



Board Report

File #: 2021-0221, File Type: Policy

Agenda Number: 49.

REGULAR BOARD MEETING
MAY 27, 2021

SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 3 PROJECT

ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE AN EXCLUSIVE SUBSURFACE EASEMENTS W-4001-1, W-4001-2, W-4001-3, W-4002-1, and 6-MONTH TEMPORARY CONSTRUCTION EASEMENT W-4001-7 and 12-MONTH ACCESS AREA

RECOMMENDATION

CONSIDER:

- A. Holding a public hearing on the proposed Resolution of Necessity; and
- B. Adopting the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire the exclusive subsurface easements from the properties identified as Parcels W-4001-1, W-4001-2, W-4001-3 (APN: 4319-003-066) and W-4002-1 (APN: 4319-003-063), acquire a 6-month temporary construction easement from the property identified as Parcel W-4001-7, and acquire a 12-month access area for installation and monitoring of liquid level gauge devices (APN: 4319-003-066). The properties listed above are herein referred to as “the Property.”

REQUIRES 2/3 VOTE

BACKGROUND

Acquisition of the above-referenced exclusive subsurface easements and 6-month temporary construction easement (“Easements”) and 12-month access area for the temporary installation and monitoring of liquid level gauge devices (“Access Area”) are required for the construction and operation of the Westside Purple Line Extension Section 3 Project (“Project”). The Easements and Access Area are required for the tunnel alignment that will connect the Century City Constellation Station with the Westwood/UCLA Station.

Written offer to purchase the Easements and Access Area were mailed to the Owner of Record (“Owner”) of the Property as required by California Government Code Section 7267.2. The Owner has not accepted the offer of Just Compensation made by the Los Angeles County Metropolitan Transportation Authority(“LACMTA”), and the parties have not at this time reached a negotiated

settlement on the contemplated acquisition. Since the Easements and Access Area are necessary for construction of the Project, staff recommends the acquisition of the Easements and Access Area through eminent domain to determine the value of the Easements and Access Area, and to obtain possession thereof in order to maintain the Project's schedule.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice 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 good and the least private injury; (3) whether the Easement is necessary for the Project; (4) whether 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; (5) whether environmental review of the Project has complied with the California Environmental Quality Act (CEQA); and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence have been received from all interested parties, LACMTA must make a determination as to whether to adopt the proposed Resolution of Necessity to acquire the Easements by eminent domain. In order to adopt the resolutions, LACMTA must, based on the evidence before it, and by vote of two-thirds of all the members of its governing body, find and determine that the conditions stated in the items 1 - 6 above exist. Attached is evidence submitted by staff that supports adoption of the Resolutions that have been approved by counsel, and which set forth the required findings (Attachment B).

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on LACMTA's safety standards.

FINANCIAL IMPACT

The funding for the acquisition of the Easements is included in the fiscal year 2021 budget under Project 865523 (Westside Purple Line Extension Section 3), Cost Center 8510 (Construction Project Management), and Account Number 53103 (Acquisition of Land) and Fund 6012.

Impact to Budget

The approved FY21 budget is designated for the Westside Purple Line Extension Section 3 and does not have an impact to operations funding sources. The funds were assumed in the Long-Range Transportation Plan for the Project. This Project is not eligible for Proposition A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Equity Platform Framework Consistency

Implementation of the State's eminent domain laws assures that equity is afforded to property owners to engage and have a voice in the decision-making process with regards to the acquisition of their property.

Strategic Plan Consistency

The Board action is consistent with Metro Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Adoption of the Resolution of Necessity is a required step to acquire these properties for the Westside Purple Line Extension which will provide an additional mobility option.

NEXT STEPS

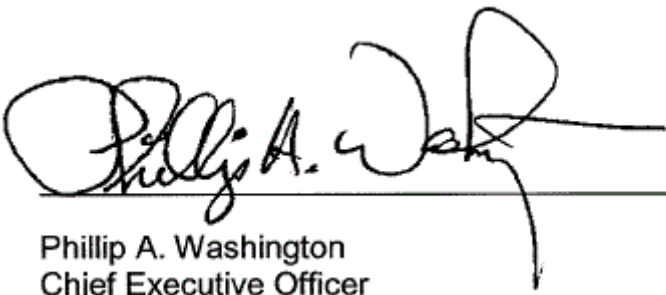
If this action is approved by the Board, the LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the property interest by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law.

ATTACHMENTS

Attachment A - Staff Report
Attachment B - Resolution of Necessity

Prepared by: Craig Justesen, Deputy Executive Officer-Right of Way, (213) 922-7051
Holly Rockwell, Senior Executive Officer, Real Property Management & Development,
(213) 922-5585

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF
PROPERTY FOR THE WESTSIDE PURPLE LINE EXTENSION SECTION 3**

BACKGROUND

The Easements and the Access Area are required for the construction and operation of the Westside Purple Line Extension Section 3 Project ("Project"). Possession of the Easements and Access Area are necessary on June 11, 2021, depending on specific location within the approved alignment. The address, record owner (as indicated by title report ("Owner")), physical description, and nature of the property interest sought to be acquired for the Project are listed below.

Assessor's Parcel Number	Parcel Address	Property Owner	Property Interest Sought:	LACMTA Parcel Number
4319-003-066	1801 Avenue of the Stars, Los Angeles, CA 90067	Century City Mall, LLC a Delaware Limited Liability Company	Subsurface Easement Upper Limit: 48-52 feet below finished grade Lower Limit: 101-105 feet below finished grade Area: 14,456 SF	W-4001-1
			Subsurface Easement Upper Limit: 54-60 feet below finished grade Lower Limit: 106-112 feet below finished grade Area: 13,001 SF	W-4001-2
			Subsurface Easement Upper Limit: 64-67 feet below finished grade Lower Limit: 112-115 feet below finished grade Area: 6,328 SF	W-4001-3
			Temporary Construction Easement Duration: 6 months Area: 29,763 SF	W-4001-7
			Access Area for installation of monitoring devices Duration: 12 Months	Geotechnical Instrumentation Plan Sheet

Assessor's Parcel Number	Parcel Address	Property Owner	Property Interest Sought:	LACMTA Parcel Number
4319-003-063	1930 Century Park West, Los Angeles, CA 90067	Century City Mall, LLC a Delaware Limited Liability Company	Subsurface Easement Upper Limit: 60-63 feet below grade Lower Limit: 108-111 feet below finished grade Area: 7,037	W-4002-1

Property Requirements:

The following property requirements apply to the affected properties listed in the above table:

Purpose of Acquisition: Construction and operation of underground tunnel.

Property Interests Sought: Exclusive subsurface easements with upper limits and lower limits, expressed in feet as depth below finish grade, as indicated for each property in the above table (the ranges are due to topography of the subject property lots) and 6-month temporary construction easement (“Easements”) and a 12-month access area for installation and monitoring of liquid level gauge devices (“Access Area”). Full descriptions are provided in the Exhibits to Attachment B.

Written offer to acquire the Easements and Access Area was delivered to the owner by letter dated **April 20, 2021**. The Owner has not accepted the offer of just compensation.

A. The public interest and necessity require the Project.

The need for the Project is based on population and employment growth, the high number of major activity centers served by the Project, high existing transit usage, and severe traffic congestion. The Project area bisects 12 large population and employment centers, all of which are served by extremely congested road networks that will deteriorate further with the projected increase in population and jobs. This anticipated growth will further affect transit travel speeds and reliability, even with a dedicated lane for express bus service on Wilshire Boulevard. The public interest and necessity require the Project for the following specific reasons:

1. The population and employment densities in the Project area are among the highest in the metropolitan region. Approximately five percent of the Los Angeles County population and 10 percent of the jobs are concentrated in the Project area.
2. Implementation of the Project will result in a reduction of vehicle miles per day and reduction of auto air pollutants.

3. The Project will relieve congestion on the already over capacity 1-405 San Diego and the 1-10 Santa Monica Freeways and surrounding major thoroughfares. In addition, it will reduce the parking demands in the Westside area by providing an alternative means of transportation, competitive in rush-hour travel times with the automobile.
4. The Project will be a major link in the existing county-wide rail transit system, and will thereby provide alternative means of transportation during fuel crises and increased future traffic congestion.
5. The Project will improve transportation equity by meeting the need for improved transit service of the significant transit-dependent population within the Project area.
6. The Project will help meet Regional Transit Objectives through the Southern California Association of Governments' (SCAG's) Performance Indicators of mobility, accessibility, reliability, and safety.

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.

An Alternatives Analysis (AA) Study was initiated in 2007 to identify all reasonable, fixed-guideway, alternative alignments and transit technologies within the proposed Project Area. The fixed-guideway alternative alignments studied and analyzed during the AA process were heavy rail transit (HRT), light rail transit (LRT), bus rapid transit (BRT), and monorail (MR). Due to its capacity to meet the anticipated ridership demand and limit the number of transfers, HRT was identified as the preferred technology for further study.

In January 2009, the Metro Board approved the AA Study and authorized preparation of a Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR). A total of seven alternatives, including five heavy rail subway (HRT) Build Alternatives, a No Build Alternative, and a relatively low-cost Transportation System Management (TSM) Alternative, were presented in the DEIS/DEIR. The 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.

In October 2010, the Board approved the DEIS/DEIR and the Wilshire Boulevard to Santa Monica HRT option was selected as the Locally Preferred Alternative (LPA) for further analysis in the FEIS/FEIR. The FEIS/FEIR was released in March 2012 for public review. On April 26, 2012, the Board certified the FEIS/FEIR, and in May 24, 2012, it approved the route and station locations for the Project. A Record of Decision was received from the Federal Transit Administration in August of 2012.

In June 2017, the Federal Register published a notice indicating the release of the Draft Supplemental Environmental Impact Statement (SEIS) for a 45-day comment period for the Westside Purple Line Extension Section 2. On November 22, 2017, the Federal Transit Administration (FTA) issued the Final Supplemental Environmental Impact Statement and Section 4(f) Evaluation, and the Supplemental Record of Decision (ROD) supplementing the previously issued ROD on August 9, 2012. The FTA determined that the requirements of the National Environmental Policy Act of 1969 (NEPA) and related federal environmental statutes, regulations, and executive orders have been satisfied for the Westside Subway Extension (now called the Westside Purple Line Extension) Project located in Los Angeles County.

The approved LPA will extend HRT (as subway) approximately nine (9) miles from the existing Metro Purple Line terminus at the Wilshire/ Western Station to a new western terminus at the West Los Angeles Veterans Affairs Hospital (Westwood/ VA Hospital Station). The LPA will include seven new stations spaced in approximately one-mile intervals, as follows:

- Wilshire/La Brea
- Wilshire/Fairfax
- Wilshire/La Cienega
- Wilshire/Rodeo
- Century City
- Westwood/UCLA
- Westwood/VA Hospital

The Project will cause private injury, including the displacement or relocation of certain owners and users of 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 required for construction and operation of the underground tunnel connecting Century City/Constellation and Westwood/VA Hospital Stations. The selected alignment requires subsurface tunneling beneath the Property to connect the two stations. The Easements and Access Area are required for the Project. The legal descriptions of the required Easements are attached to the Resolution of Necessity as Exhibits "A1 – A5" and are depicted on the Plat Map attached as Exhibit "B1 – B5". The Access Area is

attached to the Resolution of Necessity as Exhibit "A-6". The description of the subsurface easements' rights are attached to the Resolution of Necessity as Exhibit "C". The Property requirements were chosen based on the approved FEIS/FEIR for the Project.

Staff recommends that the Board find that the acquisition of the Property is necessary for the Project.

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 independent appraisals to determine the fair market value of the Easements, which included consideration of existing use of the Property, highest and best use of the Property, and impact to the remainder;
2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation;
3. Determined the Owner of the Property by examining the county assessor's record and a preliminary title report, and occupancy of the Property;
4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value;
5. Provided the Owner with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

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

E. Metro has fulfilled the necessary statutory prerequisites.

Metro is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5;

Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

F. Metro has complied with the California Environmental Quality Act.

A draft EIR/EIS was circulated for public review and comment. The FEIS/FEIR was released in March 2012 for public review. On April 26, 2012, the Board certified the FEIS/FEIR, and in May 24, 2012, it approved the route and station locations for the Project. A Record of Decision was received from the Federal Transit Administration in August of 2012. The FEIS/FEIR documents therefore comply with the California Environmental Quality Act. Since that time, none of the circumstances identified in CEQA Guidelines Section 15162 have occurred which would require the preparation of a subsequent EIR. As set forth above, Metro has also fulfilled the statutory prerequisites under Code of Civil Procedure § 1240.030 and Government Code § 7267.2.

Accordingly, Metro has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

CONCLUSION

Staff recommends that the Board adopt the Resolution of Necessity.

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF
PURPLE LINE WESTSIDE EXTENSION PROJECT, SECTION 3 –
PARCEL NO. W-4001-1, W-4001-2, W-4001-3, W-4002-1, W-4001-7 and Access Area
for Liquid Level Gauge Devices**

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

Section 1.

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

Section 2.

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

Section 3.

The property interest consists of the acquisition of exclusive subsurface easements and a 6-month temporary construction easement ("Easements") as described more specifically in the legal descriptions (Exhibit "A-1" through "A-5"), depicted on the plat maps (Exhibit "B-1" through "B-5"), the access area for the installation of geotechnical instrumentation liquid level gauge devices ("Access Area") as defined in the Geotechnical Instrumentation Plan Sheet (Exhibit "A-6"), attached hereto (hereinafter, the "Property"), incorporated herein by this reference. The description of the subsurface easement rights is described in Exhibit "C".

Section 4.

- (a.) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the Westside Purple Line Extension Project Section 3 ("Project");

- (b.) The environmental impacts of the Project were evaluated in the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR), which was certified by the Board on April 26, 2012 and May 24, 2012. The Board found that in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project, and the FEIS/FEIR documents are consistent with CEQA; and;
- (c.) The Board has reviewed and considered the FEIS/FEIR, before and as part of the process of determining whether to acquire the above-referenced Property.

Section 5.

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

- (a.) The public interest and necessity require the proposed Project;
- (b.) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- (e.) Environmental review consistent with the California Environmental Quality Act (CEQA) for the Project has been previously certified by this Board.

Section 6.

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

Section 7.

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

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property 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, CHRISTINA GOINS, 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 27th day of May, 2021.

CHRISTINA GOINS
LACMTA Interim
Board Secretary

Date: _____

ATTACHMENTS

1. Legal Description (Exhibit A-1 through A-5)
2. Plat Map (Exhibit B-1 through B-5)
3. Geotechnical Instrumentation Plan Sheet (Exhibit A-6)
4. Exclusive Subsurface Easement (Exhibit C)

Parcel W-4001-1 – Legal Description

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

THAT PORTION OF PARCEL "A" OF PARCEL MAP L.A. NO. 3784, AS PER MAP RECORDED IN BOOK 90, PAGES 15 AND 16 OF PARCEL MAPS AND OF LOT 1 OF TRACT NO. 26196, AS PER MAP RECORDED IN BOOK 684 OF MAPS, PAGES 78 TO 86 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL "A"; THENCE NORTH 50°41'21" EAST, 206.64 FEET ALONG THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL TO THE **POINT OF BEGINNING**; THENCE CONTINUING NORTH 50°41'21" EAST, 245.92 FEET ALONG SAID SOUTHEASTERLY BOUNDARY TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 903.75 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 28°47'17" EAST; THENCE LEAVING SAID SOUTHEASTERLY BOUNDARY, WESTERLY ALONG SAID CURVE, 338.41 FEET THROUGH A CENTRAL ANGLE OF 21°27'17"; THENCE SOUTH 39°18'28" EAST, 87.88 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 935.25 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 10°16'09" EAST; THENCE EASTERLY ALONG SAID CURVE, 75.76 FEET THROUGH A CENTRAL ANGLE OF 04°38'28" TO THE **POINT OF BEGINNING**.

THE UPPER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED, IS A HORIZONTAL PLANE WITH AN ELEVATION OF 225.00 FEET AND THE LOWER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED IS A HORIZONTAL PLANE WITH AN ELEVATION OF 172.00 FEET, BASED ON THE NAVD-88 DATUM ELEVATION OF 285.39 FEET FOR CITY OF LOS ANGELES BENCHMARK NO. 13-13450. THE UPPER LIMIT OF THIS EASEMENT VARIES APPROXIMATELY 48 TO 52 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011), AND THE LOWER LIMIT OF THIS EASEMENT VARIES APPROXIMATELY 101 TO 105 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011). THESE ELEVATIONS WERE DETERMINED FROM THE LOS ANGELES METRO WESTSIDE SUBWAY EXTENSION PROJECT – SECTION 3 PROJECT DEFINITION DRAWINGS.

EXCEPT ALL MINERALS, OIL, GAS AND HYDROCARBONS, AND THE RIGHT TO EXPLORE FOR, DEVELOP, PRODUCE AND EXTRACT THE SAME, BUT WITHOUT RIGHT OF ENTRY UPON THE SURFACE OR UPPER 500 FEET (MEASURED FROM THE SURFACE) OF SAID LAND AS RESERVED BY FOX REALTY CORPORATION OF CALIFORNIA, A CORPORATION, IN DEED RECORDED APRIL 17, 1961, IN BOOK D1190, PAGE 104, OFFICIAL RECORDS.

NOTE:
THIS DESCRIPTION PREPARED BY ME OR UNDER MY DIRECTION:



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

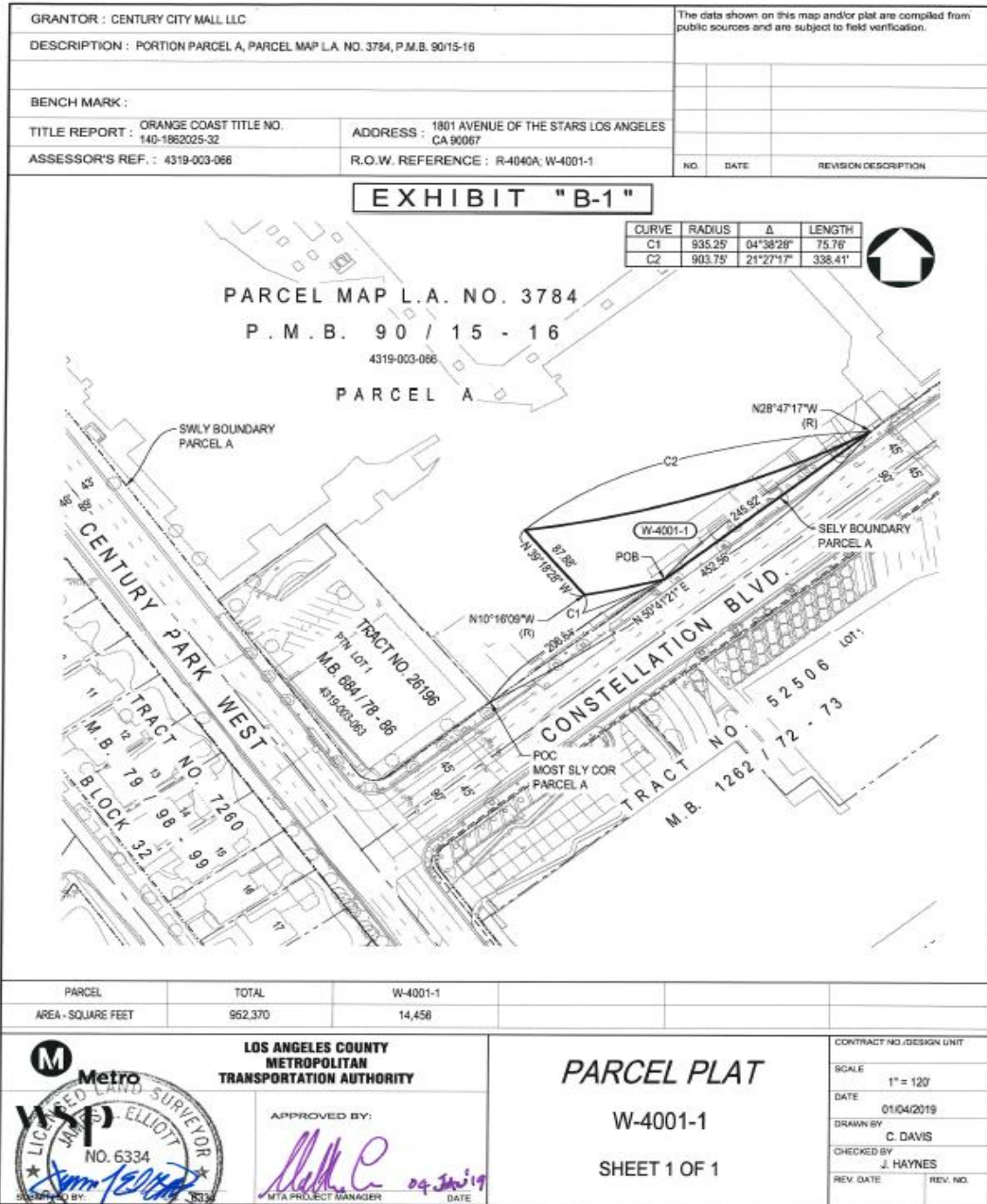


12-31-18
DATE

AFFECTS APN: 4319-003-066

W-4001-1

Parcel W-4001-1



Parcel W-4001-2 – Legal Description

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

THAT PORTION OF PARCEL "A" OF PARCEL MAP L.A. NO. 3784, AS PER MAP RECORDED IN BOOK 90, PAGES 15 AND 16 OF PARCEL MAPS AND OF LOT 1 OF TRACT NO. 26196, AS PER MAP RECORDED IN BOOK 684 OF MAPS, PAGES 78 TO 86 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL "A"; THENCE NORTH 50°41'21" EAST, 452.56 FEET ALONG THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 903.75 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 28°47'17" EAST; THENCE LEAVING SAID SOUTHEASTERLY BOUNDARY, WESTERLY ALONG SAID CURVE, 338.41 FEET THROUGH A CENTRAL ANGLE OF 21°27'17" TO THE **POINT OF BEGINNING**, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 07°20'00" EAST; THENCE CONTINUING WESTERLY ALONG SAID CURVE, 175.57 FEET THROUGH A CENTRAL ANGLE OF 11°07'52" TO A POINT IN THE SOUTHWESTERLY BOUNDARY OF SAID PARCEL "A"; THENCE ALONG SAID SOUTHWESTERLY BOUNDARY, SOUTH 39°18'39" EAST, 100.26 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 935.25 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 00°02'22" WEST; THENCE EASTERLY ALONG SAID CURVE, 168.27 FEET THROUGH A CENTRAL ANGLE OF 10°18'30"; THEN NON-TANGENT TO SAID CURVE, NORTH 39°18'28" WEST, 87.88 FEET TO THE **POINT OF BEGINNING**.

THE UPPER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED, IS A HORIZONTAL PLANE WITH AN ELEVATION OF 217.00 FEET AND THE LOWER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED IS A HORIZONTAL PLANE WITH AN ELEVATION OF 165.00 FEET, BASED ON THE NAVD-88 DATUM ELEVATION OF 285.39 FEET FOR CITY OF LOS ANGELES BENCHMARK NO. 13-13450. THE UPPER LIMIT OF THIS EASEMENT VARIES APPROXIMATELY 54 TO 60 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011), AND THE LOWER LIMIT OF THIS EASEMENT VARIES APPROXIMATELY 106 TO 112 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011). THESE ELEVATIONS WERE DETERMINED FROM THE LOS ANGELES METRO WESTSIDE SUBWAY EXTENSION PROJECT – SECTION 3 PROJECT DEFINITION DRAWINGS.

EXCEPT ALL MINERALS, OIL, GAS AND HYDROCARBONS, AND THE RIGHT TO EXPLORE FOR, DEVELOP, PRODUCE AND EXTRACT THE SAME, BUT WITHOUT RIGHT OF ENTRY UPON THE SURFACE OR UPPER 500 FEET (MEASURED FROM THE SURFACE) OF SAID LAND AS RESERVED BY FOX REALTY CORPORATION OF CALIFORNIA, A CORPORATION, IN DEED RECORDED APRIL 17, 1961, IN BOOK D1190, PAGE 104, OFFICIAL RECORDS.

NOTE:
THIS DESCRIPTION PREPARED BY ME OR UNDER MY DIRECTION:


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

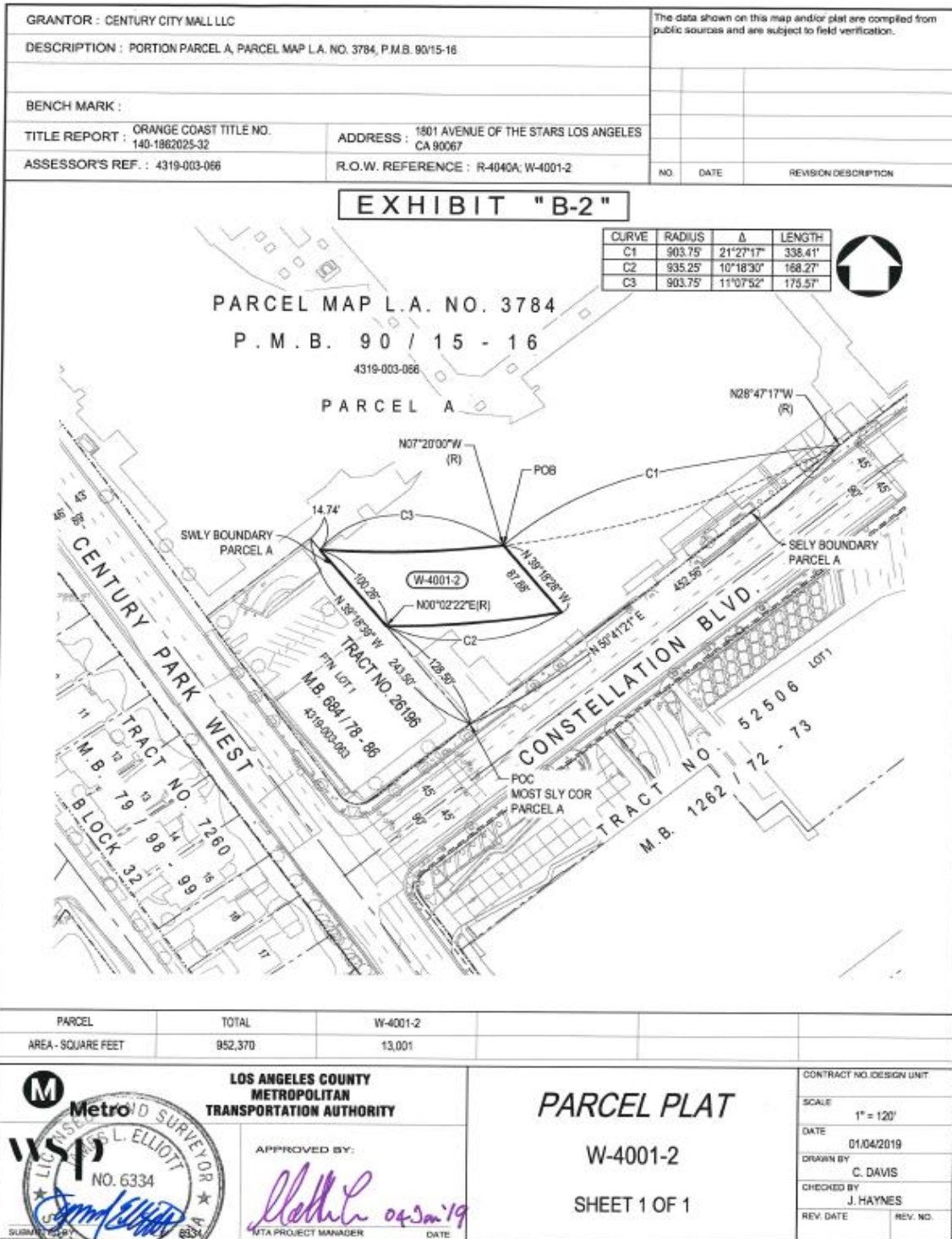


12-31-18
DATE

AFFECTS APN: 4319-003-066

W-4001-2

Parcel W-400-2 – Plat Map



Parcel W-4001-3 – Legal Description

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

THAT PORTION OF PARCEL "A" OF PARCEL MAP L.A. NO. 3784, AS PER MAP RECORDED IN BOOK 90, PAGES 15 AND 16 OF PARCEL MAPS AND OF LOT 1 OF TRACT NO. 26196, AS PER MAP RECORDED IN BOOK 684 OF MAPS, PAGES 78 TO 86 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL "A"; THENCE NORTH 39°18'39" WEST, 243.50 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID PARCEL TO AN ANGLE POINT THEREIN; THENCE SOUTH 50°41'21" WEST, 15.38 FEET ALONG THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL TO THE **POINT OF BEGINNING**, SAID POINT BEING A POINT ON A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 903.75 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 05°08'54" WEST; THENCE LEAVING SAID SOUTHEASTERLY BOUNDARY, WESTERLY ALONG SAID CURVE, 159.32 FEET THROUGH A CENTRAL ANGLE OF 10°06'02" TO A POINT IN THE SOUTHWESTERLY BOUNDARY OF SAID PARCEL; THENCE ALONG SAID SOUTHWESTERLY BOUNDARY, SOUTH 35°24'56" EAST, 110.88 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 935.25 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 10°57'21" WEST; THENCE LEAVING SAID SOUTHWESTERLY BOUNDARY, EASTERLY ALONG SAID CURVE, 13.59 FEET THROUGH A CENTRAL ANGLE OF 00°49'57" TO A POINT ON SAID SOUTHEASTERLY BOUNDARY; THENCE NORTH 50°41'21" EAST, 102.09 FEET ALONG SAID SOUTHEASTERLY BOUNDARY TO THE **POINT OF BEGINNING**.

THE UPPER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED, IS A HORIZONTAL PLANE WITH AN ELEVATION OF 207.00 FEET AND THE LOWER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED IS A HORIZONTAL PLANE WITH AN ELEVATION OF 159.00 FEET, BASED ON THE NAVD-88 DATUM ELEVATION OF 285.39 FEET FOR CITY OF LOS ANGELES BENCHMARK NO. 13-13450. THE UPPER LIMIT OF THIS EASEMENT VARIES APPROXIMATELY 64 TO 67 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011), AND THE LOWER LIMIT OF THIS EASEMENT VARIES APPROXIMATELY 112 TO 115 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011). THESE ELEVATIONS WERE DETERMINED FROM THE LOS ANGELES METRO WESTSIDE SUBWAY EXTENSION PROJECT – SECTION 3 PROJECT DEFINITION DRAWINGS.

EXCEPT ALL MINERALS, OIL, GAS AND HYDROCARBONS, AND THE RIGHT TO EXPLORE FOR, DEVELOP, PRODUCE AND EXTRACT THE SAME, BUT WITHOUT RIGHT OF ENTRY UPON THE SURFACE OR UPPER 500 FEET (MEASURED FROM THE SURFACE) OF SAID LAND AS RESERVED BY FOX REALTY CORPORATION OF CALIFORNIA, A CORPORATION, IN DEED RECORDED APRIL 17, 1961, IN BOOK D1190, PAGE 104, OFFICIAL RECORDS.

NOTE:
THIS DESCRIPTION PREPARED BY ME OR UNDER MY DIRECTION:


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

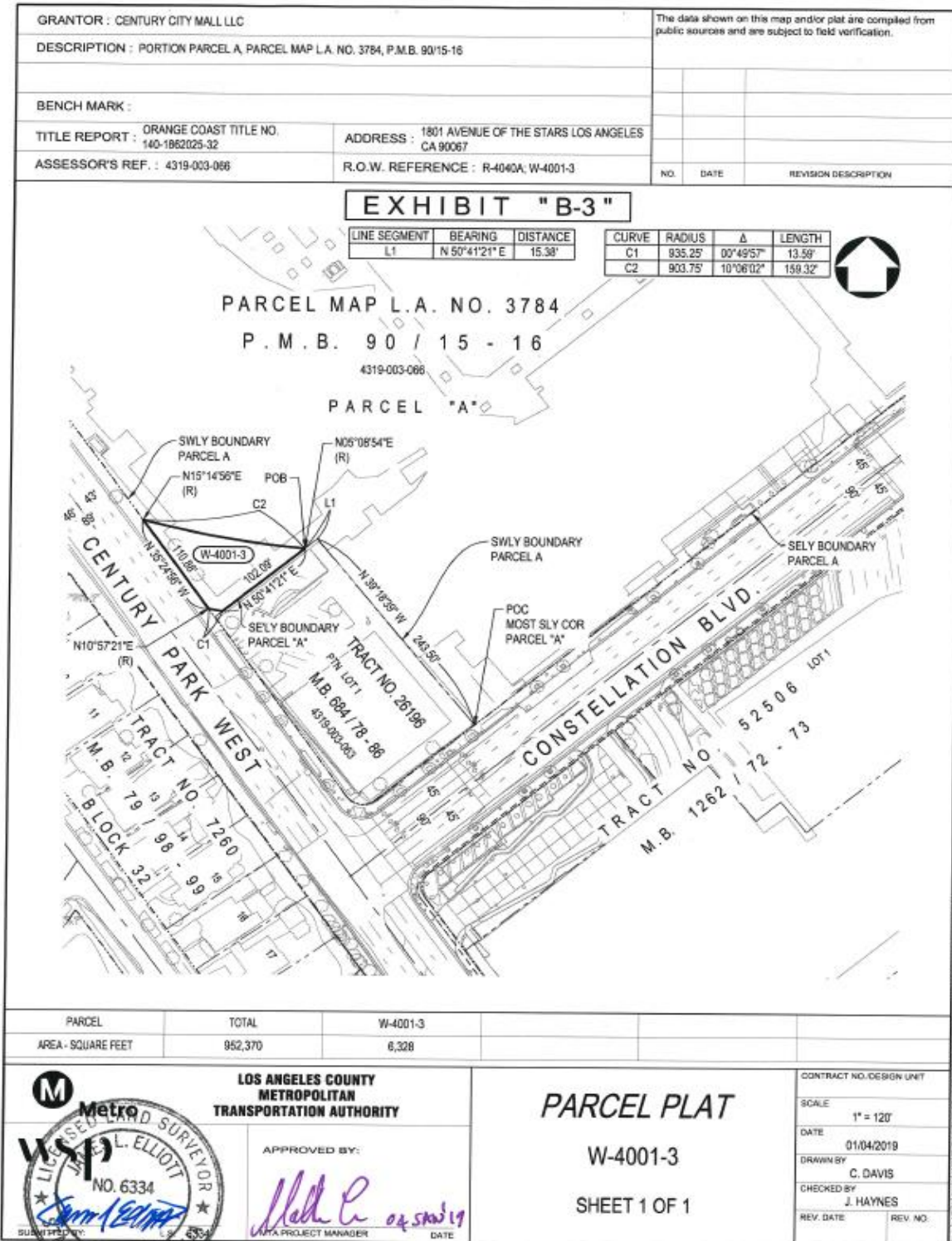
12-31-18
DATE



AFFECTS APN: 4319-003-066

W-4001-3

Parcel W-4001-3 – Plat Map



Parcel W-4002-1 – Legal Description

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

THAT PORTION OF LOT 1 OF TRACT MAP NO. 26196, AS PER MAP RECORDED IN BOOK 684 OF MAPS, PAGES 78 TO 86, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF PARCEL "A" OF PARCEL MAP L.A. NO. 3784, AS PER MAP RECORDED IN BOOK 90 OF PARCEL MAPS, PAGES 15 AND 16, RECORDS OF SAID COUNTY; THENCE ALONG THE SOUTHWESTERLY BOUNDARY OF SAID PARCEL, NORTH 39°18'39" WEST, 128.50 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID BOUNDARY, NORTH 39°18'39" WEST, 100.26 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 903.75 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 03°47'51" WEST; THENCE LEAVING SAID BOUNDARY, WESTERLY ALONG SAID CURVE, 21.31 FEET THROUGH A CENTRAL ANGLE OF 01°21'03" TO A POINT ON THE SOUTHWESTERLY BOUNDARY OF SAID PARCEL; THENCE ALONG SAID BOUNDARY, SOUTH 50°41'21" WEST, 102.09 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 935.25 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 10°07'24" WEST; THENCE LEAVING SAID BOUNDARY, EASTERLY ALONG SAID CURVE, 164.60 FEET THROUGH A CENTRAL ANGLE OF 10°05'02" TO THE **POINT OF BEGINNING**.

THE UPPER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED, IS A HORIZONTAL PLANE WITH AN ELEVATION OF 211.00 FEET AND THE LOWER ELEVATION LIMIT OF THE SUBSURFACE EASEMENT HEREIN DESCRIBED IS A HORIZONTAL PLANE WITH AN ELEVATION OF 163.00 FEET, BASED ON THE NAVD-88 DATUM ELEVATION OF 285.39 FEET FOR CITY OF LOS ANGELES BENCHMARK NO. 13-13450. THE UPPER LIMIT OF THIS EASEMENT VARIES APPROXIMATELY 60 TO 63 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011), AND THE LOWER LIMIT OF THIS EASEMENT VARIES APPROXIMATELY 108 TO 111 FEET BELOW FINISH GRADE (EXISTING SURFACE ELEVATION IN JANUARY OF 2011). THESE ELEVATIONS WERE DETERMINED FROM THE LOS ANGELES METRO WESTSIDE SUBWAY EXTENSION PROJECT – SECTION 3 PROJECT DEFINITION DRAWINGS.

EXCEPT ALL MINERALS, OIL, GAS AND HYDROCARBONS, AND THE RIGHT TO EXPLORE FOR, DEVELOP, PRODUCE AND EXTRACT THE SAME, BUT WITHOUT RIGHT OF ENTRY UPON THE SURFACE OR UPPER 500 FEET (MEASURED FROM THE SURFACE) OF SAID LAND AS RESERVED BY FOX REALTY CORPORATION OF CALIFORNIA, A CORPORATION, IN DEED RECORDED APRIL 17, 1961, IN BOOK D1190, PAGE 104, OFFICIAL RECORDS.

NOTE:
THIS DESCRIPTION PREPARED BY ME OR UNDER MY DIRECTION:



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

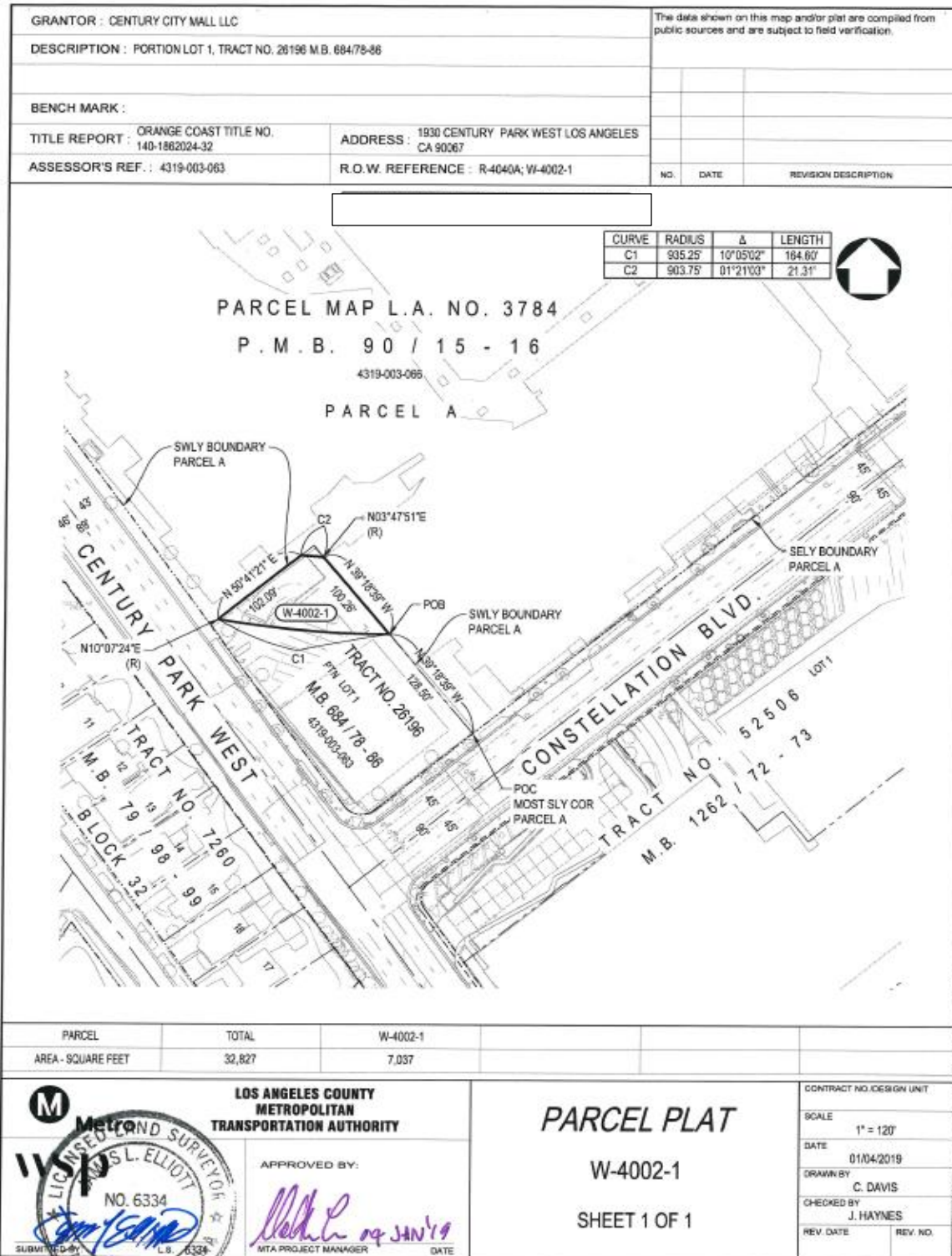


12-31-18
DATE

AFFECTS APN: 4319-003-063

W-4002-1

Parcel W-4002-1 – Plat Map



Parcel W-4001-7 – Legal Description

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

THAT PORTION OF PARCEL "A" OF PARCEL MAP L.A. NO. 3784, AS PER MAP RECORDED IN BOOK 90, PAGES 15 AND 16 OF PARCEL MAPS AND OF LOT 1 OF TRACT NO. 26196, AS PER MAP RECORDED IN BOOK 684 OF MAPS, PAGES 78 TO 86, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL "A"; THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL "A", NORTH 50°41'21" EAST, 94.43 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID SOUTHEASTERLY BOUNDARY, NORTH 50°41'21" EAST, 255.95 FEET; THENCE LEAVING SAID SOUTHEASTERLY BOUNDARY, NORTH 39°18'30" WEST, 99.85 FEET; THENCE SOUTH 50°41'21" WEST, 171.35 FEET; THENCE NORTH 39°18'30" WEST, 49.72 FEET; THENCE SOUTH 50°41'21" WEST, 84.60 FEET; THENCE SOUTH 39°18'30" EAST, 149.57 FEET TO THE **POINT OF BEGINNING**.

NOTE:
THIS DESCRIPTION PREPARED BY ME OR UNDER MY DIRECTION:



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

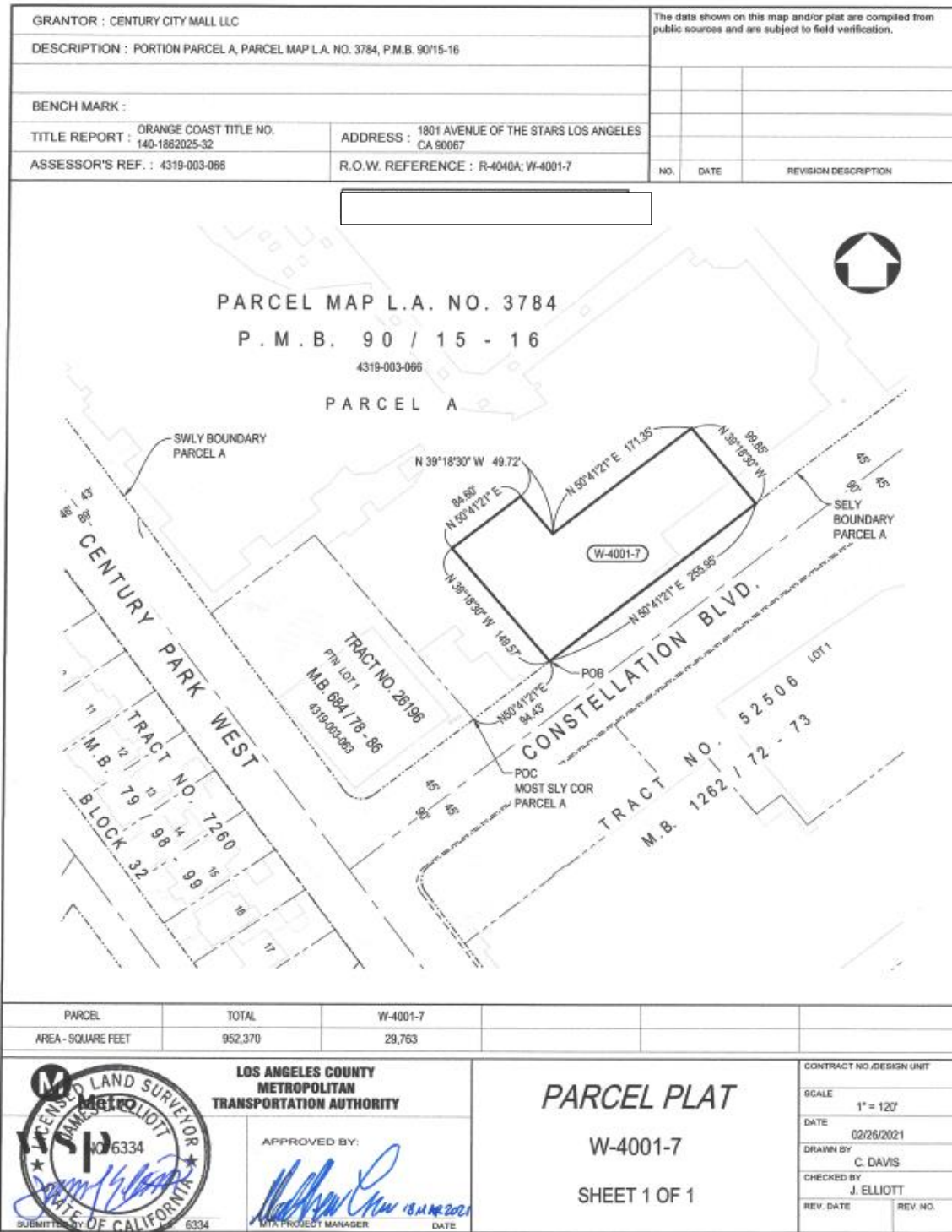


3-16-21
DATE

AFFECTS APN: 4319-003-066

W-4001-7

Parcel W-4001-7 – Plat Map



Geotechnical Instrumentation Plan Sheet

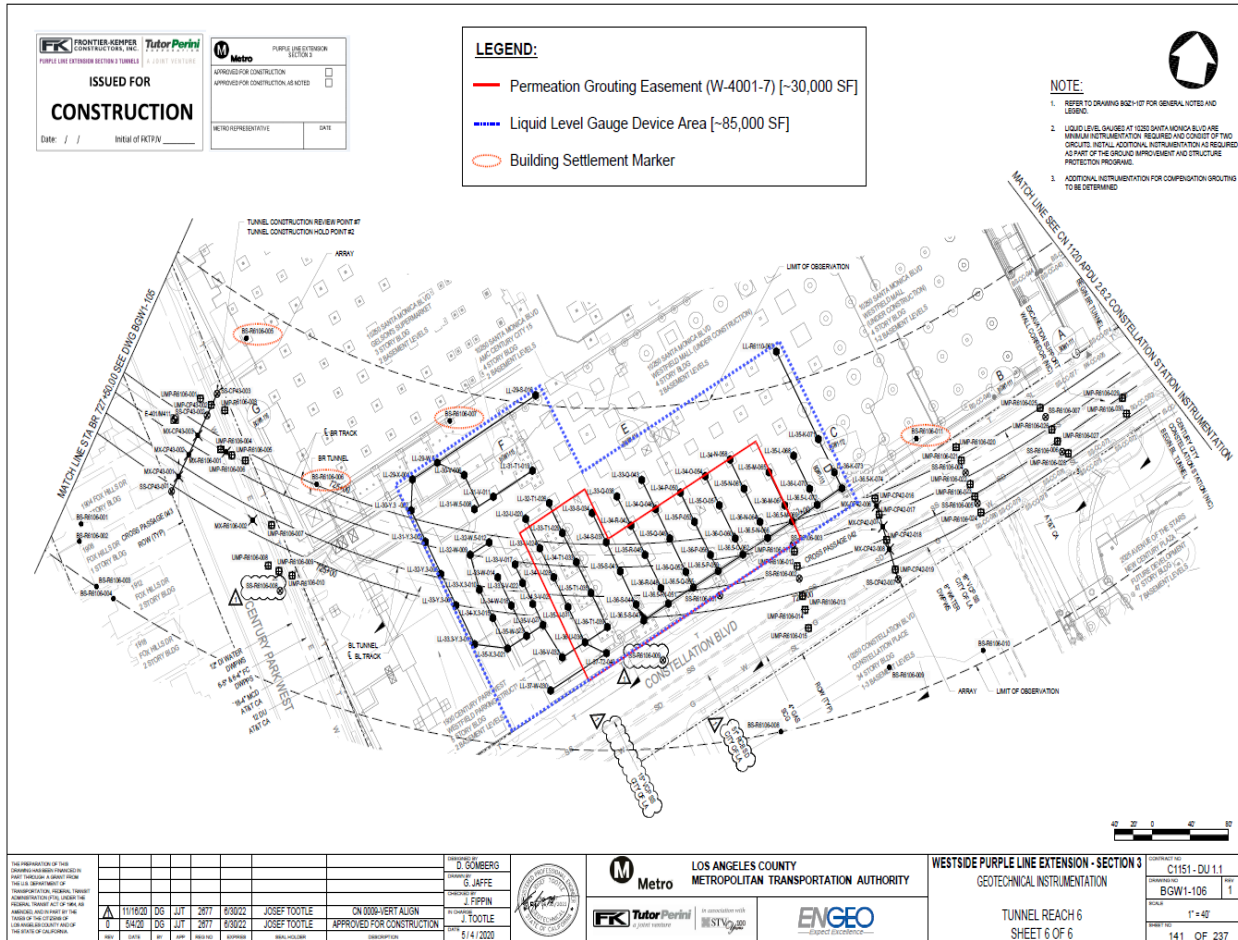


EXHIBIT C
SUBSURFACE EASEMENT

EXHIBIT C

SUBSURFACE EASEMENT

For valuable consideration, the receipt of which is hereby acknowledged, _____ (“**Grantor**”), hereby grants to the **LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY**, a public agency existing under the authority of the laws of the State of California (“**Grantee**”), its successors, and assigns, a perpetual, assignable and exclusive subsurface easement (“**Easement**”) in that certain real property in the City of Los Angeles, County of Los Angeles, State of California described in Exhibit “A” and easement area is depicted on Exhibit “B” attached hereto and incorporated herein by this reference (“**Easement Area**”). This Easement shall be for use by Grantee and its “Permitees” (which term refers to the officers, directors, employees, agents, contractors, licensees, customers, visitors, invitees, tenants and concessionaires of Grantee) to construct, maintain, repair, operate, replace, relocate, remove, use and occupy Grantee’s improvements for mass transit purposes, including, but not limited to, a portion of an underground rail tunnel, and all incidental uses related thereto (“**Grantee’s Facilities**”). Grantor understands Grantee intends to use the Easement Area to operate and provide rail train service as part of Grantee’s rail transit operations.

Grantor agrees that it will not build or use any property now owned or controlled by Grantor upon, above, or contiguous to the Easement Area that would interfere with, damage or endanger Grantee’s Facilities, or the excavation, construction, maintenance, replacement, enjoyment or use thereof. In order to ensure the structural integrity of Grantee’s Facilities, Grantor agrees it will not seek to excavate or construct above or adjacent to the Easement Area without Grantee’s express written consent, and after Grantee’s review of the plans and specifications for excavation or construction. Grantee’s right to consent to such excavation or construction is limited to this purpose, and Grantee may not unreasonably withhold its consent.

Grantor shall notify Grantee of Grantor Construction by providing Grantee the information requested on LACMTA’s Metro Adjacent Development Review In-take Form found at <https://www.metro.net/devreview>. Grantor shall also notify Grantee of Grantor Construction by email at: devreview@metro.net, or by any other notification method designated in writing by Grantee.

The Easement and all the provisions hereof shall inure to the benefit of, and be binding upon Grantor and Grantee and their respective successors and assigns.