



Board Report

File #: 2022-0298, File Type: Policy

Agenda Number:

REGULAR BOARD MEETING
AUGUST 25, 2022

**SUBJECT: WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE
IMPROVEMENT PROJECT RESOLUTION OF NECESSITY**

ACTION: APPROVE RECOMMENDATIONS

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 a partial fee interest (“Fee”) and a 48-month Temporary Construction Easement (“TCE”) from the property located at 12642 Palm Street, Cerritos, California 90703 with APN of 7016-020-026 (the “Property Interest”) as identified in Attachment A.

(REQUIRES 2/3 VOTE OF THE BOARD)

ISSUE

Acquisition of the Property Interest is required for the construction and operation of the Westbound State Route 91 (SR-91) Alondra Boulevard to Shoemaker Avenue Improvement Project (“Project”). After testimony and evidence has been received from all interested parties at the hearing, Los Angeles County Metropolitan Transportation Authority (“LACMTA”), by a vote of two-thirds of its Board of Directors (“Board”), must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment B) to acquire the Property Interest by eminent domain. Attached is evidence submitted by staff that supports adoption of the resolution and which sets forth the required findings (Attachment A).

BACKGROUND

The Project intends to widen and improve approximately four (4) miles of freeway along westbound SR-91 between Shoemaker Avenue and the Interstate 605 (I-605) interchange, and at the northbound I-605 exit to Alondra Boulevard, which will reduce congestion and improve freeway operations (both mainline and ramps), improve safety and reduce accidents, and improve local and system interchange operations on the westbound SR-91 to the northbound I-605. The project traverses the cities of Cerritos and Artesia and includes westbound SR-91 Post Miles R16.9- R19.8

and northbound 1-605 Post Miles R5.0-R5.8. Even though this project was scoped and initiated before the adoption of Metro's Objectives for Multimodal Highway Investment (June, 2022), it is consistent with those objectives given that: 1) implementation of the project will not require any displacements; 2) the project supports traffic mobility, enhanced safety, economic vitality and access to opportunity, and; 3) multi-modal features were incorporated in the scope of the project (on local arterials) through an integrated planning approach to address the needs of local communities, and create a safer transportation system.

A new retaining wall is required along Bloomfield Avenue to stabilize the slope of the road. A new sound wall will be constructed on the retaining wall. An existing private retaining wall at the subject property at the bottom of the Bloomfield Avenue embankment slope is cracked and distressed and needs to be reconstructed or replaced as part of the project. The new retaining wall will be approximately 150' long and will vary up to 10' in height. The proposed retaining wall conforms to Caltrans Standard Plans.

Acquisition of the Property Interest is required for the construction and operation of the Project. The Fee, consisting of the area along the western property line, is required for the reconstruction and maintenance of the new retaining wall. The Fee is almost entirely located within the existing Bloomfield Avenue right-of-way.

The 48-month TCE is located adjacent to the Fee and grants the contractor access to the sound wall/retaining wall work area. The TCE is required to allow the contractor access to construct the new retaining wall/sound wall adjacent to Bloomfield Avenue. Additionally, the TCE provides the contractor access to rebuild a section of the private retaining wall on the owner's property. The portion of the private retaining wall is failing and poses a safety risk. The failing portion of the wall will be taken down and reconstructed as part of the Project. The total term of the TCE will be up to 48 months, with its term currently scheduled to commence on September 30, 2022 and terminating no later than September 30, 2026.

DISCUSSION

A written offer of Just Compensation to purchase the Property Interest was presented to the Owner of Record ("Owner") of the Property on April 22, 2022, as required by California Government Code Section 7267.2. The Owner has not accepted the offer of Just Compensation made by LACMTA, and the parties have not at this time reached a negotiated settlement for the acquisition. Because the Property Interest is necessary for the construction and operation of the Project, staff recommends the acquisition of the Property Interest through eminent domain to obtain possession in order to maintain the Project's schedule.

In accordance with the provision of the California Eminent Domain law and Section 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorizes the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this hearing to the Owner informing them of the 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 Property is necessary for the Project; (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; (5) that any environmental review of the Project, as may be necessary, pursuant to the California Environmental Quality Act (CEQA) has occurred 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.

There are no displacements of residents or local businesses resulting from the acquisition of the Property Interest.

DETERMINATION OF SAFETY IMPACT

The Board action will not have an impact on Metro's safety standards.

FINANCIAL IMPACT

The funding for the acquisition of the Property Interest is included in the fiscal year 2023 budget under Project, Cost Center 4720, in Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project 462314, Task 5.3.100, Professional Services Account 50316.

Impact to Budget

The source of funds will be Measure R Highway Capital (20%) and SB1 Trade Corridor Enhancement. These program funds are not eligible for bus and rail operations and/or capital expenditures.

EQUITY PLATFORM

No other alternative locations for the Project provide greater operational safety, decrease travel time, improve air quality, and e access to the corridor. This public good will also support the fulfillment of Metro's LA County traffic Improvement Plan under measure R. There are no displacements of residents or local businesses resulting from the acquisition of this Property Interest. An offer for the Property Interest was made in April 2022, based on an appraisal of fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." Metro staff has been negotiating with the Owner since April 2022, but agreement has not yet been reached. Approving this action will allow staff to continue negotiations while maintaining the project schedule.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

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 the Property Interest for the Project which will improve freeway operations (both

mainline and ramps) and improve local and system interchange operations on westbound SR-91 to northbound I-605.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendations. This is not recommended as it will result in significant delays and cost increases for the Project.

NEXT STEPS

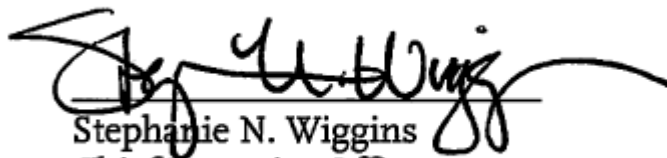
If this action is approved by the Board, Metro's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property Interest by eminent domain and to conclude those proceedings either by settlement or jury trial. 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-Real Estate, (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



Stephanie N. Wiggins
Chief Executive Officer

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF THE PROPERTY REQUIRED FOR THE WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE IMPROVEMENT PROJECT (“PROJECT”)

BACKGROUND

The Property Interests are required by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) for the construction and operation of the Project. The parcel address, record property owner, purpose of the acquisition, and nature of the property interests sought to be acquired for the Project are summarized as follows:

Assessor's Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought
7016-020-026	12642 Palm Street, Cerritos, California 90703	Kalpesh Patel and Gayatri K. Patel, husband and wife, as joint tenants	Construction and operation of the Westbound SR-91 Alondra Blvd to Shoemaker Ave Improvements Project	Partial fee interest (“Fee”) and a 48-Month Temporary Construction Easement (“TCE”)

Property Requirements:

Purpose of Acquisition: Construction and operation of the Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project.

Property Interests Sought: The Fee, consisting of the area along the western property line located primarily within Bloomfield Avenue right of way, is required for reconstruction of a retaining wall and sound wall. After acquiring the Fee area, the new retaining wall and sound wall will be moved less than two feet to the east from where it is in the before condition. Construction will begin at the top of the slope with the wall on Bloomfield Avenue being taken down from the street side. The slope will then be regraded. The regraded slope will be less steep in the after condition. It will be lowered by approximately two feet. The wall at the top of the slope is 10 feet high in the before condition. It will be roughly the same height in the after condition.

The TCE is located adjacent to the Fee and grants access necessary for the reconstruction of the retaining wall and the sound wall. The TCE is also required to allow the contractor access to rebuild a section of a failing retaining wall located on the owner’s property. The TCE will remain in place during the Project construction period and shall have a duration of forty-eight (48) months. The TCE is scheduled to begin on or about September 30, 2022 and terminate September 30, 2026. During the term of the TCE, the

exclusive use of the TCE area is estimated at 6 months. The Fee and 48-month TCE are collectively referred to as the Property Interests.

A written offer was delivered to the Property Owners by letter dated April 12, 2022, for acquisition of the Property Interests. The Property Owners have not accepted the offer of just compensation.

A. The public interest and necessity require the Project.

The need for the Project is generated by the findings and recommendations resulting from the Technical Study and a concept for improving the Hot Spot at westbound SR-91 between Alondra Boulevard and Shoemaker Avenue in accordance with Measure R.

The public interest and necessity require the Project because the Project will:

1. Improve operational safety;
2. Benefit the surrounding community by decreasing travel time, improving air quality, and enhancing access to the corridor;
3. Support value for money throughout design and construction and cost certainty throughout construction;
4. Support fulfillment of LACMTA's L.A. County Traffic Improvement Plan, as authorized under Measure R.

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.

At its September 23, 2010 meeting, the Board authorized the CEO to prepare a Feasibility Study and up to three optional Project Study Reports (PSRs). The Feasibility Study's recommendations for improving Hot Spots included: improvements to freeway-to-freeway interchanges, adding general purpose lanes (on the freeway), and implementing arterial improvements. Upon completion of the Feasibility Study (2013), Metro exercised the option for preparing a PSR-PDS for the I-605/SR-91 Interchange, and it was approved by Caltrans in July 2014.

On April 13, 2016 the Board authorized Preparation of the Project Approval and Environmental Document (PAED) (File #2016-0123, Agenda No. 12). The core goals of the project are to improve operating speeds and weaving distance between the closely spaced Norwalk Boulevard and Pioneer Boulevard as well as Pioneer Boulevard and SR-91/1-605 connector interchanges, to allow a more efficient and safer movement through the corridor. The Project is consistent with LACMTA's mission and the goals of Measure R.

WB SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project (“Project”) is included in the Board approved Measure R Gateway City Subregional Program (“Program”). The Project was environmentally cleared by Caltrans in January 2019. The Property Interests are required for construction and operation of the Project.

The Project will cause private injury, 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.

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 Interests are required for construction and operation of the Project. Acquisition of the Property Interests is required for the construction and operation of the Project. The Fee, consisting of the area along the western property line located primarily within Bloomfield Avenue right of way, is required for reconstruction of a retaining wall and sound wall. The impacted area is located in the backyard of a residential property. The TCE is located adjacent to the Fee and provides critical access to the sound wall/retaining wall work area. The TCE is required to allow contractor the access to the retaining wall and the necessary room to rebuild the section of the retaining wall on owner’s property which needs to be taken down and reconstructed as part of the Project. There are no alternatives to this design. The TCE will remain in place during the Project construction period and shall have a duration of forty-eight (48) months. During the term of the TCE, the exclusive use of the TCE area is estimated at 6 months. Therefore, the Property Interests are necessary for the construction and operation of the project.

Staff recommends that the Board find that the acquisition of the Property Interests 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 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 an independent appraisal to determine the fair market value of the Property Interests, which included consideration existing use of the Property, highest and best use of the Property, and impact to the remainder;
2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;
3. Determined the Owner(s) of the Property by examining the county assessor's record and a preliminary title report;
4. Made a written offer to the Owner(s) for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner(s) 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 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. LACMTA has fulfilled the necessary statutory prerequisites.

LACMTA 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. LACMTA has complied with the California Environmental Quality Act.

The Project Approval and Environmental Document (PAED) Phase of the project was approved by Caltrans in January 2019. A Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) was prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), respectively.

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

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE
IMPROVEMENT PROJECT, (“PROJECT”)**

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

Section 1.

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

Section 2.

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

Section 3.

The property interests consist of the acquisition of a partial fee interest (“Fee”) and a 48-month Temporary Construction Easement (“TCE”), as described more specifically in the legal descriptions Exhibits “A-1” and “A-2”, respectively, and depicted in the plat maps Exhibit “B-1” and “B-2”, respectively, (hereinafter, the “Property Interests”). The Fee, consisting of the area along the western property line located primarily within Bloomfield Avenue right of way, is required for reconstruction of a retaining wall and sound wall. The 48-month TCE is located adjacent to the Fee and grants access to the sound wall/retaining wall work area. The TCE is also required to allow access to rebuild a section of a failing retaining wall located on the owner’s property.. The TCE term shall have a duration up to forty-eight (48) months. The TCE is scheduled to begin on or about September 30, 2022 or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, and will terminate no later than September 30, 2026. The TCE term shall include exclusive use by

the easement holder of the TCE area for an estimated six (6) concurrent months, with the remainder of the 48-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

Section 4.

(a.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project ("Project");

(b.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by Caltrans in January 2019. A Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) was prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), respectively.

(c.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain

Section 5.

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

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

(b.) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;

(d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6.

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

Section 7.

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

Section 8.

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

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

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 25th day of August 2022.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit A-1 and A-2 – Legal Description

Exhibit B-1 and B-2 – Plat Map

LEGAL DESCRIPTION

LEGAL DESCRIPTION

WESTBOUND - STATE ROUTE 91 PARCEL 81507-1 (FEE PARCEL)

That portion of Parcel 1 of Parcel Map No. 10063, in the City of Cerritos, County of Los Angeles, State of California, as per map recorded in Book 97, Page 32, of Maps, in the Office of the County Recorder of said Los Angeles County, described as follows:

BEGINNING at the Northwest Corner of said Parcel 1; thence along the Westerly line of said Parcel 1, the following courses: South 00°42'46" East, 159.18 feet; thence South 33°56'33" East, 16.58 feet to a line parallel with and distant 9.08 feet Easterly, measured at right angles, from the Westerly line of said Parcel 1; thence leaving said Westerly line, along said parallel line, North 00°42'46" West, 76.09 feet; thence leaving said parallel line, North 01°26'28" East, 96.97 feet to the Northerly line of said Parcel 1; thence along said Northerly line, South 89°30'44" West, 12.73 feet to the **POINT OF BEGINNING**.

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

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

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

Westbound
State Route 91
Parcel 81507

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

 1/6/2022

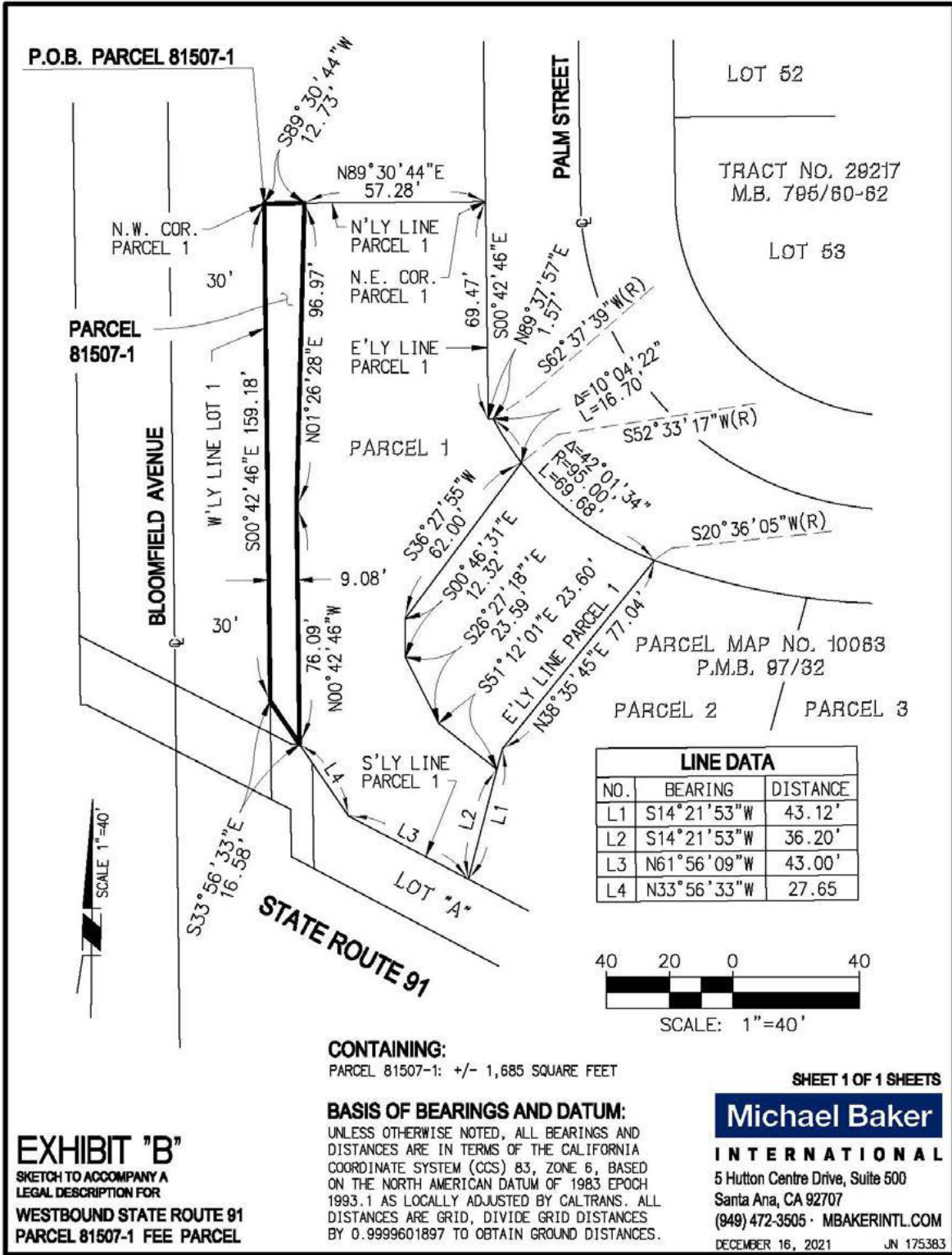
JOHN R DUQUETTE, P.L.S. 7566 Date



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

H:\pdata\175383\CADD\Mapping\Legal Descriptions and Exhibits\81507\Legal Descriptions\Parcel 81507 Legal.docx

PLAT MAP



LEGAL DESCRIPTION

**WESTBOUND - STATE ROUTE 91
PARCEL 81507-2 (TEMPORARY CONSTRUCTION EASEMENT)**

That portion of Parcel 1 of Parcel Map No. 10063, in the City of Cerritos, County of Los Angeles, State of California, as per map recorded in Book 97, Page 32, of Maps, in the Office of the County Recorder of said Los Angeles County, described as follows:

COMMENCING at the Northwest Corner of said Parcel 1; thence along the Northerly line of said Parcel 1, North 89°30'44" East, 12.73 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said Northerly line, North 89°30'44" East, 57.28 feet to the Northeast corner of said Parcel 1; thence along the Easterly line of said Parcel 1, South 00°42'46" East, 69.47 feet; thence North 89°37'57" East, 1.57 feet to the beginning of a non-tangent concave Northeasterly having a radius of 95.00 feet, a radial line of said curve to said point bears South 62°37'39" West; thence along said curve Southeasterly, a distance of 16.70 feet, through a central angle of 10°04'22"; thence leaving said Easterly line, South 36°27'55" West, 62.00 feet; thence South 00°46'31" East, 12.32 feet; thence South 26°27'18" East, 23.59 feet; thence South 51°12'01" East, 23.60 feet to said Easterly line of Parcel 1; thence South 14°21'53" West, 36.20 feet to the Southerly line of said Parcel 1; thence along said Southerly line, North 61°56'09" West, 43.00 feet; thence North 33°56'33" West, 27.65 feet to a point lying distant 9.08 feet measured at right angles, Easterly, from the Westerly line of said Parcel 1; thence leaving said Southerly line, parallel with said Westerly line, North 00°42'46" West, 76.09 feet; thence North 01°26'28" East, 96.97 feet to the **TRUE POINT OF BEGINNING**.

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

Westbound
State Route 91
Parcel 81507

CONTAINING: 10,777 Square Feet more or less

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

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

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



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

H:\pdata\175383\CADD\Mapping\Legal Descriptions and Exhibits\81507\Legal Descriptions\Parcel 81507 Legal.docx

PLAT MAP

