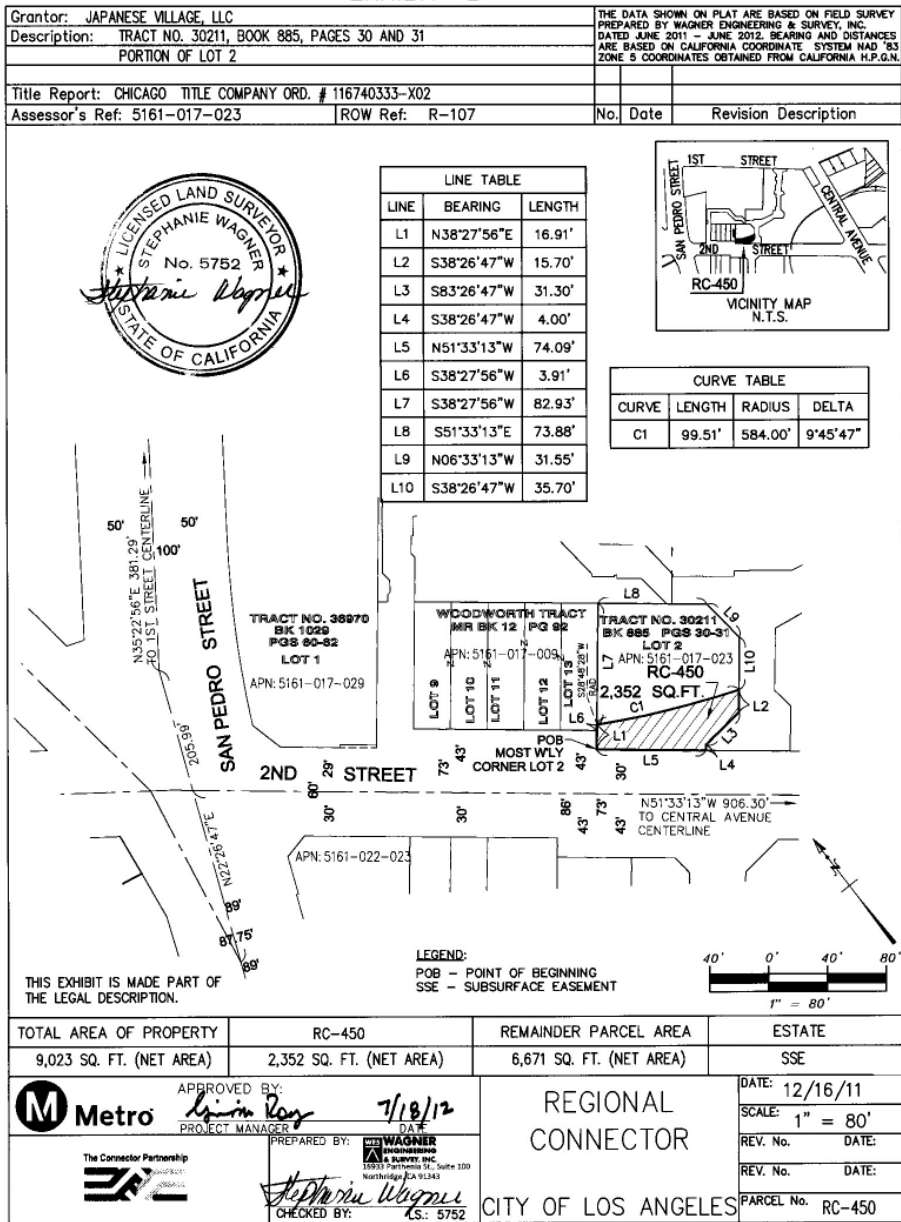
Dated: May 21, 2015


Sarah Moscozo

F:\104721\Pldg\ORD-MOT-POSSESSION-REV.docx 3

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

EXHIBIT "B"



TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE



	APPROVED BY: <i>[Signature]</i> 7/18/12	REGIONAL CONNECTOR CITY OF LOS ANGELES	DATE: 12/16/11
	PROJECT MANAGER		DATE: 1" = 80'
	PREPARED BY: <i>[Signature]</i> CHECKED BY: <i>[Signature]</i>		REV. No. DATE: REV. No. DATE: PARCEL No. RC-450

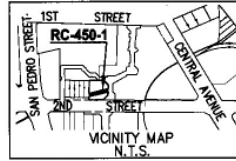
EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
 PORTION OF LOT 2, CITY OF LOS ANGELES
 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
 Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02
 Assessor's Ref: 5161-017-023 ROW Ref: R-107 No. Date Revision Description

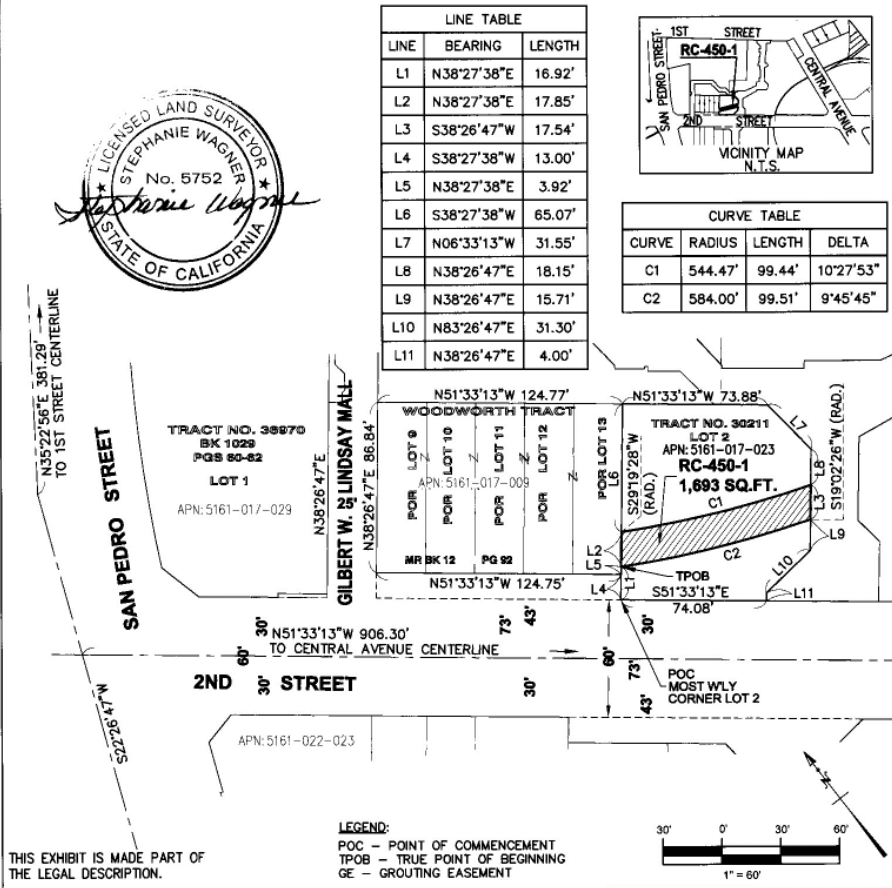
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'

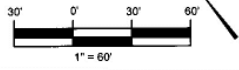


CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
 POC - POINT OF COMMENCEMENT
 TPOB - TRUE POINT OF BEGINNING
 GE - GROUTING EASEMENT



TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

APPROVED BY: *Sam Ray* 7/18/12
 PROJECT MANAGER DATE

PREPARED BY: *Stephanie Wagner*
 CHECKED BY: LS: 5752

WAGNER ENGINEERING & SURVEY, INC.
 15935 Foothill Blvd., Suite 100
 Van Nuys, CA 91411

REGIONAL CONNECTOR
 CITY OF LOS ANGELES

DATE: 05/30/12
 SCALE: 1" = 60'
 REV. No. 1 DATE: 06/26/12
 REV. No. DATE:
 PARCEL No. RC-450-1

EXHIBIT "B"

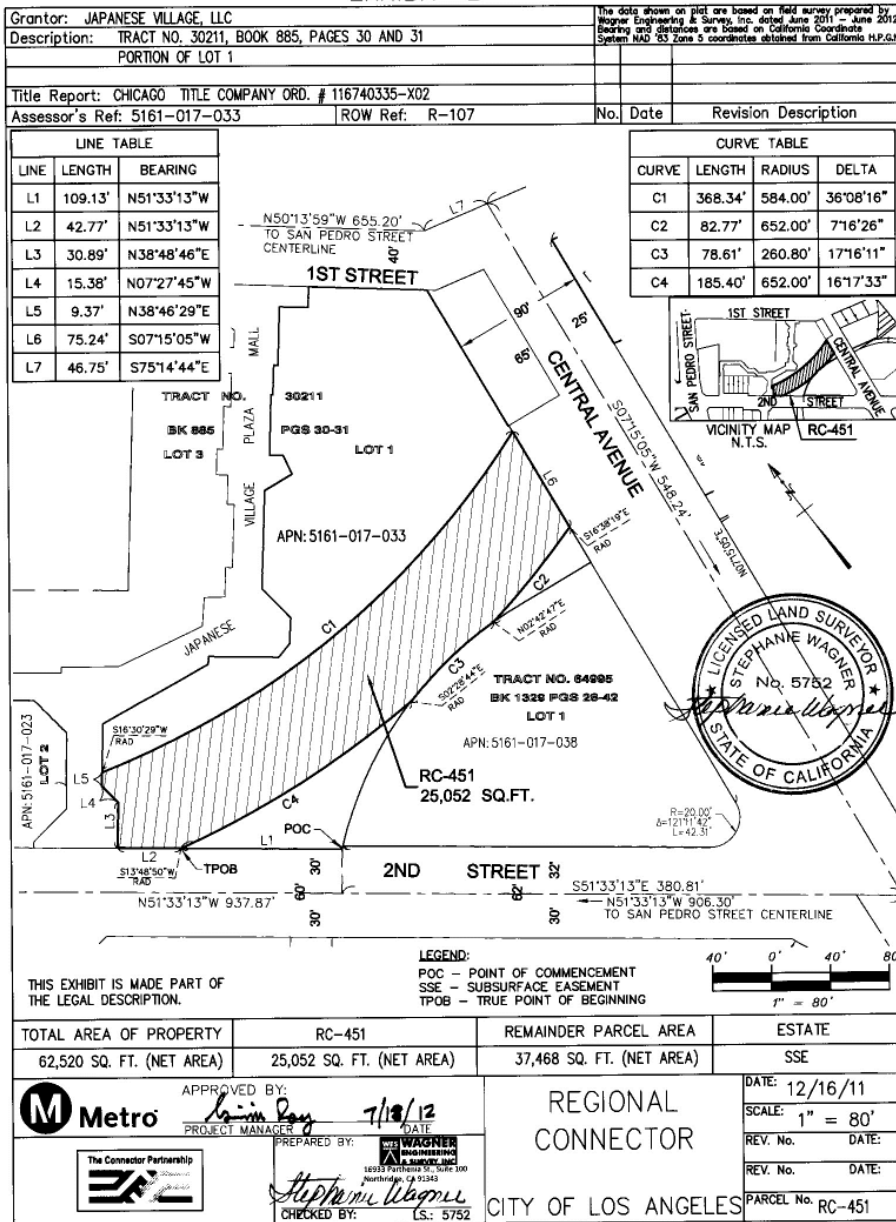


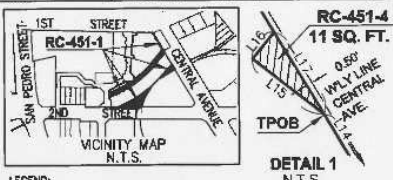
EXHIBIT "B"

Grantor: JAPANESE VILLAGE
 Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
 PORTION OF LOT 1

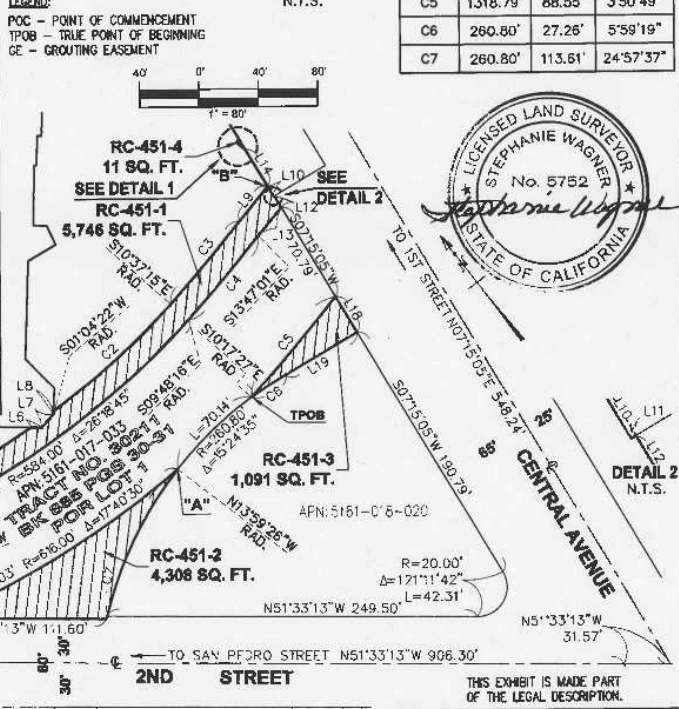
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: RC-107 No. Date Revision Description

LINE	BEARING	LENGTH
L1	S51°33'13"E	40.30'
L2	N38°48'46"E	30.89'
L3	N07°27'45"W	15.38'
L4	N38°46'29"E	9.37'
L5	N38°46'29"E	17.33'
L6	S51°11'23"E	7.59'
L7	N76°33'38"E	11.82'
L8	N40°57'52"E	1.79'
L9	N76°36'53"E	30.12'
L10	S07°16'05"W	7.93'
L11	S89°54'55"E	0.50'
L12	S07°15'05"W	9.04'
L13	S76°36'53"W	24.57'
L14	S07°15'08"W	29.31'
L15	N13°23'07"W	7.66'
L16	N76°36'53"E	2.88'
L17	S07°15'05"W	8.18'
L18	S07°15'05"W	28.31'
L19	N82°35'32"W	55.26'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	588.00'	127.85'	12°53'48"
C2	588.00'	107.72'	10°51'57"
C3	1322.36'	73.05'	3°09'55"
C4	1338.36'	74.00'	3°10'04"
C5	1318.79'	88.55'	3°50'49"
C6	260.80'	27.26'	5°59'19"
C7	260.80'	113.61'	24°57'37"



TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	11,156 SQ. FT. (NET AREA)	51,364 SQ. FT. (NET AREA)	GE

APPROVED BY: *[Signature]* DATE: 7/18/12
 PROJECT MANAGER

PREPARED BY: *[Signature]* DATE: 06/26/12
 CHECKED BY: *[Signature]* DATE: 06/26/12

REGIONAL CONNECTOR
 CITY OF LOS ANGELES

DATE: 06/18/12
 SCALE: 1" = 80'
 REV. No. 1 DATE: 06/26/12
 REV. No. DATE:
 PARCEL No: RC-451-1

Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

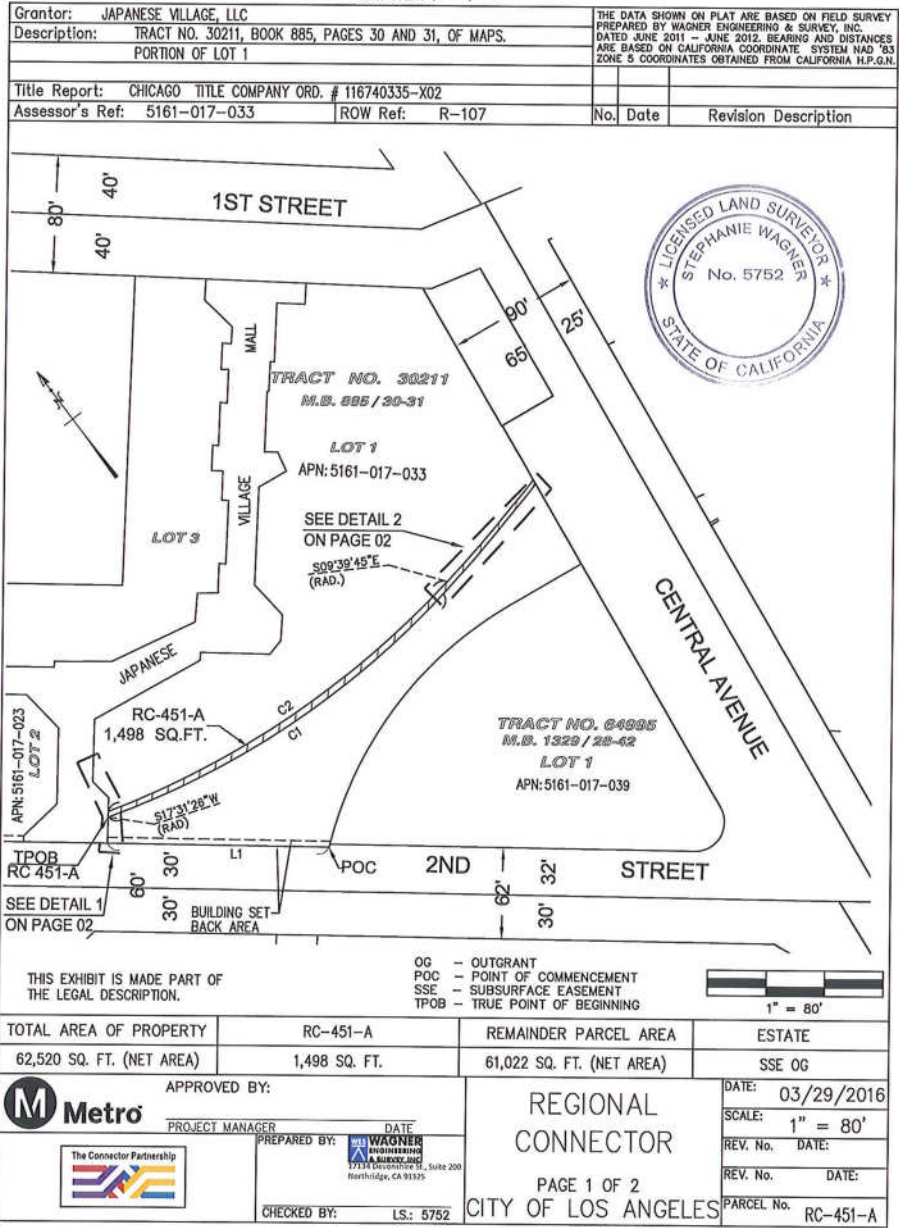


EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
 PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.F.G.M.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: R-107 No. Date Revision Description

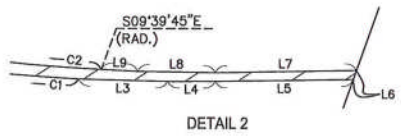
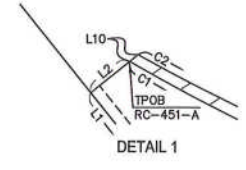
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

VICINITY MAP
N.T.S.



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

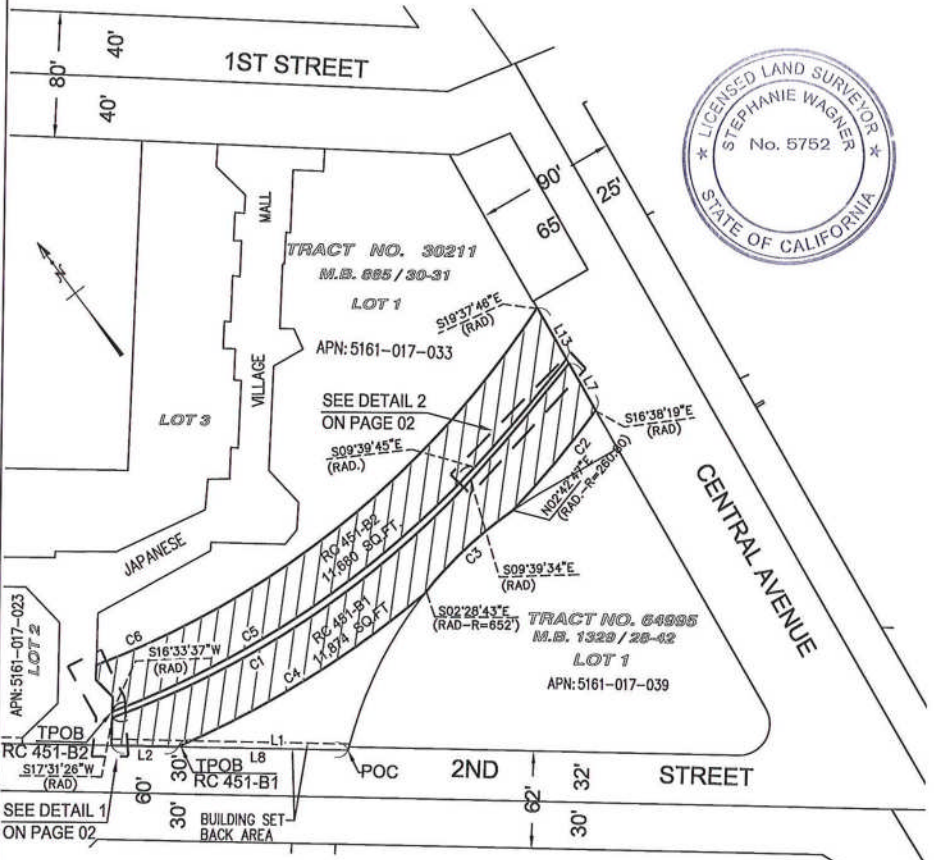
TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:		DATE:	03/23/2016
	PROJECT MANAGER		SCALE:	NTS
	CHECKED BY: LS: 5752	REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	REV. No. DATE:	
			REV. No. DATE:	
			PARCEL No.	RC-451-A

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1		
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02		
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No. Date Revision Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

<p>APPROVED BY:</p> <p>PROJECT MANAGER</p> <p>DATE</p>	<p>REGIONAL CONNECTOR</p> <p>PAGE 1 OF 2</p> <p>CITY OF LOS ANGELES</p>	DATE: 03/29/2016
		<p>SCALE: 1" = 80'</p> <p>REV. No. DATE:</p> <p>REV. No. DATE:</p> <p>PARCEL No. RC-451-B</p>
	<p>PREPARED BY: WAGNER ENGINEERING & SURVEY, INC.</p> <p>17134 Devonshire St., Suite 200</p> <p>Northridge, CA 91329</p> <p>CHECKED BY: LS.: 5752</p>	

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
 PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 9 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02

Assessor's Ref: 5161-017-033

ROW Ref: R-107

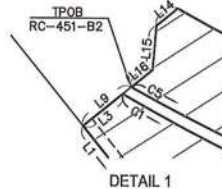
No. Date Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

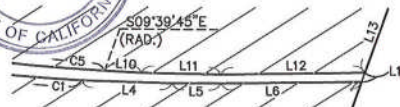


VICINITY MAP
N.T.S.

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING



DETAIL 1



DETAIL 2

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:	REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	DATE: 03/29/2016
	PROJECT MANAGER		SCALE: NTS
	PREPARED BY: WAGNER ENGINEERING & SURVEY, INC.	REV. No. DATE:	REV. No. DATE:
	CHECKED BY: LS: 5752	PARCEL No. RC-451-B	



Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

**REGULAR BOARD MEETING
APRIL 28, 2016**

SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT

ACTION: ADOPT AN AMENDED RESOLUTION OF NECESSITY TO PROVIDE FOR THE FUTURE BIFURCATION OF EXISTING SUBSURFACE TUNNEL EASEMENTS, AND FOR THE OUTGRANT TO THE PROPERTY OWNER OF CERTAIN EASEMENT RIGHTS IN A PORTION OF ASSESSOR'S PARCEL NOS. 5161-017-021, 5161-017-022, 5161-017-023, & 5161-017-033 (HEREINAFTER THE "PROPERTY").

RECOMMENDATION

- A. Hold a public hearing on the proposed Amended Resolution of Necessity.
- B. Adopt an amended Resolution of Necessity clarifying the nature of the property rights to be acquired in the pending eminent domain action against Japanese Village, LLC, et al (hereinafter "Owner"), in support of the METRO Regional Connector Transit Corridor Project, including a provision for the bifurcation of the existing subsurface tunnel easements, and for the outgrant to the Property Owner of the space between the bifurcated tunnel easements in the context of METRO'S long-range plans affecting the Property.

RATIONALE

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the Owner, as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests from the Owner:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project Parcel Nos. RC-450 and RC-451; and
- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface tunnel and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface tunnel easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface tunnel easements, which would result in a three (3) to four (4) foot wide area between the bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface tunnel easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 wherein the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015. Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner. An amended Resolution of Necessity is necessary to enable Metro to amend its existing Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), METRO has prepared and mailed notices of this hearing to the Owner informing them of their right to appear

at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (3) whether the Property is necessary for the Project; and (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

Attached is evidence submitted by staff that supports adoption of the Resolution that has been approved by counsel, and which sets forth the required findings (Attachment "B"). After all of the testimony and other evidence has been received by METRO from all interested parties, the METRO must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment "C") to acquire the Property by eminent domain. In order to adopt the resolution, the METRO must, based upon all the evidence before it, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated above exist.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on safety standards for Metro.

FINANCIAL IMPACT

This project is funded by Measure R 35% backed TIFIA loan, and a combination of various local and state grants and Federal grants. The funding to acquire the Property is included in the approved fiscal year 2015 project budget, under Measure R Project Regional Connector Transit Corridor Project 860228, in cost center 8510 (Construction Procurement), account number 53103 (Acquisition of Land). This has no impact to operations eligible funds.

NEXT STEPS

If this action is approved by the Board, METRO's condemnation counsel will be instructed to take all steps necessary to file a First Amended Complaint in the pending eminent domain action, in which METRO has already obtained one or more prejudgment Orders of Possession with regard to the subsurface tunnel and grouting construction easements. Counsel will also be directed to prosecute the case to judgment to obtain the relief sought by the First Amended Complaint.

ATTACHMENTS

- A Order for Prejudgment Possession
- A-1 Subsurface Easements – Portion to be Abandoned
- A-2 Subsurface Easements – Portion to be Retained
- B Staff Report
- C Resolution of Necessity

Prepared by: Velma C. Marshall, Deputy Executive Officer – Real Estate (213) 922-2415

Calvin E. Hollis
Interim Chief Planning Officer

Phillip A. Washington
Chief Executive Officer

Order of Prejudgment Possession (June 4, 2015)

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 MARK J. SALADINO, County Counsel
2 ROBERT C. CARTWRIGHT, Asst. County Counsel
3 ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
4 648 Kenneth Hahn Hall of Administration
5 500 West Temple Street
6 Los Angeles, California 90012-2713
7 (213) 974-1885 / Fax: (213) 687-7337

8 GREGORY M. BERGMAN (Bar No. 065196)
9 BRIAN J. BERGMAN (Bar No. 240584)
10 MATTHEW T. ANDERSON (Bar No. 280311)
11 BERGMAN DACEY GOLDSMITH
12 10880 Wilshire Blvd. Suite 900
13 Los Angeles, California 90024-4101
14 (310) 470-6110 / Fax: (310) 474-0931

15 Attorneys for Plaintiff and Cross-Defendant
16 LOS ANGELES COUNTY METROPOLITAN
17 TRANSPORTATION AUTHORITY

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

20 LOS ANGELES COUNTY
21 METROPOLITAN TRANSPORTATION
22 AUTHORITY, a California Public Entity,
23
24 Plaintiff,

25 v.
26 JAPANESE VILLAGE, LLC, et al.,
27
28 Defendants.

JAPANESE VILLAGE, LLC,
Cross-Complainant,

v.
LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY,
Cross-Defendant.

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COPY
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TO GOVERNMENT CODE § 6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

**PROPOSED ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460**

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 **ORDER**

2 IT APPEARING and the Court determining that Plaintiff is entitled to acquire
3 subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022,
4 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

5 IT FURTHER APPEARING and the Court determining that Plaintiff has deposited
6 the probable just compensation to be awarded in the State Treasury under Code of Civil
7 Procedure § 1255.010;

8 IT FURTHER APPEARING that there is an overriding need for the Plaintiff to
9 possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021,
10 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this
11 proceeding and that Plaintiff will suffer a substantial hardship if the application for
12 possession is denied or limited; and

13 IT FURTHER APPEARING and the Court determining that the hardship Plaintiff
14 will suffer if possession is denied or limited outweighs any hardship on the Defendants or
15 occupants that would be caused by the granting of the order for possession;

16 IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is
17 authorized and empowered to take possession and use of the subsurface tunneling and
18 grouting easements sought in the Complaint, and to remove from them all persons,
19 obstacles, improvements, or structures after the dates set forth below or, on the 30th day
20 following the date of service of this order, whichever is later.

21	Parcel No.	Date After Which Possession to Be Taken
22	5161-017-021	July 30, 2015
23	5161-017-022	July 30, 2015
24	5161-017-023	July 30, 2015
25	5161-017-033	July 30, 2015

26 Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

28 FA104721\Pldg\ORD-MOT-POSSESSION-REV.docx 2

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California, I am over the age
4 of eighteen years and not a party to the within entitled action; my business address is
10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

5 On May 21, 2015, I served the foregoing "[PROPOSED] ORDER RE NOTICE
6 AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT
7 TO C.C.P. § 1255.460" on the interested parties, by placing a true copy thereof, enclosed
8 in a sealed envelope addressed as follows:

9 See Attached Service List

10
11 (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed
12 in the United States Mail at Los Angeles, California. I am "readily familiar" with the
13 firm's practice of collection and processing mail. Under that practice, it is deposited
14 with the U.S. postal service on that same day with postage thereon fully prepaid at
15 Los Angeles, California in the ordinary course of business. I am aware that on
16 motion of the party served, service is presumed invalid if the postal cancellation date
17 or postage meter dates is more than one day after date of deposit for mailing in
18 affidavit.


19 (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the
20 parties to accept service by electronic transmission, I caused the documents to be sent
21 to the persons at the electronic notification addresses listed above. I did not receive,
22 within a reasonable time after the transmission, any electronic message or other
23 indication that the transmission was unsuccessful.

24 (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s)
25 above.

26 (STATE) I declare under penalty of perjury under the laws of the State of California
27 that the above is true and correct.

28 (FEDERAL) I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

Dated: May 21, 2015


Sarah Moscozo

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[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

EXHIBIT "B"

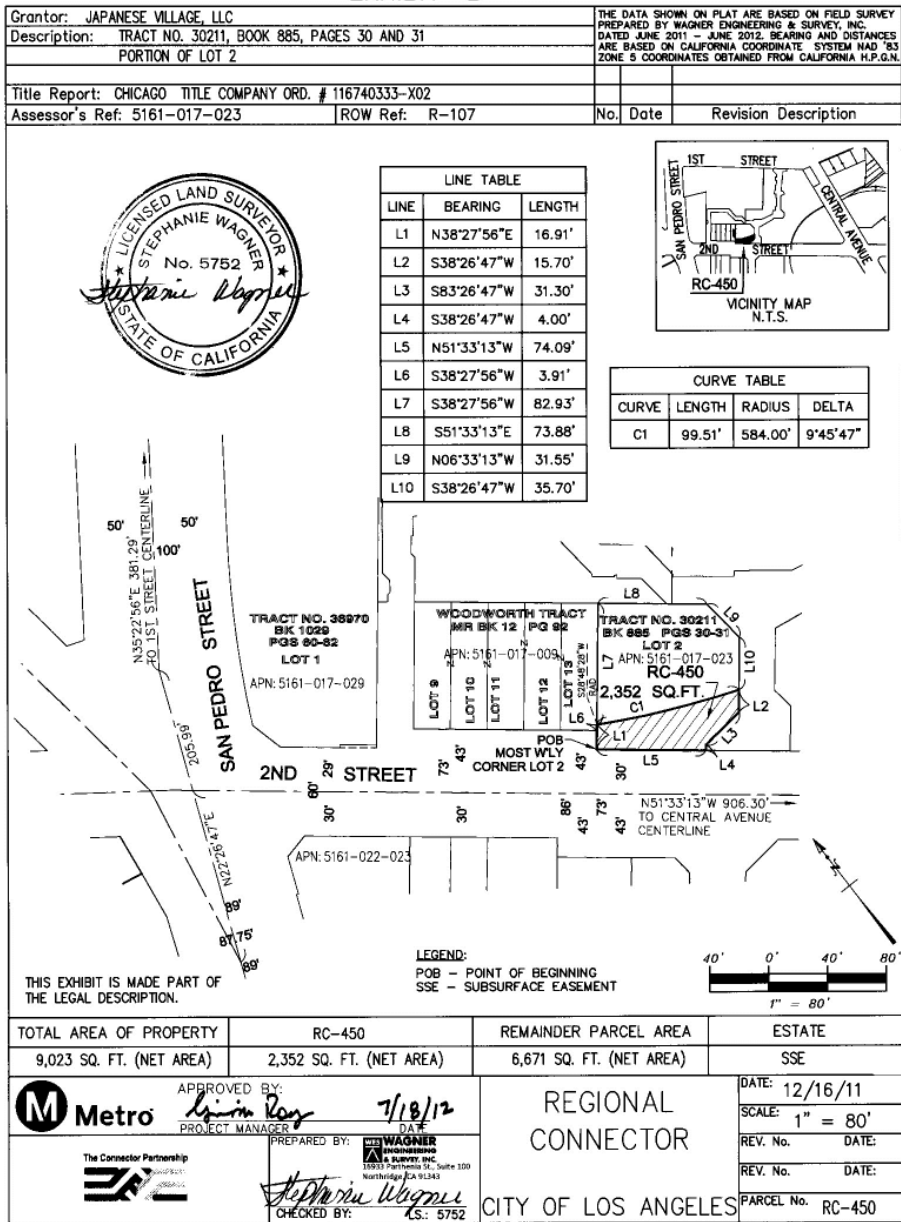


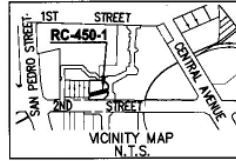
EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
 PORTION OF LOT 2, CITY OF LOS ANGELES
 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
 Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02
 Assessor's Ref: 5161-017-023 ROW Ref: R-107 No. Date Revision Description

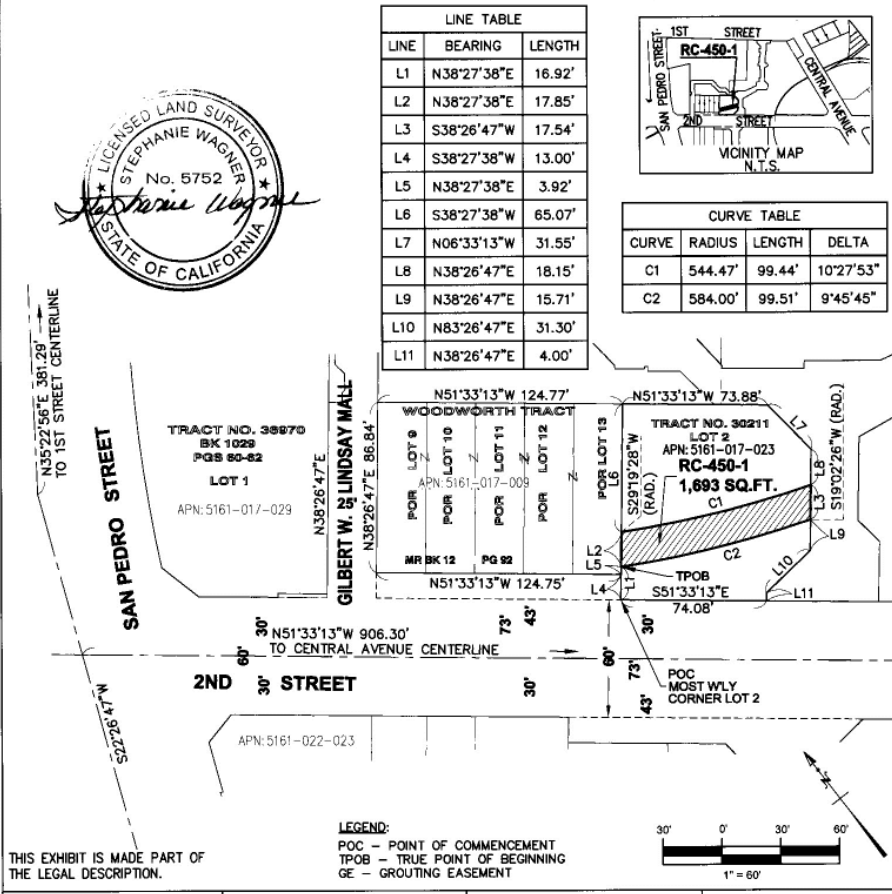
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"



TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

APPROVED BY: *Sam Ray* 7/18/12
 PROJECT MANAGER DATE

PREPARED BY: *Stephanie Wagner*
 CHECKED BY: LS: 5752

REGIONAL CONNECTOR
 CITY OF LOS ANGELES

DATE: 05/30/12
 SCALE: 1" = 60'
 REV. No. 1 DATE: 06/26/12
 REV. No. DATE:
 PARCEL No. RC-450-1

EXHIBIT "B"

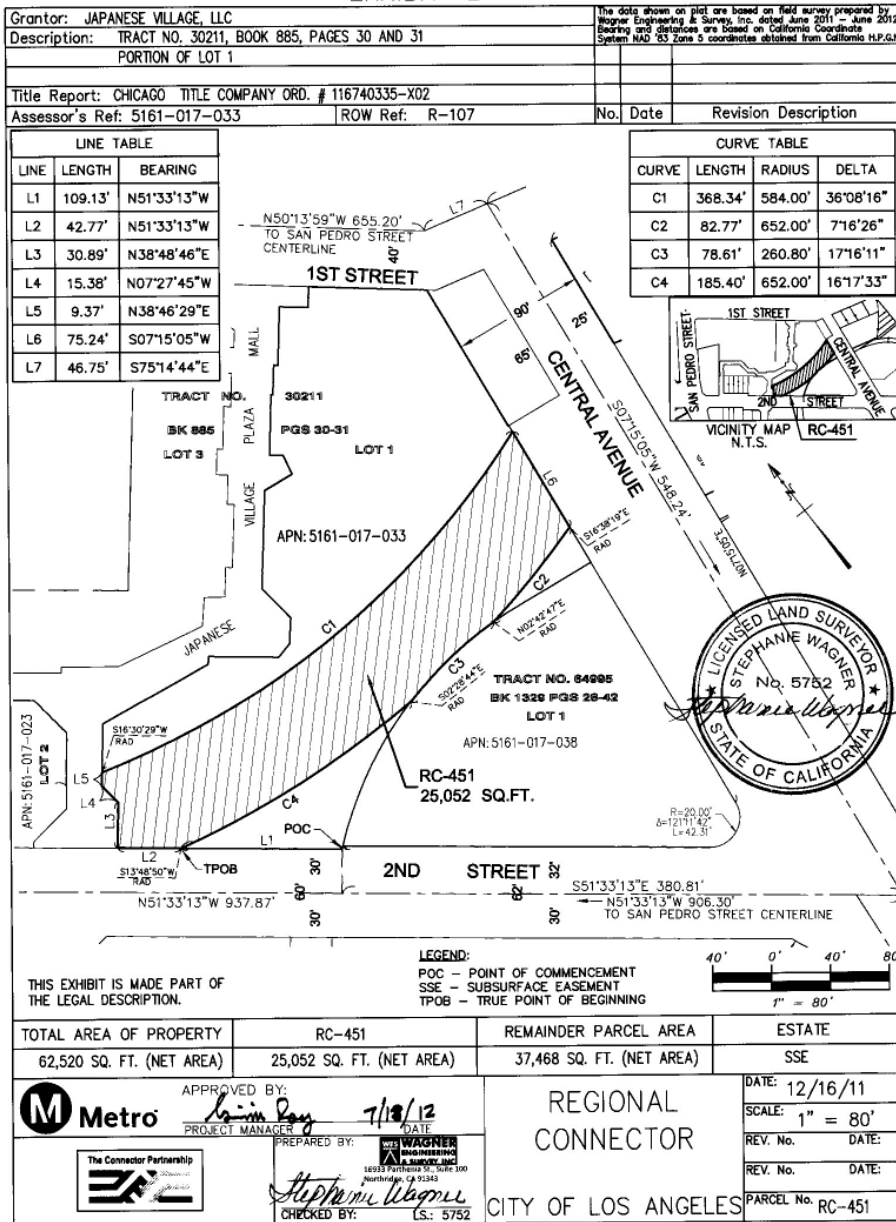


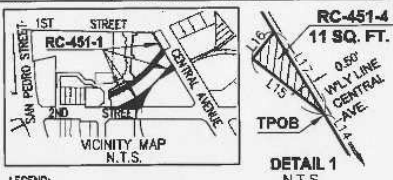
EXHIBIT "B"

Grantor: JAPANESE VILLAGE
 Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
 PORTION OF LOT 1

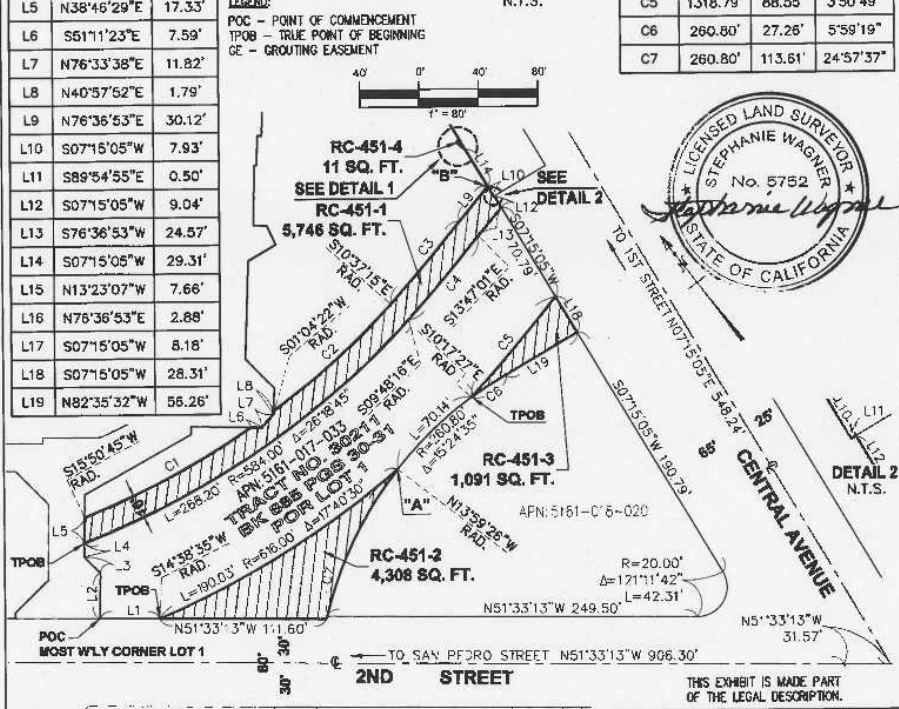
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: RC-107 No. Date Revision Description

LINE	BEARING	LENGTH
L1	S51°33'13"E	40.30'
L2	N38°48'46"E	30.89'
L3	N07°27'45"W	15.38'
L4	N38°46'29"E	9.37'
L5	N38°46'29"E	17.33'
L6	S51°11'23"E	7.59'
L7	N76°33'38"E	11.82'
L8	N40°57'52"E	1.79'
L9	N76°36'53"E	30.12'
L10	S07°16'05"W	7.93'
L11	S89°54'55"E	0.50'
L12	S07°15'05"W	9.04'
L13	S76°36'53"W	24.57'
L14	S07°15'08"W	29.31'
L15	N13°23'07"W	7.66'
L16	N76°36'53"E	2.88'
L17	S07°15'05"W	8.18'
L18	S07°15'05"W	28.31'
L19	N82°35'32"W	55.26'



CURVE	RADIUS	LENGTH	DELTA
C1	588.00'	127.85'	12°53'48"
C2	588.00'	107.72'	10°51'57"
C3	1322.36'	73.05'	3°09'55"
C4	1338.36'	74.00'	3°10'04"
C5	1318.79'	88.55'	3°50'49"
C6	260.80'	27.26'	5°59'19"
C7	260.80'	113.61'	24°57'37"



TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	11,156 SQ. FT. (NET AREA)	51,364 SQ. FT. (NET AREA)	GE

APPROVED BY: *Kevin Ray* 7/18/12
 PROJECT MANAGER DATE

PREPARED BY: *Stephanie Wagner*
 WAGNER ENGINEERING & SURVEY, INC.
 16000 W. 16th St., Suite 200
 Northridge, CA 91325

CHECKED BY: *Stephanie Wagner* LS: 5752

REGIONAL CONNECTOR
 CITY OF LOS ANGELES

DATE: 06/18/12
 SCALE: 1" = 80'
 REV. No. 1 DATE: 06/26/12
 PARCEL No: RC-451-1

Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

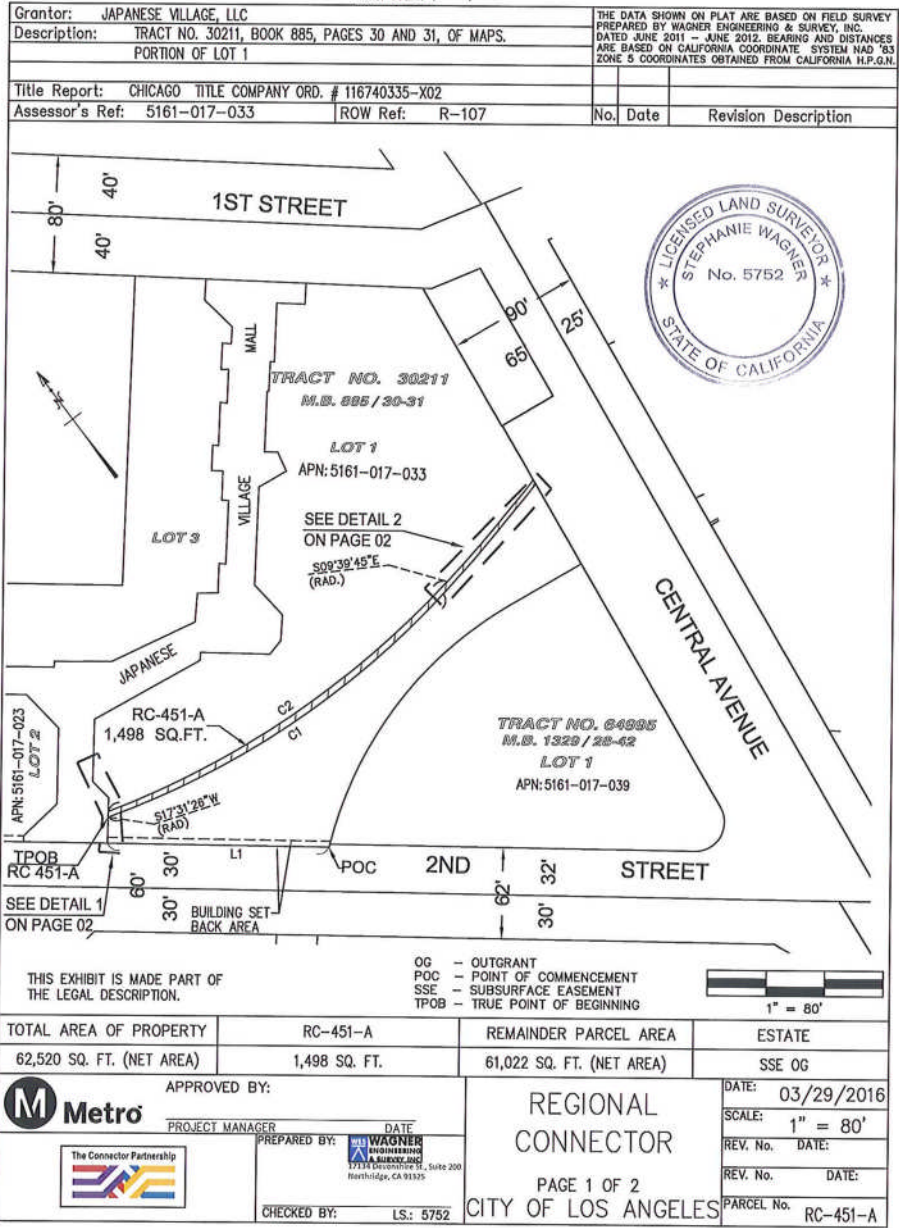


EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
 PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.F.G.M.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: R-107 No. Date Revision Description

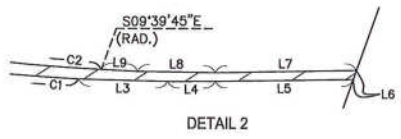
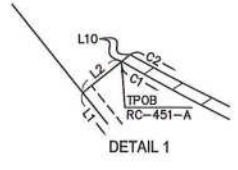
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

VICINITY MAP
N.T.S.



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

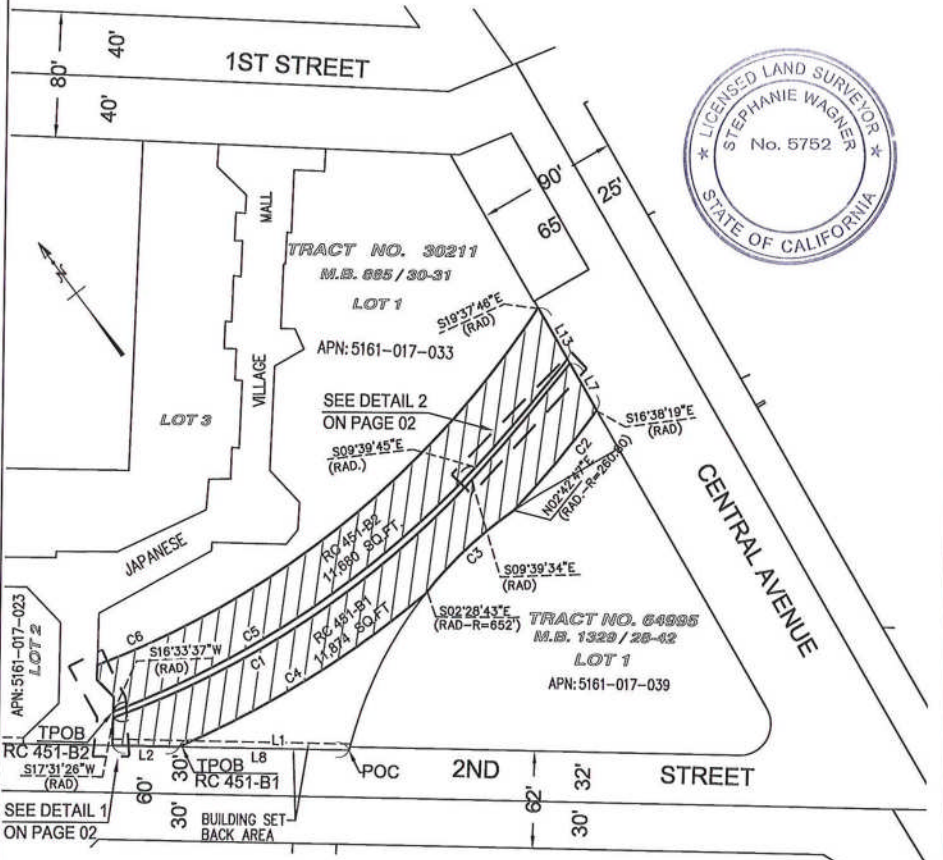
TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:		DATE:	03/23/2016
	PROJECT MANAGER		SCALE:	NTS
	CHECKED BY:	LS: 5752	REV. No.	DATE:
				REV. No.
REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES			PARCEL No.	RC-451-A

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1		
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02		
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No. Date Revision Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

<p>APPROVED BY:</p> <p>PROJECT MANAGER</p> <p>DATE</p>	<p>REGIONAL CONNECTOR</p> <p>PAGE 1 OF 2</p> <p>CITY OF LOS ANGELES</p>	DATE: 03/29/2016
		<p>SCALE: 1" = 80'</p> <p>REV. No. DATE:</p> <p>REV. No. DATE:</p> <p>PARCEL No. RC-451-B</p>
	<p>PREPARED BY: WAGNER ENGINEERING & SURVEY, INC.</p> <p>17134 Devonshire St., Suite 200</p> <p>Northridge, CA 91329</p> <p>CHECKED BY: LS.: 5752</p>	

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
 PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 9 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

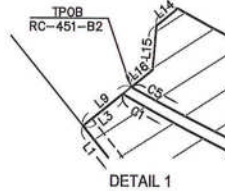
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: R-107 No. Date Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

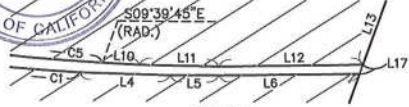


VICINITY MAP
N.T.S.

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING



DETAIL 1



DETAIL 2

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:	REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	DATE: 03/29/2016
	PROJECT MANAGER		SCALE: NTS
	PREPARED BY:	REV. No. DATE:	REV. No. DATE:
	CHECKED BY: LS: 5752	PARCEL No. RC-451-B	

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF A SUBSURFACE AND GROUTING EASEMENTS ON PARCEL NOS. RC-450, RC-450-1, RC-451, & RC-451-1 THROUGH RC-451-4 (THE "PROPERTY") FOR THE REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT.

BACKGROUND

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the owner of record (hereinafter "Owner"), as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project Parcel Nos. RC-450 and RC-451; and
- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface easements, which would result in a three (3) to four (4) foot wide area between the then bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 where the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary

grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015. Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned (returned) upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

An amended Resolution of Necessity is necessary to enable Metro to amend its existing condemnation Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

A. The public interest and necessity require the Project.

The public interest and necessity require the Project for the following reasons:

1. The existing population and employment density in the Regional Connector Transit Corridor ("Corridor") is higher than the surrounding County demographics, and is highly transit dependent. The Corridor population density is approximately two-and-a-half times higher than Los Angeles County as a whole. The Corridor has a very high concentration of low-income, minority, transit-dependent residents. More than 39 percent of all Corridor households are below the poverty threshold. 83 percent of Corridor residents are considered minorities, and 60 percent of all households in the Corridor do not have access to an automobile. The Project will provide significant improvements in transportation and attendant access to economic and employment opportunities for low-income, elderly, transit-dependent persons living in the Corridor area.
2. The Project would connect the Metro Gold, Blue, and Expo Lines through downtown Los Angeles, enabling passengers to travel the region's largest employment center on Metro's light rail transit (LRT) system without the need to transfer. By providing continuous through service between these lines, the Project will improve access to both local and regional destinations – greatly improving the connectivity of the transportation network for the region.

3. The Project will offer an alternative transportation option to congested roadways and provide significant environmental benefits, economic development, and employment opportunities throughout the Corridor and Los Angeles County as a whole.
4. The Project will enable Los Angeles County rail to operate more efficiently and attract higher ridership, thereby reducing congestion, improving air quality and lessening the regional carbon footprint. By linking several LRT systems through Downtown Los Angeles, the Project will significantly increase regional mobility.

It is recommended that based on the above evidence, the Board find and determine that the public interest and necessity require the Project.

B. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

On September 3, 2010, a Draft Environmental Impact Statement/ Draft Environmental Impact Report (DEIS/DEIR) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments. A total of five alternatives were presented in the DEIR/DEIS: No Build, Transportation Systems Management (TSM), and three build alternatives utilizing Light Rail Transit (LRT) technology - Fully Underground, Underground Emphasis, and At-Grade Emphasis. On October 28, 2010 the Board adopted the Fully Underground LRT Alternative as the Locally Preferred Alternative (LPA), after review and consideration of the comments received from circulation of the 2010 DEIS/DEIR. The Board certified the Final Environmental Impact Statement/ Final Environmental Impact Report (FEIS/FEIR) on April 26, 2012. A Record of Decision was received from the Federal Transit Administration on June 29, 2012.

Various parties have challenged the FEIS/FEIR pursuant to the National Environmental Protection Act ("NEPA") and the California Environmental Quality Act ("CEQA"). On May 29, 2014, a federal judge held in *Japanese Village LLC v. Federal Transit Administration*, 2:13-CV-0396-JAK (PLAx)(C.D. Cal, complaint filed Jan. 18, 2013) that the Project fully and properly complied with NEPA in relation to the Property, but the Court did take issue with certain portions of the Project FEIS that are unrelated to the Property. The fact that a portion of the FEIS unrelated to the Property was found to be insufficient does not prevent MTA from approving a Resolution of Necessity and filing an eminent domain action to take interests in the Property. (U.S. v. 0.95 Acres of Land (1993) 994 F.2d 696 (NEPA compliance is not a defense to a condemnation action); *Golden Gate Land Holdings LLC v. East Bay Regional Park District* (2013) 215 Cal.App.4th 353 (irregularities in environmental documentation do not prevent a public entity from filing a condemnation action)). Further, while there is a pending CEQA challenge to the Project, *Japanese Village LLC v. Los Angeles County Metropolitan Transportation Authority*, No. BS137343 (Los Angeles Sup. Ct., complaint filed May 21, 2012), a pending CEQA challenge does not prevent MTA from approving a Resolution of Necessity and the filing of an eminent domain action to take the Property. (*Golden*

Gate, 215 Cal.App.4th at 376-377; *Santa Monica Baykeeper v. City of Malibu* (2011)193 Cal.App.4th 1538, 1547).

The Project is a Fully Underground LRT dual-track alignment, which will extend from the Metro Gold Line Little Tokyo/Arts District Station to the 7th Street/Metro Center Station in downtown Los Angeles, allowing passengers to transfer to the Blue, Expo, Red, and Purple Lines, bypassing Union Station. The 1.9-mile alignment will serve Little Tokyo, the Arts District, Civic Center, the Historic Core, Broadway, Grand Ave, Bunker Hill, Flower St., and the Financial District, and will benefit the City of Los Angeles and portions of unincorporated Los Angeles County. The Project includes three stations:

- 1st Street/Central Avenue
- 2nd Street/Broadway
- 2nd Place/Hope Street

The Corridor has some of the highest population and employment density in the Southern California region, as well as the highest proportion of transit ridership. No significant expansion of existing freeway and street networks is planned to accommodate this density and future expected growth. During various community meetings, the residents of the Corridor area expressed their need for improved transit service because many are transit-dependent and need better access to the region's educational, employment, and cultural opportunities. The Locally Preferred Alternative (LPA) addresses those needs and moves more people in a way that is energy efficient and with the least environmental impact.

The Project will cause private injury, including the use of certain private property. However, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter. It is recommended that, based upon the foregoing, the Board find and determine that the 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 is necessary for the Project.

The Property is needed for the construction and operation of the tunnel alignment which connects the Red Line 7th and Metro Station and Little Tokyo Gold Line Station Site. The Property requirements are based on the approved FEIS/FEIR for the Project. The Project requires subsurface tunnel and grouting easements for the monitoring of the installation of grouting pipes, and subsurface tunnel and grouting easements to install, monitor and remove surface ground movement instruments. Staff recommends that the Board find that the acquisition of the subsurface tunnel and grouting easements on the Property are necessary for the Project. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

D. Offers were made in compliance with Government Code Section 7267.2

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owner and in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the Property. In addition, the agency is required to provide the Owner with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Obtained appraisals to determine the fair market value of the subsurface tunnel and grouting easements;
2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation;
3. Determined the Owner with ownership of the interests at issue by examining the county assessor's record and the title report;
4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner with a written statement of the basis for, the amount established as just compensation.

It is recommended that the based on the above Evidence, the Board find and determine that the offers required by Section 7267.2 of the California Government Code has been made to the Owner.

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

ATTACHMENTS

- A Order for Prejudgment Possession
- A-1 Subsurface Easements – Portion to be Abandoned
- A-2 Subsurface Easements – Portion to be Retained

Order of Prejudgment Possession (June 4, 2015)

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Telephone: (310) 470-6110, Facsimile: (310) 474-0931

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6 Los Angeles, California 90012-2713
7 (213) 974-1885 / Fax: (213) 687-7337

8 GREGORY M. BERGMAN (Bar No. 065196)
9 BRIAN J. BERGMAN (Bar No. 240584)
10 MATTHEW T. ANDERSON (Bar No. 280311)
11 BERGMAN DACEY GOLDSMITH
12 10880 Wilshire Blvd. Suite 900
13 Los Angeles, California 90024-4101
14 (310) 470-6110 / Fax: (310) 474-0931

15 Attorneys for Plaintiff and Cross-Defendant
16 LOS ANGELES COUNTY METROPOLITAN
17 TRANSPORTATION AUTHORITY

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

20 LOS ANGELES COUNTY
21 METROPOLITAN TRANSPORTATION
22 AUTHORITY, a California Public Entity,
23
24 Plaintiff,

25 v.
26 JAPANESE VILLAGE, LLC, et al.,
27
28 Defendants.

JAPANESE VILLAGE, LLC,
Cross-Complainant,

v.
LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY,
Cross-Defendant.

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Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

**PROPOSED ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460**

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 **ORDER**

2 IT APPEARING and the Court determining that Plaintiff is entitled to acquire
3 subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022,
4 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

5 IT FURTHER APPEARING and the Court determining that Plaintiff has deposited
6 the probable just compensation to be awarded in the State Treasury under Code of Civil
7 Procedure § 1255.010;

8 IT FURTHER APPEARING that there is an overriding need for the Plaintiff to
9 possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021,
10 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this
11 proceeding and that Plaintiff will suffer a substantial hardship if the application for
12 possession is denied or limited; and

13 IT FURTHER APPEARING and the Court determining that the hardship Plaintiff
14 will suffer if possession is denied or limited outweighs any hardship on the Defendants or
15 occupants that would be caused by the granting of the order for possession;

16 IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is
17 authorized and empowered to take possession and use of the subsurface tunneling and
18 grouting easements sought in the Complaint, and to remove from them all persons,
19 obstacles, improvements, or structures after the dates set forth below or, on the 30th day
20 following the date of service of this order, whichever is later.

21	Parcel No.	Date After Which Possession to Be Taken
22	5161-017-021	July 30, 2015
23	5161-017-022	July 30, 2015
24	5161-017-023	July 30, 2015
25	5161-017-033	July 30, 2015

26 Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California, I am over the age
4 of eighteen years and not a party to the within entitled action; my business address is
10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

5 On May 21, 2015, I served the foregoing "[PROPOSED] ORDER RE NOTICE
6 AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT
7 TO C.C.P. § 1255.460" on the interested parties, by placing a true copy thereof, enclosed
8 in a sealed envelope addressed as follows:

9 See Attached Service List

10
11 (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed
12 in the United States Mail at Los Angeles, California. I am "readily familiar" with the
13 firm's practice of collection and processing mail. Under that practice, it is deposited
14 with the U.S. postal service on that same day with postage thereon fully prepaid at
15 Los Angeles, California in the ordinary course of business. I am aware that on
16 motion of the party served, service is presumed invalid if the postal cancellation date
17 or postage meter dates is more than one day after date of deposit for mailing in
18 affidavit.


19 (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the
20 parties to accept service by electronic transmission, I caused the documents to be sent
21 to the persons at the electronic notification addresses listed above. I did not receive,
22 within a reasonable time after the transmission, any electronic message or other
23 indication that the transmission was unsuccessful.

24 (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s)
25 above.

26 (STATE) I declare under penalty of perjury under the laws of the State of California
27 that the above is true and correct.

28 (FEDERAL) I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

Dated: May 21, 2015


Sarah Moscozo

F:\104721\Pldg\ORD-MOT-POSSESSION-REV.docx 3

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

EXHIBIT "B"

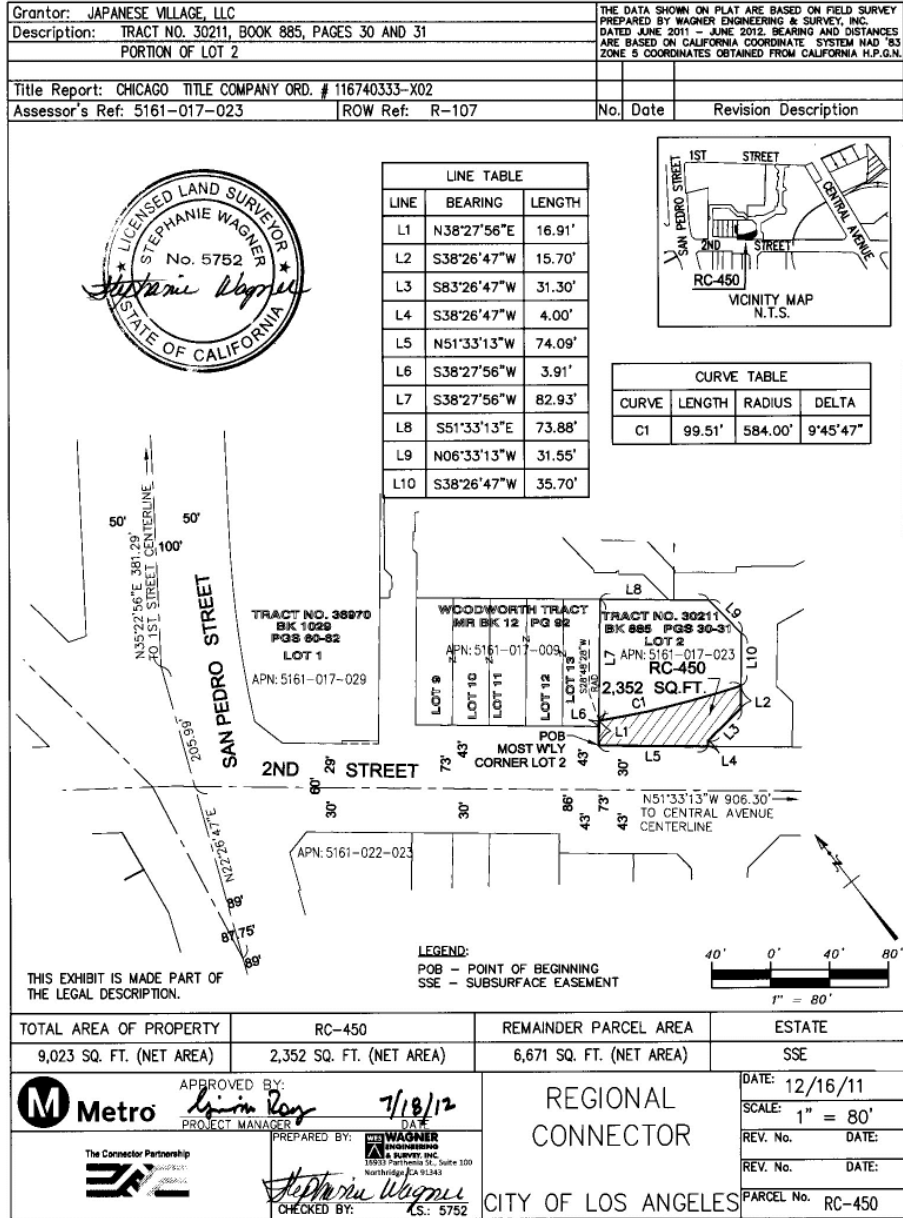


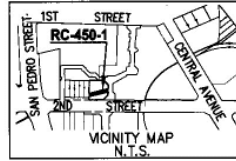
EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
 PORTION OF LOT 2, CITY OF LOS ANGELES
 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
 Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02
 Assessor's Ref: 5161-017-023 ROW Ref: R-107 No. Date Revision Description

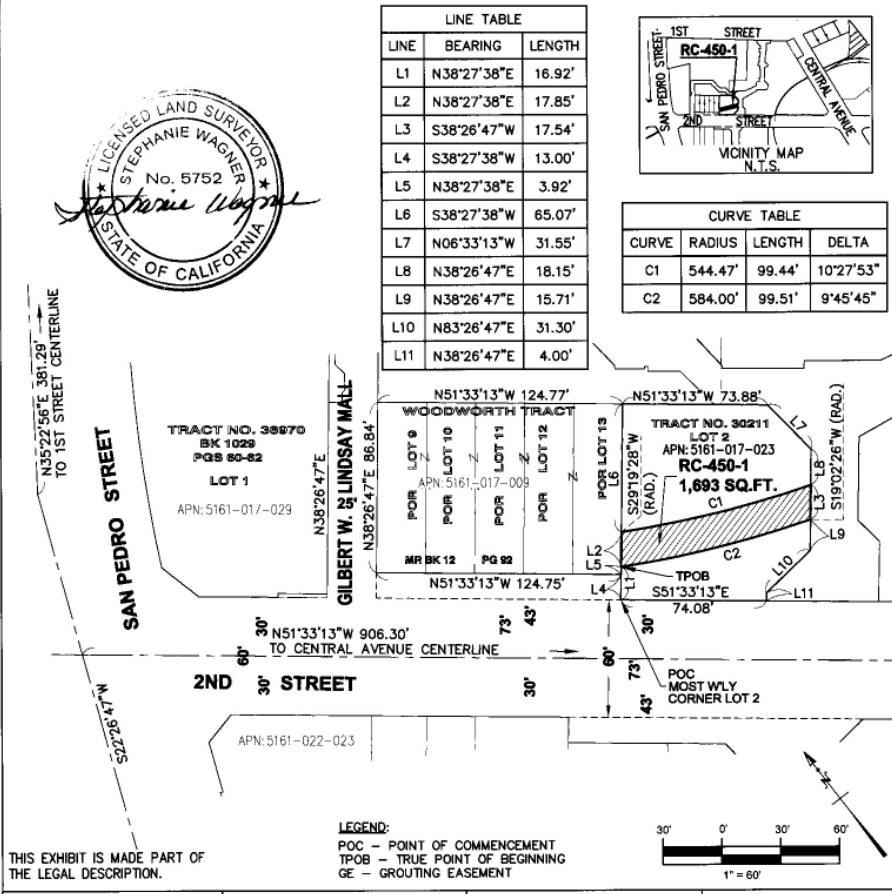
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'

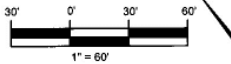


CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
 POC - POINT OF COMMENCEMENT
 TPOB - TRUE POINT OF BEGINNING
 GE - GROUTING EASEMENT



TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

	APPROVED BY: <i>Sam Ray</i> 7/18/12	REGIONAL CONNECTOR CITY OF LOS ANGELES	DATE: 05/30/12
	PROJECT MANAGER		DATE:
	PREPARED BY: <i>Stephanie Wagner</i>	WAGNER ENGINEERING & SURVEY, INC. 15035 PLYMOUTH ST., Suite 100 Van Nuys, CA 91411	REV. No. 1 DATE: 06/26/12
	CHECKED BY: LS: 5752		DATE:
			PARCEL No. RC-450-1

EXHIBIT "B"

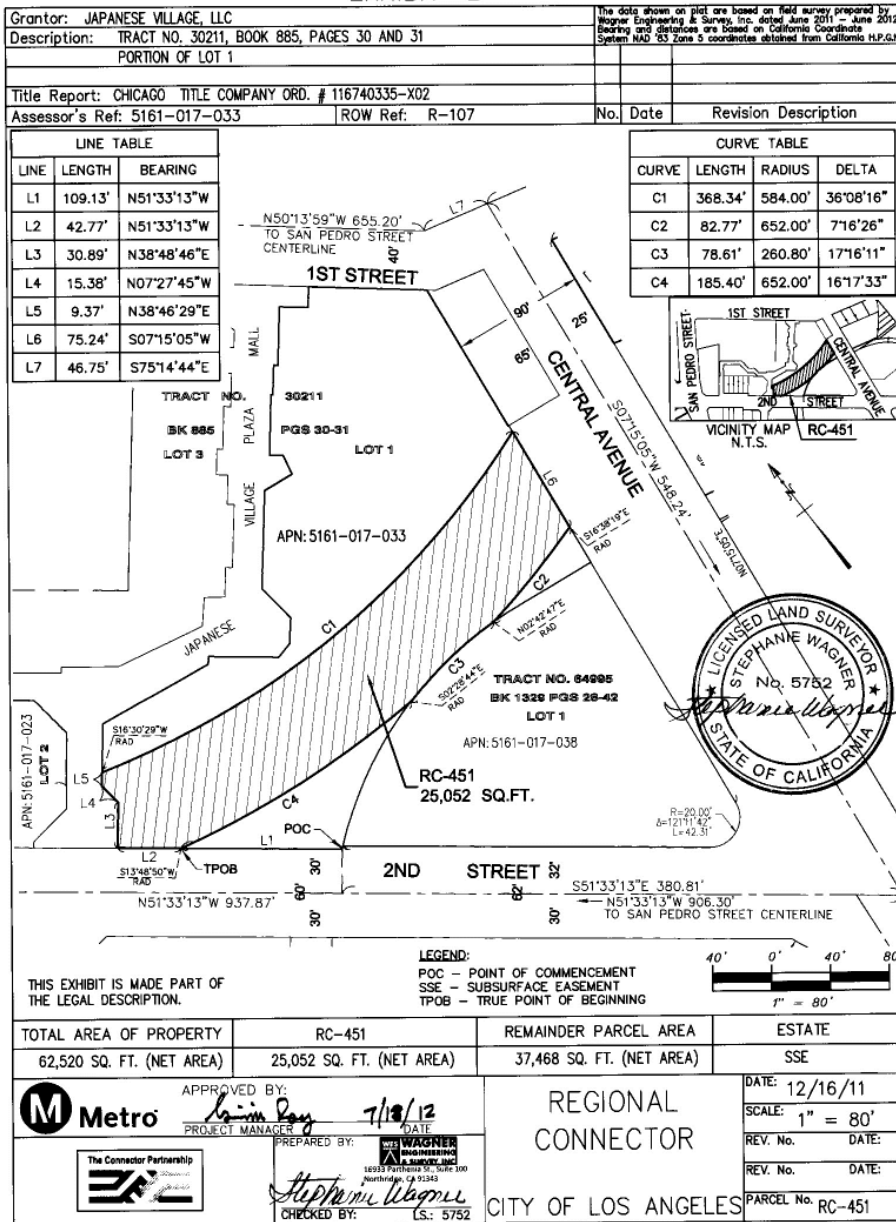
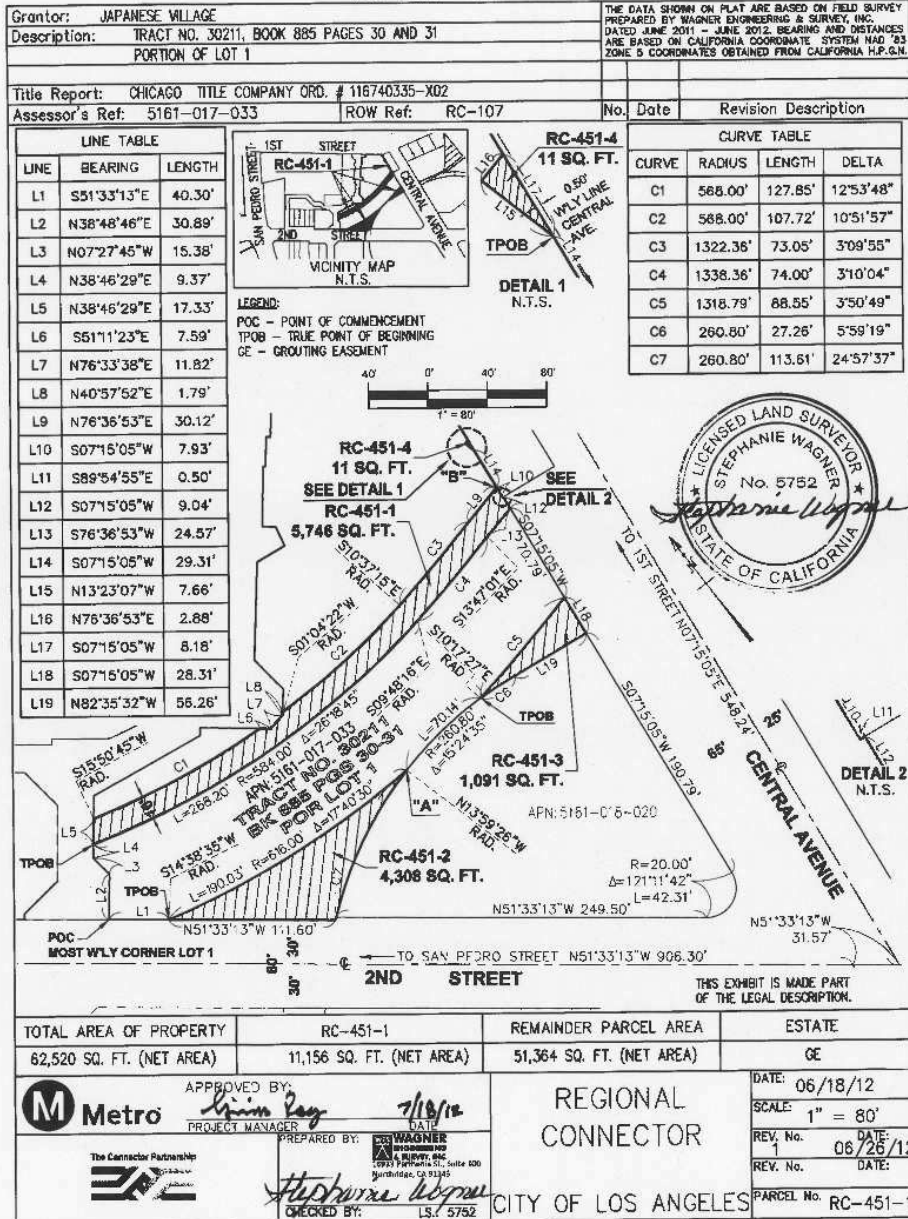


EXHIBIT "B"



TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	11,156 SQ. FT. (NET AREA)	51,364 SQ. FT. (NET AREA)	GE

<p>APPROVED BY: <i>Kevin Bay</i> 7/18/12 PROJECT MANAGER</p> <p>PREPARED BY: <i>Stephanie Wagner</i> CHECKED BY: LS: 5752</p>	<p>REGIONAL CONNECTOR</p> <p>CITY OF LOS ANGELES</p>	<p>DATE: 06/18/12</p> <p>SCALE: 1" = 80'</p> <p>REV. No. 1 DATE: 06/26/12</p> <p>PARCEL No: RC-451-1</p>
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Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

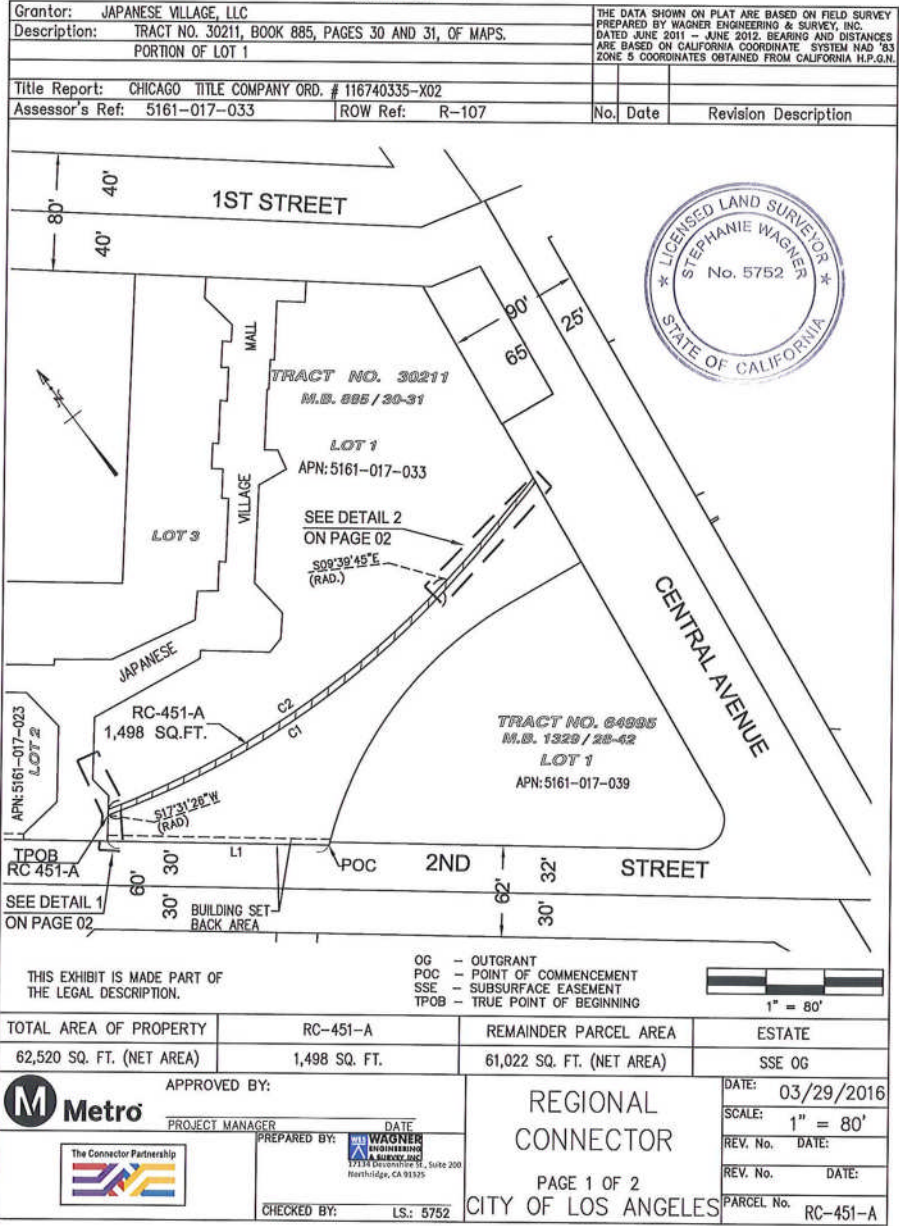


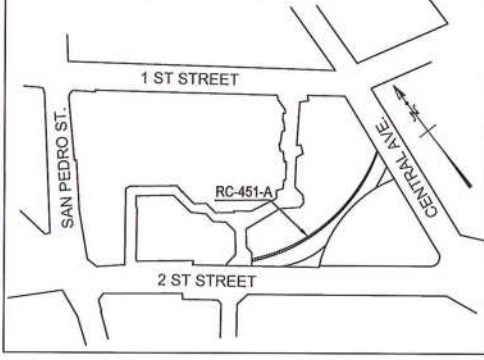
EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
 PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.F.G.M.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: R-107 No. Date Revision Description

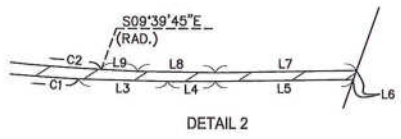
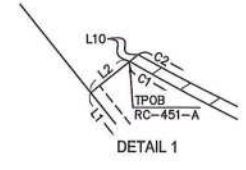
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

VICINITY MAP
N.T.S.



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

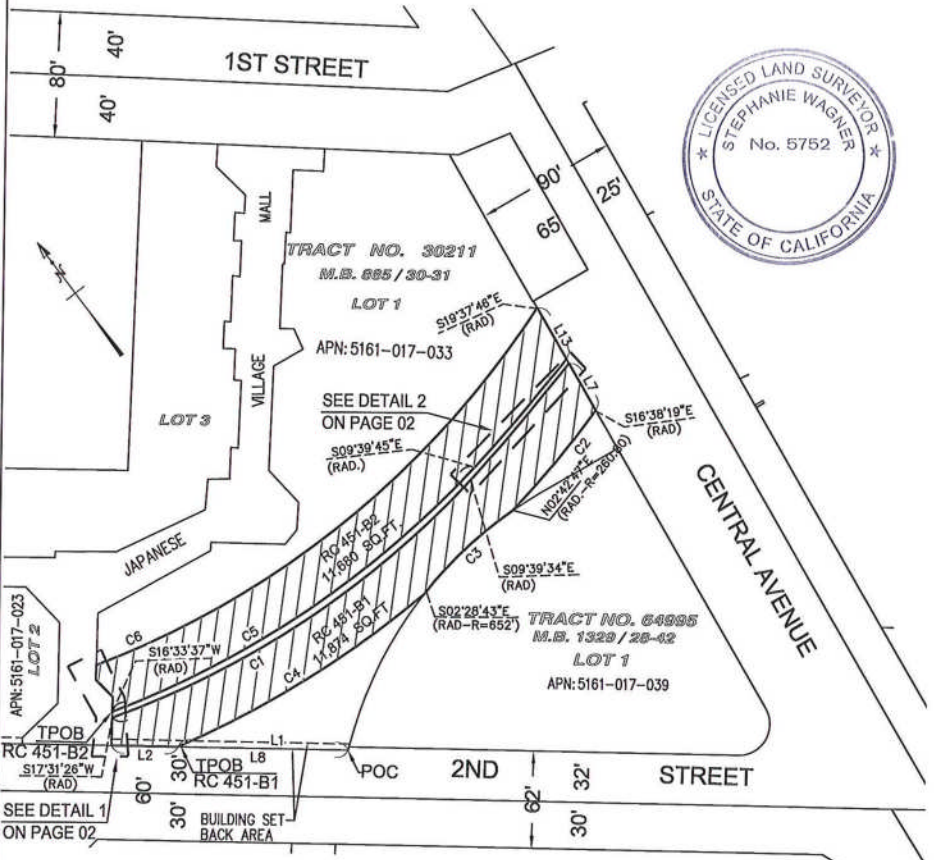
TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:		DATE:	03/23/2016
	PROJECT MANAGER		SCALE:	NTS
	CHECKED BY: LS: 5752	REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	REV. No. DATE:	
			REV. No. DATE:	
			PARCEL No.	RC-451-A

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1		
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02		
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No. Date Revision Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

<p>APPROVED BY:</p> <p>PROJECT MANAGER</p> <p>DATE</p>	<p>PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91329</p> <p>CHECKED BY: _____ LS.: 5752</p>	<p>REGIONAL CONNECTOR</p> <p>PAGE 1 OF 2</p> <p>CITY OF LOS ANGELES</p>	DATE: 03/29/2016
			SCALE: 1" = 80'
		REV. No. DATE:	REV. No. DATE:
		PARCEL No. RC-451-B	

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
 PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 9 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02

Assessor's Ref: 5161-017-033

ROW Ref: R-107

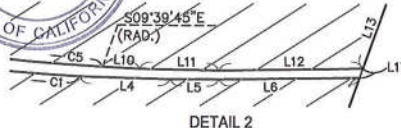
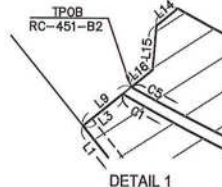
No. Date Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'



VICINITY MAP
N.T.S.

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:	REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	DATE: 03/29/2016
	PROJECT MANAGER		SCALE: NTS
	PREPARED BY:	REV. No. DATE:	REV. No. DATE:
	CHECKED BY: LS: 5752	PARCEL No. RC-451-B	

RESOLUTION OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY DECLARING CERTAIN PROPERTY INTERESTS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF (REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT PARCELS RC-450, RC-450-1, RC-451, AND RC-451-1 THROUGH RC-451-4)

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

The LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("METRO") 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 required property interests consist of subsurface tunnel and grouting easements to develop, construct, operate, and maintain the Regional Connector Transit Corridor Project ("Project") as described in Attachment "A": Order of Prejudgment Possession, and further described in Attachment "A-1": Subsurface Easements – Portion to be Abandoned; and Attachment "A-2": Subsurface Easements – Portion to be Retained (hereinafter, the "Property"), all of which are incorporated herein by this reference.

Section 4

- (a) The acquisition of the above-described required interests is necessary for the development, construction, operation, and maintenance of the Project;
- (b) The environmental impacts of the Project were evaluated in the Final

Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR) for this Project which was certified by the Board on April 26, 2012. The Board found that in accordance with the California Environmental Quality Act Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project; 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 sought to be acquired, which has been described herein, is necessary for the proposed Project; and

(d) The offers required by Section 7267.2 of the Government Code have been made to the Owner.

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 interest 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 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.

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, MICHELLE JACKSON, Secretary 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 28th day of April 2016.

Date: _____

MICHELLE JACKSON
METRO Secretary

ATTACHMENTS

- A Order for Prejudgment Possession
- A-1 Subsurface Easements – Portion to be Abandoned
- A-2 Subsurface Easements – Portion to be Retained

Order of Prejudgment Possession (June 4, 2015)

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 MARK J. SALADINO, County Counsel
2 ROBERT C. CARTWRIGHT, Asst. County Counsel
3 ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
4 648 Kenneth Hahn Hall of Administration
5 500 West Temple Street
6 Los Angeles, California 90012-2713
(213) 974-1885 / Fax: (213) 687-7337
7 GREGORY M. BERGMAN (Bar No. 065196)
8 BRIAN J. BERGMAN (Bar No. 240584)
9 MATTHEW T. ANDERSON (Bar No. 280311)
BERGMAN DACEY GOLDSMITH
10 10880 Wilshire Blvd. Suite 900
11 Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931
12 Attorneys for Plaintiff and Cross-Defendant
13 LOS ANGELES COUNTY METROPOLITAN
14 TRANSPORTATION AUTHORITY

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

17 LOS ANGELES COUNTY
18 METROPOLITAN TRANSPORTATION
19 AUTHORITY, a California Public Entity,
20 Plaintiff,

21 v.

22 JAPANESE VILLAGE, LLC, et al.,
23 Defendants.

24 JAPANESE VILLAGE, LLC,
25 Cross-Complainant,

26 v.

27 LOS ANGELES COUNTY
28 METROPOLITAN TRANSPORTATION
AUTHORITY,
Cross-Defendant.

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

~~PROPOSED~~ ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

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[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

COPY

FILING FEE EXEMPT PURSUANT
TO GOVERNMENT CODE § 6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

BERGMAN DACEY GOLDSMITH
 10880 Wilshire Blvd., Suite 900
 Los Angeles, California 90024
 Telephone: (310) 470-6110, Facsimile: (310) 474-0931

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	Date After Which Possession to Be Taken
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: JUN 04 2015

TERESA SANCHEZ-GORDON
 HONORABLE TERESA SANCHEZ-GORDON
 JUDGE OF THE SUPERIOR COURT

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California, I am over the age
4 of eighteen years and not a party to the within entitled action; my business address is
10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

5 On May 21, 2015, I served the foregoing "[PROPOSED] ORDER RE NOTICE
6 AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT
7 TO C.C.P. § 1255.460" on the interested parties, by placing a true copy thereof, enclosed
8 in a sealed envelope addressed as follows:

9 See Attached Service List

10
11 (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed
12 in the United States Mail at Los Angeles, California. I am "readily familiar" with the
13 firm's practice of collection and processing mail. Under that practice, it is deposited
14 with the U.S. postal service on that same day with postage thereon fully prepaid at
15 Los Angeles, California in the ordinary course of business. I am aware that on
16 motion of the party served, service is presumed invalid if the postal cancellation date
17 or postage meter dates is more than one day after date of deposit for mailing in
18 affidavit.


19 (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the
20 parties to accept service by electronic transmission, I caused the documents to be sent
21 to the persons at the electronic notification addresses listed above. I did not receive,
22 within a reasonable time after the transmission, any electronic message or other
23 indication that the transmission was unsuccessful.

24 (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s)
25 above.

26 (STATE) I declare under penalty of perjury under the laws of the State of California
27 that the above is true and correct.

28 (FEDERAL) I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

Dated: May 21, 2015


Sarah Moscozo

F:\104721\Pldg\ORD-MOT-POSSESSION-REV.docx 3

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

EXHIBIT "B"

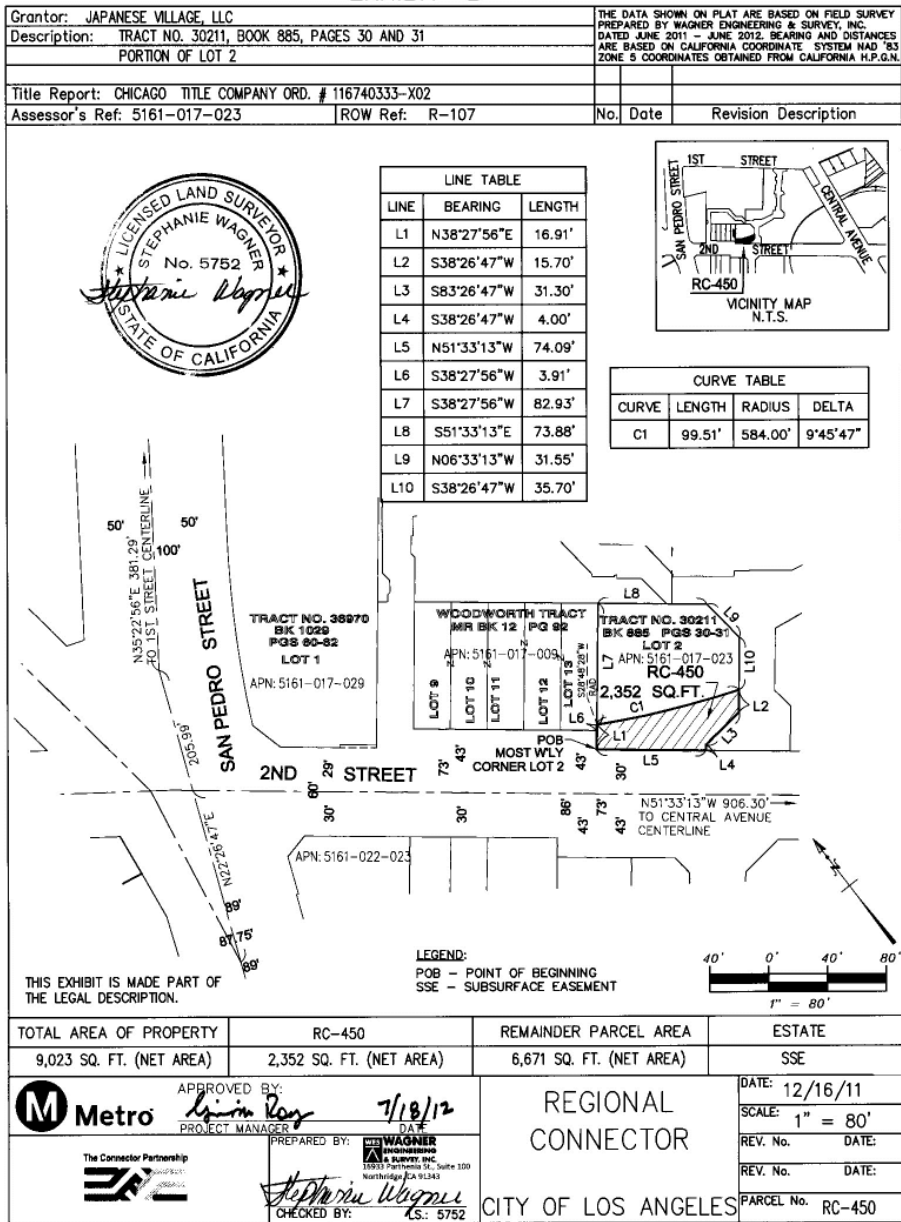


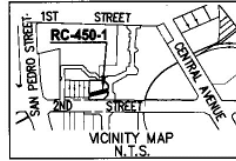
EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
 PORTION OF LOT 2, CITY OF LOS ANGELES
 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
 Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02
 Assessor's Ref: 5161-017-023 ROW Ref: R-107 No. Date Revision Description

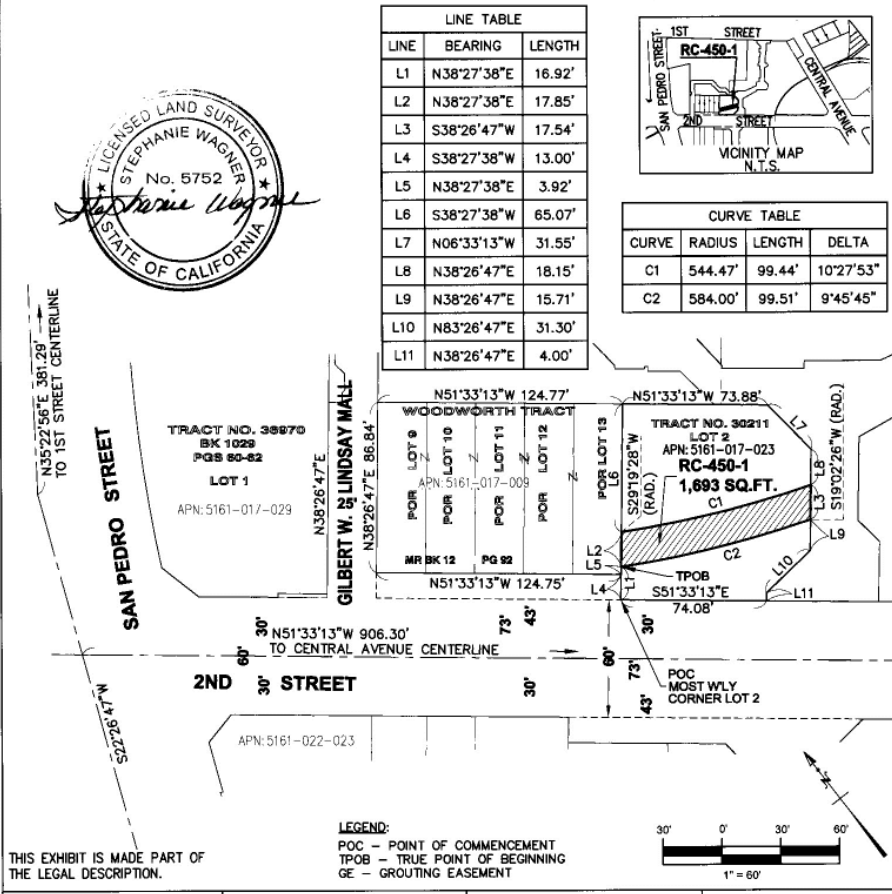
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"



TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

APPROVED BY: *Sam Ray* 7/18/12
 PROJECT MANAGER DATE

PREPARED BY: *Stephanie Wagner*
 WAGNER ENGINEERING & SURVEY, INC. 15935 PETERBILT ST., SUITE 100 WOODLAND, CA 92691
 CHECKED BY: LS: 5752

REGIONAL CONNECTOR
 CITY OF LOS ANGELES

DATE: 05/30/12
 SCALE: 1" = 60'
 REV. No. 1 DATE: 06/26/12
 REV. No. DATE:
 PARCEL No. RC-450-1

EXHIBIT "B"

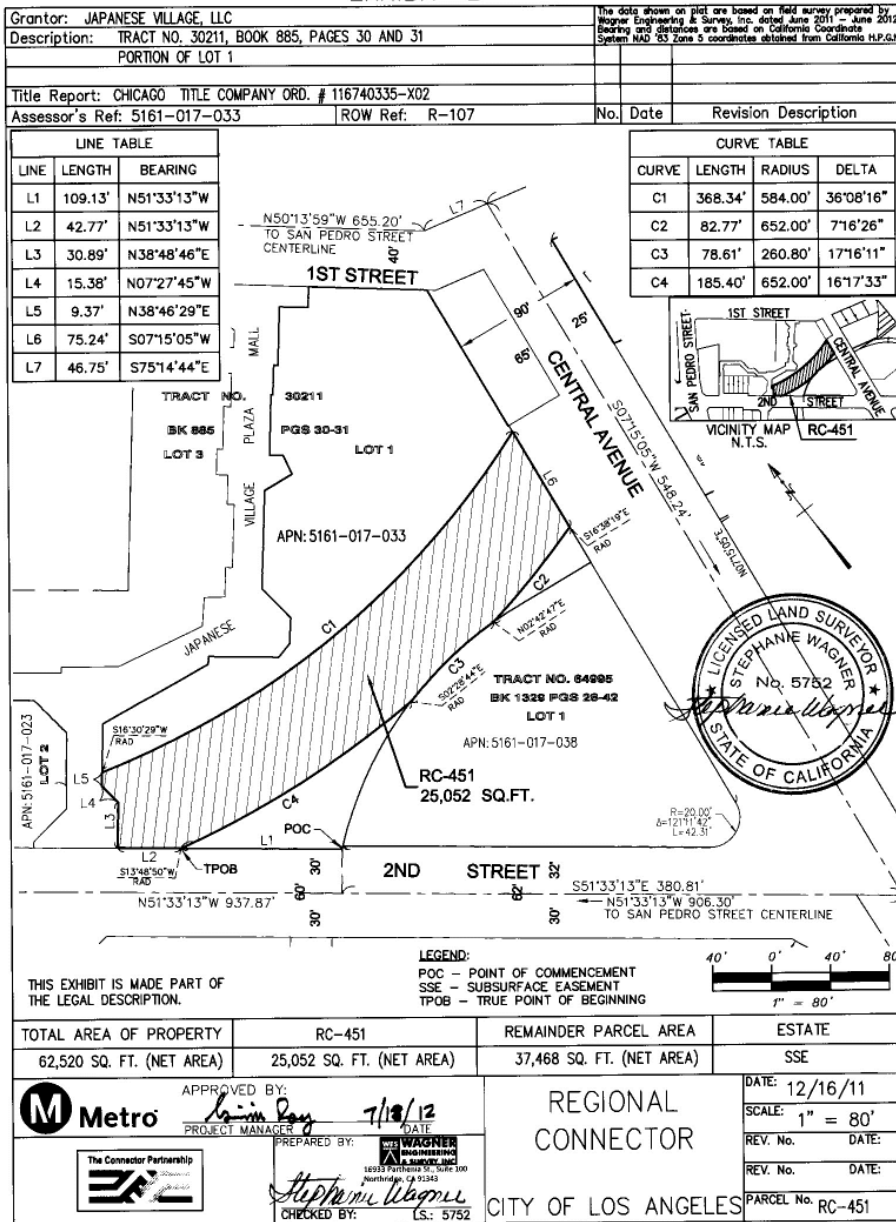


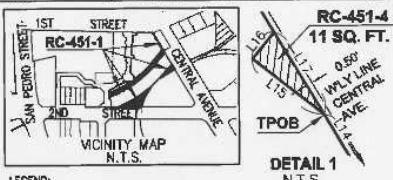
EXHIBIT "B"

Grantor: JAPANESE VILLAGE
 Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
 PORTION OF LOT 1

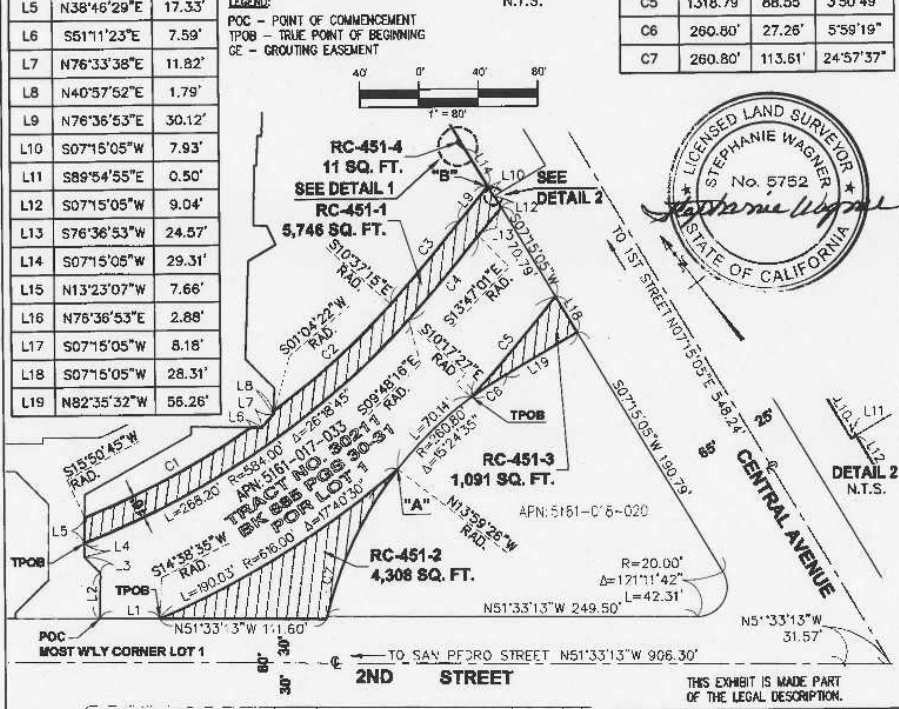
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: RC-107 No. Date Revision Description

LINE	BEARING	LENGTH
L1	S51°33'13"E	40.30'
L2	N38°48'46"E	30.89'
L3	N07°27'45"W	15.38'
L4	N38°46'29"E	9.37'
L5	N38°46'29"E	17.33'
L6	S51°11'23"E	7.59'
L7	N76°33'38"E	11.82'
L8	N40°57'52"E	1.79'
L9	N76°36'53"E	30.12'
L10	S07°16'05"W	7.93'
L11	S89°54'55"E	0.50'
L12	S07°15'05"W	9.04'
L13	S76°36'53"W	24.57'
L14	S07°15'08"W	29.31'
L15	N13°23'07"W	7.66'
L16	N76°36'53"E	2.88'
L17	S07°15'05"W	8.18'
L18	S07°15'05"W	28.31'
L19	N82°35'32"W	55.26'



CURVE	RADIUS	LENGTH	DELTA
C1	588.00'	127.85'	12°53'48"
C2	588.00'	107.72'	10°51'57"
C3	1322.36'	73.05'	3°09'55"
C4	1338.36'	74.00'	3°10'04"
C5	1318.79'	88.55'	3°50'49"
C6	260.80'	27.26'	5°59'19"
C7	260.80'	113.61'	24°57'37"



TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	11,156 SQ. FT. (NET AREA)	51,364 SQ. FT. (NET AREA)	GE

APPROVED BY: *Kevin Bay* 7/18/12
 PROJECT MANAGER DATE

PREPARED BY: *Stephanie Wagner*
 CHECKED BY: LS: 5752

REGIONAL CONNECTOR
 CITY OF LOS ANGELES

DATE: 06/18/12
 SCALE: 1" = 80'
 REV. No. 1 DATE: 06/26/12
 PARCEL No: RC-451-1

Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

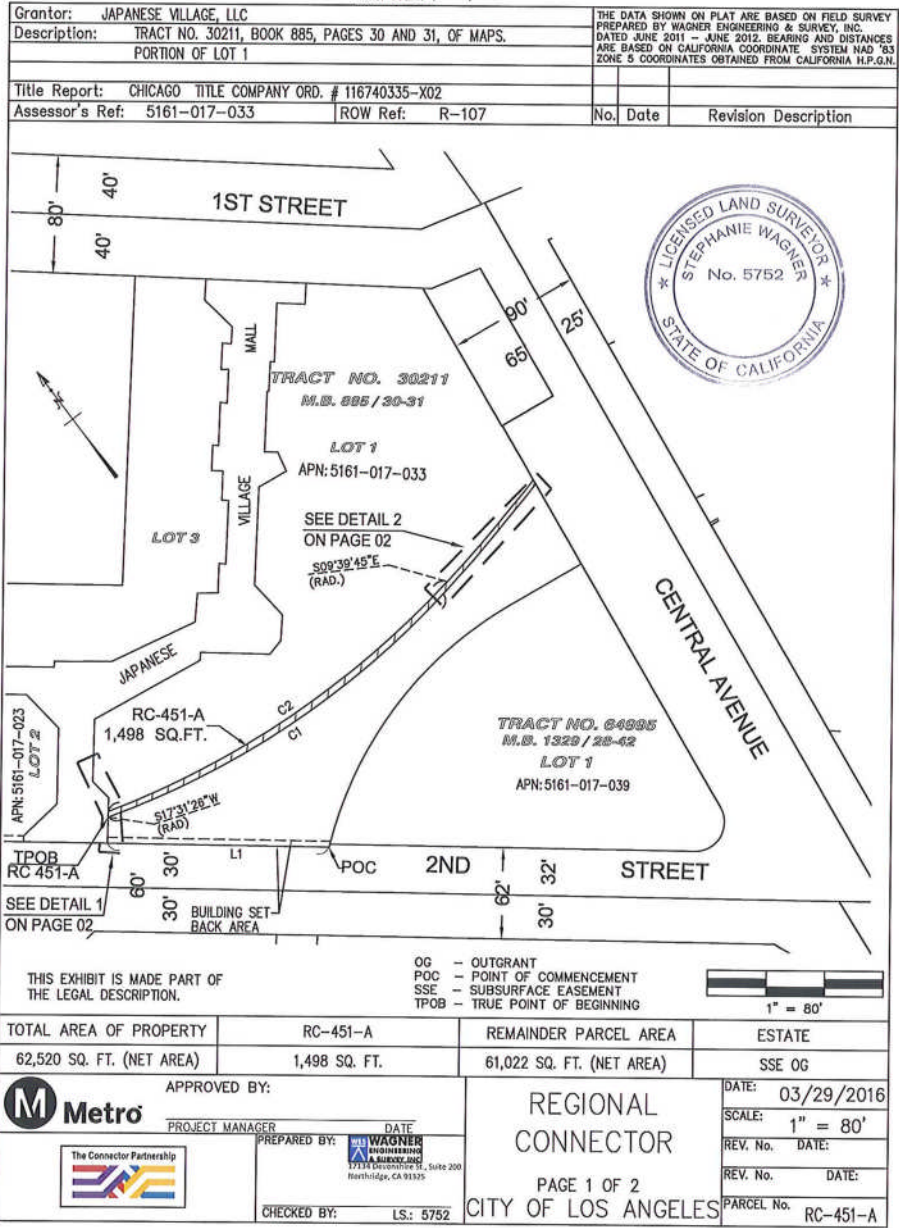


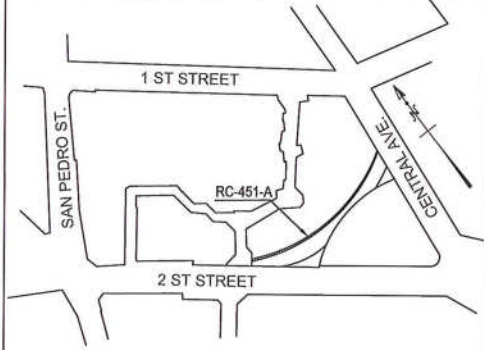
EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
 PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.F.G.M.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: R-107 No. Date Revision Description

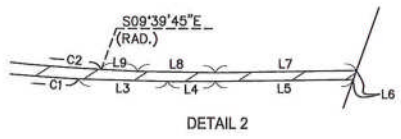
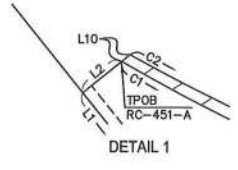
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

VICINITY MAP
N.T.S.



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

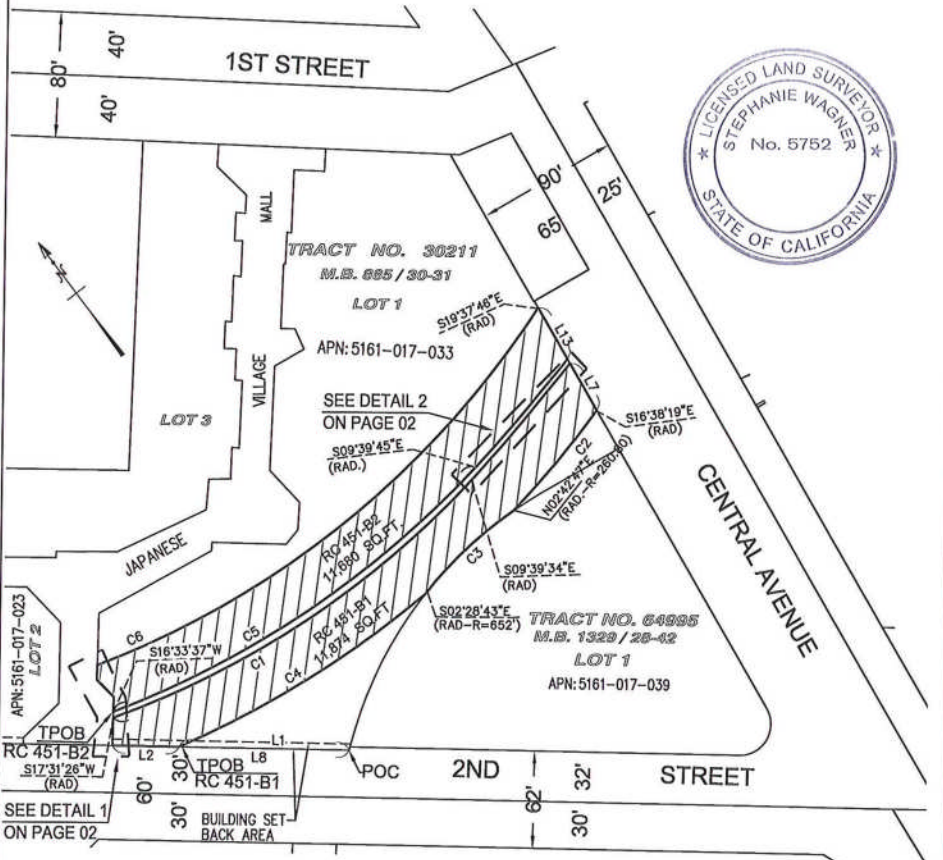
TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:		DATE:	03/23/2016
	PROJECT MANAGER		SCALE:	NTS
	CHECKED BY: LS: 5752	REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	REV. No. DATE:	
			REV. No. DATE:	
			PARCEL No.	RC-451-A

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1		
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02		
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No. Date Revision Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

<p>APPROVED BY:</p> <p>PROJECT MANAGER</p> <p>DATE</p>	<p>REGIONAL CONNECTOR</p> <p>PAGE 1 OF 2</p> <p>CITY OF LOS ANGELES</p>	DATE: 03/29/2016
		<p>SCALE: 1" = 80'</p> <p>REV. No. DATE:</p> <p>REV. No. DATE:</p> <p>PARCEL No. RC-451-B</p>
	<p>PREPARED BY: WAGNER ENGINEERING & SURVEY, INC.</p> <p>17134 Devonshire St., Suite 200</p> <p>Northridge, CA 91329</p> <p>CHECKED BY: LS.: 5752</p>	

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC
 Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
 PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 9 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

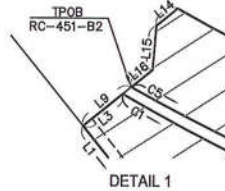
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
 Assessor's Ref: 5161-017-033 ROW Ref: R-107 No. Date Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

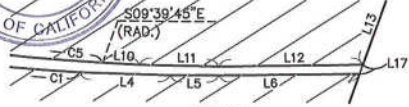


VICINITY MAP
N.T.S.

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING



DETAIL 1



DETAIL 2

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:	REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	DATE: 03/29/2016
	PROJECT MANAGER		SCALE: NTS
	PREPARED BY:	REV. No. DATE:	REV. No. DATE:
	CHECKED BY: LS: 5752	PARCEL No. RC-451-B	