## BOARD OF DIRECTORS APRIL 28, 2005

# SUBJECT: PUBLIC HEARING RE: RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PARCELS ES-521, ES-631, ES-632, AND ES-633 FOR THE METRO GOLD LINE EASTSIDE EXTENSION PROJECT

# ACTION: ADOPT RESOLUTION OF NECESSITY

# RECOMMENDATION

Metro

- A. Hold a public hearing on the proposed resolution of necessity.
- B. Adopt the attached Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a temporary construction easement and a subsurface easement ("Property Interests") to Parcels ES-521, ES-631, ES-632 and ES-633.

# RATIONALE

Acquisition of the Property Interests to Parcels ES-521, ES-631, ES-632, and ES-633 are required for the construction and operation of the Metro Gold Line Eastside Extension Project transit tunnel alignment between the First and Boyle Station and the First and Lorena Station ("Project"). Written offers were presented to the owners of record, as required by California Government Code Section 7267.2. To date, the offers have not been accepted. Because the Property Interests are needed to proceed with construction of the Project, staff recommends the acquisition through eminent domain.

In accordance with the provisions of the California Eminent Domain law (Code of Civil Procedure sections 1240.010 et seq.) and Sections 30503, 30600 and 130220.5 of the California Public Utilities Code (which authorize the LACMTA to acquire property by eminent domain), the LACMTA has prepared and mailed notice of this hearing to the record owners and the City Clerk of the City of Los Angeles, informing them of their rights to appear at this hearing and be heard on the following issues: (1) Whether the public interest and necessity require the proposed Project; (2) Whether the proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; (3) Whether the subject parcels are necessary for the proposed Project; and (4) Whether offers were made in compliance with Government Code Section 7267.2. After all of the testimony and other evidence has been received by the LACMTA from all interested parties, the LACMTA must make a determination as to whether to adopt the proposed resolution of necessity to acquire the Property Interests by eminent domain. In order to adopt the resolution, the LACMTA must, based upon all the evidence before it, find and determine that the conditions stated above exist. Attached is evidence (Attachment 1) submitted by staff that supports adoption of the attached Resolution that has been approved by counsel, and which sets forth the required findings.

### FINANCIAL IMPACT

Funds to acquire the Property Interests to Parcels ES-521, ES-631, ES-632 and ES-633 are included in the approved Metro Gold Line Eastside Extension Project Budget, and are available to proceed with these acquisitions.

## **ALTERNATIVE CONSIDERED**

The Board has the option to withhold adoption of the Resolution of Necessity. This would result in an additional delay in obtaining possession of the required properties, and thereby potentially cause delays and increased costs to the Project.

## **ATTACHMENTS**

Attachment 1 - Staff Report Attachment 2 - Resolution of Necessity

Prepared by: Velma C, Marshall Director of Real Estate

Don Ott Executive Officer Administration

Roger Snoble Chief Executive Officer

# STAFF'S REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENTS AND SUBSURFACE EASEMENTS IN AND TO PARCELS ES-521, ES-631, ES-632 AND ES633 FOR THE METRO GOLD LINE EASTSIDE EXTENSION PROJECT.

## **BACKGROUND**

A temporary construction easement and a subsurface easement ("Property Interests") are required for the construction and operation of the tunnel alignment of the Metro Gold Line Eastside Extension Project ("Project"). The temporary construction easement is required in the event it is necessary to inject compensation grouting to stabilize the ground and structures during the construction of the tunnel alignment. The subsurface easement is required for the tunnel itself. The parcel number, address, record owner (as indicated by a title report issued by Orange Coast Title Company), purpose for taking, and nature of the property interest sought to be acquired (based upon the Final Environmental Impact Report and Study for the Eastside Light Rail Project), are listed below:

Parcel	Parcel Address	Owner	Interest Sought
Number			5
ES-521	1835-1837 E. 1st Street,	Conrado Herrera, Jaime	Subsurface easement and
	Los Angeles	Herrera, and Arnoldo	temporary construction
	(APN 5174-014-015)	Herrera	easement
ES-631	2416-2418 E. 1st Street,	Adam Noriega and Alice	Subsurface easement and
	Los Angeles	Noriega	temporary construction
	(APN 5180-003-028)		easement
ES-632	2420-2422 E 1st Street,	Jairo Avila and Amparo	Subsurface easement and
	Los Angeles	Avila	temporary construction
	(APN 5180-003-029)		easement
ES-633	2426-2438 E. 1st Street,	Edward Torrez and	Subsurface easement and
	Los Angeles	Hazel Torrez, trustees	temporary construction
	(APN 5180-003-025)	of the Torrez Family	easement
		Trust dated September	
		3, 1997	

The initial written offer to acquire the Property Interests to Parcels ES-521, ES-631 and ES-633 were made to the property owners on June 4, 2004. Due to an ownership change, the written offer to acquire the Property Interests to Parcel ES-632 was made to the new property owner on October 27, 2004. Staff engaged in subsequent telephone conversations with the owners and the owners' attorney in an attempt to reach a mutually acceptable agreement regarding the acquisition. An acceptable settlement could not be reached.

Following is an analysis as to why the attached Resolution of Necessity should be adopted. Additional information justifying the adoption of the Resolution is contained in the Final Environmental Impact Report and Environmental Impact Study for the Eastside Light Rail Project, which was certified by the Board on February 28, 2002, the Major Investment Study, approved by the Board on February 24, 2000 and the other environmental documents and analysis referenced therein.

In the spring of 2001 a Draft Environmental Impact Report and Environmental Impact Study (DIER/EIS) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments. A No-Build Alternative and three Locally Preferred Alternatives ("LPA") were presented in the DEIR/EIS. On May 24, 2001 the Board formally adopted the LPA for the East Side Corridor to be the Light Rail Transit Project after review and consideration of the comments received from circulation of the DEIR/EIS. In October 2001, a Final Environmental Impact Report and Environmental Impact Study (FEIR/EIS) was circulated to present the Locally Preferred Alternative for the Eastside Corridor Project.

The Metro Gold Line Eastside Extension Project is a six-mile easterly extension of the Metro Gold Line Pasadena Project that terminates at Union Station. The Metro Gold Line Eastside Extension Project will begin at Union Station and cross over US 101 on an aerial structure and then gradually become an at-grade segment near the intersection of Alameda Street and Ducommon Street. The alignment continues south along the east side of Alameda Street and turns east at the center of 1<sup>st</sup> Street and continues at grade to Clarence Street in Boyle Heights and then becomes a subway segment. The subway segment traverses underneath or adjacent to 1<sup>st</sup> Street for about 1.7 miles east to just west of Lorena Street in Boyle Heights. The alignment continues as an at-grade segment traversing 1<sup>st</sup> Street east from Lorena Street to Indiana Street where it turns south and continues along the east side of Indiana Street to 3<sup>rd</sup> Street. At 3<sup>rd</sup> Street, the alignment turns eastward and continues at grade to Pomona Boulevard where it terminates at Atlantic Boulevard. The proposed eight stations of the LPA are located at 1<sup>st</sup>/Alameda, 1<sup>st</sup>/Utah, 1<sup>st</sup>/Boyle, 1<sup>st</sup> Soto, Indiana Street (off street location), 3<sup>rd</sup>/Ford, 3<sup>RD</sup>/Mednik and Pomona/Atlantic.

The parcels included in this action are required for the construction and operation of the tunnel alignment between the First and Boyle Station and the First and Lorena Stations.

# A. <u>The public interest and necessity require the Project.</u>

1. The Eastside Corridor communities of Boyle Heights and East Los Angeles are characterized by a large and growing population (over 212,000 according to the 1990 census, 275,000 expected by 2020) of predominately Latino ethnic origin, a high percentage of lowincome households and relatively high rates of transit use and transit dependence. In these communities, nearly 20 percent of workers use the bus system on their journey to work (as compared to 6.5 percent for Los Angeles County as a whole), and rates of carpooling and walking to work are also higher than the County average. Employment densities are six times higher within the Eastside Corridor than Los Angeles County as a whole. The corridor is growing (20 percent population and 30 percent employment growth between now and 2020), and a new transportation investment would make the Corridor attractive for other types of urban investment in the future. All major freeways serving the Eastside Corridor area are currently operating above their design capacities during peak period, and for significant durations during off-peak periods. No major improvements to existing freeways in the study area are identified in any adopted transportation plans. Residents of the Eastside Corridor have expressed their desire for improved transit service because many are transit dependent and need improved access to the region's educational, employment and cultural opportunities. This project will further these goals and contribute to an improved overall transportation system for the Los Angeles region and for the Eastside Corridor specifically.

2. Implementation of the Project will improve access and mobility for residents, employees and visitors to the Eastside Corridor and result in a reduction of vehicle miles per day and reduction of auto air pollutants.

3. The Project will support land use and development goals as stated in the City of Los Angeles and County of Los Angeles plans for joint development opportunities, and increased land use intensity in transit station areas.

4. The Project will provide convenient access and improve connectivity to the regional transit system and will thereby provide alternative means of transportation during fuel crises.

5. The Project will meet the need for improved transit service of the many transitdependent people within the Eastside Corridor area.

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

B. <u>The proposed Project is planned and located in the manner that will be the most</u> <u>compatible with the greatest public good and least private injury.</u>

The Project alignment has been designed so as to be located in corridors that have a high number of daily trips, high levels of congestions, high levels of transit usage, dense populations, densely located jobs and a high number of workers. Stations are spaced about one mile apart from each other with the understanding that the average person will not walk more than a half-mile to get to a station. There is an attempt to locate stations near land-uses that will provide active spaces, i.e. destinations that people will want to travel to or from. There is also an attempt to locate stations on properties that will have the least amount of impact. The Major Investment Study for the Eastside reviewed over 47 different alternatives that resulted in the recommendation to move forward with a light rail project with stations at 3<sup>rd</sup>/Rowan, 3<sup>rd</sup>/Indiana, 3<sup>rd</sup>/Ford, 3<sup>rd</sup> and Indiana, and 3<sup>rd</sup> Mednik.

The Project follows a subsurface or tunnel alignment as it goes through the most congested roadways and intersections to eliminate the need to remove lanes and minimize any potential pedestrian safety problems.

It is recommended that, based upon the foregoing, the Board find and determine that the Project is planned in the manner that will be most compatible with the greatest public good and the least private injury.

# C. The interests in the subject properties are necessary for the proposed Project.

A subsurface easement for the construction and operation of the tunnel is required from each of the parcels. In addition a temporary construction easement is required to provide access to the property during the tunnel operation for the purpose of injecting compensation grouting to replace ground loss caused by tunneling and to control surface settlement in areas where the tunnel is bored.

Parcels ES-521, ES-631, ES-632, and ES-633 are legally described more specifically in the attached Exhibits "A-1", "A-2", "A-3", and "A-4" and is generally depicted in the parcel plat maps attached hereto as Exhibits "B-1", "B-2", "B-3", and "B-4" both of which are incorporated herein by this reference.

# D. <u>An offer was made in compliance with Government Code Section 7267.2</u>

Pursuant to California Code of Civil Procedures Section 1245.230, prior to the adopting a Resolution of Necessity, the governing body must determine that an offer meeting the requirements of Section 7267.2 of the California Government Code has been made to the owner(s) of record.

California Government Code Section 7267.2 requires that an offer be made to the owner(s) of record, 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(s) 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 subject property interest:

- 1. Obtained an appraisal to determine the fair market value of the Property Interests in and to the subject properties.
- 2. Reviewed and approved the appraisals, and established just compensation for the Property Interests in and to the subject properties. ,
- 3. Determined the owner of the subject properties by examining the county assessor's records and title reports, and
- 4. Made a written offer to the property owners of ES-521, ES-631, ES-632, and ES-633 for the established amount of just compensation, which was not less than the approved appraisal amount.

Staff recommends that the Board find that the acquisition of the required Property Interests is necessary.

## **ATTACHMENT**

- Legal Descriptions (Exhibits "A-1", "A-2", "A-3", and "A-4")
  Plat Map (Exhibits "B-1", "B-2", "B-3", and "B-4")

PARCEL NO. ES-521-1 and ES- <u>APN:</u>- 5174-014-015 521-2

ESTATE: SUBSURFACE EASEMENT AND RIGHT-OF-ENTRY

TITLE COMPANY: Orange Coast Title Company of Los Angeles

ORDER NO. W321990-3

Contract No.: C0800

PROPERTY ADDRESS: 1835 AND 1837 E. 1st Street; Los Angeles, CA; 90033

**GRANTOR:** Conrado Herrera, Jaime Herrera and Arnold Herrera

#### LEGAL DESCRIPTION

# SUBSURFACE EASEMENT (Parcel ES-521-1)

THAT PORTION OF LOT 109 OF WORKMAN AND HOLLENBECK TACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 5 PAGES 426 AND 427 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS: <sup>--</sup>

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 109; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 109 NORTH 28 DEGREES 20 MINUTES 22 SECONDS EAST 51.58 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 815.25 FEET, A RADIAL LINE OF SAID CURVE TO SAID POINT BEARS NORTH 11 DEGREES 10 MINUTES 25 SECONDS EAST; THENCE EASTERLY ALONG SAID CURVE 62.15 FEET THROUGH A CENTRAL ANGLE OF 4 DEGREES 22 MINUTES 04 SECONDS TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 109, SAID POINT BEING NORTH 28 DEGREES 20 MINUTES 15 SECONDS EAST 67.62 FEET ALONG SAID SOUTHEASTERLY LINE FROM THE MOST SOUTHERLY CORNER OF SAID LOT 109; THENCE NON-TANGENT AND ALONG SAID SOUTHEASTERLY LINE SOUTH 28 DEGREES 20 MINUTES 15 SECONDS WEST 67.62 FEET TO SAID MOST SOUTHERLY CORNER; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 109 NORTH 61 DEGREES 40 MINUTES 28 SECONDS WEST 60.03 FEET TO THE POINT OF BEGINNING.

THE UPPER LIMIT OF THE HEREINABOVE DESCRIBED PARCEL ES-521-1 IS A HORIZONTAL PLANE HAVING AN ELEVATION OF 292.0 FEET ABOVE MEAN SEA LEVEL PER LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY CONTROL POINT NO. ESE-114, ELEVATION = 315.97 FEET ABOVE MEAN SEA LEVEL (NATIONAL GEODETIC VERTICAL DATUM 1929, CITY OF LOS ANGELES 1975 ADJUSTMENT). PARCEL NO. ES-631-1 and ES- <u>APN:</u> 5180-003-028 631-2

ESTATE: SUBSURFACE EASEMENT AND RIGHT-OF-ENTRY

TITLE COMPANY:

ORDER NO. W325966-3

Contract No.: C0800

Orange Coast Title Company of Los Angeles

PROPERTY ADDRESS: 2416 and 2418 E. 1st Street; Los Angeles, CA; 90033

**<u>GRANTOR:</u>** Adam Noriega and Alice Noriega

#### LEGAL DESCRIPTION

#### SUBSURFACE EASEMENT (Parcel ES-631-1)

THAT PORTION OF LOT 27 OF HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 27; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 27 SOUTH 61 DEGREES 55 MINUTES 35 SECONDS EAST 42.62 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 27; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 27 SOUTH 28 DEGREES 20 MINUTES 43 SECONDS WEST 8.50 FEET; THENCE NORTH 63 DEGREES 35 MINUTES 04 SECONDS WEST 42.64 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 27, SAID POINT BEING SOUTH 28 DEGREES 22 MINUTES 36 SECONDS WEST 9.73 FEET ALONG SAID NORTHWESTERLY LINE FROM THE POINT OF BEGINNING; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 28 DEGREES 22 MINUTES 36 SECONDS EAST 9.73 FEET TO THE POINT OF BEGINNING.

THE UPPER LIMIT OF THE HEREINABOVE DESCRIBED PARCEL ES-631-1 IS A HORIZONTAL PLANE HAVING AN ELEVATION OF 272.0 FEET ABOVE MEAN SEA LEVEL PER LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY CONTROL POINT NO. ESE-118, ELEVATION = 307.26 FEET ABOVE MEAN SEA LEVEL (NATIONAL GEODETIC VERTICAL DATUM 1929, CITY OF LOS ANGELES 1975 ADJUSTMENT).

#### RIGHT-OF-ENTRY AREA (Parcel ES-631-2)

LOT 27 OF HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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EXHIBIT

PARCEL NO. ES-632-1 and ES- <u>APN:</u> 5180-003-029 632-2

ESTATE: SUBSURFACE EASEMENT AND RIGHT-OF-ENTRY

TITLE COMPANY:

ORDER NO. W325967-3

Contract No.: C0800

Orange Coast Title Company of Los Angeles

PROPERTY ADDRESS: 2420 and 2422 E. 1st Street; Los Angeles, CA; 90033

**GRANTOR:** Jairo and Amparo Avila

#### LEGAL DESCRIPTION

#### SUBSURFACE EASEMENT (Parcel ES-632-1)

THAT PORTION OF LOT 26 OF THE HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 26; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 26 SOUTH 61 DEGREES 55 MINUTES 35 SECONDS EAST 42.02 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 26; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 26 SOUTH 28 DEGREES 20 MINUTES 41 SECONDS WEST 7.28 FEET; THENCE NORTH 63 DEGREES 35 MINUTES 04 SECONDS WEST 42.04 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 27, SAID POINT BEING SOUTH 28 DEGREES 20 MINUTES 43 SECONDS WEST 8.50 FEET ALONG SAID NORTHWESTERLY LINE FROM THE POINT OF BEGINNING; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 28 DEGREES 20 MINUTES 43 SECONDS EAST 8.50 FEET TO THE POINT OF BEGINNING.

THE UPPER LIMIT OF THE HEREINABOVE DESCRIBED PARCEL ES-632-1 IS A HORIZONTAL PLANE HAVING AN ELEVATION OF 272.0 FEET ABOVE MEAN SEA LEVEL PER LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY CONTROL POINT NO. ESE-118, ELEVATION = 307.26 FEET ABOVE MEAN SEA LEVEL (NATIONAL GEODETIC VERTICAL DATUM 1929, CITY OF LOS ANGELES 1975 ADJUSTMENT).

#### **RIGHT-OF-ENTRY AREA (Parcel ES-632-2)**

LOT 26 OF THE HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

LR / Ir Description ES-632 8/14/03

EXHIBIT A-4

PARCEL NO. ES-633-1 and ES- APN: 5180-003-025 633-2

ESTATE: SUBSURFACE EASEMENT AND RIGHT-OF-ENTRY

TITLE COMPANY: Orange Coast Title Company of Los Angeles

ORDER NO. W32965-3

Contract No.: C0800

PROPERTY ADDRESS: 2426 thru 2438 E. 1st Street; Los Angeles, CA; 90033

**<u>GRANTOR:</u>** Edward Torrez and Hazel Torrez, Trustees of the Torrez Family Trust

#### LEGAL DESCRIPTION

#### SUBSURFACE EASEMENT (Parcel ES-633-1)

THOSE PORTIONS OF LOTS 24 AND 25 OF THE HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

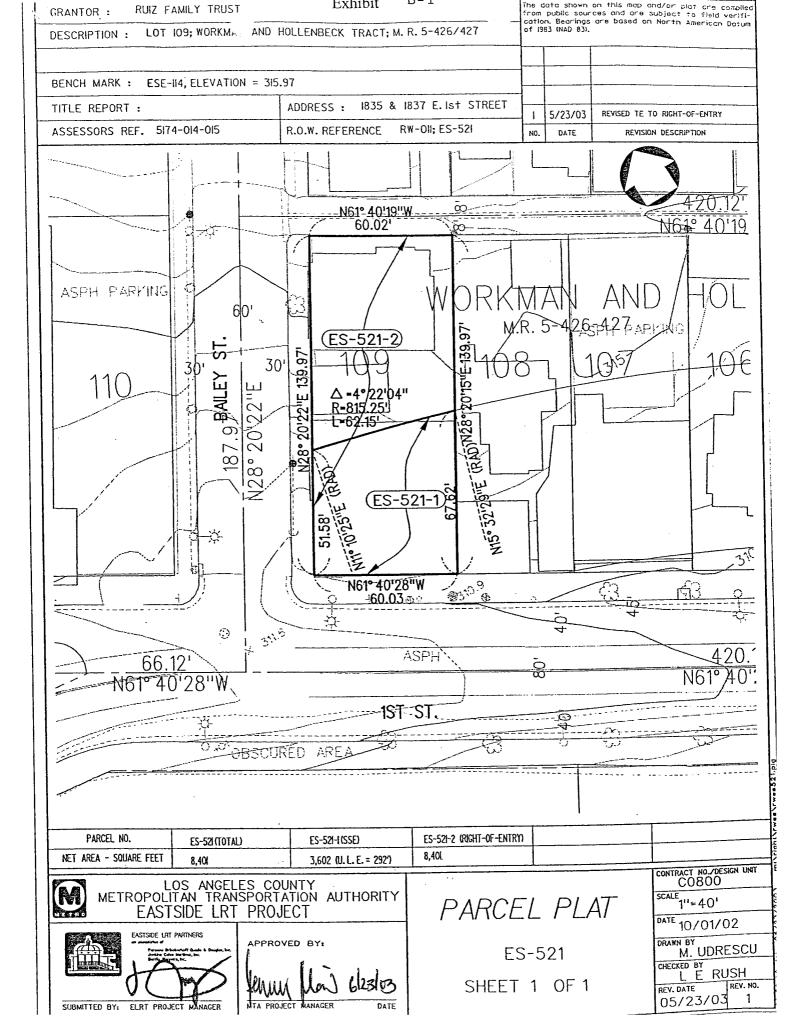
BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 25; THENCE ALONG THE NORTHEASTERLY LINES OF SAID LOTS 24 AND 25 SOUTH 61 DEGREES 55 MINUTES 35 SECONDS EAST 84.03 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 24; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 24 SOUTH 28 DEGREES 20 MINUTES 36 SECONDS WEST 4.85 FEET; THENCE NORTH 63 DEGREES 35 MINUTES 04 SECONDS WEST 84.08 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 25, SAID POINT BEING SOUTH 28 DEGREES 20 MINUTES 41 SECONDS WEST 7.28 FEET ALONG SAID NORTHWESTERLY LINE FROM THE POINT OF BEGINNING; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 28 DEGREES 20 MINUTES 41 SECONDS EAST 7.28 FEET TO THE POINT OF BEGINNING.

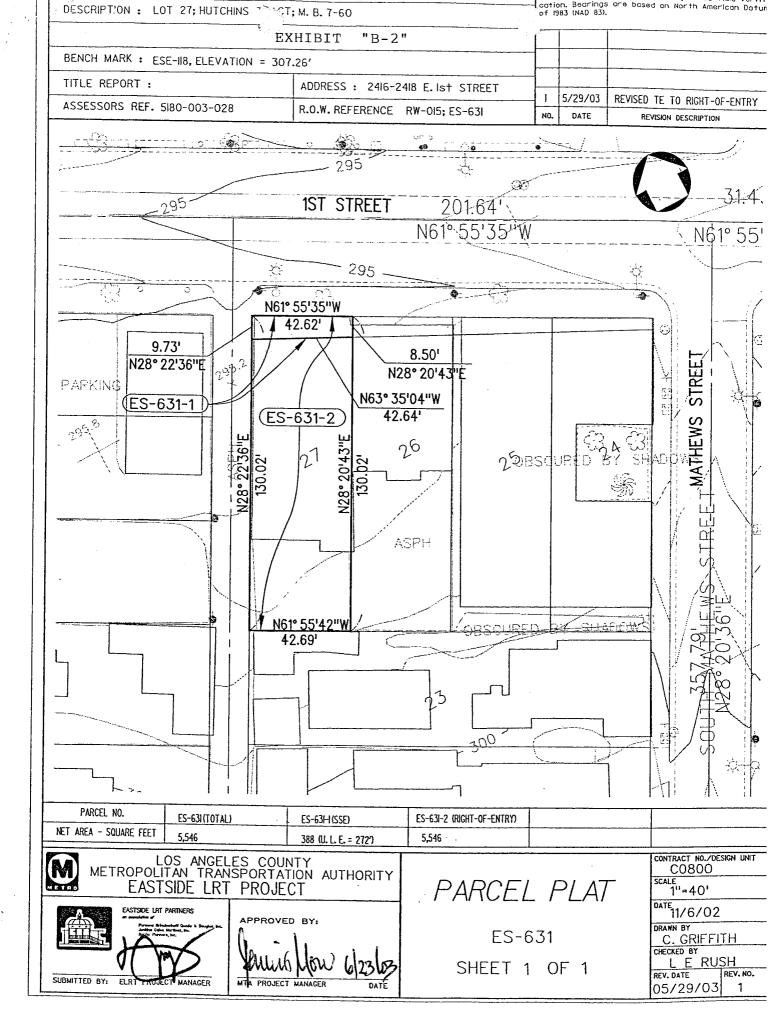
THE UPPER LIMIT OF THE HEREINABOVE DESCRIBED PARCEL ES-633-1 IS A HORIZONTAL PLANE HAVING AN ELEVATION OF 272.0 FEET ABOVE MEAN SEA LEVEL PER LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY CONTROL POINT NO. ESE-118, ELEVATION = 307.26 FEET ABOVE MEAN SEA LEVEL (NATIONAL GEODETIC VERTICAL DATUM 1929, CITY OF LOS ANGELES 1975 ADJUSTMENT).

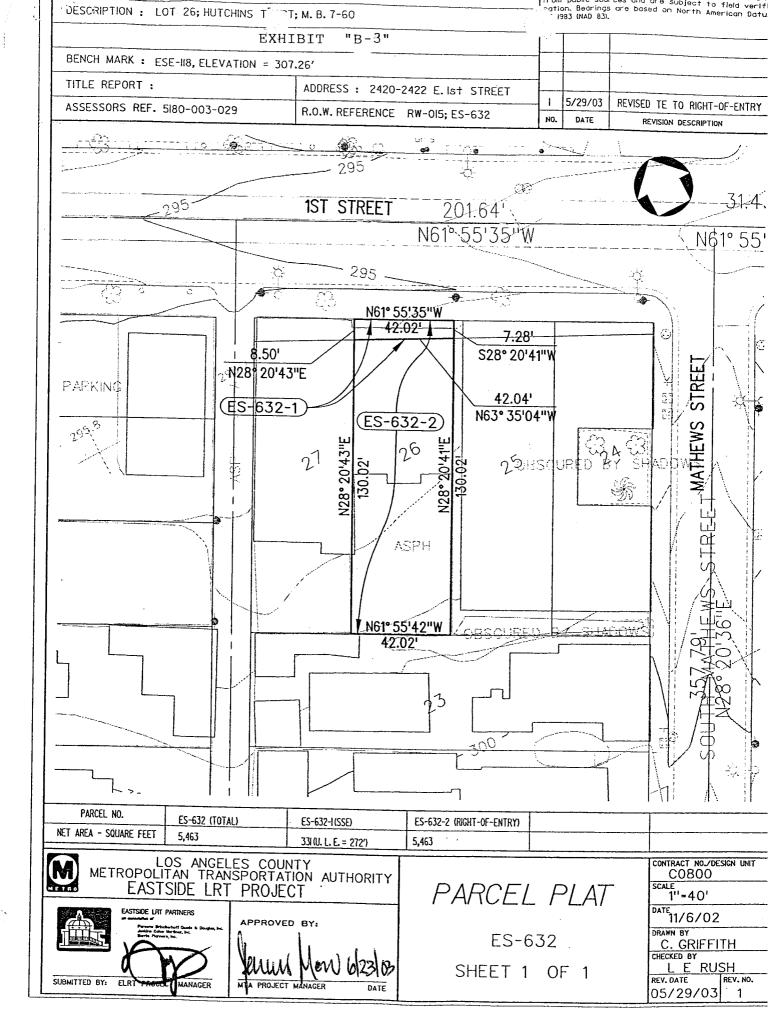
### RIGHT-OF-ENTRY AREA (Parcel ES-633-2)

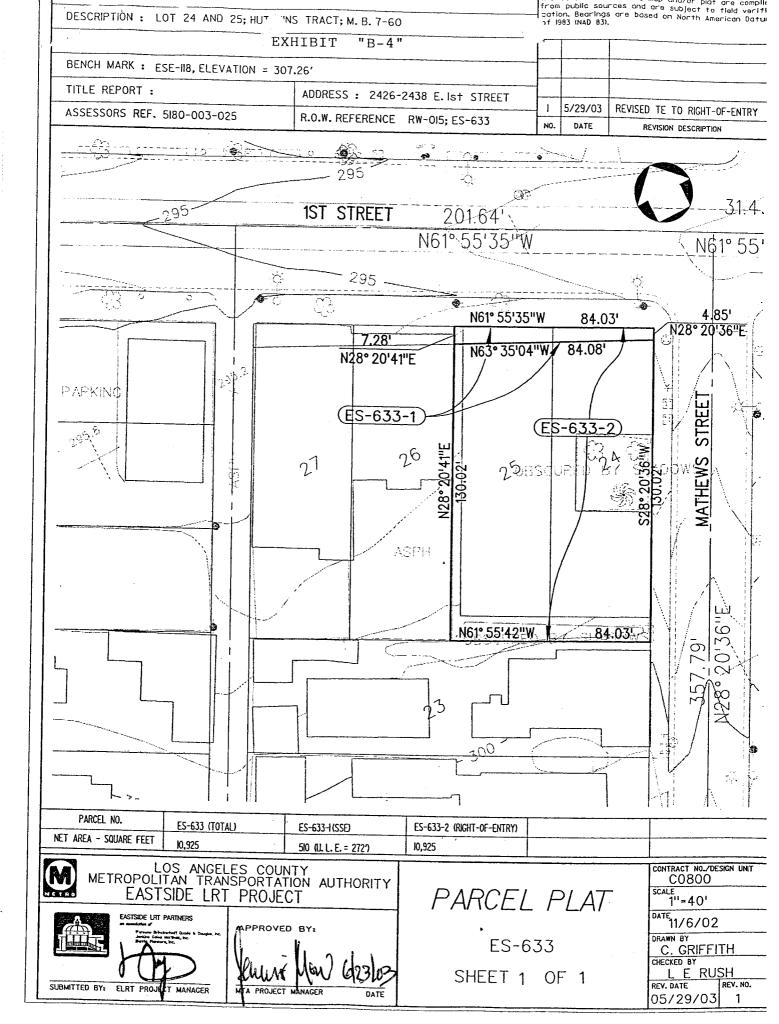
LOTS 24 AND 25 OF THE HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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## RESOLUTION OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF (LACMTA PARCELS ES-521, ES-631, ES-632 & ES-633)

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

## Section 1.

The Los Angeles County Metropolitan Transportation Authority ("LACMTA") is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

### Section 2.

The property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, in connection with the development, construction, operation and maintenance of the transit tunnels for the Metro Gold Line Eastside Extension Light Rail Project ("Project");

### Section 3.

The LACMTA is authorized to acquire the property interests described hereinafter pursuant to the following:

- a. Article I, Section 19 of the Constitution of the State of California;
- b. California Public Utilities Code, Division 10, Part 3 (Sections 30000-33020, inclusive), and Sections 30503 and 30600 in particular;
- c. California Public Utilities Code, Division 12 (Sections 130000-130730, inclusive), and Section 130220.5 in particular; and
- d. California Code of Civil Procedure Sections 1240.010-1273.050, inclusive.

#### Section 4.

The property interests to be acquired are located in the City of Los Angeles, and are more particularly identified as follows:

- 1. A subsurface easement in and to Parcels ES-521, ES-631, ES-632, AND ES-633.
- 2. A temporary construction easement, for the period of six (6) months, in and to Parcels ES-521, ES-631, ES-632 and ES-633.

Each Parcel is described individually and more specifically in Exhibits "A-1" "A-2", "A-3", and "A-4", attached hereto, and generally depicted in the Parcel Plat Maps attached hereto as Exhibits "B-1", "B-2", "B-3" and "B-4" all of which are incorporated herein by this reference.

## Section 5.

(a) The environmental impacts of the Project were evaluated in the Eastside Light Rail Transit Project Final Environmental Impact Report ("FEIR") and the Eastside Light Rail Transit Project Final Environmental Impact Study ("FEIS") for this Project; and

(b) The Los Angeles County Metropolitan Transportation Authority has reviewed and considered the Eastside Light Rail Transit Project FEIR and FEIS, before and as part of the process of determining whether to acquire the above-referenced property.

## Section 6.

The Los Angeles County Metropolitan Transportation Authority 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 which will be most compatible with the greatest public good and the least private injury;

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

(d) The offer required by Section 7267.2 of the Government Code has been made to the owner of record.

### Section 7.

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 properties described above by eminent domain. Counsel is also authorized to seek and obtain Order of Immediate Possession of said properties in accordance with the provisions of the eminent domain law and to deposit the total sum of probable just compensation fixed by the Superior Court in its order determining and establishing security for said immediate possession with the Clerk of said Superior Court in connection therewith.

Counsel is further authorized, pursuant to Section 30258 of the Public Utilities Code, to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELLE JACKSON, Secretary of the Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by the Metropolitan Transportation Authority at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

MICHELLE JACKSON MTA Secretary Date:\_\_\_\_\_

APPROVED AS TO FORM: Raymond G. Fortner, Jr. County Counsel

BY<u>:</u>\_\_\_\_\_

PARCEL NO. ES-521-1 and ES- APN: 5174-014-015 521-2

ESTATE: SUBSURFACE EASEMENT AND RIGHT-OF-ENTRY

TITLE COMPANY: Orange Coast Title Company of Los Angeles

ORDER NO. W321990-3

Contract No.: C0800

PROPERTY ADDRESS: 1835 AND 1837 E. 1st Street; Los Angeles, CA; 90033

**<u>GRANTOR:</u>** Conrado Herrera, Jaime Herrera and Arnold Herrera

#### LEGAL DESCRIPTION

# SUBSURFACE EASEMENT (Parcel ES-521-1)

THAT PORTION OF LOT 109 OF WORKMAN AND HOLLENBECK TACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 5 PAGES 426 AND 427 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 109; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 109 NORTH 28 DEGREES 20 MINUTES 22 SECONDS EAST 51.58 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 815.25 FEET, A RADIAL LINE OF SAID CURVE TO SAID POINT BEARS NORTH 11 DEGREES 10 MINUTES 25 SECONDS EAST; THENCE EASTERLY ALONG SAID CURVE 62.15 FEET THROUGH A CENTRAL ANGLE OF 4 DEGREES 22 MINUTES 04 SECONDS TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 109, SAID POINT BEING NORTH 28 DEGREES 20 MINUTES 15 SECONDS EAST 67.62 FEET ALONG SAID SOUTHEASTERLY LINE FROM THE MOST SOUTHERLY CORNER OF SAID LOT 109; THENCE NON-TANGENT AND ALONG SAID SOUTHEASTERLY LINE SOUTH 28 DEGREES 20 MINUTES 15 SECONDS WEST 67.62 FEET TO SAID MOST SOUTHERLY CORNER; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 109 NORTH 61 DEGREES 40 MINUTES 28 SECONDS WEST 60.03 FEET TO THE POINT OF BEGINNING.

THE UPPER LIMIT OF THE HEREINABOVE DESCRIBED PARCEL ES-521-1 IS A HORIZONTAL PLANE HAVING AN ELEVATION OF 292.0 FEET ABOVE MEAN SEA LEVEL PER LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY CONTROL POINT NO. ESE-114, ELEVATION = 315.97 FEET ABOVE MEAN SEA LEVEL (NATIONAL GEODETIC VERTICAL DATUM 1929, CITY OF LOS ANGELES 1975 ADJUSTMENT).

EXHIBIT

PARCEL NO. ES-631-1 and ES- APN: 5180-003-028 631-2

**ESTATE: SUBSURFACE EASEMENT AND RIGHT-OF-**ENTRY

TITLE COMPANY:

ORDER NO. W325966-3

Contract No.: C0800

**Orange Coast Title Company** of Los Angeles

PROPERTY ADDRESS: 2416 and 2418 E. 1st Street; Los Angeles, CA; 90033

**GRANTOR:** Adam Noriega and Alice Noriega

#### LEGAL DESCRIPTION

#### SUBSURFACE EASEMENT (Parcel ES-631-1)

THAT PORTION OF LOT 27 OF HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 27; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 27 SOUTH 61 DEGREES 55 MINUTES 35 SECONDS EAST 42.62 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 27; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 27 SOUTH 28 DEGREES 20 MINUTES 43 SECONDS WEST 8.50 FEET; THENCE NORTH 63 DEGREES 35 MINUTES 04 SECONDS WEST 42.64 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 27, SAID POINT BEING SOUTH 28 DEGREES 22 MINUTES 36 SECONDS WEST 9.73 FEET ALONG SAID NORTHWESTERLY LINE FROM THE POINT OF BEGINNING; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 28 DEGREES 22 MINUTES 36 SECONDS EAST 9.73 FEET TO THE POINT OF BEGINNING.

THE UPPER LIMIT OF THE HEREINABOVE DESCRIBED PARCEL ES-631-1 IS A HORIZONTAL PLANE HAVING AN ELEVATION OF 272.0 FEET ABOVE MEAN SEA LEVEL PER LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY CONTROL POINT NO. ESE-118, ELEVATION = 307.26 FEET ABOVE MEAN SEA LEVEL (NATIONAL GEODETIC VERTICAL DATUM 1929, CITY OF LOS ANGELES 1975 ADJUSTMENT).

#### **RIGHT-OF-ENTRY AREA (Parcel ES-631-2)**

LOT 27 OF HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXHIBIT

PARCEL NO. ES-632-1 and ES- APN: 5180-003-029 632-2

ESTATE: SUBSURFACE EASEMENT AND RIGHT-OF-ENTRY

TITLE COMPANY: Orange Coast Title Company of Los Angeles

ORDER NO. W325967-3

Contract No.: C0800

PROPERTY ADDRESS: 2420 and 2422 E. 1st Street; Los Angeles, CA; 90033

**GRANTOR:** Jairo and Amparo Avila

#### LEGAL DESCRIPTION

#### SUBSURFACE EASEMENT (Parcel ES-632-1)

THAT PORTION OF LOT 26 OF THE HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 26; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 26 SOUTH 61 DEGREES 55 MINUTES 35 SECONDS EAST 42.02 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 26; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 26 SOUTH 28 DEGREES 20 MINUTES 41 SECONDS WEST 7.28 FEET; THENCE NORTH 63 DEGREES 35 MINUTES 04 SECONDS WEST 42.04 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 27, SAID POINT BEING SOUTH 28 DEGREES 20 MINUTES 43 SECONDS WEST 8.50 FEET ALONG SAID NORTHWESTERLY LINE FROM THE POINT OF BEGINNING; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 28 DEGREES 20 MINUTES 43 SECONDS EAST 8.50 FEET TO THE POINT OF BEGINNING.

THE UPPER LIMIT OF THE HEREINABOVE DESCRIBED PARCEL ES-632-1 IS A HORIZONTAL PLANE HAVING AN ELEVATION OF 272.0 FEET ABOVE MEAN SEA LEVEL PER LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY CONTROL POINT NO. ESE-118, ELEVATION = 307.26 FEET ABOVE MEAN SEA LEVEL (NATIONAL GEODETIC VERTICAL DATUM 1929, CITY OF LOS ANGELES 1975 ADJUSTMENT).

# **RIGHT-OF-ENTRY AREA (Parcel ES-632-2)**

LOT 26 OF THE HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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8/14/03

EXHIBIT A-4

PARCEL NO. ES-633-1 and ES- <u>APN:</u> 5180-003-025 633-2

ESTATE: SUBSURFACE EASEMENT AND RIGHT-OF-ENTRY

TITLE COMPANY: Orange Coast Title Company of Los Angeles

ORDER NO. W32965-3

Contract No.: C0800

PROPERTY ADDRESS: 2426 thru 2438 E. 1st Street; Los Angeles, CA; 90033

**<u>GRANTOR:</u>** Edward Torrez and Hazel Torrez, Trustees of the Torrez Family Trust

#### LEGAL DESCRIPTION

#### SUBSURFACE EASEMENT (Parcel ES-633-1)

THOSE PORTIONS OF LOTS 24 AND 25 OF THE HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 25; THENCE ALONG THE NORTHEASTERLY LINES OF SAID LOTS 24 AND 25 SOUTH 61 DEGREES 55 MINUTES 35 SECONDS EAST 84.03 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 24; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 24 SOUTH 28 DEGREES 20 MINUTES 36 SECONDS WEST 4.85 FEET; THENCE NORTH 63 DEGREES 35 MINUTES 04 SECONDS WEST 84.08 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 25, SAID POINT BEING SOUTH 28 DEGREES 20 MINUTES 41 SECONDS WEST 7.28 FEET ALONG SAID NORTHWESTERLY LINE FROM THE POINT OF BEGINNING; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 28 DEGREES 20 MINUTES 41 SECONDS EAST 7.28 FEET TO THE POINT OF BEGINNING.

THE UPPER LIMIT OF THE HEREINABOVE DESCRIBED PARCEL ES-633-1 IS A HORIZONTAL PLANE HAVING AN ELEVATION OF 272.0 FEET ABOVE MEAN SEA LEVEL PER LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY CONTROL POINT NO. ESE-118, ELEVATION = 307.26 FEET ABOVE MEAN SEA LEVEL (NATIONAL GEODETIC VERTICAL DATUM 1929, CITY OF LOS ANGELES 1975 ADJUSTMENT).

#### **RIGHT-OF-ENTRY AREA (Parcel ES-633-2)**

LOTS 24 AND 25 OF THE HUTCHINS TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFONIA, AS PER MAP RECORDED IN BOOK 7 PAGE 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

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