



Board Report

File #: 2022-0759, File Type: Project

Agenda Number:

REGULAR BOARD MEETING JANUARY 26, 2023

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

ACTION: APPROVE RECOMMENDATION

RECOMMENDATIONS

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolutions of Necessity; and
- B. ADOPTING the Resolutions 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 12611 Artesia Boulevard, Cerritos, CA, APN: 7030-001-048, CPN: 81510-1, -2, -3, -4 and a 48-month TCE from the property located at 12651 Artesia Boulevard, Cerritos, CA, APN: 7030-001-049, CPN: 81511-1. The above listed requirements are collectively identified as the "Property Interests" as identified in (Attachment A).

(REQUIRES 2/3 VOTE OF THE BOARD)

ISSUE

Acquisition of the Property Interests 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 hearings, 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 Resolutions of Necessity (Attachments B-1 and B-2) to acquire the Property Interests by eminent domain. Attached is evidence submitted by staff that supports the adoption of the resolutions 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 I-605 Post Miles R5.0-R5.8.

Acquisition of the Property Interests is required for the construction and operation of the Project. The Fee, consisting of two adjacent and contiguous parcels, CPN 81510-1 and CPN 81510-2, 167 Square Feet and 44 Square Feet in size, is located at the top of the slope along Bloomfield Avenue and is required for the bridge removal and reconstruction.

The 48-month TCE identified as CPN 81510-3 is an irregular-shaped area with a total area of $\pm 1,937$ square feet, with an estimated 6-to-12-month exclusive use Construction Period. The TCE is required for the reconstruction of the sidewalk due to the bridge widening and reconstruction. This TCE is in a slope area adjacent to the fee acquisition areas. This area is improved with landscaping and a staircase. The staircase will not be available for use during the 6-to-12-month exclusive use Construction Period that falls within the 48-month TCE duration.

The 48-month TCE identified as CPN 81510-4 has a total area of ± 338 square feet and has an estimated 6-to-12-month exclusive use Construction Period. The TCE is needed to construct a soundwall. This area in between the metal fence and the soundwall area will be slurried as a part of the project.

The 48-month TCE identified as CPN 81511-1 has a total area of ± 474 square feet and has an estimated 6-to-12-month exclusive use Construction Period. It is located along the SR-91 freeway. The TCE is needed to construct a soundwall. This area in between the metal fence and soundwall will be slurried as a part of the project. The improvements within the TCE areas will either be protected in place or replaced in kind by the contractor.

The TCE's are scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than September 30, 2026.

DISCUSSION

A written offer of Just Compensation to purchase the Property Interests was presented to the Owner of Record (collectively, "Owners") of each Property on June 28, 2022 for CPN: 81510-1,2,3,4 and July 1, 2022 for CPN: 81511-1 as required by California Government Code Section 7267.2. The Owners have not accepted the offers 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 for the acquisition. Because the Property Interests are necessary for the construction and operation of the Project, staff recommends the acquisition of the Property Interests 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 Owners 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 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.

After all of the testimony and evidence has been received from all interested parties at the hearing, LACMTA must make a determination as to whether to adopt the proposed Resolutions 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 a vote of two-thirds of its Board, find and determine that the conditions stated in items 1 - 6 above exist.

Attached is the Staff Report prepared by staff and legal counsel setting forth the required findings for acquiring the Property Interests through the use of eminent domain (Attachment A).

There are no displacements of residents or local businesses as a result of the acquisition of the Property Interests.

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.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

The funding for the acquisition of the Property Interests 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 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 Interests. Offers for the Property Interests were made in June and July 2022, based on appraisals 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 Owners since June 2022, but agreements have 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 LACMTA Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Adoption of the Resolutions of Necessity is a required step to acquire these Property Interests for the Project which will reduce congestion and improve freeway operations (both mainline and ramps), improve safety, and improve local and system interchange operations on westbound State Route 91 (SR-91) to northbound Interstate 605 (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, 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 Interests by eminent domain and to conclude those proceedings either by settlement or jury trial. Counsel will also be directed to seek and obtain Orders of Prejudgment Possession in accordance with the provisions of the eminent domain law.

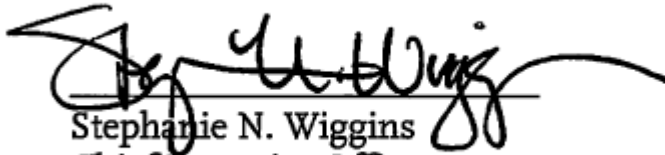
ATTACHMENTS

Attachment A - Staff Report
Attachments B-1 and B-2 - Resolutions of Necessity

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Chief Executive Officer

ATTACHMENT A

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 addresses, record property owners, purpose of the acquisitions, and nature of the property interests sought to be acquired for the Project are summarized as follows:

Summary Table 1

Assessor's Parcel Number	Project Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought
7030-001-048	81510-1 81510-2 81510-3 81510-4	12611 Artesia Blvd., Cerritos, California	TPG (Cerritos) Acquisition, LLC, a Delaware limited liability company	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”)
7030-001-049	81511-1	12651 Artesia Blvd., Cerritos, California	Avalon Cerritos, L.P., a Delaware limited partnership	Construction and operation of the Westbound SR-91 Alondra Blvd to Shoemaker Ave Improvements Project	48-Month Temporary Construction Easement (“TCE”)

Summary Table 2

Project Parcel	Acquisition Type	Area Size (Sq. Feet)	Duration	Purpose
81510-1	Fee	167	Permanent	Bridge Construction
81510-2	Fee	44	Permanent	Bridge Construction
81510-3	TCE	1,937	48 months	Reconstruction of the sidewalk due to the bridge widening.
81510-4	TCE	338	48 months	Construction of a soundwall; slurry.
81511-1	TCE	474	48 months	Construction of a soundwall; slurry.

Property Requirements:

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

Property Interests Sought: Fee acquisitions, consisting of 167 square feet for CPN: 81510-1, and 44 square feet for CPN: 81510-2. The Fee interest is located at the top of slope along Bloomfield Avenue and is improved with metal fencing and landscaping, that are required for the bridge reconstruction.

The TCE known as CPN **81510-3** is an irregular-shaped area with a total area of $\pm 1,937$ square feet. This easement is required for the reconstruction of the sidewalk due to the bridge widening and reconstruction. This TCE is in the slope area adjacent to the fee acquisition areas. This area is improved with landscaping and a staircase. The staircase will not be available for use during an approximate 6- to-12-month exclusive use Construction Period.

The TCE known as CPN **81510-4** has a total area of ± 338 square feet and has an approximate 6- to-12-month exclusive use Construction Period. The TCE lies north of a metal fence. The property line is ± 2 feet north of the metal fence. The TCE is needed to construct a soundwall. There will be a 2-foot gap between the metal fence at the rear of the property and the new soundwall. This area will be slurried as a part of the Project.

The TCE known as CPN **81511-1** has a total area of ± 474 square feet, and has an approximate 6- to-12-month exclusive use Construction Period. It is ± 2 feet wide by ± 237 feet long, located along the SR-91 freeway. The property line is ± 2 feet north of a metal fence. The TCE lies north of the metal fence. The TCE is needed to construct a soundwall. There will be a 2-foot gap between the metal fence at the rear of the property and the new soundwall. This area will be slurried as a part of the project.

The improvements within the TCE areas will either be protected in place or replaced in kind by the contractor.

The TCE's will remain in place during the Project construction period and shall have a duration of forty-eight (48) months. The TCE's are scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than September 30, 2026. The Fee and 48-month TCE's are collectively referred to as the Property Interests.

A written offer was delivered to the Property Owners by letter dated June 28, 2022, for acquisition of the Property Interests for CPN: 81510-1,-2,-3,-4 and a written offer was delivered to the Property Owners by letter dated July 1, 2022 for acquisition of the Property Interests for CPN: 81511-1. 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. The Fee, consisting of the area along the western property line located primarily within Bloomfield Avenue right of way, is required for bridge removal and reconstruction. The impacted area is located at the top of the slope along Bloomfield Avenue and improved with metal fencing and landscaping. The TCE's are located in the slope area adjacent to the Fee and are required to construct a soundwall and reconstruct a sidewalk due to the bridge widening and reconstruction. These property interests are further detailed in the Summary Table 2, above. There are no alternatives to this design.

The term for each TCE shall have a duration up to forty-eight (48) months. The TCE's are scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than September 30, 2026. The TCE term shall include exclusive use by the easement holder of the TCE area for the duration of the construction period ("Construction Period"), which is estimated to run approximately six (6) to twelve (12) concurrent months at parcels 81510-3, 81510-4, 81511-1, 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.

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 Resolutions of Necessity.

ATTACHMENTS

- 1 - Legal Description (Exhibits A-1, A-2, A-3, A-4, and A-5)
- 2 - Plat Map (Exhibits B-1, B-2, B-3, B-4 and B-5)

**LEGAL DESCRIPTION
EXHIBITS A-1, A-2, A-3, A-4, AND A-5**

LEGAL DESCRIPTION
Parcel 81510-1 Partial Fee

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, also shown on that certain Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

BEGINNING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet; thence leaving said line, South 00°42'46" East, 28.49 feet; thence South 89°17'14" West, 4.37 feet; thence North 62°39'32" West, 0.78 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 02°23'59" West, 31.91 feet to the **POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

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.

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

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.

LEGAL DESCRIPTION
Parcel 81510-2 Partial Fee

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, also shown on that certain Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

COMMENCING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet; thence South 00°42'46" East, 28.49 feet to the **TRUE POINT OF BEGINNING**; thence South 89°17'14" West, 4.37 feet; thence North 62°39'32" West, 0.78 feet to the Westerly line of said Lot 1; thence along said line, South 02°23'59" East, 9.32 feet; thence leaving said Westerly line, North 89°17'14" East, 4.79 feet; thence North 00°42'46" West, 8.95 feet to the **TRUE POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

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.

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

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.

LEGAL DESCRIPTION
Parcel 81510-3 Temporary Construction Easement

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

COMMENCING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said line, South 58°30'33" East, 55.84 feet; thence South 00°20'33" East, 19.67 feet; thence South 88°09'44" West, 45.10 feet; thence South 03°45'45"W, 26.98 feet; thence South 01°33'57"E, 27.19 feet; thence South 87°36'01"W, 3.14 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 02°23'59"W, 67.08 feet; thence leaving said Westerly line, North 89°17'14" East, 4.79 feet; thence North 00°42'46" West, 37.44 feet to the **TRUE POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

CONTAINING: 1,937 Square Feet more or less.

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.

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

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**.

LEGAL DESCRIPTION
Parcel 81510-4 Temporary Construction Easement

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

BEGINNING at the Northeast Corner of said Lot 1; thence along the Easterly line of said Lot 1, South 00°42'11" East, 2.36 feet; thence leaving said Easterly line, North 58°30'33" West, 169.83 feet; thence North 31°29'27" East, 2.00 feet to the Northerly line of said Lot 1; thence along said Northerly line, South 58°30'33" East, 168.57 feet to the **POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

CONTAINING: 338 Square Feet more or less.

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.

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

Rights to the above described temporary easement shall cease and terminate on January 31, 2025. Said rights may also be terminated prior to the above date by **STATE** upon notice to **GRANTOR**.

LEGAL DESCRIPTION**TEMPORARY CONSTRUCTION EASEMENT - PARCEL 81511-1**

That portion of Lot 1 of Tract No. 73036, in the City of Cerritos, County of Los Angeles, State of California, as per Map filed in Book 1388, Pages 79 to 81, Inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, described as follows:

BEGINNING at the Northwest corner of said Lot 1; thence along the Northeasterly line of said Lot 1, South 58°30'33" East, 1.97 feet; thence South 53°10'24" East, 232.42 feet; thence leaving said Northeasterly line, South 36°49'36" West, 2.00 feet; thence North 53°11'15" West, 232.94 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 00°42'11" West, 2.36 feet to the **POINT OF BEGINNING**.

EXCEPTING therefrom all minerals, oil, gases and other hydrocarbon substances in or under the land above described without, however, the right to Drill, Dig or Mine through the surface thereof, as reserved by the City of Cerritos, a Municipal Corporation, in Deed recorded December 16, 1969 as Instrument No. 600 Official Records.

TOGETHER WITH an Easement for Drainage purposes In, On, Across and Through the Southerly 20 feet, measured at right angles to the Southerly line of that portion of the Southwest Quarter of Section 29, Township 3 South, Range 11 West, in the Rancho Los Coyotes, in the City of Cerritos, County of Los Angeles, State of California, as shown on Map recorded in Book 41819, Page 141, et seq., of Official Records, in the Office of the County Recorder of said Los Angeles County, described as follows:

BEGINNING at a point in the Southerly line of that certain real property conveyed to the State of California by Deed recorded in Book D-277, Page 215, of Official Records, distant along said Westerly line, North 0° 53' 40" West, 84.07 feet from the Southwesterly corner of said certain property; thence North 86° 12' 29" East 136.00 feet; thence North 51° 14' 38" West, 176.40 feet to said Westerly line; thence along said Westerly line, South 0° 53' 40" East, 119.45 feet to the **POINT OF BEGINNING**.

CONTAINING: 474 Square Feet more or less.

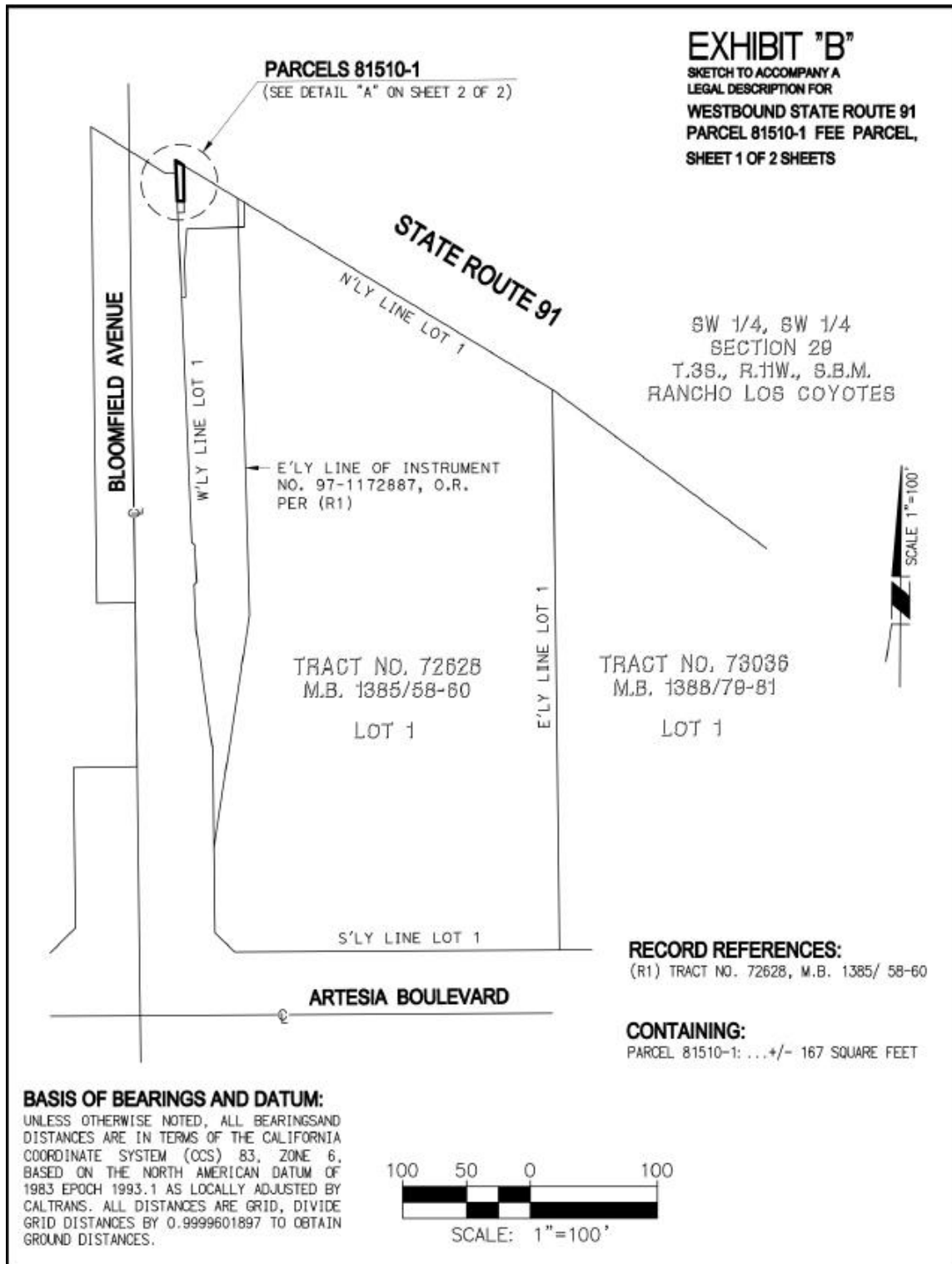
Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record. Rights to the above described temporary easement shall cease and terminate on January 31, 2025. Said rights may also be terminated prior to the above date by **STATE** upon notice to **GRANTOR**.

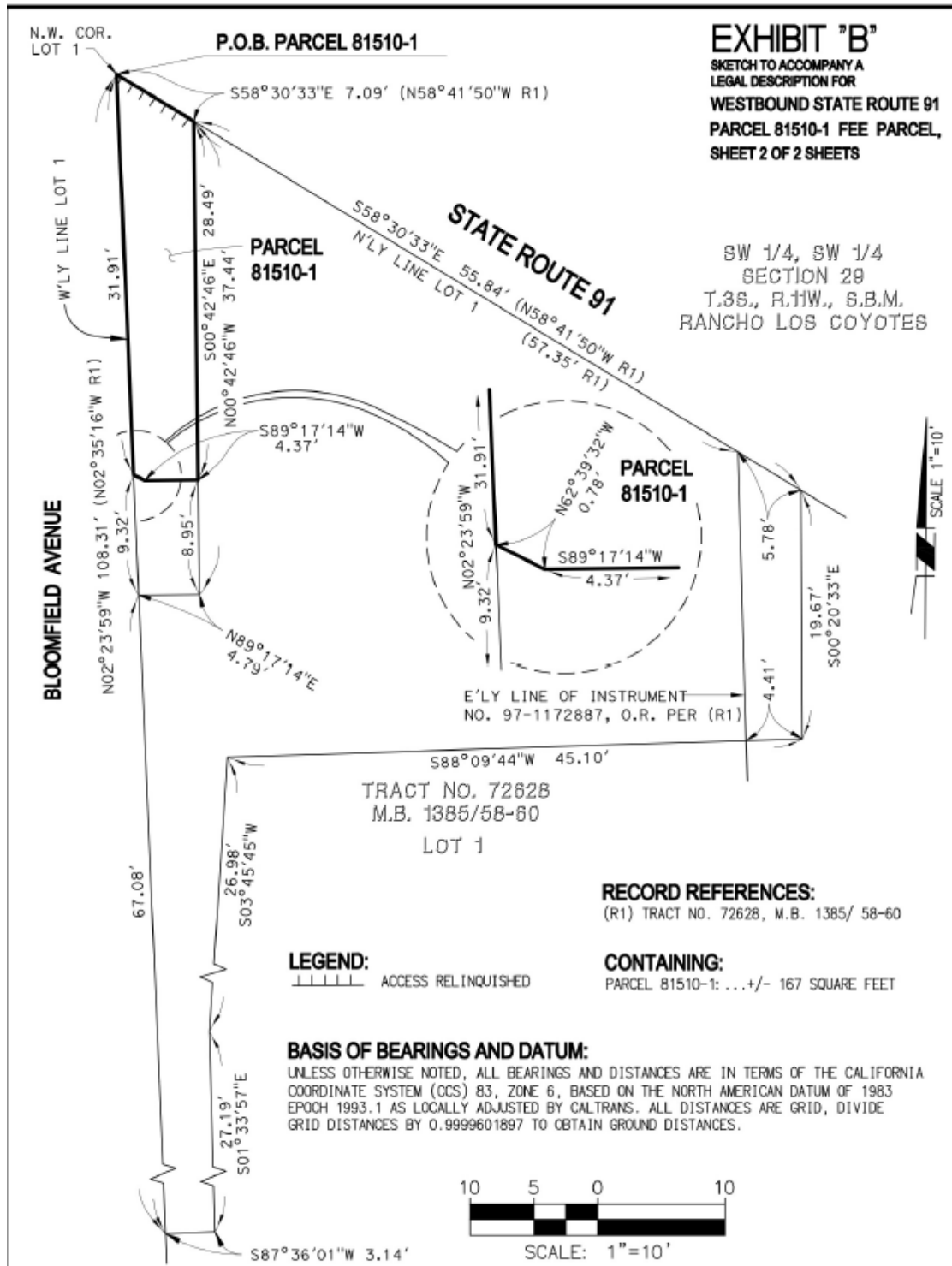
PLAT MAPS
EXHIBITS B-1, B-2, B-3, B-4, AND B-5

EXHIBIT B-1
Sheet 1 of 2

PLAT MAP
Parcel 81510-1 Partial Fee



PLAT MAP
Parcel 81510-1 Partial Fee



PLAT MAP
Parcel 81510-2 Fee Interest

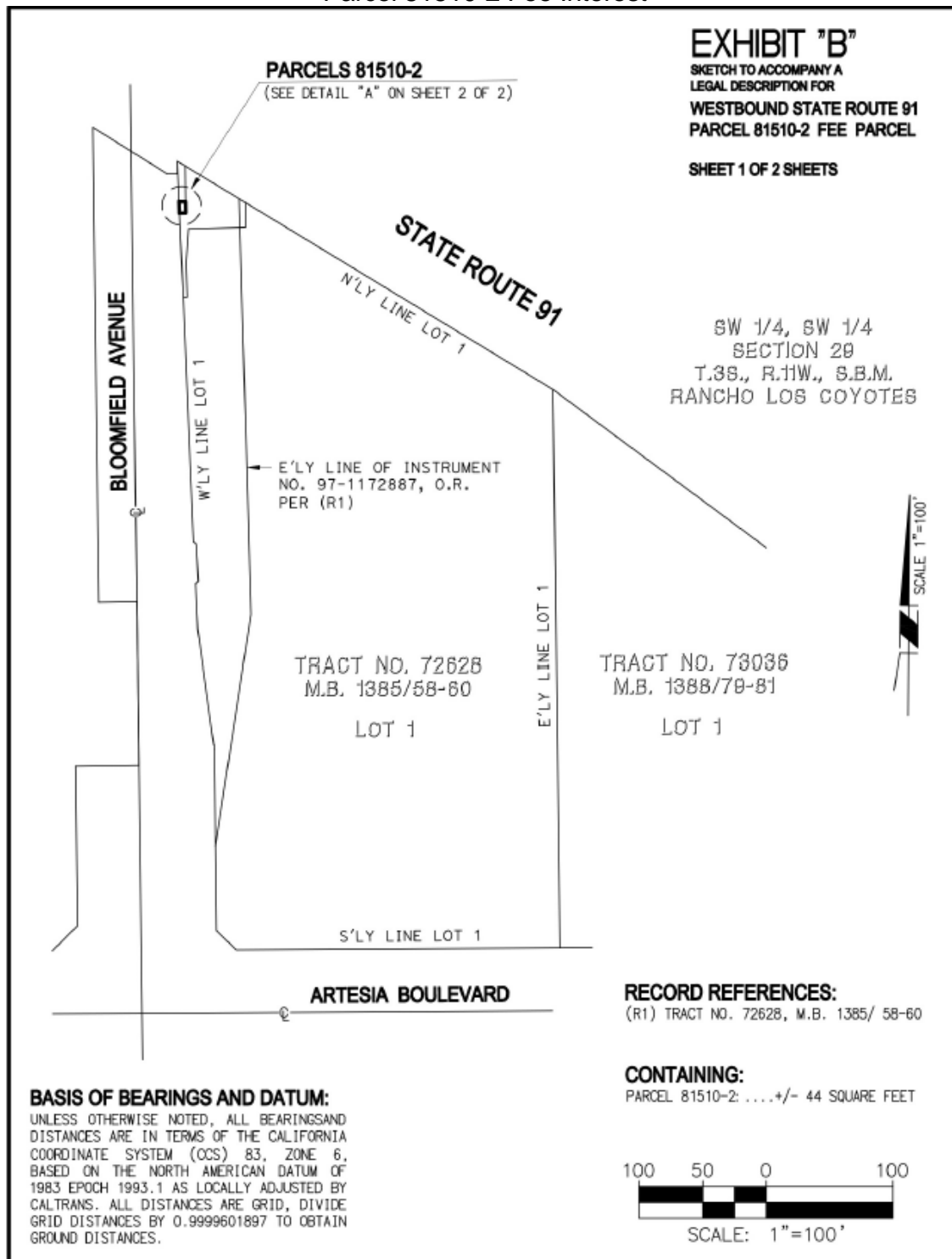
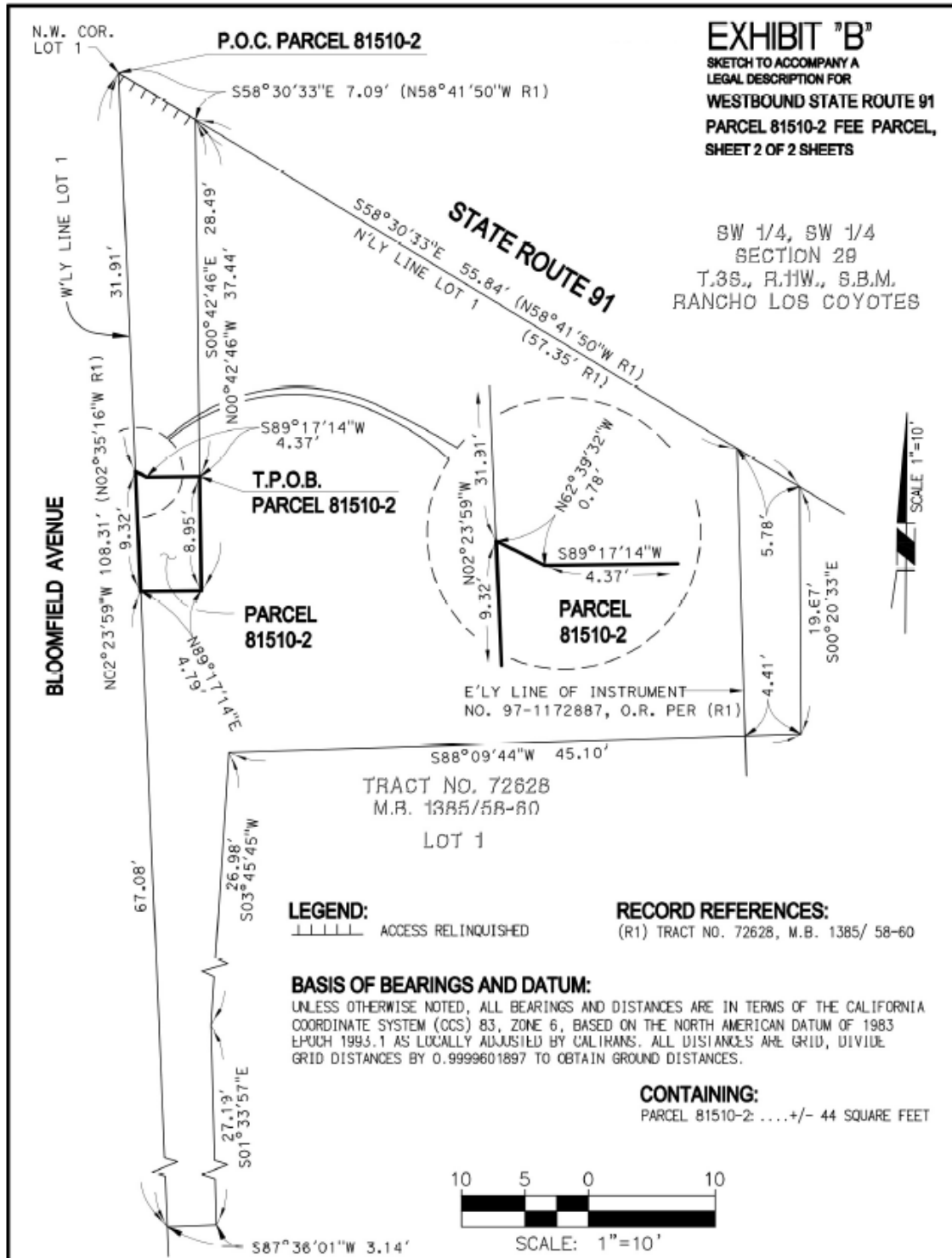
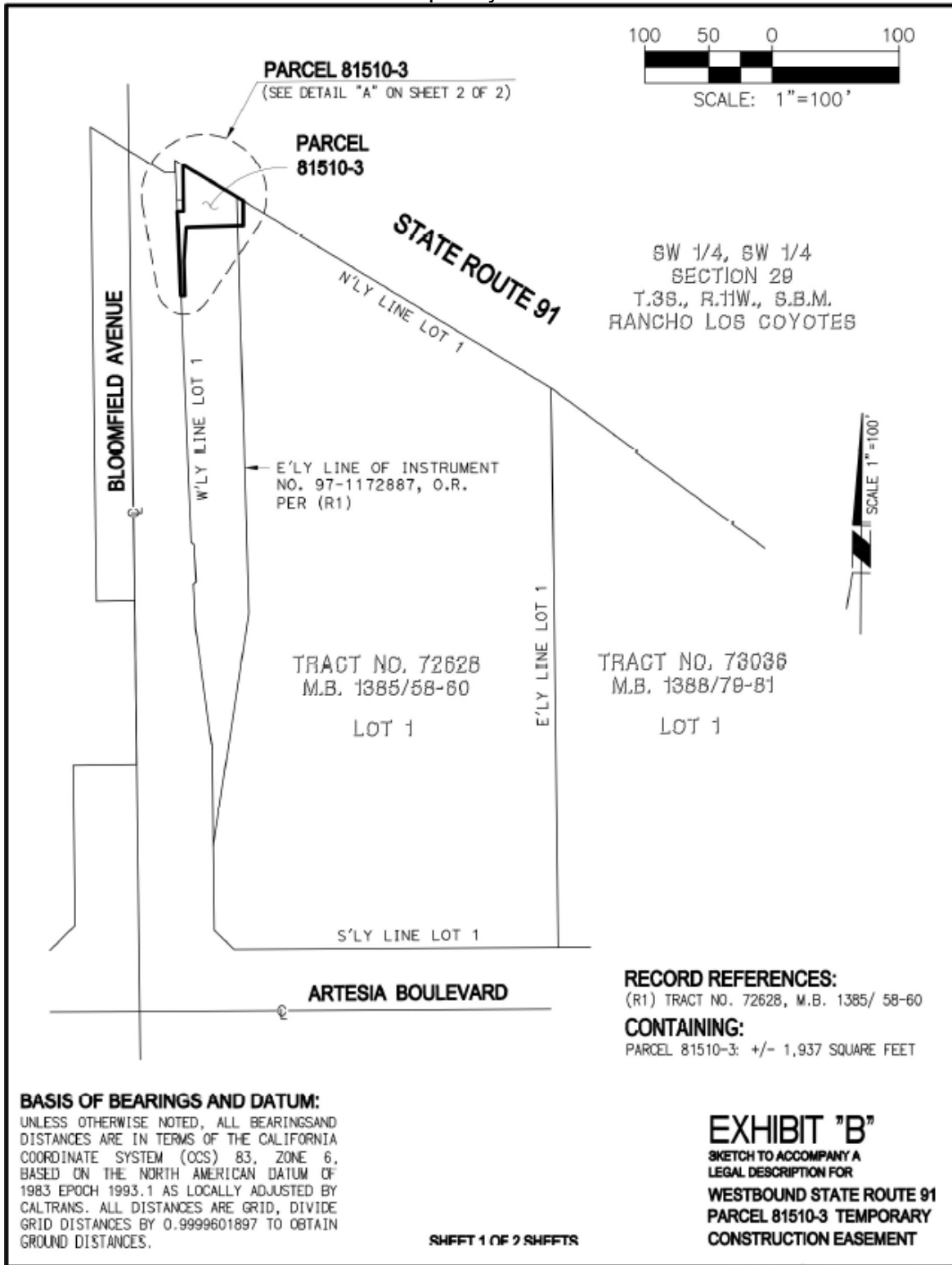


EXHIBIT B-2
Sheet 2 of 2

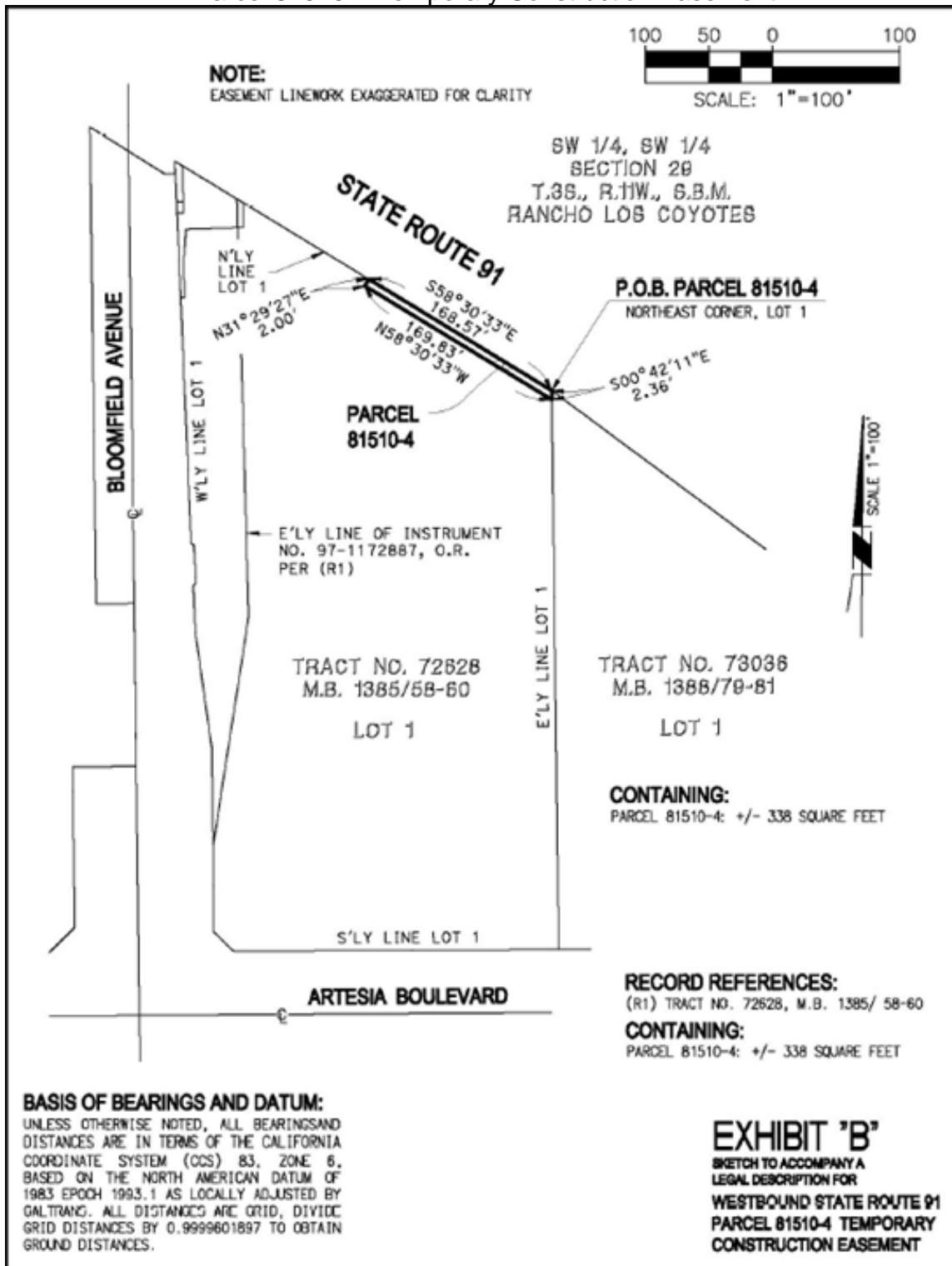
PLAT MAP
Parcel 81510-2 Fee Interest



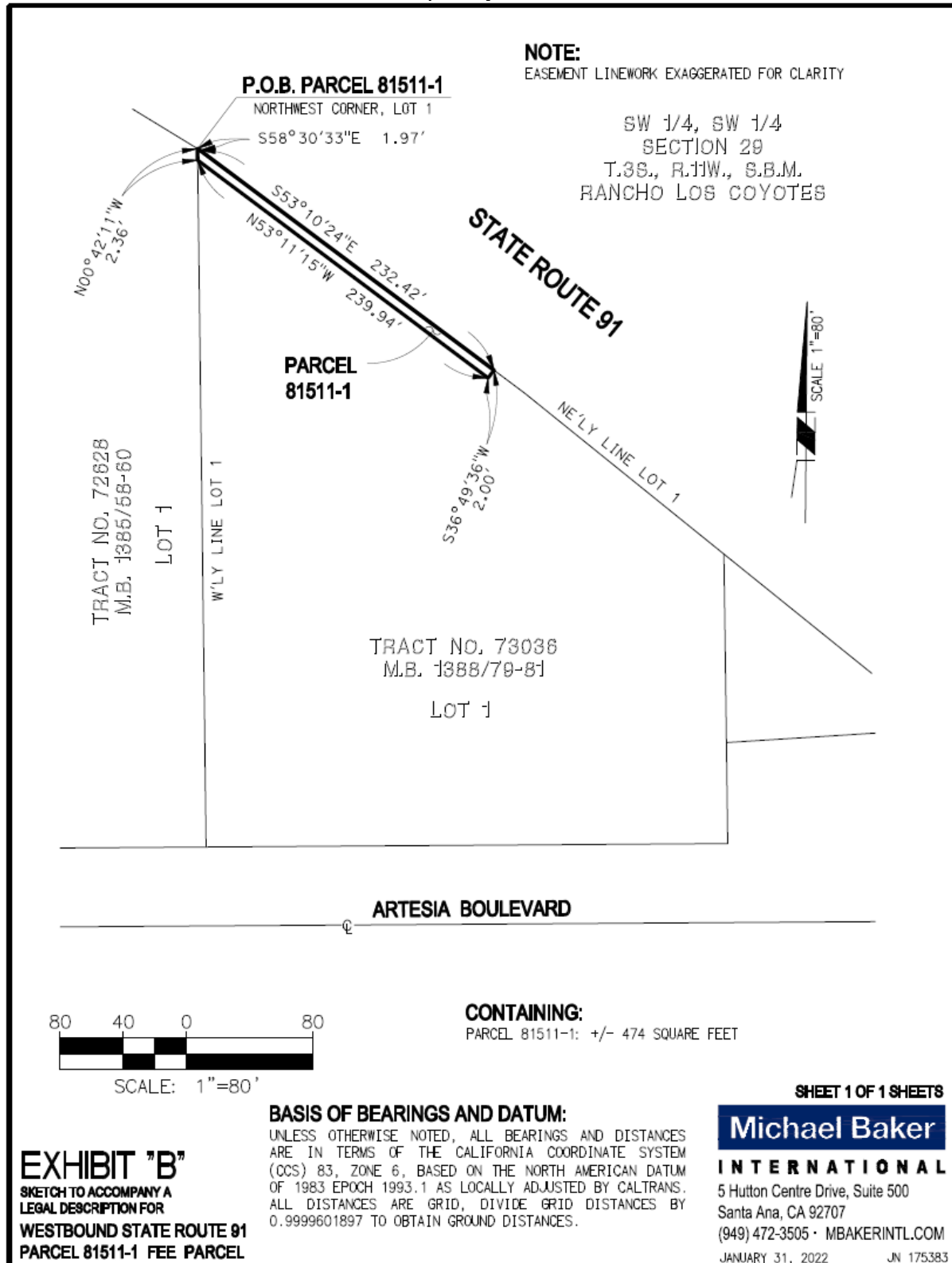
PLAT MAP
Parcel 81510-3 Temporary Construction Easement



PLAT MAP
Parcel 81510-4 Temporary Construction Easement



PLAT MAP
Parcel 81511-1 Temporary Construction Easement



**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") APN: 7030-001-048 CPN: 81510-1, 2, 3, 4**

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 simple interest ("Fee") and 48-month Temporary Construction Easements ("TCE's"), as described more specifically in the legal descriptions (Exhibits "A-1" through "A-4") and depicted in the plat maps (Exhibit "B-1" through "B-4"), (hereinafter, the "Property Interests").

The Fee consists of 167 square feet (CPN 81510-1; Exhibits "A-1" and "B-1"), and 44 square feet (CPN 81510-2). The Fee is located at the top of the slope along Bloomfield Avenue and improved with metal fencing and landscaping. The Fee is required for the bridge reconstruction.

The TCE's consists of the following:

CPN **81510-3** with a total area of ±1,937 square feet, is located in the slope area adjacent to the fee acquisition areas. This area is improved with landscaping and a staircase. This easement is required for the reconstruction of the sidewalk due to the bridge widening and reconstruction. The staircase will not be available for use during an approximate 6-to-12-month exclusive use Construction Period (as that term is defined below).

CPN **81510-4** has a total area of ±338 square feet, is located north of the metal fence and has an approximate 6- to-12-month exclusive use Construction Period. The TCE is needed to construct a soundwall. There will be a 2-foot gap between the metal fence at the rear of the property and the new soundwall. This area will be slurried as a part of the project.

The term for each TCE shall have a duration up to forty-eight (48) months. The TCE's are scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than September 30, 2026. The TCE term shall include within it the exclusive use by the easement holder of the TCE area for the duration of the construction period ("Construction Period"), which is estimated to run approximately six (6) to twelve (12) concurrent months for both parcels 81510-3 and 81510-4 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 26th day of January 2023.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit A-1, A-2, A-3, and A-4 – Legal Description

Exhibit B-1, B-2, B-2, B-3, and B-4 – Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

**WESTBOUND - STATE ROUTE 91
PARCEL 81510-1 (FEE PARCEL)**

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, also shown on that certain Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

BEGINNING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet; thence leaving said line, South 00°42'46" East, 28.49 feet; thence South 89°17'14" West, 4.37 feet; thence North 62°39'32" West, 0.78 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 02°23'59" West, 31.91 feet to the **POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

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.

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

Westbound
State Route 91
Parcel 81510

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.

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

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LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

**WESTBOUND - STATE ROUTE 91
PARCEL 81510-2 (FEE PARCEL)**

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, also shown on that certain Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

COMMENCING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet; thence South 00°42'46" East, 28.49 feet to the **TRUE POINT OF BEGINNING**; thence South 89°17'14" West, 4.37 feet; thence North 62°39'32" West, 0.78 feet to the Westerly line of said Lot 1; thence along said line, South 02°23'59" East, 9.32 feet; thence leaving said Westerly line, North 89°17'14" East, 4.79 feet; thence North 00°42'46" West, 8.95 feet to the **TRUE POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

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.

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

Westbound
State Route 91
Parcel 81510

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.

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

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LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

**WESTBOUND - STATE ROUTE 91
PARCEL 81510-3 (TEMPORARY CONSTRUCTION EASEMENT)**

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

COMMENCING at the Northwest Corner of said Lot 1; thence along the Northerly line of said Lot 1, South 58°30'33" East, 7.09 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said line, South 58°30'33" East, 55.84 feet; thence South 00°20'33" East, 19.67 feet; thence South 88°09'44" West, 45.10 feet; thence South 03°45'45"W, 26.98 feet; thence South 01°33'57"E, 27.19 feet; thence South 87°36'01"W, 3.14 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 02°23'59"W, 67.08 feet; thence leaving said Westerly line, North 89°17'14" East, 4.79 feet; thence North 00°42'46" West, 37.44 feet to the **TRUE POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

CONTAINING: 1,937 Square Feet more or less.


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 81510

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

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

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**.



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



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

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LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

**WESTBOUND - STATE ROUTE 91
PARCEL 81510-4 (TEMPORARY CONSTRUCTION EASEMENT)**

That portion of Lot 1 of Tract No. 72628, in the City of Cerritos, County of Los Angeles, State of California, as per Map recorded in Book 1385, Pages 58 to 60, inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, Certificate of Correction recorded March 17, 2017 as Instrument No. 20170307080, of Official Records of said Los Angeles County, described as follows:

BEGINNING at the Northeast Corner of said Lot 1; thence along the Easterly line of said Lot 1, South 00°42'11" East, 2.36 feet; thence leaving said Easterly line, North 58°30'33" West, 169.83 feet; thence North 31°29'27" East, 2.00 feet to the Northerly line of said Lot 1; thence along said Northerly line, South 58°30'33" East, 168.57 feet to the **POINT OF BEGINNING**.

TOGETHER with A Non-Exclusive Reciprocal Easement for Vehicular and Pedestrian Ingress and Egress as contained in an Instrument entitled "Declaration of Covenants, Conditions and Restrictions and Grant of Easements", recorded October 15, 1993 as Instrument No. 93-2016130, of Official Records.

CONTAINING: 338 Square Feet more or less.

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.

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

Westbound
State Route 91
Parcel 81510

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**.

John Duquette 1/31/2022
JOHN R DUQUETTE, P.L.S. 7566 Date



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

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PLAT MAP

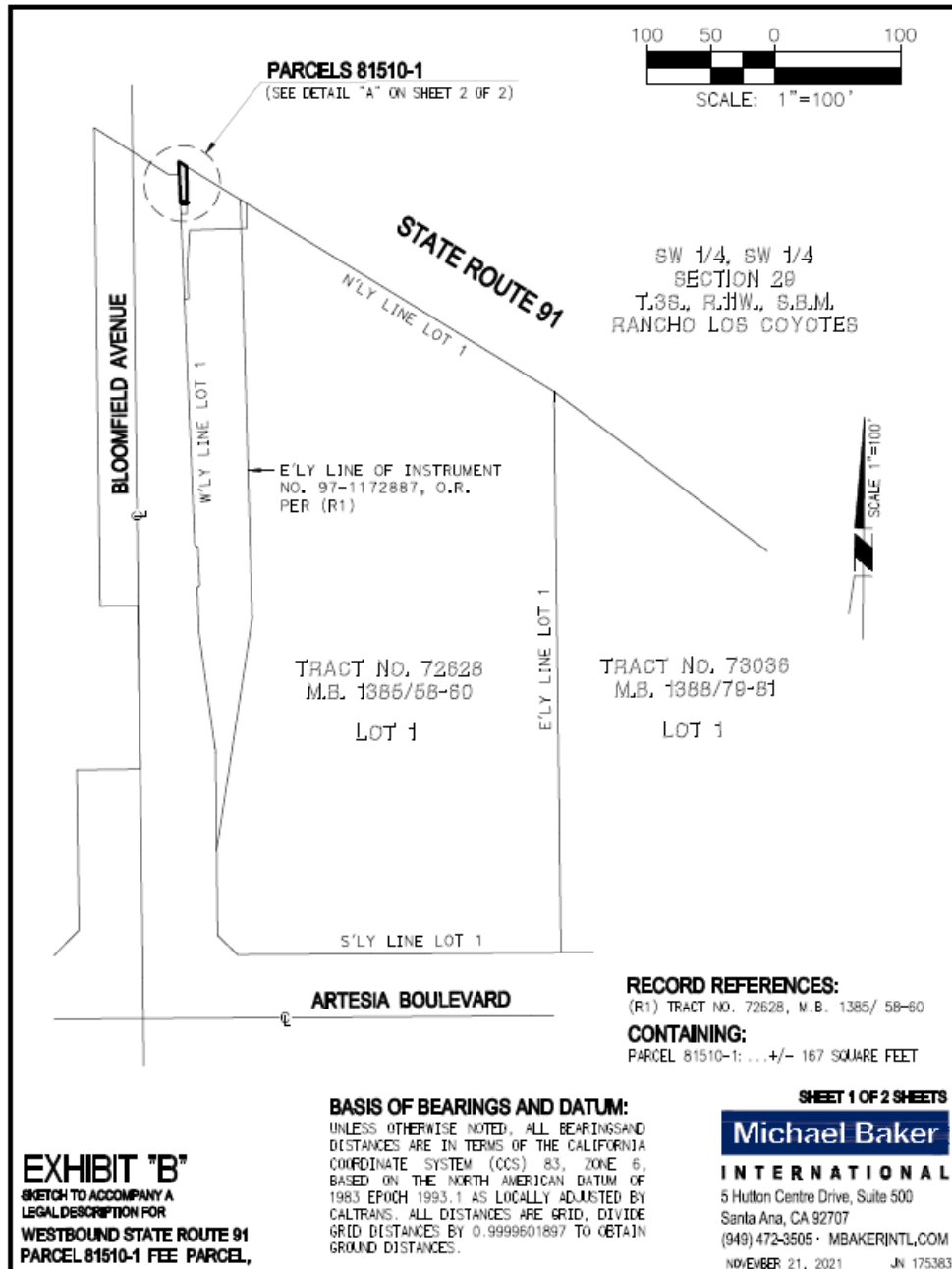
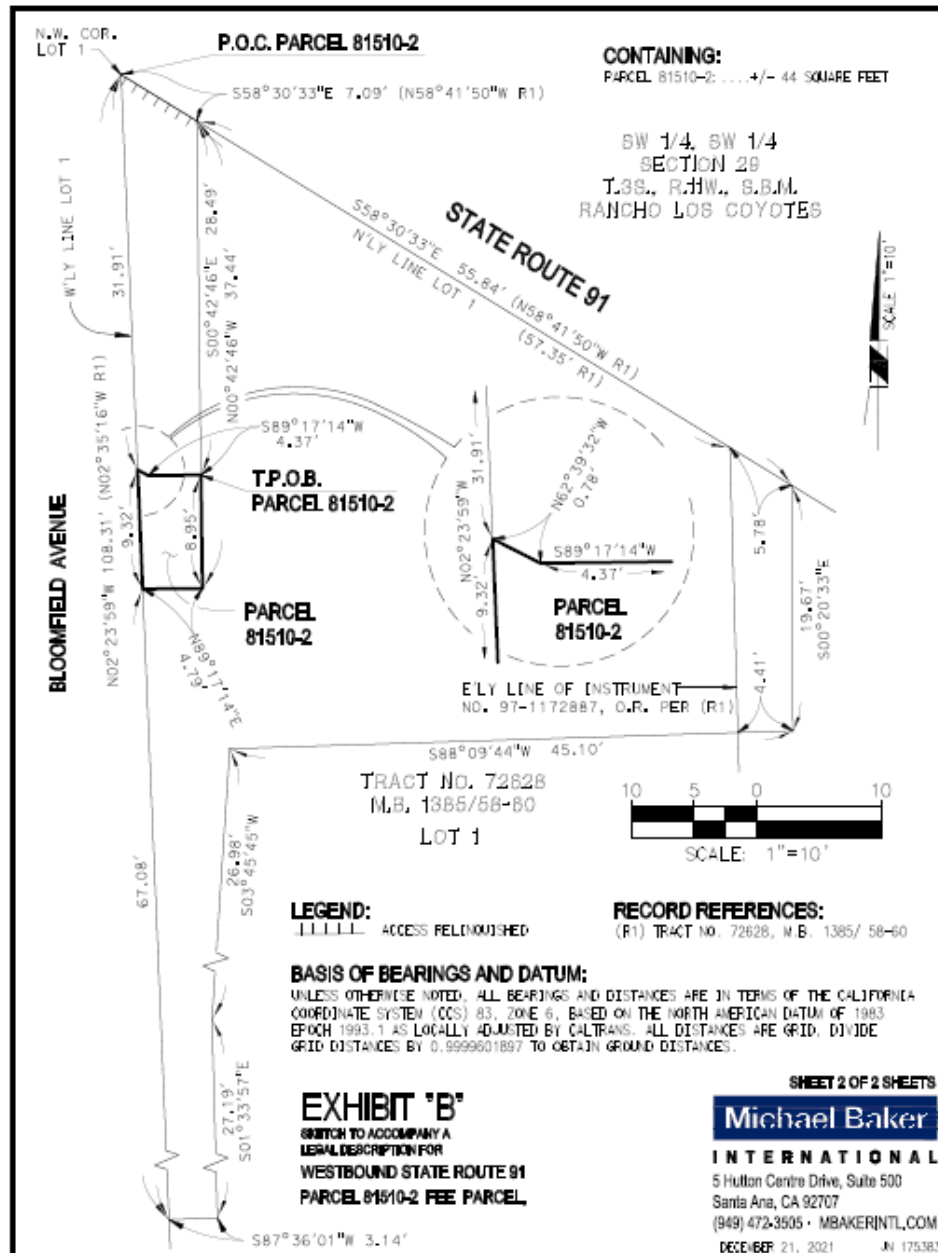


EXHIBIT "B-2"

PLAT MAP



PLAT MAP

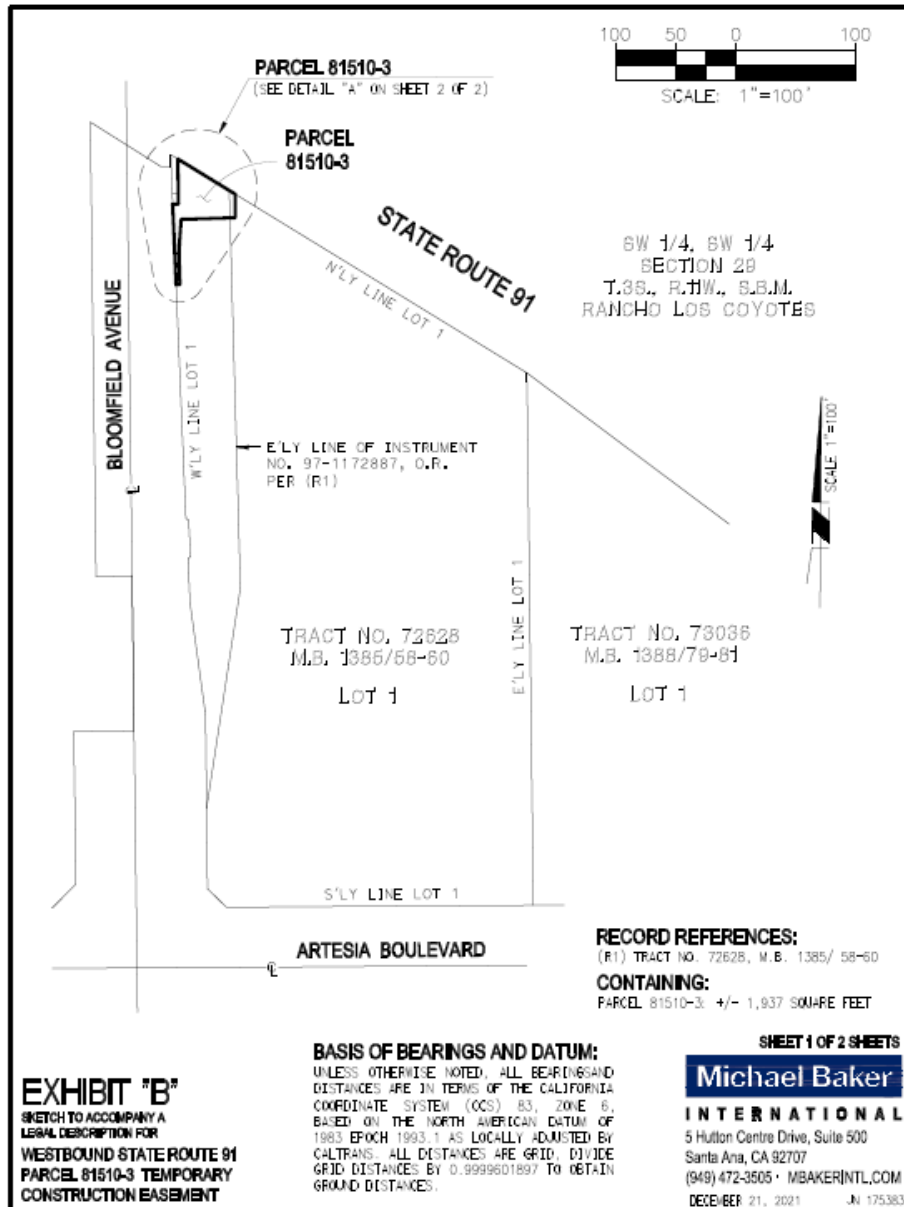
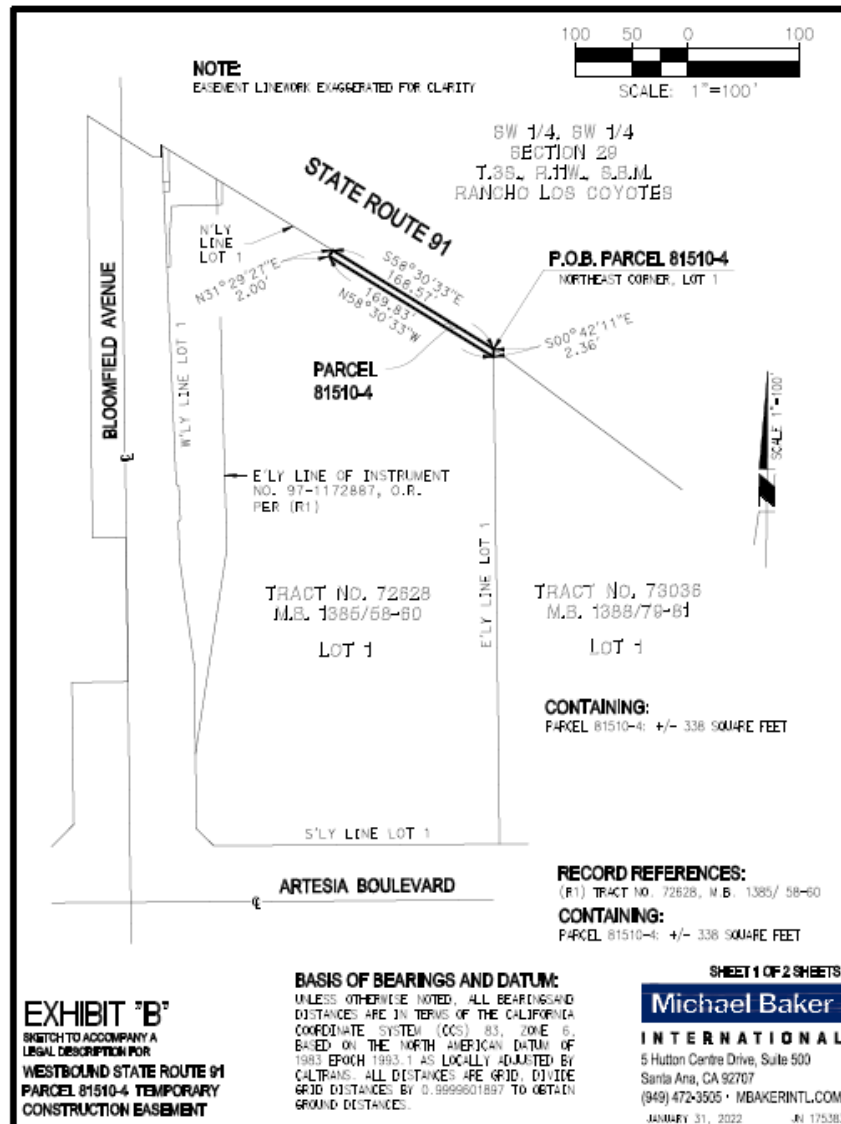


EXHIBIT "B-4"

PLAT MAP



**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") APN: 7030-001-049 CPN: 81511-1**

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 48-month Temporary Construction Easement ("TCE"), as described more specifically in the legal description Exhibit "A-1" and depicted in the plat map Exhibit "B-1" (hereinafter, the "Property Interests"). The TCE is required to construct a soundwall. The TCE term shall have a duration up to forty-eight (48) months. The TCE is scheduled to begin upon Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, and in all events will automatically expire no later than September 30, 2026. The TCE term shall include exclusive use by the easement holder of the TCE which is estimated to run approximately six (6) to twelve (12) concurrent months at parcel 81511-1, ("Construction Period"), 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.

(d.) 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");

(e.) 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.

(f.) 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:

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

(f.) 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;

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

(h.) 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 26th day of January 2023.

Date: _____

COLLETTE LANGSTON
LACMTA Board Clerk

ATTACHMENTS

Exhibit A-1 - Legal Description

Exhibit B-1- Plat Map

LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASMENT - PARCEL 81511-1

That portion of Lot 1 of Tract No. 73036, in the City of Cerritos, County of Los Angeles, State of California, as per Map filed in Book 1388, Pages 79 to 81, Inclusive of Maps, in the Office of the County Recorder of said Los Angeles County, described as follows:

BEGINNING at the Northwest corner of said Lot 1; thence along the Northeasterly line of said Lot 1, South 58°30'33" East, 1.97 feet; thence South 53°10'24" East, 232.42 feet; thence leaving said Northeasterly line, South 36°49'36" West, 2.00 feet; thence North 53°11'15" West, 232.94 feet to the Westerly line of said Lot 1; thence along said Westerly line, North 00°42'11" West, 2.36 feet to the **POINT OF BEGINNING**.

EXCEPTING therefrom all minerals, oil, gases and other hydrocarbon substances in or under the land above described without, however, the right to Drill, Dig or Mine through the surface thereof, as reserved by the City of Cerritos, a Municipal Corporation, in Deed recorded December 16, 1969 as Instrument No. 600 Official Records.

TOGETHER WITH an Easement for Drainage purposes In, On, Across and Through the Southerly 20 feet, measured at right angles to the Southerly line of that portion of the Southwest Quarter of Section 29, Township 3 South, Range 11 West, in the Rancho Los Coyotes, in the City of Cerritos, County of Los Angeles, State of California, as shown on Map recorded in Book 41819, Page 141, et seq., of Official Records, in the Office of the County Recorder of said Los Angeles County, described as follows:

BEGINNING at a point in the Southerly line of that certain real property conveyed to the State of California by Deed recorded in Book D-277, Page 215, of Official Records, distant along said Westerly line, North 0° 53' 40" West, 84.07 feet from the Southwesterly corner of said certain property; thence North 86° 12' 29" East 136.00 feet; thence North 51° 14' 38" West, 176.40 feet to said Westerly line; thence along said Westerly line, South 0° 53' 40" East, 119.45 feet to the **POINT OF BEGINNING**.

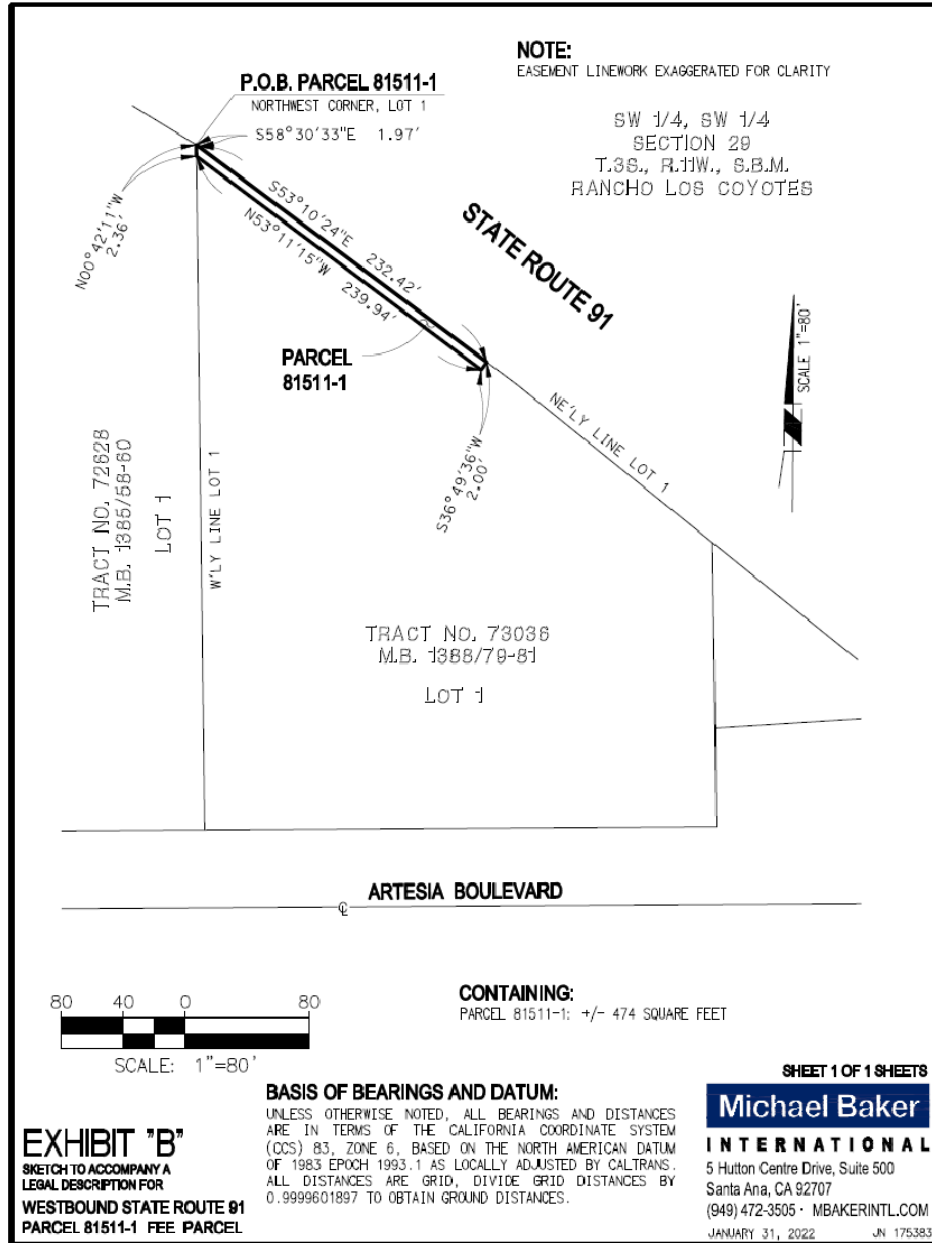
CONTAINING: 474 Square Feet more or less.

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.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record. Rights to the above described temporary easement shall cease and terminate on January 31, 2025. Said rights may also be terminated prior to the above date by **STATE** upon notice to **GRANTOR**.

EXHIBIT "B-1"

PLAT MAP Parcel 81511-1 Temporary Construction Easement



Hearing to Adopt Resolutions of Necessity

Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project

Board Meeting January 26, 2023

Item # 2022-0759

Hearing to Adopt Resolution of Necessity. Westbound SR-91 Alondra Blvd to Shoemaker Ave Improvement Project

Project:

- The Project intends to add a westbound travel lane and widen and improve approximately four (4) miles of freeway along westbound State Route 91 (SR-91) between Shoemaker Avenue and the Interstate 605 (I-605) interchange, which will reduce congestion and improve freeway operations (both mainline and ramps), improve safety and reduce accidents, and improve local and system interchange operations.

Property Impacts:

- **Temporary Construction Easements (TCE's):** 48-month TCE's are required for the reconstruction of the sidewalk due to bridge widening and for soundwall construction. Actual construction time will be 6-12 months.
- **Partial Fee:** is required for the bridge construction.

Property Locations:

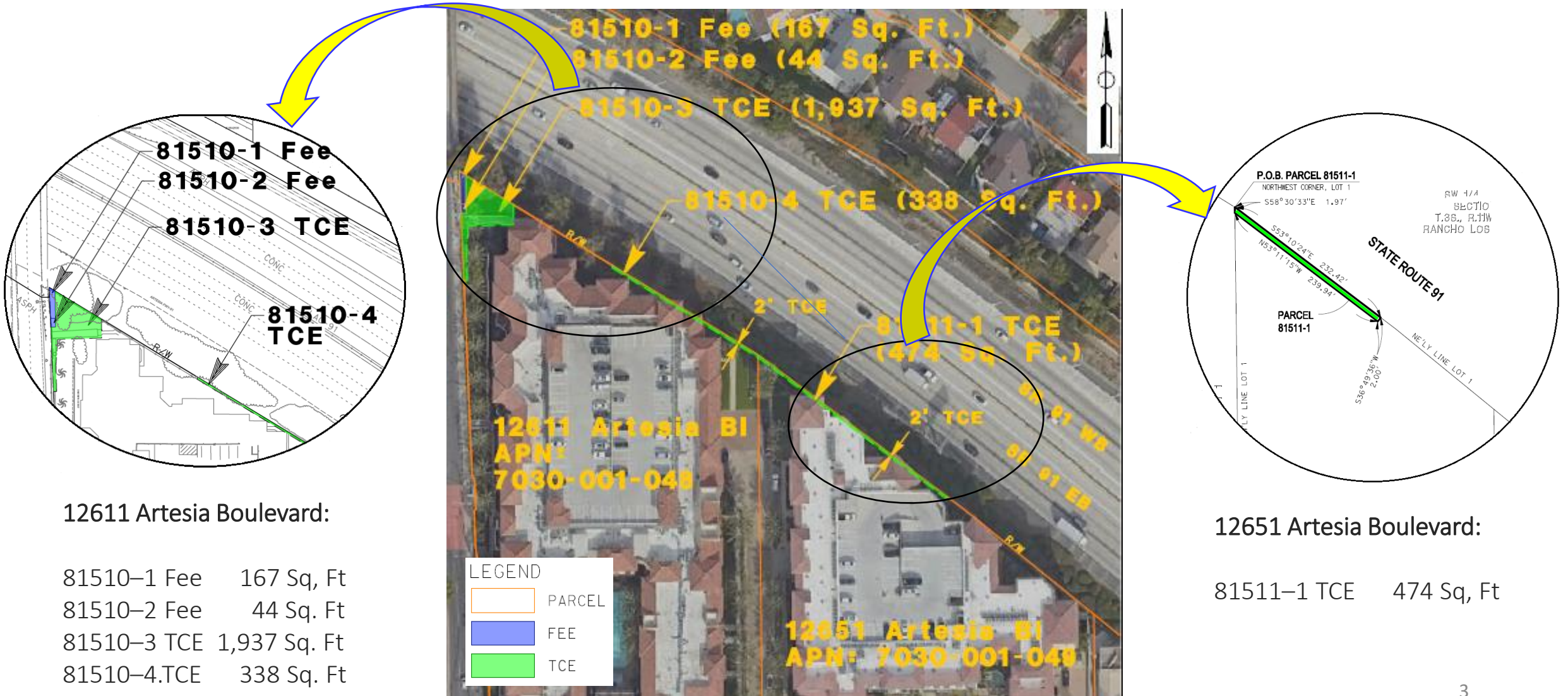
- 12611 Artesia Boulevard, Cerritos, CA, APN: 7030-001-048
- 12651 Artesia Boulevard, Cerritos, CA, APN: 7030-001-049

Relocation Impacts:

- Project impacts will not create residential displacements

Hearing to Adopt Resolutions of Necessity

Westbound SR-91 Alondra Blvd to Shoemaker Ave Improvement Project



Hearing to Adopt Resolutions of Necessity. Westbound SR-91 Alondra Blvd to Shoemaker Ave Improvement Project

Staff recommends the Board make the below findings and adopt the Resolutions of Necessity:

- The public interest and necessity require the proposed Project;
- 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;
- The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- Whether the statutory requirements necessary to acquire the property or property interest by eminent domain have been complied with by LACMTA.