



Metro

Metropolitan Transportation Authority

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**MTA BOARD
SEPTEMBER 23, 2004**

**SUBJECT: PUBLIC HEARING RE: RESOLUTION OF NECESSITY FOR THE
ACQUISITION OF PARCELS WI-101, WI-102, WI-103 AND WI-201**

ACTION: ADOPT RESOLUTION OF NECESSITY

RECOMMENDATION

- 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 Assessor Parcels Nos. 5410-009-016; 5410-010-001, 002, 012, 013, 014, 015, 016, 017, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030

RATIONALE

Acquisition of the Parcels WI-101, WI-102, WI-103 and WI-201 (“Property”) is required for the planned construction and operation of the Division 10 Bus Facility Expansion Project (“Project”), described in more detail in the attached Staff Report. A written offer has been presented to the owner of record, as required by California Government Code Section 7267.2. To date, staff has been unable to reach an agreement with the property owner. Because the Property is needed to proceed with construction of the Project, staff recommends the acquisition through eminent domain.

The California Eminent Domain law (Code of Civil Procedure Section 1240.010 et seq.) and Sections 30503, 30600 and 130220.5 of the California Public Utilities Code authorize the MTA to acquire property by eminent domain. In accordance with the provisions of Section 1245.210 et seq., the MTA has prepared and mailed notice of this hearing to the record owner and the City Clerk of the City of Los Angeles, 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 and located in the manner that will be most compatible with the greatest public good and the least private injury; (3) whether the Property is necessary for the Project; and (4) whether an offer was made in compliance with Government Code Section 7267.2.

After all of the testimony and other evidence has been received by the MTA from all interested parties, the MTA must make a determination as to whether to adopt the proposed resolution of necessity to acquire the Property by eminent domain. In order to adopt the resolution, the MTA

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, which has been approved by counsel, and which sets forth the required findings. The condemnation complaint will not be filed until MTA has obtained approval from the Federal Transit Administration to proceed with the condemnation action.

FINANCIAL IMPACT

Funds to acquire the Property are included in the approved Division 10 Expansion Project Budget.

ALTERNATIVE CONSIDERED

The acquisition of the Property is required to expand Division 10 for bus operations. The Property is located immediately adjacent to the existing division and provides sufficient land to expand the bus facility to accommodate the introduction of 60-foot articulated buses into the MTA's service fleet and to increase the bus service that can be operated out of Division 10. If the Property were not acquired, the design of the Division 10 expansion would have to be revised and possibly eliminated. Any delays in the Project would result in the unavailability of additional bus maintenance and storage capacity when needed to accommodate the new buses that have been ordered.

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 PARCELS WI-101, WI-102, WI-103 AND WI-201 FOR THE BUS DIVISION 10 EXPANSION PROJECT.

BACKGROUND

Parcels WI-101, WI-102, WI-103 and WI-201 (“Property”) are required for the expansion of the existing Division 10 bus facility. The assessor parcel numbers, addresses, record owner (as indicated by a title report issued by Orange Coast Title Company), and nature of the property interest sought to be acquired (consistent with the Categorical Exclusion for the Expansion of the MTA Bus Division 10 Facility), are listed below:

Assessor Parcel Numbers	Parcel Address	Owner	Interest Sought
5410-009-016; 5410-010-001, 002, 012, 013, 014, 015, 016, 017, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030	1101 E. Cesar Chavez Avenue ; 600-608 N. Mission Road; 702-820 N. Mission Road; 540 and 560 Gallardo Street, Los Angeles	The Arnold and Ruth Carlson Family Trust dated June 18, 1992	Fee Simple

A written offer to acquire the full fee interest of the real property, including certain fixtures and equipment, was made to the property owner on July 8, 2004. Subsequently, offers were made to the business tenants for fixtures and equipment located on various portions of the Property. Staff met and discussed the offer with the property owner and the offer was rejected. The property owner’s opinion of the value of the property was significantly higher than the offer made and an acceptable agreement between the MTA and the property owner regarding value is not likely.

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 Request for Environmental Categorical Exclusion for this Project, which was approved by the Federal Transit Administration on June 21, 2004, the Bus Fleet Management Plan dated April 15, 2004, and other environmental documents and analysis referenced therein.

Environmental clearance for the Project was completed under the California Environmental Quality Act (CEQA) as a part of the Wilshire Bus Rapid Transit Project Final Environmental Impact Report (SCH #2000051058) (“BRT EIR”). There were no significant adverse impacts caused by the acquisition or use of the property interests described herein that were not mitigated to a level of insignificance. A Notice of Determination for the BRT EIR was filed in compliance with Section 21108/21152 of the State of California Public Resources Code on August 21, 2002. There have been no changes to the Division 10 project since the time of the above actions.

Environmental clearance for the project was completed under the National Environmental Protection Act (NEPA) in the form of a Categorical Exclusion for the Expansion of MTA Bus Division 10 Bus Facility (CA-90-Y260). A determination was made by the United States Department of Transportation, Federal Transit Administration on June 21, 2004 that the project qualifies as a categorical exclusion under 23 CFR part 771.117(d)(8).

No significant impacts resulting from the acquisition of parcels or the expansion of the Division 10 facility were identified under either the CEQA or NEPA environmental reviews. Since the date of the certification of the BRT EIR and the date of the NEPA clearance there have been no new impacts or information that would trigger the requirements for a subsequent EIR or an addendum or supplement to the BRT EIR.

The property owner and business tenants have been informed of the planned bus expansion project in two public outreach efforts. The Mid-City Westside EIS/EIR was circulated for public comment between April and June 2001. The Wilshire BRT Final EIR was circulated for public comment between July and August 2002. In both instances, no comments were received from the property owner or the existing business owners. In addition, a Relocation Plan for the Division 10 Expansion Project dated April 2004 was prepared and distributed to the property owner and tenants.

The existing Division 10 Bus Maintenance and Storage Facility is located at 742 N. Mission Road in the City of Los Angeles and has been in operation since 1984. The current facility covers 20.2 acres and provides parking for 234 buses and 250 employees. The proposed expansion would add approximately 8.8 acres to the existing facility. The expanded site would add parking spaces for approximately 100 buses for a total of 335 and 200 employee parking spaces for a total of 450. The proposed expansion will allow the Division 10 facility to accommodate the maintenance and storage of the new 60 foot long articulated buses as part of the system-wide bus fleet expansion. Other elements of the expansion would include an expanded maintenance building, a new tire shop, a new transportation building, new fueling lanes/CNG farm, and a new retrieval area.

The parcels included in this action are required for the construction and operation of the expansion of the existing Division 10 bus facility.

A. The public interest and necessity require the Project.

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

1. MTA operates the third largest bus fleet in the United States. As of January 1, 2004, MTA owned 2,702 buses. On September 28, 1998, the MTA Board approved an accelerated bus procurement plan which resulted in the procurement of over 1,800 new buses between 1998 and 2004. With the implementation of the accelerated bus procurement plan, the average age of the active fleet has dropped from about 9.7 years to 5.8 years, and the reliability of service improved by 44 percent.
2. Recent policy decisions have been implemented regarding the deployment of high capacity and zero emission vehicles. By FY13, almost half of the bus fleet will be comprised of high

capacity vehicles. Based on the procurement schedule, total fleet seating capacity will increase by approximately 24 percent by FY13, due largely to the deployment of high capacity vehicles. This increase is based on forecasted ridership growth and preserving current passenger load conditions.

3. Over 14 new bus lines have been implemented since 1998 to improve access to schools, medical centers and work sites. In addition, MTA is implementing a new countywide bus program known as Metro Rapid. MTA has implemented seven Metro Rapid lines on Ventura Boulevard, Whittier/Wilshire Boulevards, South Broadway, Vermont Avenue, Florence Avenue, Van Nuys Avenue, and Crenshaw Boulevard. In addition, the new Orange Line Metro Rapidway is being developed. The Metro Rapidway will add better service reliability, system capacity, service availability, faster service, and on-time performance.

4. In October, 1996, MTA entered into a court ordered agreement known as the Consent Decree to settle a Federal Civil Rights suit regarding improvements to the operation of the MTA bus system. The Consent Decree provides for MTA to reduce the number of passengers standing on the buses (load factor) and to expand bus services. On January 12, 2004, the Special Master issued a ruling on the Consent Decree requiring greater compliance to the load factor and bus expansion. From January 1, 1996, the MTA has increased its bus fleet from 2,424 buses to 2,702 buses. Between FY03 and FY07, MTA is expected to procure approximately 420 buses, which also includes 100 45-foot buses and 200 60-foot articulated buses. The first 200 articulated buses are fully funded and will arrive in FY05 and FY06. These vehicles will be deployed on the Rapidways, Rapid Bus routes, and high ridership local lines. By FY13, approximately one half of the vehicles in the fleet will be high capacity vehicles.

5. MTA's bus facilities are operating over capacity and need improvements in order to be capable of supporting high capacity buses. Six of the 11 bus-operating facilities are operating over capacity. Improvements and increases in yard capacity are required to operate the existing fleet, accommodate future ridership and fleet growth, and to control deadhead costs.

6. As the MTA begins to deploy high capacity buses, the shortage of bus parking spaces will become more severe. It is anticipated that the demand for bus parking will increase by almost thirty percent. There are two efforts underway to deal with this growth in bus parking demand. The first is an on-going program to increase the capacity of existing facilities, and the second is to consider developing new bus divisions.

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

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

The Property identified for the expansion of Division 10 is zoned M2-1, limited manufacturing. One person owns the Property, which consists of twenty-one parcels. The Property is bordered by Mission Road to the northwest, the Golden State (5) Freeway to the northeast; the San Bernardino (10) Freeway to the southeast; and Cesar Chavez Avenue to the southwest. Surrounding uses

consist of the existing MTA bus facility to the east; a rail freight terminal to the northwest and light industrial uses to the southwest. The number of acquisitions of private property and the number of businesses relocated will be minimized because the Property is located adjacent to the current MTA Division 10 yard. Additionally, the Project does not require the acquisition of residential units.

It is recommended that, based upon the foregoing, the MTA 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 subject property interest is necessary for the proposed Project.

The MTA is increasing its system-wide bus fleet and requires additional space for storage and maintenance of the new buses. The Division 10 Expansion will accommodate 100 new 60-foot articulated buses in addition to its current design capacity for a total of 341 bus parking spaces. The MTA currently does not have storage capacity to accommodate the MTA's growing bus fleet. The Property is located immediately adjacent to the existing Division and presents the only alternative for expansion since the Division is constrained by the location of two freeways. The project requires the full fee taking of the Property for the construction and operation of the expanded Division 10.

The Property is legally described more specifically in the attached Exhibit "A" and is generally depicted in the parcel plat map attached hereto as Exhibit "B", both of which are incorporated herein by this reference.

It is recommended that the MTA Board find that acquisition of the subject property interests is necessary.

D. An offer was made in compliance with Government Code Section 7267.2

Pursuant to California Code of Civil Procedures Section 1245.230, prior to 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.

The MTA staff has taken the following actions as required by Section 7267.2 of the Government Code for the acquisition of the Property:

1. Obtained appraisals to determine the fair market value of the property interests
2. Reviewed and approved the appraisals, and established just compensation
3. Determined the owner of the subject property interests by examining the county assessor's

records and title report, and

4. Made written offers to the property owner and business tenants for the established amount of just compensation, which was not less than the approved appraisal amount. The written offer was mailed to the property owner on or about July 7, 2004, and the written offer was mailed to the business owners on or about July 12, 2004.

Based on the above evidence, it is recommended that the MTA find and determine that the offer required by Government Code Section 7267.2 was made to the owner(s) of record.

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF
(MTA Parcels WI-101, WI-102, WI-103 and WI-201)**

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

Section 1.

The Los Angeles County Metropolitan Transportation Authority ("MTA") 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 Division 10 Bus Facility Expansion Project ("Project");

Section 3.

The MTA 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 to be acquired is located in City of Los Angeles, and is more particularly identified as follows:

- a. The fee simple title in and to Parcels WI-101, WI-102, WI-103 and WI-201 (Los Angeles County Assessor Parcel Numbers 5410-009-016; 5410-010-001, 002, 012, 013, 014, 015, 016, 017, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030), containing approximately 384,952 square feet, including building structures and improvements pertaining to realty.

- b. Parcels WI-101, WI-102, WI-103 and WI-201 are described more specifically in Exhibit "A", attached hereto, and are generally depicted in the Parcel Plat Maps attached hereto as Exhibit "B", both of which are incorporated herein by this reference.

Section 5.

Environmental clearance for the Project was completed under the California Environmental Quality Act (CEQA) as a part of the Wilshire Bus Rapid Transit Project Final Environmental Impact Report (SCH #2000051058) ("BRT EIR"). There were no significant adverse impacts caused by the acquisition or use of the property interests described herein that were not mitigated to a level of insignificance. A Notice of Determination for the BRT EIR was filed in compliance with Section 21108/21152 of the State of California Public Resources Code on August 21, 2002. There have been no changes to the Division 10 project since the time of the above actions.

Environmental clearance for the project was completed under the National Environmental Protection Act (NEPA) in the form of a Categorical Exclusion for the Expansion of MTA Division 10 Bus Facility (CA-90-Y260). A determination was made by the United States Department of Transportation, Federal Transit Administration on June 21, 2004 that the project qualifies as a categorical exclusion under 23 CFR part 771.117(d)(8).

No significant impacts resulting from the acquisition of parcels or the expansion of the Division 10 facility were identified under either the CEQA or NEPA environmental reviews. Since the date of the certification of the BRT EIR and the date of the NEPA clearance there have been no new impacts or information that would trigger the requirements for a subsequent EIR or an addendum or supplement to the BRT EIR.

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 Project;
- (b) The 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 described in Section 4, above, is necessary for the Project; and
- (d) The offers required by Section 7267.2 of the Government Code have been made to the owners of record.

- (e) That all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property interests herein have been complied with by the MTA.

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 an Order of Immediate Possession of said properties in accordance with the provisions of the California 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 26th day of August, 2004.

MICHELLE JACKSON
MTA Secretary

Date: _____

APPROVED AS TO FORM:

Office of County Counsel

BY: _____

LEGAL DESCRIPTION
FOR FEE PURPOSES

PARCEL WI-101

PARCEL NO. WI-101
APN: 5410-009-16
TITLE REPORT: ORANGE COAST NO.W302193-3

THAT CERTAIN PORTION OF LAND REFERRED TO IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

PARCELS A, B, C OF PARCEL MAP-LA. NO. 3775, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP FILED IN BOOK 94, PAGE 11 AND 12 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE PORTIONS THEREOF BELOW A DEPTH OF FIVE HUNDRED (500) FEET MEASURED VERTICALLY FROM THE CONTOUR OF THE SURFACE THEREOF; PROVIDED THAT GRANTOR, ITS SUCCESSORS, AND ASSIGNS, SHALL NOT HAVE THE RIGHT FOR ANY PURPOSE WHATSOEVER TO ENTER UPON, INTO OR THROUGH THE SURFACE OF THE PROPERTY GRANTED HEREIN OR ANY PART THEREOF LYING BETWEEN SAID SURFACE AND FIVE HUNDRED (500) FEET BELOW SAID SURFACE. AS EXCEPTED BY SOUTHERN PACIFIC TRANSPORTATION COMPANY, A DELAWARE CORPORATION IN DEED RECORDED APRIL 28, 1978 AS INSTRUMENT NO. 78-447738 OFFICIAL RECORDS.

CONTAINS: 81,218 SQUARE FEET

NOTE:

THIS LEGAL DESCRIPTION WAS NOT PREPARED FOR ANY PURPOSE THAT WOULD BE IN VIOLATION OF THE STATE OF CALIFORNIA SUBDIVISION MAPS ACT OR LOCAL ORDINANCES OF THE GOVERNING BODY HAVING JURISDICTION.

PREPARED BY:

Stephanie A. Wagner
STEPHANIE A. WAGNER, P.L.S. 5752

January 17, 2003
DATE:

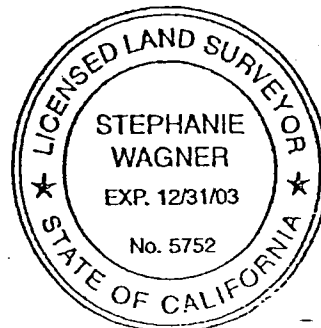


EXHIBIT "A"

**LEGAL DESCRIPTION
FOR FEE PURPOSES**

PARCEL WI-102

PARCEL NO. WI-102

APN: 5410-010-025; 5410-010-030

TITLE REPORT: ORANGE COAST NO.W302190-3 AND W302192-3

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

LOTS 9, 10, 11,12 AND 13 OF THE ARROYO DE LOS POSOS SUBDIVISION, AS PER MAP RECORDED IN BOOK 66 PAGES 81 AND 82 OF MISCELLANEOUS RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL OIL GAS OR OTHER HYDROCARBON SUBSTANCES IN OR UNDER SAID LAND AS RESERVED IN DEED FROM PACIFIC LAND CO., A CORPORATION.

ALSO

PARCEL C AS SHOWN ON PARCEL MAP L.A. NO. 5732 FILED IN BOOK 194 PAGES 62 TO 64 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE THEREOF; BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN THE DEED RECORDED APRIL 17, 1987 AS INSTRUMENT NO. 87-592867.

ALSO

LOTS 27, 28, 29 AND 30 OF THE VILLA TRACT, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 5 PAGE 454 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

AND ALSO

THOSE PORTIONS OF LOTS 31, 32, 33, and 34 INCLUSIVE OF THE VILLA TRACT, IN THE CITY OF LOS ANGELES, AS PER MAP RECORDED IN BOOK 5 PAGE 454 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 31; THENCE ALONG THE NORTHERLY LINE OF SAID LOT S71° 24'59" E 138.51 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT; THENCE ALONG THE EASTERLY LINE OF SAID LOTS 31 AND 32,

LEGAL DESCRIPTION CONTINUED

S14°30'21"W 80.09 FEET; THENCE PARALLEL WITH SAID NORTHERLY LINE N71°24'59"W 53.20 FEET; THENCE S15°22'19"W 20.14 FEET TO THE SOUTHERLY LINE OF SAID LOT 32; THENCE ALONG THE SAID SOUTHERLY LINE OF LOT 32, S 71°24'59"E 0.36 FEET TO A POINT; THENCE S18°35'01"W 50.00 FEET TO THE NORTHERLY LINE OF SAID LOT 34; THENCE S13°23'32"E 40.09 FEET TO A POINT IN THE NORTHERLY LINE OF CESAR E. CHAVEZ AVENUE, FORMERLY KNOWN AS MACY STREET, 90 FEET WIDE; THENCE N65°44'44"E ALONG SAID NORTHERLY LINE OF CESAR E. CHAVEZ AVENUE, 78.49 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A 20 FOOT RADIUS; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 29.44 FEET THROUGH A CENTRAL ANGLE OF 84°19'45" TO A POINT IN THE EASTERLY LINE OF GALLARDO STREET, 60 FEET WIDE, SAID POINT ALSO BEING ON THE WESTERLY LINE OF LOT 34; THENCE ALONG SAID EASTERLY LINE OF GALLARDO STREET AND WESTERLY LINE OF LOTS 34 THROUGH 31 OR PORTIONS THEREOF, S18°25'01"W 162.28 FEET TO THE POINT OF BEGINNING.

EXCEPT FROM SAID LAND THAT PORTION INCLUDED WITHIN THE LINES OF THE LAND DESCRIBED IN THE DEED TO THE PACIFIC ELECTRIC LAND COMPANY, A CORPORATION, RECORDED ON SEPTEMBER 12, 1907 AS INSTRUMENT NO. 4 IN BOOK 3109 PAGE 69 OF DEEDS

ALSO EXCEPT THEREFROM ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE SURFACE OF SAID LAND; BUT WITH NO RIGHT OF SURFACE ENTRY THERETO, AS PROVIDED IN THE DEED RECORDED OCTOBER 1, 1957 AS INSTRUMENT NO. 1994 IN BOOK 55739 PAGE 133, OFFICIAL RECORDS.

CONTAINS: 233,203 SQUARE FEET.

NOTE:

THIS LEGAL DESCRIPTION WAS NOT PREPARED FOR ANY PURPOSE THAT WOULD BE IN VIOLATION OF THE STATE OF CALIFORNIA SUBDIVISION MAP ACT OR LOCAL ORDINANCES OF THE GOVERNING BODY HAVING JURISDICTION.

PREPARED BY:

Stephanie A. Wagner
STEPHANIE A. WAGNER, P.L.S. 5752

January 3, 2003
DATE:



**LEGAL DESCRIPTION
FOR FEE PURPOSES**

PARCEL WI-103

PARCEL NO. WI-103

APN: 5410-010-026,027,028 AND 029; 5410-010-001 AND 002

TITLE REPORT: ORANGE COAST NO.W302191-3 AND W302186-3

THAT CERTAIN PORTION OF LAND REFERRED TO IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

ALL OF PARCEL "A", AS SHOWN ON PARCEL MAP L.A. NO. 5732 FILED IN BOOK 194 PAGES 62 TO 64 INCLUSIVE OF PARCEL MAPS, ON THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO CONTAINING A PORTION OF THE LAND DESCRIBED AS FOLLOWS:

BEGINNING AT MOST NORTHERLY CORNER OF SAID PARCEL "A", SAID POINT BEING ON THE SOUTHERLY LINE OF MISSION ROAD, 100 FEET WIDE, AS ESTABLISHED BY DEED RECORDED IN BOOK 4478, PAGE 1 OF DEEDS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG SAID SOUTHERLY LINE N67°54'35"E 327.16 FEET; THENCE LEAVING SOUTHERLY LINE OF MISSION ROAD S22°05'25"E 80.93 FEET; THENCE S67°54'35"W 77.19 FEET TO THE NORTHWESTERLY LINE OF LOT 2 OF TRACT NO. 3296, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 36, PAGES 30 AND 31 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID NORTHWESTERLY LINE S28°06'25"W 49.59 FEET; THENCE N62°30'00"W 10.00 FEET TO A POINT IN THE NORTHERLY LINE OF LOT 17 OF ARROYO DE LOS POSOS SUBDIVISION IN SAID CITY COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 66, PAGES 81 AND 82 OF MISCELLANEOUS MAPS, SAID POINT ALSO BEING IN THE NORTH LINE OF A PUBLIC ALLEY, 20 FEET WIDE, AS VACATED BY COUNCIL OF THE CITY OF LOS ANGELES UNDER ORDINANCE NO.3968; THENCE ALONG NORTHERLY LINE OF SAID LOT 17 S67°54'35"W 205.48 FEET TO THE MOST EASTERLY CORNER OF LOT 4 OF SAID ARROYO DE LOS POSOS SUBDIVISION; THENCE ALONG NORTHEASTERLY LINE OF SAID LOT 4, N22°05'25"W 105.00 FEET TO THE SOUTHERLY LINE OF SAID HEREIN ABOVE MENTIONED MISSION ROAD AND POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION THEREOF LYING BELOW A DEPTH OF 500 FEET, MEASURED VERTICALLY, FROM THE CONTOUR OF THE SURFACE OF SAID PROPERTY; THENCE HOWEVER, OR ITS SUCCESSORS AND ASSIGNS, SHALL NOT HAVE THE RIGHT FOR ANY PURPOSE WHATSOEVER TO ENTER UPON, INTO OR THROUGH THE SURFACE OF SAID PROPERTY OR ANY PART THEREOF LYING BETWEEN SAID SURFACE AND 500 FEET BELOW SAID SURFACE, AS SHOWN IN DEED RECORDED APRIL 17, 1987 AS INSTRUMENT NO. 87-592867.

LEGAL DESCRIPTION CONTINUED

LEGAL DESCRIPTION CONTINUED PARCEL* WI-103*

CONTAINS: 36,143 SQUARE FEET

NOTE:

THIS LEGAL DESCRIPTION WAS NOT PREPARED FOR ANY PURPOSE THAT WOULD BE IN VIOLATION OF THE STATE OF CALIFORNIA SUBDIVISION MAPS ACT OR LOCAL ORDINANCES OF THE GOVERNING BODY HAVING JURISDICTION.

PREPARED BY:

Stephanie A. Wagner
STEPHANIE A. WAGNER, P.L.S. 5752

January 3, 2003
DATE:



**LEGAL DESCRIPTION
FOR FEE PURPOSES**

PARCEL WI - 201

PARCEL NO. WI-201
APN: 5410-010-017,019-024;
TITLE REPORT: ORANGE COAST NO.W302189-3

THAT CERTAIN PORTION OF LAND REFERED TO IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA FOLLOWING DESCRIBED AS A WHOLE AS FOLLOWS:

LOTS 24, 25 AND 26 OF THE VILLA TRACT, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 5 PAGE 454 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO

LOTS 14 AND 16 OF THE ARROYO DE LOS POSOS SUBDIVISION, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 66 PAGES 81 AND 82 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

AND ALSO,

THAT PORTION OF THAT CERTAIN PARCEL OF LAND, IN THE CITY OF LOS ANGELES, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SHOWN AS CITY OF LOS ANGELES TO FRANK BERNAL, DEEDS 1201 PAGE 17 AT LOS ANGELES COUNTY ON THE MAP OF SAID ARROYO DE LOS POSOS SUBDIVISION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 16 OF ARROYO DE LOS POSOS SUBDIVISION; THENCE S62°01'31"E 127.44 FEET ALONG THE NORTHERLY OF LOT 16 TO THE MOST EASTERLY CORNER OF SAID LOT; THENCE N34°43'08"E 49.67 FEET TO THE SOUTHEAST CORNER OF LOT 14 OF SAID SUBDIVISION; THENCE N62° 01'31"W 141.43 FEET TO THE SOUTHWEST CORNER OF SAID LOT 14' SAID POINT ALSO BEING OM THE EASTERLY LINE OF GALLARDO STREET, 60 FEET WIDE; THENCE S18°35'01"W 50.00 FEET ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING.

CONTAINS: 34,289 SQUARE FEET

LEGAL DESCRIPTION CONTINUED

LEGAL DESCRIPTION CONTINUED PARCEL "WIL-201"

NOTE:

THIS LEGAL DESCRIPTION WAS NOT PREPARED FOR ANY PURPOSE THAT WOULD BE IN VIOLATION OF THE STATE OF CALIFORNIA SUBDIVISION MAPS ACT OR LOCAL ORDINANCES OF THE GOVERNING BODY HAVING JURISDICTION.

PREPARED BY:

Stephanie A. Wagner
STEPHANIE A. WAGNER, P.L.S. 5752

January 3, 2003
DATE:



DESCRIPTION : PARCELS A, B AND C PER PM LA 3775 B.K.94 PG. 11-12

THIS IS NOT A SURVEY OF THE LAND. THE DATA SHOWN ON THIS MAP HAS BEEN COMPILED FROM PUBLIC SOURCES AND IS SUBJECT TO FIELD VERIFICATION. BEARINGS ARE BASED ON THE CENTER LINE OF MISSION ROAD SHOWN AS N67°54'35"E PER PARCEL MAP NO. 5752 BK.194 PGS 1/3.

TITLE REPORT : ORANGE COAST TITLE NO. W302193-3

ADDRESS :

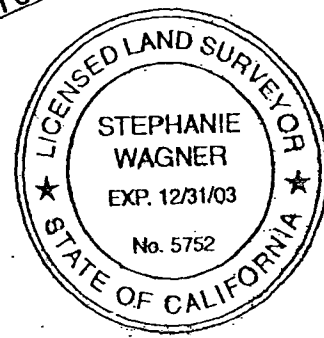
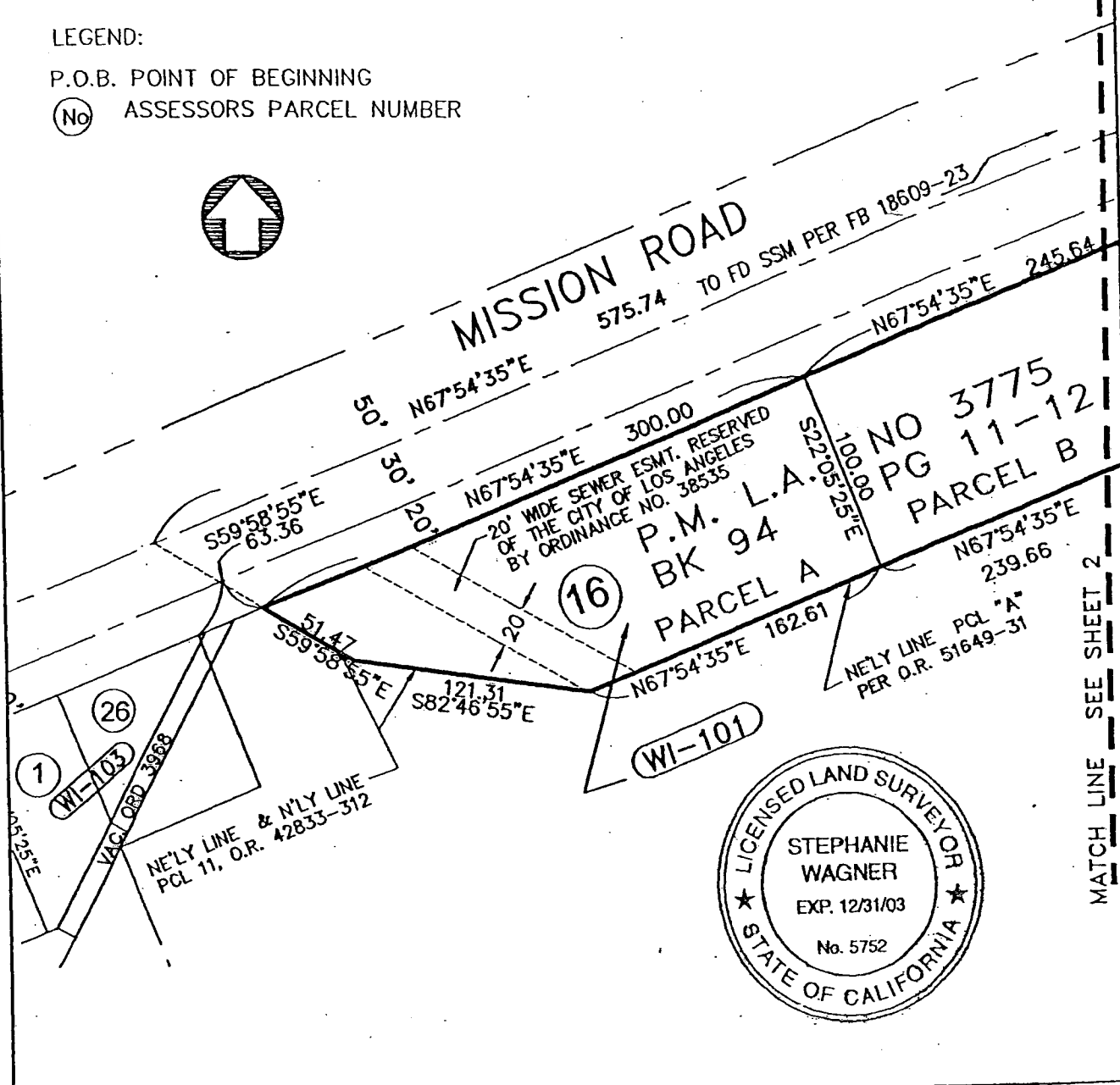
ASSESSORS REF: 5410-009-16

NO.	DATE	REVISION DESCRIPTION

LEGEND:

P.O.B. POINT OF BEGINNING

(No) ASSESSORS PARCEL NUMBER



MATCH LINE - SEE SHEET 2

PARCEL NO.	TOTAL PARCEL	WI-101 FEE			
NET AREA - SQUARE FEET	81,218	81,218			



Los Angeles County
Metropolitan Transportation Authority
WILSHIRE BRT

PARCEL PLAT
WI-101
SHEET 1 OF 2

CONTRACT NO./ DESIGN UNIT	
SCALE	1" = 80'
DATE	01/02/03
DRAWN BY	DK
CHECKED BY	SAW
REV. DATE	REV. NO.

PREPARED BY
WAGNER
ENGINEERING &
SURVEY, INC.

16933 PARTHENIA STREET SUITE #100
NORTHRRIDGE, CA. 91343-4552
(818)892-6565 (818)892-6611FAX

PREPARED BY:
Stephanie A. Wagner
Stephanie A. Wagner, PLS DATE

APPROVED BY:
Stephanie A. Wagner 2-19-03
MTA PROJECT MANGER DATE

DESCRIPTION : PARCEL A, B AND C PER PM LA 3775

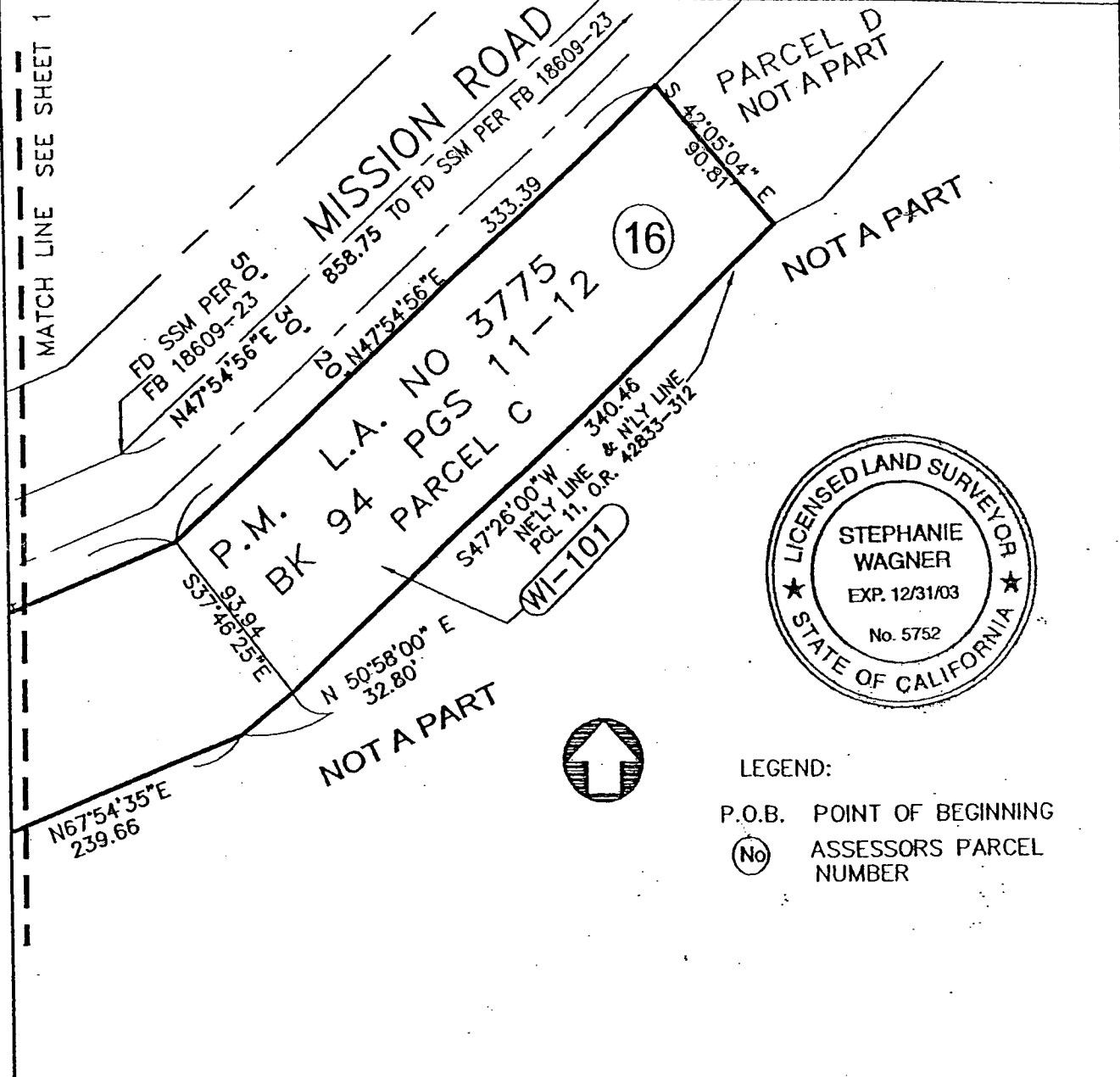
THIS IS NOT A SURVEY OF THE LAND. THE DATA SHOWN ON THIS MAP HAS BEEN COMPILED FROM PUBLIC SOURCES AND IS SUBJECT TO FIELD VERIFICATION. BEARINGS ARE BASED ON THE CENTER LINE OF MISSION ROAD SHOWN AS N67° 54'35"E PER PARCEL MAP NO. 5752 BK.194 PGS 1/3.

TITLE REPORT : ORANGE COAST TITLE NO. W302193-3

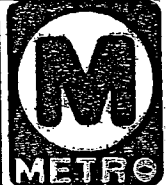
ADDRESS :

ASSESSORS REF: 5410-009-16

NO.	DATE	REVISION DESCRIPTION



PARCEL NO.	TOTAL PARCEL	WI-101 FEE		
NET AREA - SQUARE FEET	81,218	81,218		



Los Angeles County
Metropolitan Transportation Authority
WILSHIRE BRT

PARCEL PLAT
WI-101
SHEET 2 OF 2

CONTRACT NO./ DESIGN UNIT	
SCALE	1" = 80'
DATE	01/02/03
DRAWN BY	DK
CHECKED BY	SAW
REV. DATE	REV. NO.

PREPARED BY
WAGNER
ENGINEERING &
SURVEY, INC.
16933 PARTHENIA STREET SUITE #100
NORTHridge, CA 91343-4552
(818)892-6565 (818)892-6611FAX

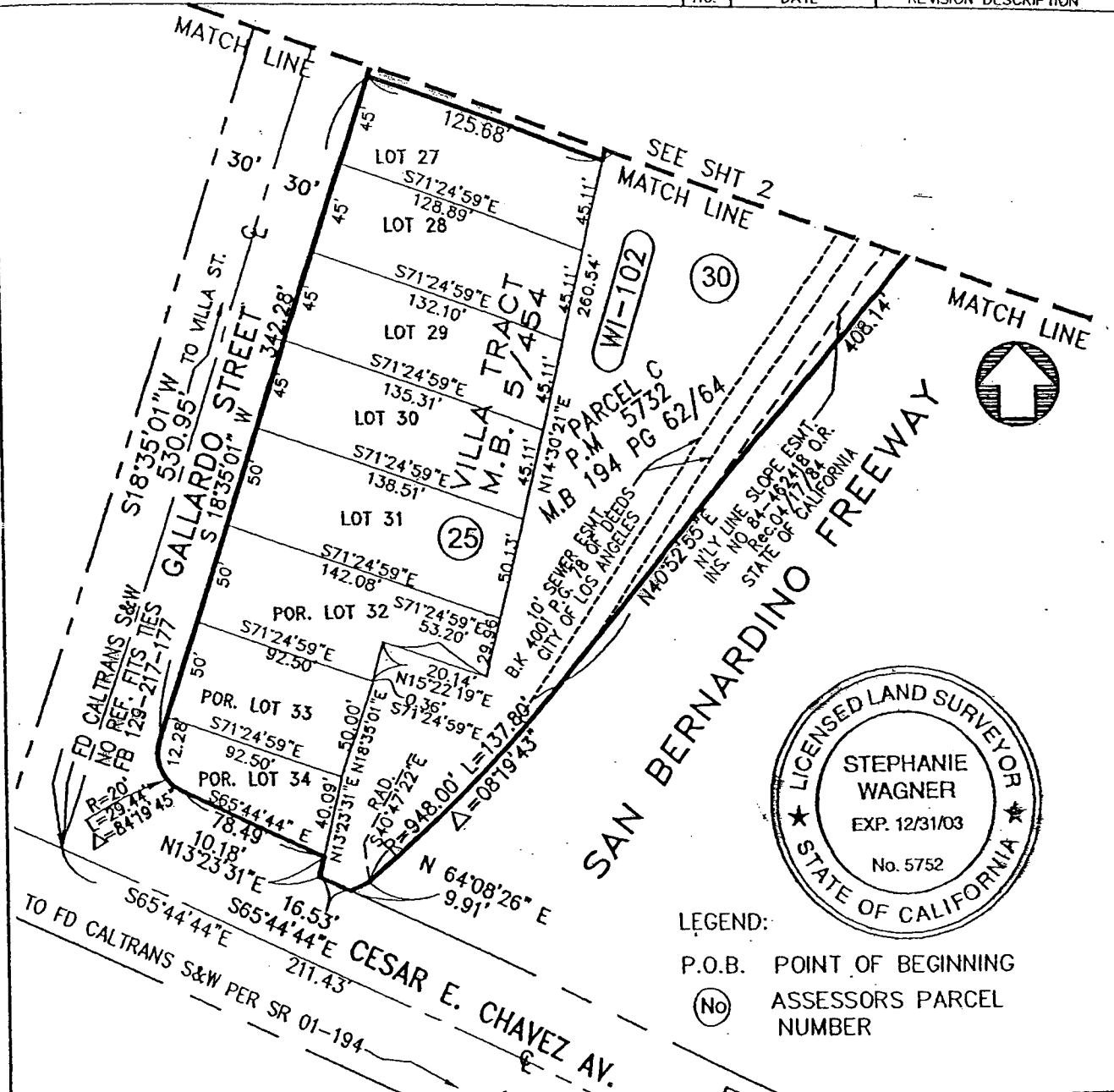
PREPARED BY:
Stephanie A. Wagner
Stephanie A. Wagner, PLS DATE

APPROVED BY:
[Signature] 2-12-03
MTA PROJECT MANGER DATE

OWNERSHIP : ARNOLD W. CARLSON AND RUTH CARLSON FAMILY TRUST
 DESCRIPTION : LOTS 27-30 & POR. LOTS 31-34 OF THE VILLA TRACT.
 AND PARCEL C PER P.M. LA 5732 B.K. 194 PG 62/64
 TITLE REPORT : ORANGE COAST TITLE NO's W302190-3 AND W302192-3
 ADDRESS :
 ASSESSORS REF: 5410-010-025, 030

THIS IS NOT A SURVEY OF THE LAND. THE DATA SHOWN ON THIS MAP HAS BEEN COMPILED FROM PUBLIC SOURCES AND IS SUBJECT TO FIELD VERIFICATION. BEARINGS ARE BASED ON THE CENTER LINE OF MISSION ROAD SHOWN AS N67°54'35"E PER PARCEL MAP NO. 5752 BK.194 PGS 1/3.

NO.	DATE	REVISION DESCRIPTION



LEGEND:
 P.O.B. POINT OF BEGINNING
 (No) ASSESSORS PARCEL NUMBER

PARCEL NO.	TOTAL PARCEL	WI-102 FEE			
NET AREA - SQUARE FEET	233,303	233,303			



Los Angeles County
 Metropolitan Transportation Authority
 WILSHIRE BRT

PARCEL PLAT
 WI-102
 SHEET 1 OF 3

CONTRACT NO./ DESIGN UNIT	
SCALE	1" = 80'
DATE	01/02/03
DRAWN BY	DK
CHECKED BY	SAW
REV. DATE	REV. NO.

PREPARED BY:
 WAGNER
 ENGINEERING &
 SURVEY, INC.

PREPARED BY:
Stephanie A. Wagner
 Stephanie A. Wagner, PLS DATE

APPROVED BY:
[Signature] 2-14-03
 MTA PROJECT MANGER DATE

16933 PARTHENIA STREET SUITE #100
 NORTHRIDGE, CA 91343-4552
 (818)892-6565 (818)892-6611 FAX

DESCRIPTION : LOTS 9-13 OF ARROYO DE LOS POSOS SUBD. M.B. 66 PG 81/82
 PCL C PM LA 5732 BK 149 PG 62/64

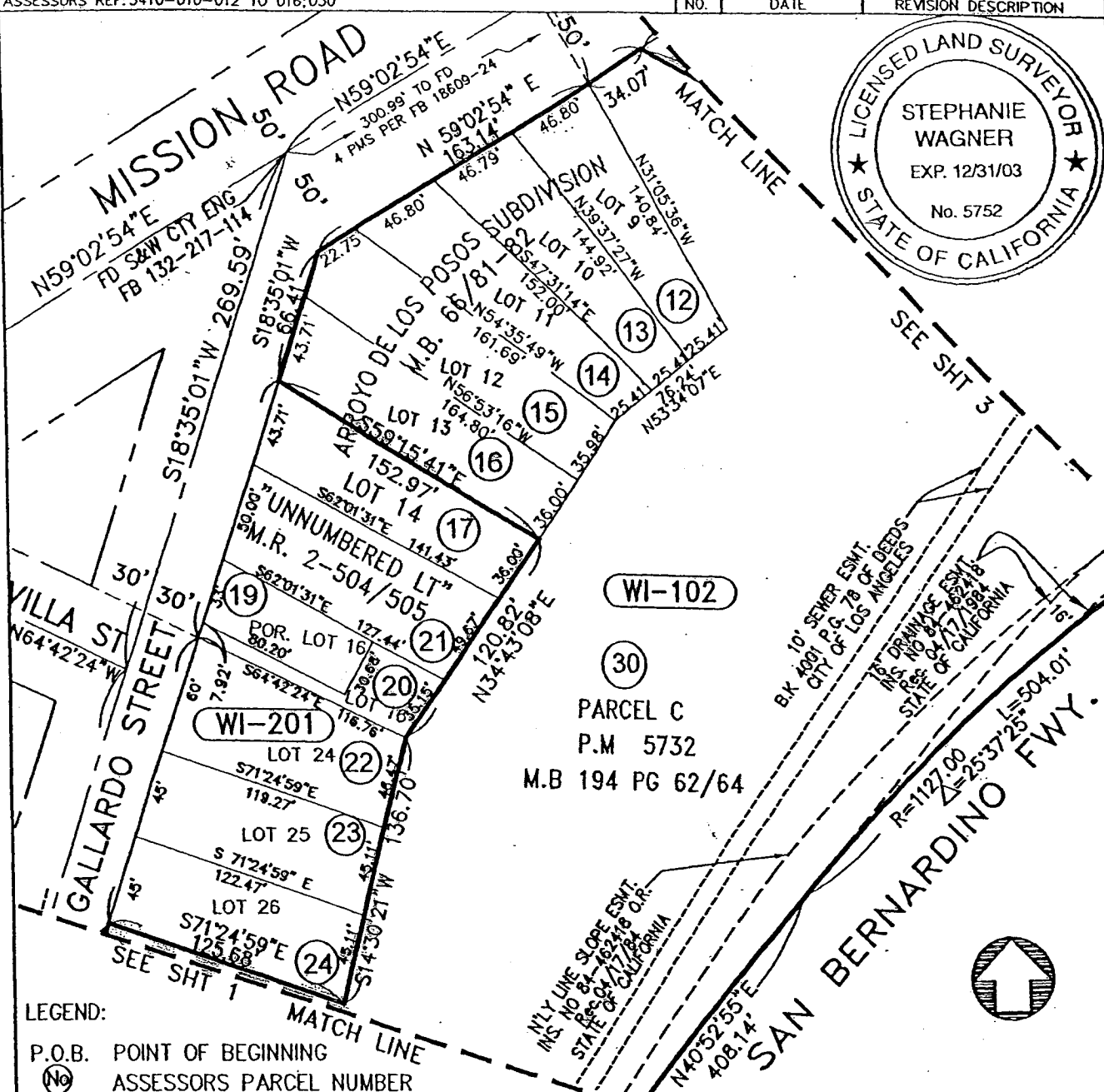
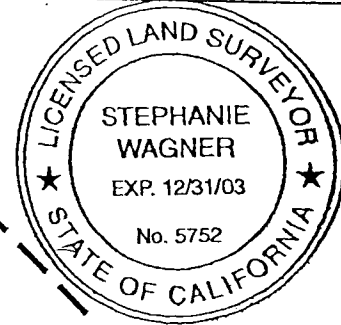
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TITLE REPORT : ORANGE COAST TITLE NO's W302187-3 AND W302188-3

ADDRESS :

ASSESSORS REF: 5410-010-012 TO 016:030

NO.	DATE	REVISION DESCRIPTION



WI-102
 30
 PARCEL C
 P.M 5732
 M.B 194 PG 62/64

LEGEND:
 P.O.B. POINT OF BEGINNING
 (No) ASSESSORS PARCEL NUMBER

PARCEL NO.	TOTAL PARCEL	WI-102 FEE
NET AREA - SQUARE FEET	233,303	233,303

M Los Angeles County
 Metropolitan Transportation Authority
 WILSHIRE BRT

PREPARED BY:
WAGNER ENGINEERING & SURVEY, INC.
 16933 PARTHENA STREET SUITE #100
 NORTHBRIDGE, CA 91343-4552
 (818)892-6565 (818)892-6611FAX

PREPARED BY:
Stephanie A. Wagner
 Stephanie A. Wagner, PLS DATE

PARCEL PLAT
 WI-102
 SHEET 2 OF 3

APPROVED BY:
[Signature] 2-12-03
 MTA PROJECT MANGER DATE

CONTRACT NO./ DESIGN UNIT	
SCALE	1"=80"
DATE	01/02/03
DRAWN BY	DK
CHECKED BY	SAW
REV. DATE	REV. NO.

OWNERSHIP : ARNOLD W.CARLSON AND RUTH CARLSON FAMILY TRUST

DESCRIPTION : LOTS 9-13 OF ARROYO DE LOS POSOS SUBD. M.B. 66 PG 81/82

BK 194, PG 62/64 PCL C PM LA 5732 BK 194 PG 62/64

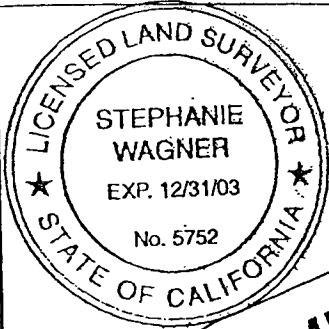
TITLE REPORT : ORANGE COAST TITLE NO's W302187-3 AND W302188-3

ADDRESS :

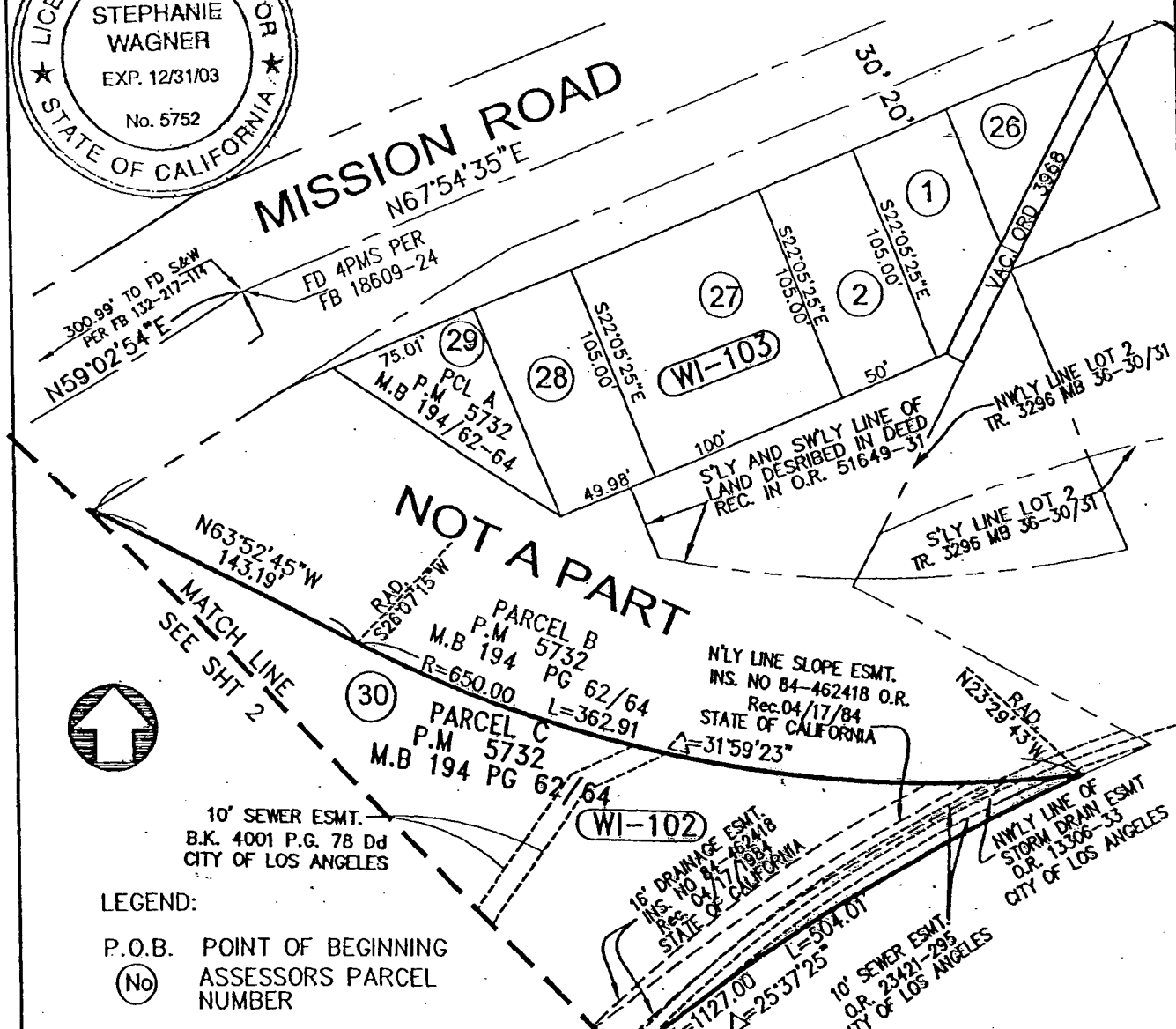
ASSESSORS REF: 5410-010-012 TO 016 AND 5410-010-030

THIS IS NOT A SURVEY OF THE LAND. THE DATA SHOWN ON THIS MAP HAS BEEN COMPILED FROM PUBLIC SOURCES AND IS SUBJECT TO FIELD VERIFICATION. BEARINGS ARE BASED ON THE CENTER LINE OF MISSION ROAD SHOWN AS N67°54'35"E PER PARCEL MAP NO. 5752 BK.194 PGS 1/3.

NO.	DATE	REVISION DESCRIPTION



MISSION ROAD
N67°54'35"E



LEGEND:

P.O.B. POINT OF BEGINNING
 (No) ASSESSORS PARCEL NUMBER

PARCEL NO.	TOTAL PARCEL	WI-102 FEE
NET AREA - SQUARE FEET	233,303	233,303



Los Angeles County
 Metropolitan Transportation Authority
 WILSHIRE BRT

PARCEL PLAT
WI-102
 SHEET 3 OF 3

CONTRACT NO./ DESIGN UNIT	
SCALE	1"=80'
DATE	01/02/03
DRAWN BY	DK
CHECKED BY	SAW
REV. DATE	REV. NO.

PREPARED BY
 WAGNER
 ENGINEERING &
 SURVEY, INC.

16933 PARTHENIA STREET SUITE #100
 NORTHRIDGE, CA 91343-4552
 (818)892-6565 (818)892-6611FAX

PREPARED BY:

Stephanie A. Wagner
 Stephanie A. Wagner, PLS

APPROVED BY:

Thompson
 MTA PROJECT MANGER

DESCRIPTION: PORTION LOT 4 OF THE ARROYO DE LOS POSOS SUBDI.
 PCL A PM LA 5733 BK 194 PG 62/64

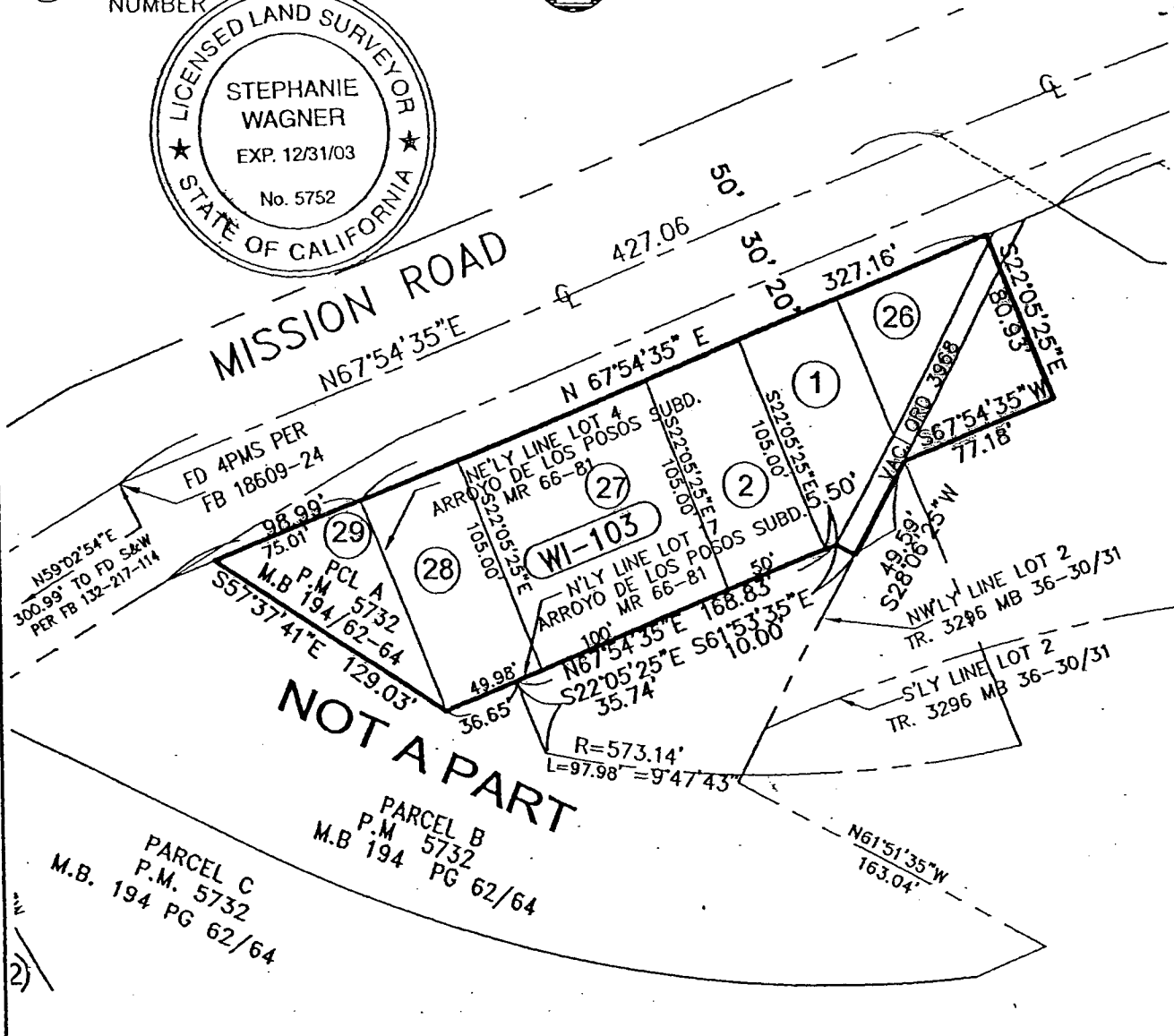
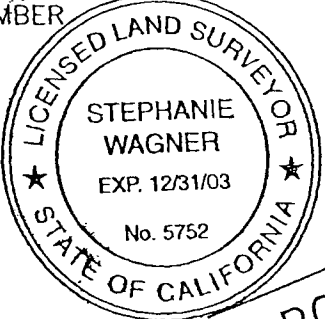
THIS IS NOT A SURVLY OF THE LAND. THE DATA SHOWN ON THIS MAP HAS BEEN COMPILED FROM PUBLIC SOURCES AND IS SUBJECT TO FIELD VERIFICATION. BEARINGS ARE BASED ON THE CENTER LINE OF MISSION ROAD SHOWN AS N67° 54'35" E PER PARCEL MAP NO. 5752 BK.194 PGS 1/3.

TITLE REPORT : ORANGE COAST TITLE NO. W302186-3 AND W302192-3
 ADDRESS :
 ASSESSORS REF: 5410-010-026,027, 028,029 AND 5410-010-001 AND 002

NO.	DATE	REVISION DESCRIPTION

LEGEND:

P.O.B. POINT OF BEGINNING
 (No) ASSESSORS PARCEL NUMBER



PARCEL NO.	TOTAL PARCEL	W-103 FEE			
NET AREA - SQUARE FEET	36.143	36.143			



Los Angeles County
 Metropolitan Transportation Authority
 WILSHIRE BRT

PARCEL PLAT
 WI-103
 SHEET 1 OF 1

CONTRACT NO./ DESIGN UNIT	
SCALE	1:80
DATE	01/02/03
DRAWN BY	DK
CHECKED BY	SAW
REV. DATE	REV. NO.

PREPARED BY
 WAGNER
 ENGINEERING &
 SURVEY, INC.

PREPARED BY:
Stephanie A. Wagner
 Stephanie A. Wagner, PLS DATE

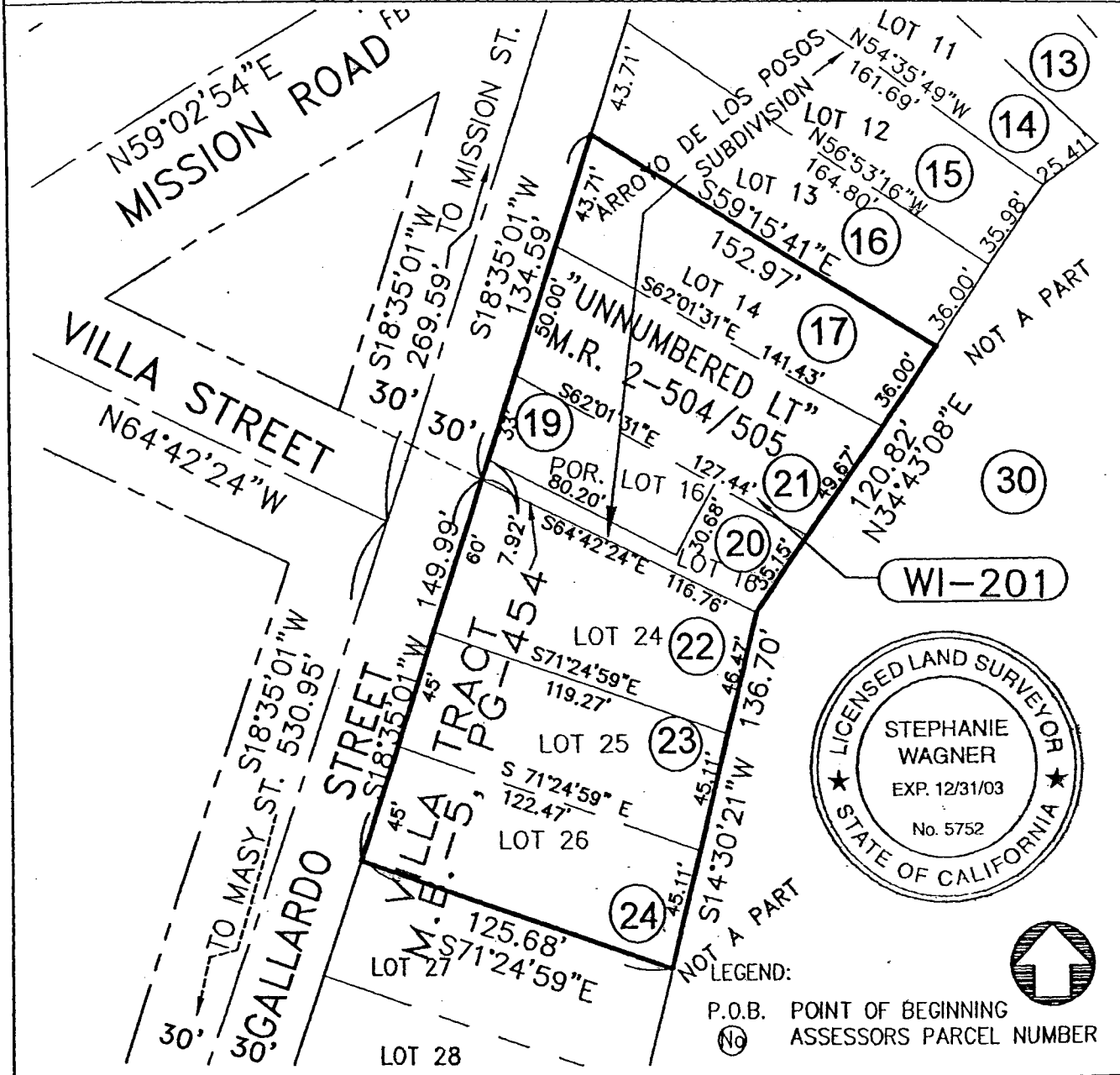
APPROVED BY:
Thomas...
 MTA PROJECT MANGER DATE

16933 PARTHENIA STREET SUITE #100
 NORTHBRIDGE, CA. 91343-4552
 (818)892-6565 (818)892-6611 FAX

OWNERSHIP : VINCENT J. GACCHINA AND JANICE B. GACCHINA FAMILY TRUST AND PETRO DAMICO
 DESCRIPTION: LOTS 24-26 OF VILLA TRACT MB 5 PG 454, "UNNUMBERED LOT" M.R. 2 P.G. 504/505
 LOT 14 & POR LOT 16 OF ARROYO DE LOS POSOS SUBD. M.B. 66 PG 81/82
 TITLE REPORT : ORANGE COST TITLE NO. W302189-3
 ADDRESS :
 ASSESSORS REF: 5410-010-017,019-024

THIS IS NOT A SURVEY OF THE LAND. THE DATA SHOWN ON THIS MAP HAS BEEN COMPILED FROM PUBLIC SOURCES AND IS SUBJECT TO FIELD VERIFICATION. BEARINGS ARE BASED ON THE CENTER LINE OF MISSION ROAD SHOWN AS N67°54'35"E PER PARCEL MAP NO. 5752 BK.194 PGS 1/3.

NO.	DATE	REVISION DESCRIPTION



PARCEL NO.	TOTAL PARCEL	WI-201 FEE
NET AREA - SQUARE FEET	34,289	34,289



Los Angeles County
 Metropolitan Transportation Authority
 WILSHIRE BRT

PARCEL PLAT
 WI-201
 SHEET 1 OF 1

CONTRACT NO./ DESIGN UNIT	
SCALE	1"=60"
DATE	01/02/03
DRAWN BY	DK
CHECKED BY	SAW
REV. DATE	REV. NO.

PREPARED BY
 WAGNER
 ENGINEERING &
 SURVEY, INC.
 16933 PARTHENIA STREET SUITE #100
 NORTHridge, CA. 91343-4552
 (818)892-6565 (818)892-6611FAX

PREPARED BY:
Stephanie A. Wagner
 Stephanie A. Wagner, PLS DATE

APPROVED BY:
Stephanie A. Wagner 2-10-03
 MTA PROJECT MANGER DATE