



Metro

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Board Report

File #: 2016-0280, File Type: Policy

Agenda Number: 42.

REGULAR BOARD MEETING APRIL 28, 2016

SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT

ACTION: ADOPT AN AMENDED RESOLUTION OF NECESSITY TO PROVIDE FOR THE FUTURE BIFURCATION OF AN EXISTING SUBSURFACE TUNNEL EASEMENT, AND FOR THE OUTGRANT TO THE PROPERTY OWNER OF CERTAIN EASEMENT RIGHTS IN A PORTION OF ASSESSOR'S PARCEL NOS. 5161-017-021, 5161-017-022, 5161-017-023, & 5161-017-033 (HEREINAFTER THE "PROPERTY").

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Amended Resolution of Necessity;
- B. ADOPTING an amended **Resolution of Necessity** clarifying the nature of the property rights to be acquired in the pending eminent domain action against **Japanese Village, LLC, et al (hereinafter "Owner")**, in support of the Metro Regional Connector Transit Corridor Project, including a provision for the bifurcation of the existing subsurface tunnel easements, and for the outgrant to the Property Owner of the space between the bifurcated tunnel easements in the context of Metro's long-range plans affecting the Property.

(REQUIRES TWO-THIRDS VOTE)

DISCUSSION

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the Owner, as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests from the Owner:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project

Parcel Nos. RC-450 and RC-451; and

- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface tunnel and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface tunnel easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface tunnel easements, which would result in a three (3) to four (4) foot wide area between the bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface tunnel easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 wherein the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015. Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner. An amended Resolution of Necessity is necessary to enable Metro to amend its existing Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), METRO has prepared and mailed notices of this hearing to the Owner informing them of their right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least

private injury; (3) whether the Property is necessary for the Project; and (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.

Attached is evidence submitted by staff that supports adoption of the Resolution that has been approved by counsel, and which sets forth the required findings (Attachment "B"). After all of the testimony and other evidence has been received by METRO from all interested parties, METRO must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment "C") to acquire the Property by eminent domain. In order to adopt the resolution, METRO must, based upon all the evidence before it, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated above exist.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on safety standards for Metro.

FINANCIAL IMPACT

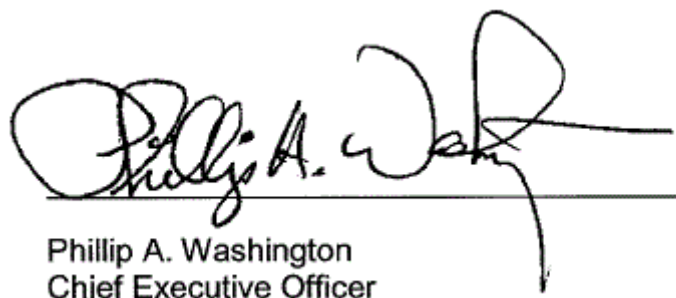
This project is funded by Measure R 35% backed TIFIA loan, and a combination of various local and state grants and Federal grants. The funding to acquire the Property is included in the approved fiscal year 2016 project budget, under Measure R Project Regional Connector Transit Corridor Project 860228, in cost center 8510 (Construction Procurement), account number 53103 (Acquisition of Land). This has no impact to operations eligible funds.

ATTACHMENTS

Attachment A- Order for Prejudgment Possession
Attachment A-1-Subsurface Easements - Portion to be Abandoned
Attachment A-2-Subsurface Easements - Portion to be Retained
Attachment B-Staff Report
Attachment C-Resolution of Necessity

Prepared by: Velma C. Marshall, Deputy Executive Officer - Real Estate (213) 922-2415

Reviewed by: Calvin E. Hollis, Interim Chief Planning Officer, (213) 922-7319



Phillip A. Washington
Chief Executive Officer

Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.		PORTION OF LOT 1	
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02		Assessor's Ref: 5161-017-033	
ROW Ref: R-107		No. Date Revision Description	

TRACT NO. 30211
M.B. 885 / 30-31
LOT 1
 APN: 5161-017-033

TRACT NO. 64995
M.B. 1329 / 28-42
LOT 1
 APN: 5161-017-039

RC-451-A
 1,498 SQ. FT.

LOT 2
 APN: 5161-017-023

LOT 3

LOT 4

1ST STREET

2ND STREET

CENTRAL AVENUE

JAPANESE VILLAGE

SEE DETAIL 2 ON PAGE 02

SEE DETAIL 1 ON PAGE 02

POB RC 451-A

POC

TPOB

RC 451-A

LOT 1

LOT 2

LOT 3

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LOT 5

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EXHIBIT "F"

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Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision Description	

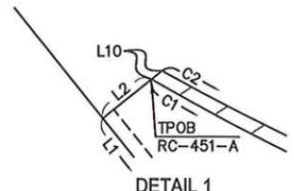
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

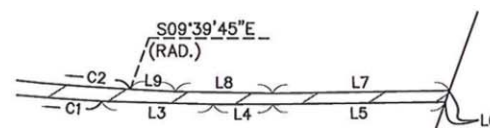


VICINITY MAP
N.T.S.


OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING



DETAIL 1



DETAIL 2



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

<div style="display: flex; align-items: center;"> <div> <p>APPROVED BY:</p> <p>PROJECT MANAGER</p> </div> </div>	<div style="display: flex; align-items: center;"> <div> <p>DATE</p> <p>PREPARED BY:</p> <p>17334 Devonshire St., Suite 200 Northridge, CA 91325</p> </div> </div>	<div style="text-align: center; margin-bottom: 10px;"> <p style="font-size: 1.2em; margin: 0;">REGIONAL CONNECTOR</p> <p style="margin: 0;">PAGE 2 OF 2</p> <p style="margin: 0;">CITY OF LOS ANGELES</p> </div> <div style="font-size: 0.7em;"> <p>DATE: 03/23/2016</p> <p>SCALE: NTS</p> <p>REV. No. DATE:</p> <p>REV. No. DATE:</p> <p>PARCEL No. RC-451-A</p> </div>
<div style="display: flex; align-items: center;"> <div> <p>CHECKED BY: LS.: 5752</p> </div> </div>		

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

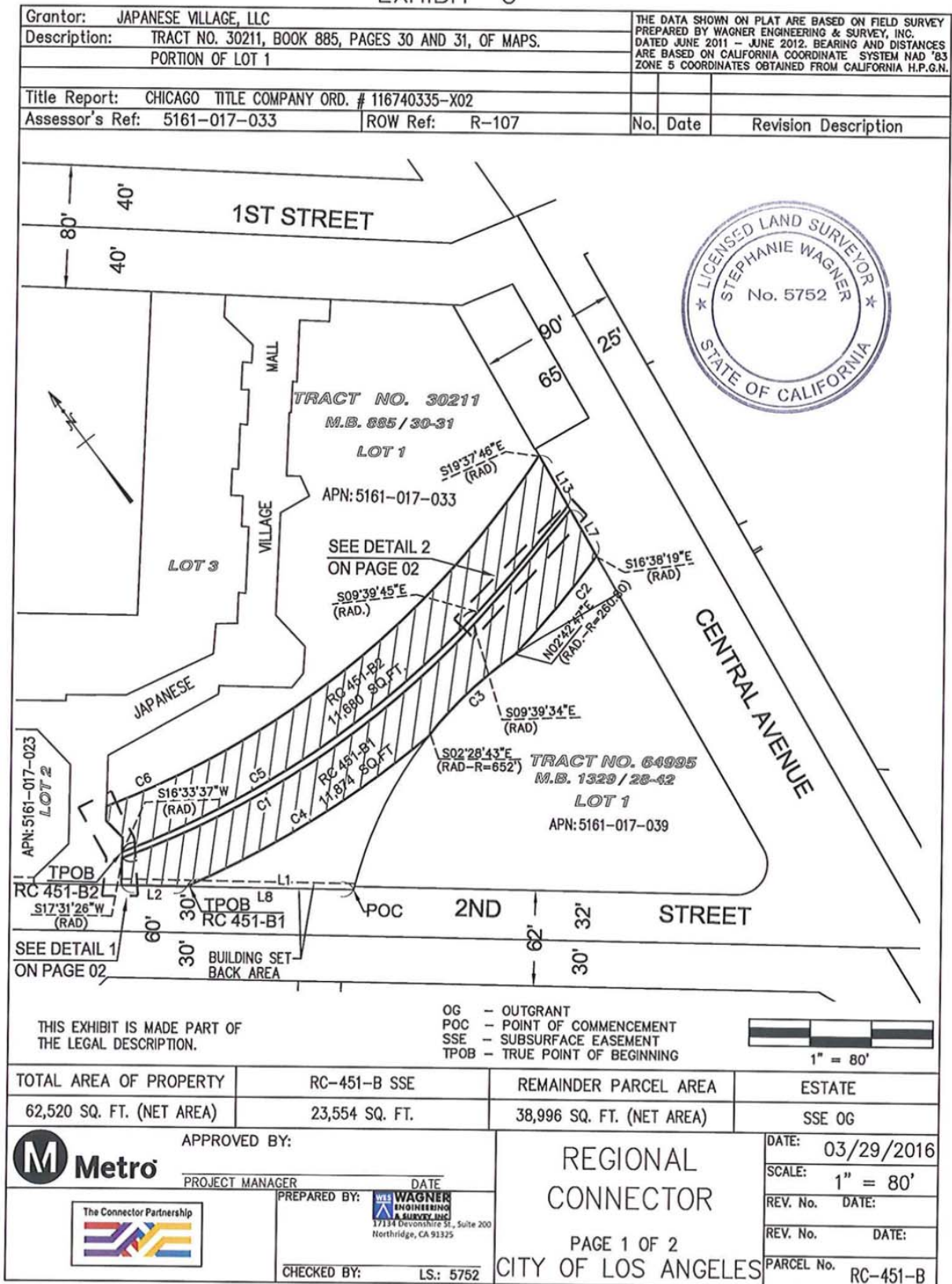


EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision Description	

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"

VICINITY MAP
N.T.S.

OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING

DETAIL 1

DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:	REGIONAL CONNECTOR	DATE: 03/29/2016
	PROJECT MANAGER		SCALE: NTS
	PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17114 Devonshire St., Suite 200 Northridge, CA 91325	PAGE 2 OF 2 CITY OF LOS ANGELES	REV. No. DATE:
	CHECKED BY: LS: 5752		REV. No. DATE:
			PARCEL No. RC-451-B

ATTACHMENT A

Order of Prejudgment Possession (June 4, 2015)

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

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8 BRIAN J. BERGMAN (Bar No. 240584)
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11 Los Angeles, California 90024-4101
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12 Attorneys for Plaintiff and Cross-Defendant
13 LOS ANGELES COUNTY METROPOLITAN
14 TRANSPORTATION AUTHORITY

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

17 LOS ANGELES COUNTY
18 METROPOLITAN TRANSPORTATION
19 AUTHORITY, a California Public Entity,

20 Plaintiff,

21 v.

22 JAPANESE VILLAGE, LLC, et al.,

23 Defendants.

24 JAPANESE VILLAGE, LLC,

25 Cross-Complainant,

26 v.

27 LOS ANGELES COUNTY
28 METROPOLITAN TRANSPORTATION
AUTHORITY,

Cross-Defendant.

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

**[PROPOSED] ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460**

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

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[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

COPY
FILING FEE EXEMPT PURSUANT
TO GOVERNMENT CODE § 6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	Date After Which Possession to Be Taken
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: **JUN 04 2015**

TERESA SANCHEZ-GORDON

**HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT**

F:\1047\21\Pldg\ORD-MOT-POSSESSION-REV.docx 2

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing "[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460" on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.


☒ (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015



Sarah Moscozo

F:\1047\21\Pldg\ORD-MOT-POSSESSION-REV.docx 3

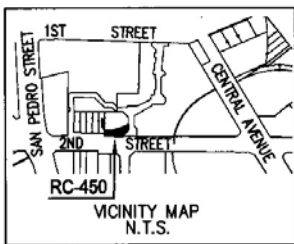
[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION


EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31 PORTION OF LOT 2			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No.	Date
		Revision Description	



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'





CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"

LEGEND:

POB - POINT OF BEGINNING


SSE - SUBSURFACE EASEMENT

TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

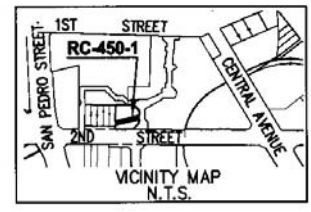
<div style="display: flex; align-items: center;"> <div> <p>APPROVED BY: <i>Jim Ray</i> 7/18/12</p> <p>PROJECT MANAGER</p> </div> </div>	<p>REGIONAL CONNECTOR</p>	<p>DATE: 12/16/11</p> <p>SCALE: 1" = 80'</p> <p>REV. No. DATE:</p> <p>REV. No. DATE:</p> <p>PARCEL No. RC-450</p>
<div style="display: flex; align-items: center;"> <div> <p>PREPARED BY: <i>Stephanie Wagner</i></p> <p>CHECKED BY: LS: 5752</p> </div> </div>	<p>CITY OF LOS ANGELES</p>	

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31			
PORTION OF LOT 2, CITY OF LOS ANGELES			
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No.	Date
		Revision Description	



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"

TRACT NO. 38970
BK 1028
PGS 80-82

LOT 1

APN: 5161-017-029

WOODWORTH TRACT

MR BK 12 PG 92

APN: 5161-017-009

TRACT NO. 30211
LOT 2
APN: 5161-017-023

RC-450-1

1,693 SQ. FT.

C1

C2

TPOB

S51°33'13"E

74.08'

SAN PEDRO STREET

N35°22'56"E 381.29' TO 1ST STREET CENTERLINE

SAN PEDRO STREET

S52°26'47"W

GILBERT W. LINDSAY MALL

N38°26'47"E 86.84'

N38°26'47"E

2ND STREET

N51°33'13"W 906.30' TO CENTRAL AVENUE CENTERLINE

APN: 5161-022-023

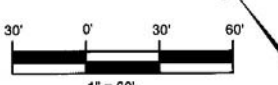
THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:

POC - POINT OF COMMENCEMENT

TPOB - TRUE POINT OF BEGINNING

GE - GROUTING EASEMENT



TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

M Metro

APPROVED BY: *Griffin Ray* 7/18/12

PROJECT MANAGER

PREPARED BY: *Stephanie Wagner*

WAGNER ENGINEERING & SURVEY, INC.
18933 Fairbush St., Suite 100
Northridge, CA 91343

CHECKED BY: LS: 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 05/30/12

SCALE: 1" = 60'

REV. No. 1 DATE: 06/26/12

REV. No. DATE:

PARCEL No. RC-450-1

EXHIBIT "B"

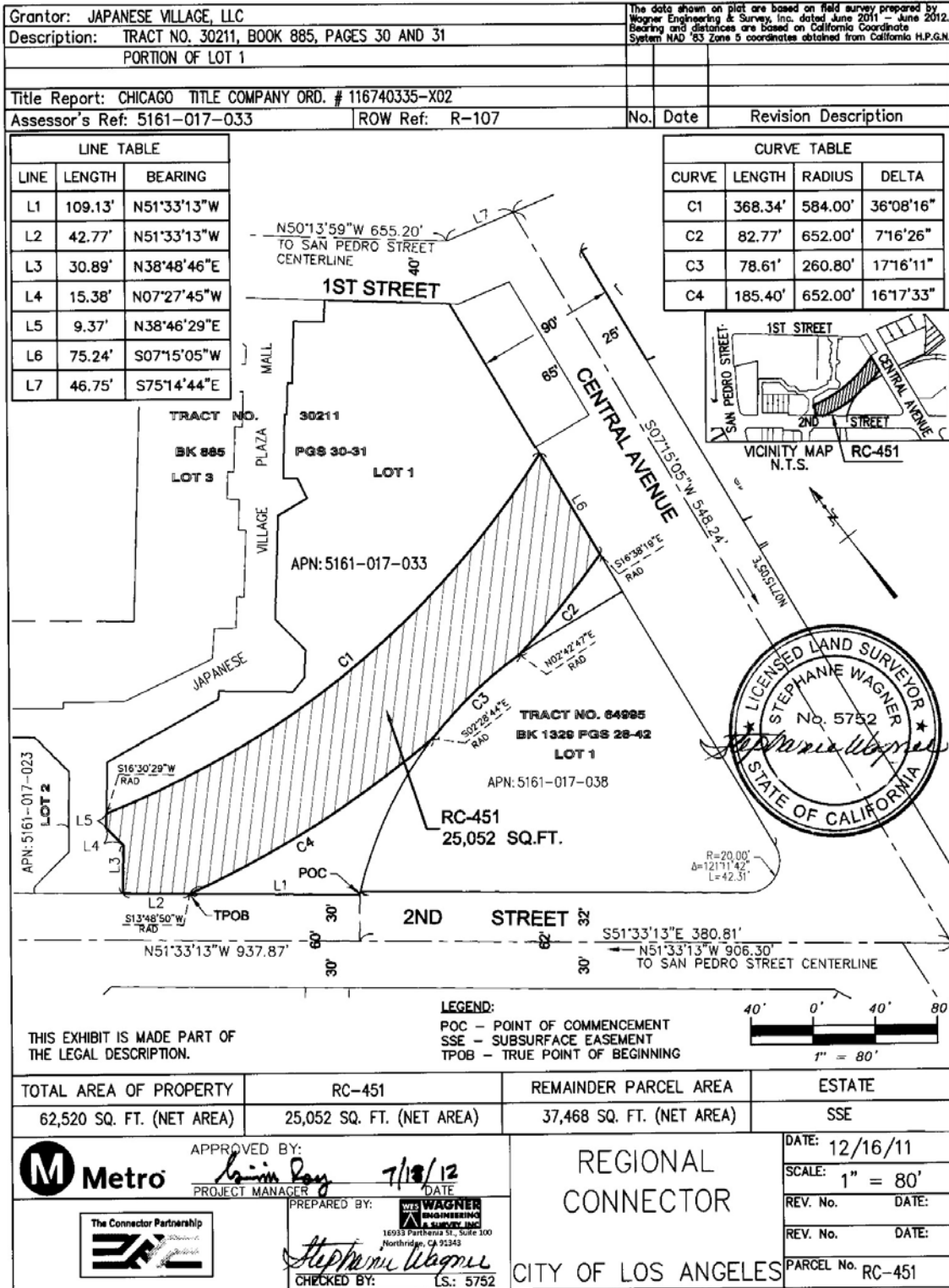


EXHIBIT "B"

Grantor: JAPANESE VILLAGE
Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

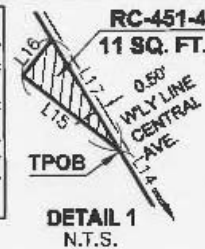
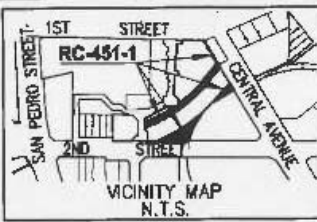
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02

Assessor's Ref: 5161-017-033

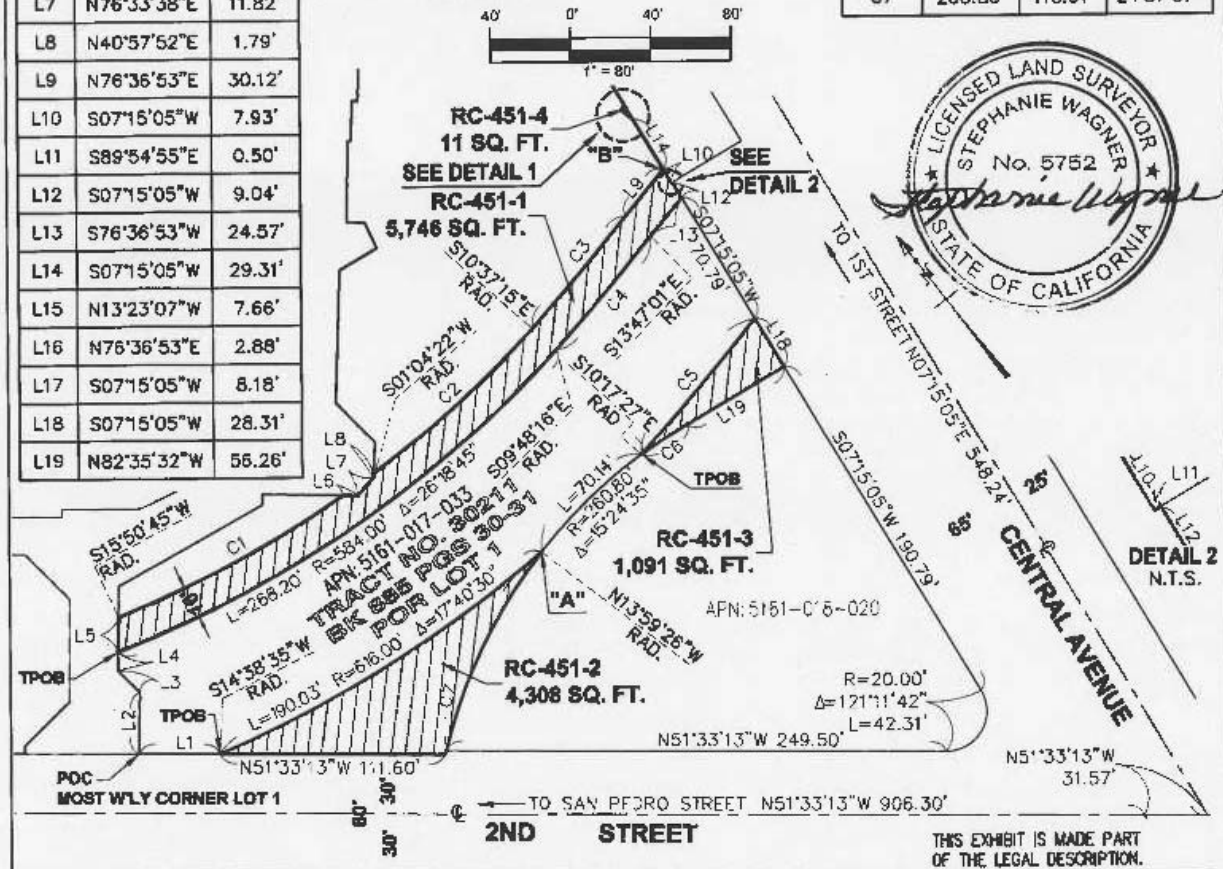
ROW Ref: RC-107

No. Date Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	S51°33'13"E	40.30'
L2	N38°48'46"E	30.89'
L3	N07°27'45"W	15.38'
L4	N38°46'29"E	9.37'
L5	N38°46'29"E	17.33'
L6	S51°11'23"E	7.59'
L7	N76°33'38"E	11.82'
L8	N40°57'52"E	1.79'
L9	N76°36'53"E	30.12'
L10	S07°15'05"W	7.93'
L11	S89°54'55"E	0.50'
L12	S07°15'05"W	9.04'
L13	S76°36'53"W	24.57'
L14	S07°15'05"W	29.31'
L15	N13°23'07"W	7.66'
L16	N76°36'53"E	2.88'
L17	S07°15'05"W	8.18'
L18	S07°15'05"W	28.31'
L19	N82°35'32"W	55.26'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	568.00'	127.85'	12°53'48"
C2	568.00'	107.72'	10°51'57"
C3	1322.36'	73.05'	3°09'55"
C4	1338.36'	74.00'	3°10'04"
C5	1318.79'	88.55'	3°50'49"
C6	260.80'	27.26'	5°59'19"
C7	260.80'	113.61'	24°57'37"



TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	11,156 SQ. FT. (NET AREA)	51,364 SQ. FT. (NET AREA)	GE

APPROVED BY: *Linna Ray* 7/18/12
PROJECT MANAGER

PREPARED BY: *WAGNER ENGINEERING & SURVEY, INC.*
10933 Parkview St., Suite 100
Northridge, CA 91345

CHECKED BY: *Stephanie Wagner* L.S. 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 06/18/12
SCALE: 1" = 80'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-451-1

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF A
SUBSURFACE AND GROUTING EASEMENTS ON PARCEL NOS. RC-450, RC-
450-1, RC-451, & RC-451-1 THROUGH RC-451-4 (THE "PROPERTY") FOR THE
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT.**

BACKGROUND

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the owner of record (hereinafter "Owner"), as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project Parcel Nos. RC-450 and RC-451; and
- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface easements, which would result in a three (3) to four (4) foot wide area between the then bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 where the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary

grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015. Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned (returned) upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

An amended Resolution of Necessity is necessary to enable Metro to amend its existing condemnation Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

A. The public interest and necessity require the Project.

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

1. The existing population and employment density in the Regional Connector Transit Corridor ("Corridor") is higher than the surrounding County demographics, and is highly transit dependent. The Corridor population density is approximately two-and-a-half times higher than Los Angeles County as a whole. The Corridor has a very high concentration of low-income, minority, transit-dependent residents. More than 39 percent of all Corridor households are below the poverty threshold. 83 percent of Corridor residents are considered minorities, and 60 percent of all households in the Corridor do not have access to an automobile. The Project will provide significant improvements in transportation and attendant access to economic and employment opportunities for low-income, elderly, transit-dependent persons living in the Corridor area.
2. The Project would connect the Metro Gold, Blue, and Expo Lines through downtown Los Angeles, enabling passengers to travel the region's largest employment center on Metro's light rail transit (LRT) system without the need to transfer. By providing continuous through service between these lines, the Project will improve access to both local and regional destinations – greatly improving the connectivity of the transportation network for the region.

3. The Project will offer an alternative transportation option to congested roadways and provide significant environmental benefits, economic development, and employment opportunities throughout the Corridor and Los Angeles County as a whole.
4. The Project will enable Los Angeles County rail to operate more efficiently and attract higher ridership, thereby reducing congestion, improving air quality and lessening the regional carbon footprint. By linking several LRT systems through Downtown Los Angeles, the Project will significantly increase regional mobility.

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.

On September 3, 2010, a Draft Environmental Impact Statement/ Draft Environmental Impact Report (DEIS/DEIR) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments. A total of five alternatives were presented in the DEIR/DEIS: No Build, Transportation Systems Management (TSM), and three build alternatives utilizing Light Rail Transit (LRT) technology - Fully Underground, Underground Emphasis, and At-Grade Emphasis. On October 28, 2010 the Board adopted the Fully Underground LRT Alternative as the Locally Preferred Alternative (LPA), after review and consideration of the comments received from circulation of the 2010 DEIS/DEIR. The Board certified the Final Environmental Impact Statement/ Final Environmental Impact Report (FEIS/FEIR) on April 26, 2012. A Record of Decision was received from the Federal Transit Administration on June 29, 2012.

Various parties have challenged the FEIS/FEIR pursuant to the National Environmental Protection Act ("NEPA") and the California Environmental Quality Act ("CEQA"). On May 29, 2014, a federal judge held in *Japanese Village LLC v. Federal Transit Administration*, 2:13-CV-0396-JAK (PLAx)(C.D. Cal, complaint filed Jan. 18, 2013) that the Project fully and properly complied with NEPA in relation to the Property, but the Court did take issue with certain portions of the Project FEIS that are unrelated to the Property. The fact that a portion of the FEIS unrelated to the Property was found to be insufficient does not prevent MTA from approving a Resolution of Necessity and filing an eminent domain action to take interests in the Property. (U.S. v. 0.95 Acres of Land (1993) 994 F.2d 696 (NEPA compliance is not a defense to a condemnation action); *Golden Gate Land Holdings LLC v. East Bay Regional Park District* (2013) 215 Cal.App.4th 353 (irregularities in environmental documentation do not prevent a public entity from filing a condemnation action)). Further, while there is a pending CEQA challenge to the Project, *Japanese Village LLC v. Los Angeles County Metropolitan Transportation Authority*, No. BS137343 (Los Angeles Sup. Ct., complaint filed May 21, 2012), a pending CEQA challenge does not prevent MTA from approving a Resolution of Necessity and the filing of an eminent domain action to take the Property. (*Golden*

Gate, 215 Cal.App.4th at 376-377; *Santa Monica Baykeeper v. City of Malibu* (2011)193 Cal.App.4th 1538, 1547).

The Project is a Fully Underground LRT dual-track alignment, which will extend from the Metro Gold Line Little Tokyo/Arts District Station to the 7th Street/Metro Center Station in downtown Los Angeles, allowing passengers to transfer to the Blue, Expo, Red, and Purple Lines, bypassing Union Station. The 1.9-mile alignment will serve Little Tokyo, the Arts District, Civic Center, the Historic Core, Broadway, Grand Ave, Bunker Hill, Flower St., and the Financial District, and will benefit the City of Los Angeles and portions of unincorporated Los Angeles County. The Project includes three stations:

- 1st Street/Central Avenue
- 2nd Street/Broadway
- 2nd Place/Hope Street

The Corridor has some of the highest population and employment density in the Southern California region, as well as the highest proportion of transit ridership. No significant expansion of existing freeway and street networks is planned to accommodate this density and future expected growth. During various community meetings, the residents of the Corridor area expressed their need for improved transit service because many are transit-dependent and need better access to the region's educational, employment, and cultural opportunities. The Locally Preferred Alternative (LPA) addresses those needs and moves more people in a way that is energy efficient and with the least environmental impact.

The Project will cause private injury, including the use of certain private property. However, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter. It is recommended that, based upon the foregoing, the Board find and determine that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

C. The Property is necessary for the Project.

The Property is needed for the construction and operation of the tunnel alignment which connects the Red Line 7th and Metro Station and Little Tokyo Gold Line Station Site. The Property requirements are based on the approved FEIS/FEIR for the Project. The Project requires subsurface tunnel and grouting easements for the monitoring of the installation of grouting pipes, and subsurface tunnel and grouting easements to install, monitor and remove surface ground movement instruments. Staff recommends that the Board find that the acquisition of the subsurface tunnel and grouting easements on the Property are necessary for the Project. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

D. Offers were made in compliance with Government Code Section 7267.2

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owner and in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the Property. In addition, the agency is required to provide the Owner with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Obtained appraisals to determine the fair market value of the subsurface tunnel and grouting easements;
2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation;
3. Determined the Owner with ownership of the interests at issue by examining the county assessor's record and the title report;
4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner with a written statement of the basis for, the amount established as just compensation.

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

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

ATTACHMENTS

- A Order for Prejudgment Possession
- A-1 Subsurface Easements – Portion to be Abandoned
- A-2 Subsurface Easements – Portion to be Retained

Order of Prejudgment Possession (June 4, 2015)

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 MARK J. SALADINO, County Counsel
2 ROBERT C. CARTWRIGHT, Asst. County Counsel
3 ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
4 648 Kenneth Hahn Hall of Administration
5 500 West Temple Street
6 Los Angeles, California 90012-2713
(213) 974-1885 / Fax: (213) 687-7337

7 GREGORY M. BERGMAN (Bar No. 065196)
8 BRIAN J. BERGMAN (Bar No. 240584)
9 MATTHEW T. ANDERSON (Bar No. 280311)
BERGMAN DACEY GOLDSMITH
10 10880 Wilshire Blvd. Suite 900
11 Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931

12 Attorneys for Plaintiff and Cross-Defendant
13 LOS ANGELES COUNTY METROPOLITAN
14 TRANSPORTATION AUTHORITY

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

17 LOS ANGELES COUNTY
18 METROPOLITAN TRANSPORTATION
19 AUTHORITY, a California Public Entity,
20
21 Plaintiff,

22 v.

23 JAPANESE VILLAGE, LLC, et al.,
24
25 Defendants.

26 JAPANESE VILLAGE, LLC,
27
28 Cross-Complainant,

29 v.

30 LOS ANGELES COUNTY
31 METROPOLITAN TRANSPORTATION
32 AUTHORITY,
33
34 Cross-Defendant.

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COPY
FILING FEE EXEMPT PURSUANT
TO GOVERNMENT CODE § 6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

**PROPOSED ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460**

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	Date After Which Possession to Be Taken
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

FA104721\Pldg\ORD-MOT-POSSESSION-REV.docx 2

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing "[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460" on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.

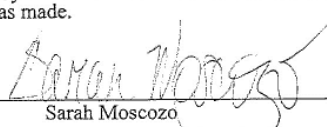
☒ (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015



Sarah Moscozo

F:\104721\Pldg\ORD-MOT-POSSESSION-REV.docx 3

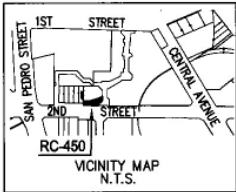
[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

EXHIBIT "B"

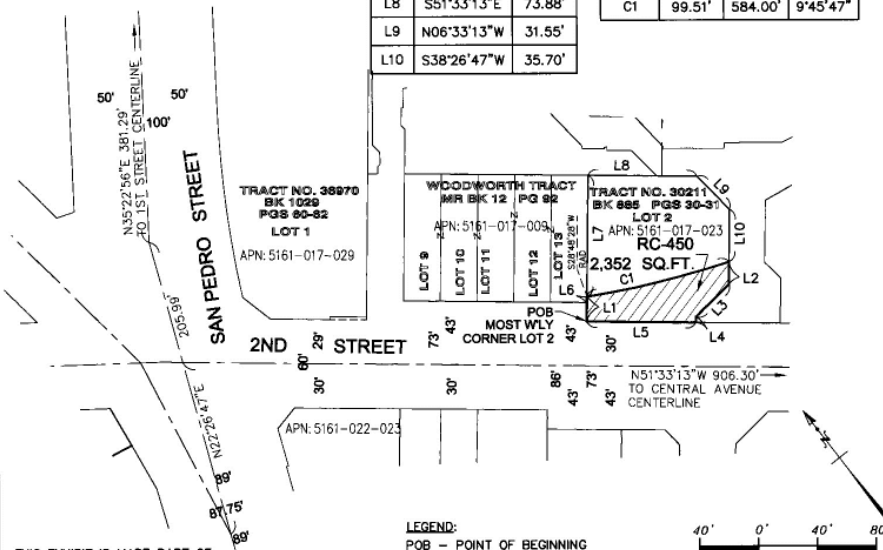
Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31 PORTION OF LOT 2			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No. Date	Revision Description



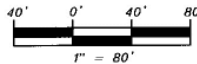
LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"



LEGEND:
POB - POINT OF BEGINNING
SSE - SUBSURFACE EASEMENT



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.


TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

APPROVED BY: *Jim Ray* 7/18/12
PROJECT MANAGER


PREPARED BY: *Stephanie Wagner*
CHECKED BY: *Stephanie Wagner* L.S. 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES




The Connector Partnership



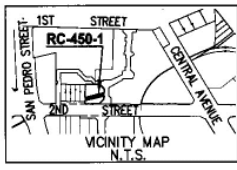
DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-450

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAN ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31			
PORTION OF LOT 2, CITY OF LOS ANGELES			
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No. Date	Revision Description



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"

TRACT NO. 30211
BK 1022
PGS 80-82
LOT 1
APN: 5161-017-023

WOODWORTH TRACT
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
MR BK 12
PG 92
APN: 5161-017-009

TRACT NO. 30211
LOT 2
APN: 5161-017-023
RC-450-1
1,693 SQ. FT.
C1
C2
TPOB
S51°33'13"E
74.08'

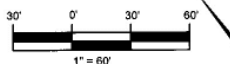
SAN PEDRO STREET
N35°22'56"E 381.28' TO 1ST STREET CENTERLINE
S22°26'47"W

GILBERT W. LINDSAY MALL
N38°26'47"E 86.84'
N38°26'47"E 86.84'

2ND STREET
N51°33'13"W 906.30' TO CENTRAL AVENUE CENTERLINE
APN: 5161-022-023

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POC - POINT OF COMMENCEMENT
TPOB - TRUE POINT OF BEGINNING
GE - GROUTING EASEMENT




TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

Metro
APPROVED BY: *Sam Ray* 7/18/12
PROJECT MANAGER
DATE: 7/18/12

REGIONAL CONNECTOR

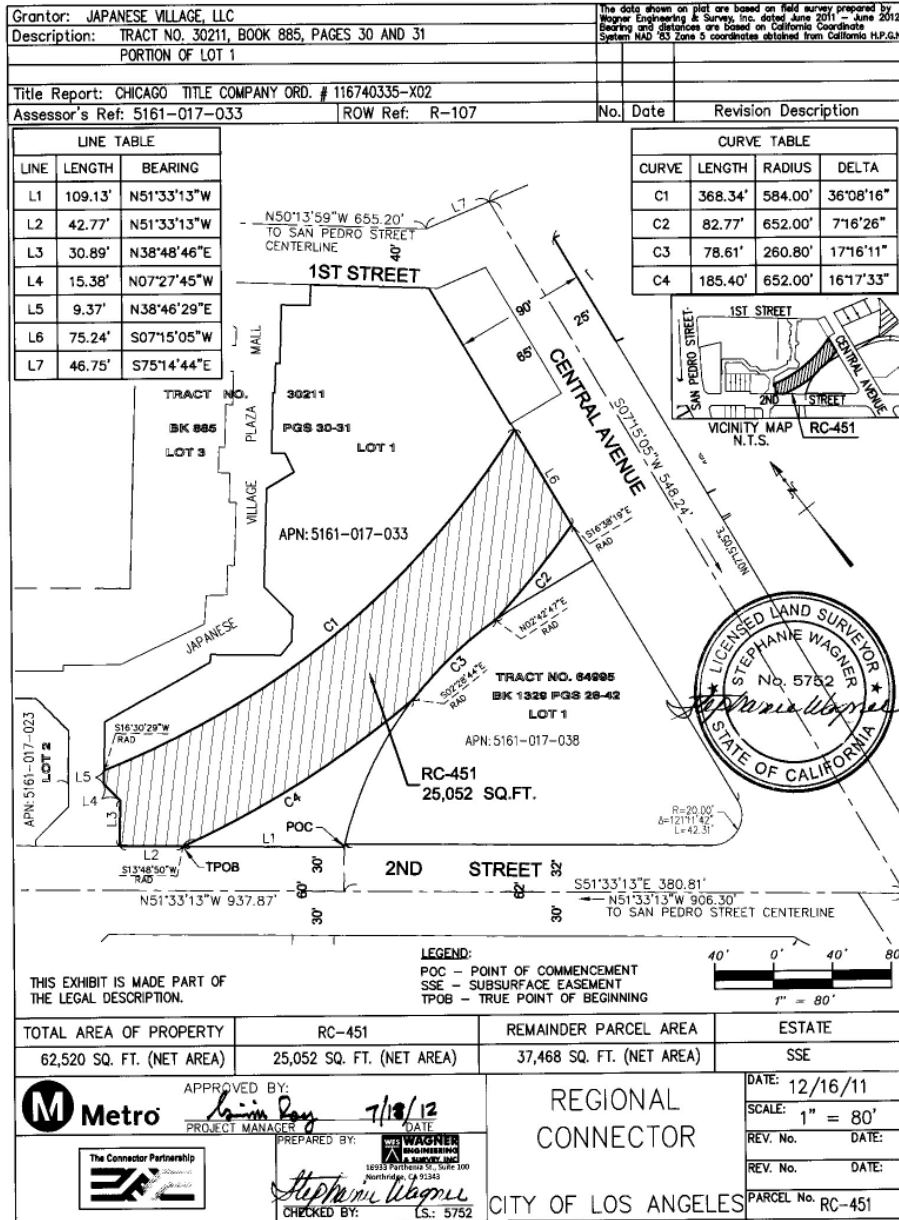
DATE: 05/30/12
SCALE: 1" = 60'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-450-1

The Connector Partnership


WAGNER ENGINEERING & SURVEY, INC.
15015 Van Nuys St., Suite 100
Van Nuys, CA 91411
CHECKED BY: *Stephanie Wagner* LS: 5752

CITY OF LOS ANGELES

EXHIBIT "B"



Grantor: JAPANESE VILLAGE Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31 PORTION OF LOT 1		Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02 Assessor's Ref: 5161-017-033 ROW Ref: RC-107		No. Date Revision Description	
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LINE TABLE			CURVE TABLE			
LINE	BEARING	LENGTH	CURVE	RADIUS	LENGTH	DELTA
L1	S51°33'13"E	40.30'	C1	568.00'	127.85'	12°53'48"
L2	N38°48'46"E	30.89'	C2	568.00'	107.72'	10°51'57"
L3	N07°27'45"W	15.38'	C3	1322.36'	73.05'	3°09'55"
L4	N38°46'29"E	9.37'	C4	1338.36'	74.00'	3°10'04"
L5	N38°46'29"E	17.33'	C5	1318.79'	88.55'	3°50'49"
L6	S61°11'23"E	7.59'	C6	260.80'	27.26'	5°59'19"
L7	N76°33'38"E	11.82'	C7	260.80'	113.61'	24°37'37"
L8	N40°57'52"E	1.79'				
L9	N76°36'53"E	30.12'				
L10	S07°15'05"W	7.93'				
L11	S89°54'55"E	0.50'				
L12	S07°15'05"W	9.04'				
L13	S76°36'53"W	24.57'				
L14	S07°15'05"W	29.31'				
L15	N13°23'07"W	7.66'				
L16	N76°36'53"E	2.88'				
L17	S07°15'05"W	8.18'				
L18	S07°15'05"W	28.31'				
L19	N82°35'32"W	55.26'				

LEGEND:
 POC - POINT OF COMMENCEMENT
 TPOB - TRUE POINT OF BEGINNING
 GE - GRADING EASEMENT

1" = 80'

RC-451-4
 11 SQ. FT.
 SEE DETAIL 1

RC-451-1
 5,746 SQ. FT.
 SEE DETAIL 1

RC-451-3
 1,091 SQ. FT.
 SEE DETAIL 2

RC-451-2
 4,308 SQ. FT.
 SEE DETAIL 2

VICINITY MAP
N.T.S.

STATE OF CALIFORNIA
 LICENSED LAND SURVEYOR
 No. 5752
Stephanie Wagner
 STATE OF CALIFORNIA

2ND STREET

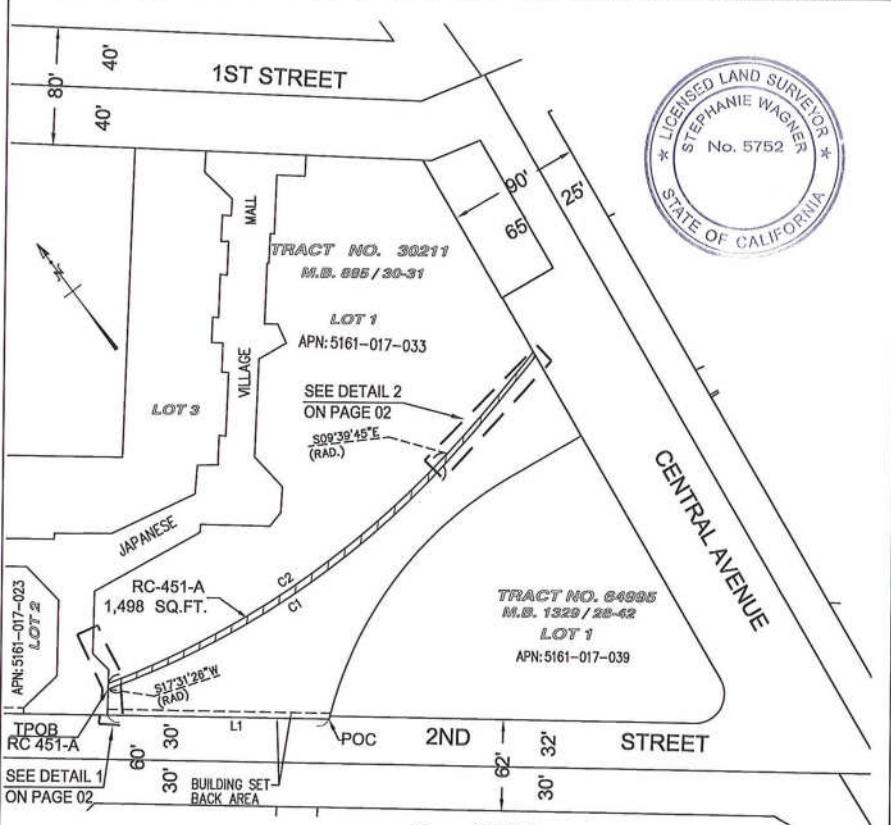
CENTRAL AVENUE

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision Description	



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.		OG - OUTGRANT POC - POINT OF COMMENCEMENT SSE - SUBSURFACE EASEMENT TPOB - TRUE POINT OF BEGINNING	
TOTAL AREA OF PROPERTY		RC-451-A	REMAINDER PARCEL AREA
62,520 SQ. FT. (NET AREA)		1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)
		ESTATE	SSE OG
APPROVED BY:		DATE: 03/29/2016	
PROJECT MANAGER		SCALE: 1" = 80'	
PREPARED BY: DATE:		REV. No. DATE:	
CHECKED BY: LS.: 5752		REV. No. DATE:	
		PARCEL No. RC-451-A	



REGIONAL
CONNECTOR


PAGE 1 OF 2
CITY OF LOS ANGELES

EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.F.G.M.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.			
PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision Description	


LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'

CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

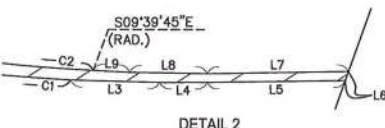


VICINITY MAP
N.T.S.


OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING



DETAIL 1



DETAIL 2



TOTAL AREA OF PROPERTY		RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG	

APPROVED BY: _____

PROJECT MANAGER

The Connector Partnership

PREPARED BY: DATE: _____

11114 Greenhurst St., Suite 200
Northridge, CA 91325

CHECKED BY: _____ LS: 5752

REGIONAL
CONNECTOR

PAGE 2 OF 2

CITY OF LOS ANGELES

DATE: 03/23/2016

SCALE: NTS

REV. No. DATE:

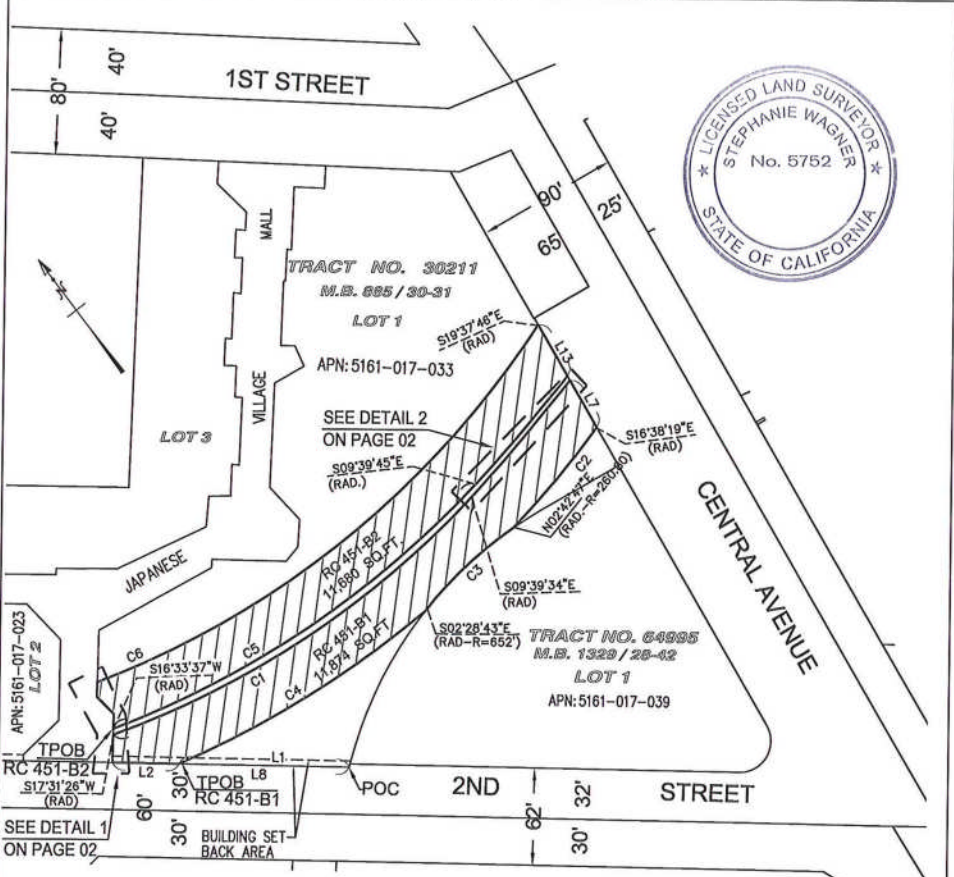
REV. No. DATE:

PARCEL No. RC-451-A

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.		
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.			
PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision	Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.			
TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG
APPROVED BY:		REGIONAL CONNECTOR	
	PROJECT MANAGER	DATE	DATE: 03/29/2016
	PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91329	CHECKED BY: LS: 5752	SCALE: 1" = 80'
		PAGE 1 OF 2	
		CITY OF LOS ANGELES	
		PARCEL No. RC-451-B	

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 9 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.			
PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision Description	

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	815.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"

VICINITY MAP
N.T.S.

OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING

DETAIL 1

DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:		REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	DATE: 03/29/2016
	PROJECT MANAGER			SCALE: NTS
	PREPARED BY:		REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	REV. No. DATE:
	CHECKED BY:			REV. No. DATE:
	LS: 6752			PARCEL No. RC-451-B



Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

**REGULAR BOARD MEETING
APRIL 28, 2016**

SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT

ACTION: ADOPT AN AMENDED RESOLUTION OF NECESSITY TO PROVIDE FOR THE FUTURE BIFURCATION OF EXISTING SUBSURFACE TUNNEL EASEMENTS, AND FOR THE OUTGRANT TO THE PROPERTY OWNER OF CERTAIN EASEMENT RIGHTS IN A PORTION OF ASSESSOR'S PARCEL NOS. 5161-017-021, 5161-017-022, 5161-017-023, & 5161-017-033 (HEREINAFTER THE "PROPERTY").

RECOMMENDATION

- A. Hold a public hearing on the proposed Amended Resolution of Necessity.
- B. Adopt an amended Resolution of Necessity clarifying the nature of the property rights to be acquired in the pending eminent domain action against Japanese Village, LLC, et al (hereinafter "Owner"), in support of the METRO Regional Connector Transit Corridor Project, including a provision for the bifurcation of the existing subsurface tunnel easements, and for the outgrant to the Property Owner of the space between the bifurcated tunnel easements in the context of METRO'S long-range plans affecting the Property.

RATIONALE

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the Owner, as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests from the Owner:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project Parcel Nos. RC-450 and RC-451; and
- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface tunnel and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface tunnel easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface tunnel easements, which would result in a three (3) to four (4) foot wide area between the bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface tunnel easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 wherein the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015. Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner. An amended Resolution of Necessity is necessary to enable Metro to amend its existing Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), METRO has prepared and mailed notices of this hearing to the Owner informing them of their right to appear

at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (3) whether the Property is necessary for the Project; and (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.

Attached is evidence submitted by staff that supports adoption of the Resolution that has been approved by counsel, and which sets forth the required findings (Attachment "B"). After all of the testimony and other evidence has been received by METRO from all interested parties, the METRO must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment "C") to acquire the Property by eminent domain. In order to adopt the resolution, the METRO must, based upon all the evidence before it, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated above exist.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on safety standards for Metro.

FINANCIAL IMPACT

This project is funded by Measure R 35% backed TIFIA loan, and a combination of various local and state grants and Federal grants. The funding to acquire the Property is included in the approved fiscal year 2015 project budget, under Measure R Project Regional Connector Transit Corridor Project 860228, in cost center 8510 (Construction Procurement), account number 53103 (Acquisition of Land). This has no impact to operations eligible funds.

NEXT STEPS

If this action is approved by the Board, METRO's condemnation counsel will be instructed to take all steps necessary to file a First Amended Complaint in the pending eminent domain action, in which METRO has already obtained one or more prejudgment Orders of Possession with regard to the subsurface tunnel and grouting construction easements. Counsel will also be directed to prosecute the case to judgment to obtain the relief sought by the First Amended Complaint.

ATTACHMENTS

- A Order for Prejudgment Possession
- A-1 Subsurface Easements – Portion to be Abandoned
- A-2 Subsurface Easements – Portion to be Retained
- B Staff Report
- C Resolution of Necessity

Prepared by: Velma C. Marshall, Deputy Executive Officer – Real Estate (213) 922-2415

Calvin E. Hollis
Interim Chief Planning Officer

Phillip A. Washington
Chief Executive Officer

Order of Prejudgment Possession (June 4, 2015)

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 MARK J. SALADINO, County Counsel
2 ROBERT C. CARTWRIGHT, Asst. County Counsel
3 ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
4 648 Kenneth Hahn Hall of Administration
5 500 West Temple Street
6 Los Angeles, California 90012-2713
(213) 974-1885 / Fax: (213) 687-7337

7 GREGORY M. BERGMAN (Bar No. 065196)
8 BRIAN J. BERGMAN (Bar No. 240584)
9 MATTHEW T. ANDERSON (Bar No. 280311)
BERGMAN DACEY GOLDSMITH
10 10880 Wilshire Blvd. Suite 900
11 Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931

12 Attorneys for Plaintiff and Cross-Defendant
13 LOS ANGELES COUNTY METROPOLITAN
14 TRANSPORTATION AUTHORITY

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

17 LOS ANGELES COUNTY
18 METROPOLITAN TRANSPORTATION
19 AUTHORITY, a California Public Entity,
20
21 Plaintiff,

22 v.

23 JAPANESE VILLAGE, LLC, et al.,
24
25 Defendants.

26 JAPANESE VILLAGE, LLC,
27
28 Cross-Complainant,

29 v.

30 LOS ANGELES COUNTY
31 METROPOLITAN TRANSPORTATION
32 AUTHORITY,
33
34 Cross-Defendant.

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TO GOVERNMENT CODE § 6103

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ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

**PROPOSED ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460**

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	Date After Which Possession to Be Taken
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

FA104721\Pldg\ORD-MOT-POSSESSION-REV.docx 2

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing "[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460" on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.


☒ (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015



Sarah Moscozo

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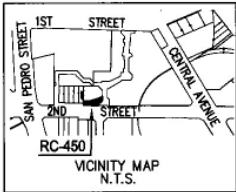
[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31 PORTION OF LOT 2			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No. Date	Revision Description



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"

TRACT NO. 38970
BK 1029
PGS 80-82
LOT 1
APN: 5161-017-029

WOODWORTH TRACT
MR BK 12 PG 92
APN: 5161-017-009

TRACT NO. 30211
BK 885 PGS 30-31
LOT 2
APN: 5161-017-023
RC-450
2,352 SQ. FT.

50' 50' 100'

N35°22'56"E 381.29'

TO 1ST STREET CENTERLINE

205.98'

89° 89° 89° 89° 89° 89°

80' 30' 30' 86' 73' 43' 30'

POB - POINT OF BEGINNING
SSE - SUBSURFACE EASEMENT

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

30' 30' 30' 86' 73' 43' 30'

POB - POINT OF BEGINNING
SSE - SUBSURFACE EASEMENT

LEGEND:

POB - POINT OF BEGINNING
SSE - SUBSURFACE EASEMENT

40' 0' 40' 80'

1" = 80'

80' 29' STREET

30' 30' 30' 86' 73' 43' 30'

N51°33'13"W 906.30'

TO CENTRAL AVENUE CENTERLINE

TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

M Metro

APPROVED BY: *Jim Ray* 7/18/12

PROJECT MANAGER

PREPARED BY: *Stephanie Wagner*

CHECKED BY: *Stephanie Wagner* L.S. 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 12/16/11

SCALE: 1" = 80'


REV. No. DATE:

REV. No. DATE:

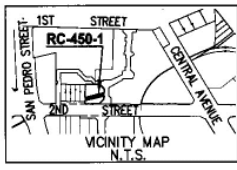
PARCEL No. RC-450

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAN ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31			
PORTION OF LOT 2, CITY OF LOS ANGELES			
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No. Date	Revision Description



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"

TRACT NO. 30211
BK 885
PGS 30-31
LOT 2
APN: 5161-017-023

TRACT NO. 30211
LOT 2
APN: 5161-017-023
RC-450-1
1,693 SQ. FT.

TRACT NO. 30211
LOT 2
APN: 5161-017-023
RC-450-1
1,693 SQ. FT.

SAN PEDRO STREET
N35°22'56"E 381.28' TO 1ST STREET CENTERLINE

GILBERT W. LINDSAY MALL
N38°26'47"E 86.84'

WOODWORTH TRACT
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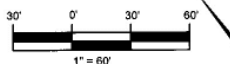
2ND STREET
N35°22'56"E 381.28' TO 1ST STREET CENTERLINE

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THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POC - POINT OF COMMENCEMENT
TPOB - TRUE POINT OF BEGINNING
GE - GROUTING EASEMENT



TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

M Metro

APPROVED BY: *Kim Pay* 7/18/12

PROJECT MANAGER

PREPARED BY: *Stephanie Wagner*

CHECKED BY: LS: 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 05/30/12

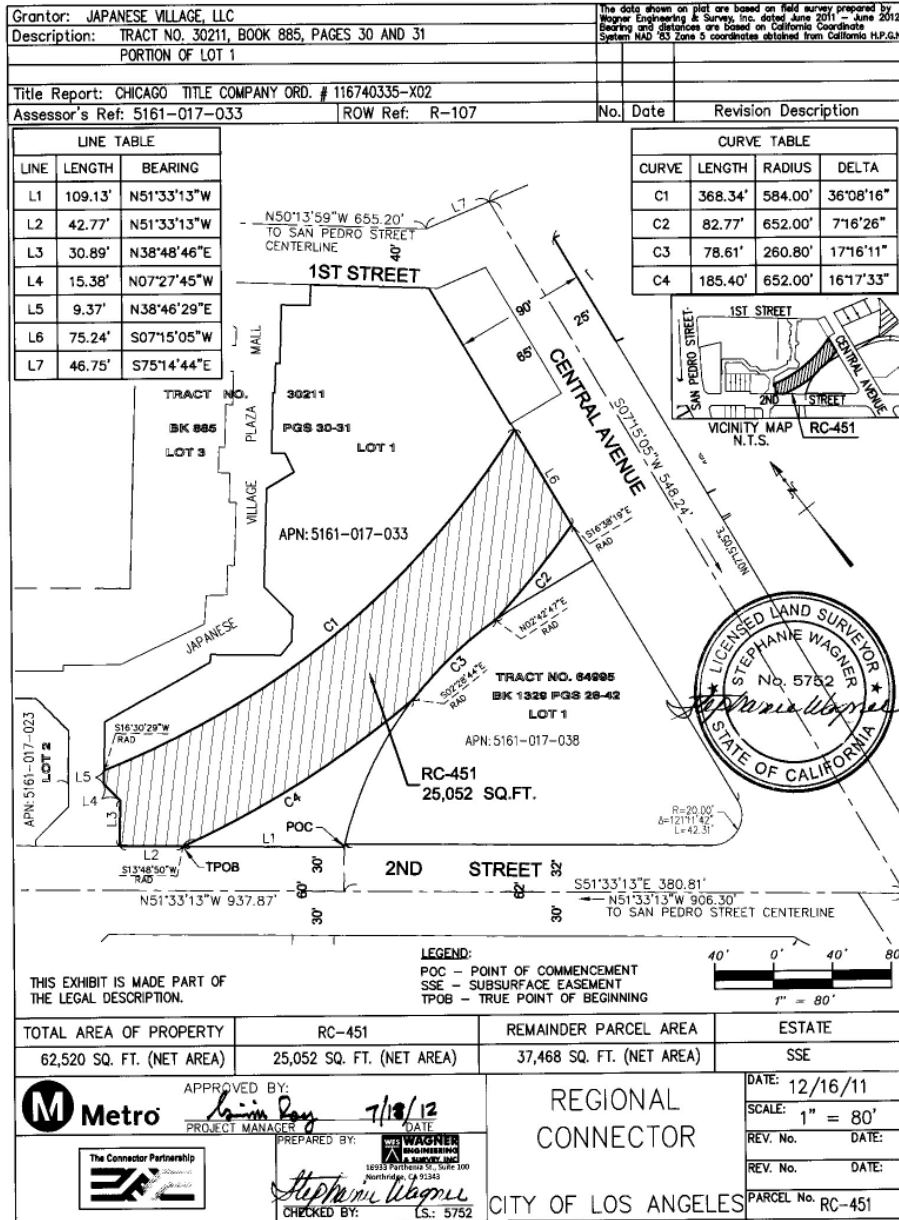
SCALE: 1" = 60'

REV. No. 1 DATE: 06/26/12

REV. No. DATE:

PARCEL No. RC-450-1

EXHIBIT "B"



Grantor: JAPANESE VILLAGE Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31 PORTION OF LOT 1		PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. DATED: JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83. ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02 Assessor's Ref: 5161-017-033		ROW Ref: RC-107 No. Date Revision Description	

LINE TABLE		
LINE	BEARING	LENGTH
L1	S51°33'13"E	40.30'
L2	N38°48'46"E	30.89'
L3	N07°27'45"W	15.38'
L4	N38°46'29"E	9.37'
L5	N38°46'29"E	17.33'
L6	S61°11'23"E	7.59'
L7	N76°33'38"E	11.82'
L8	N40°57'52"E	1.79'
L9	N76°36'53"E	30.12'
L10	S07°15'05"W	7.93'
L11	S89°54'55"E	0.50'
L12	S07°15'05"W	9.04'
L13	S76°36'53"W	24.57'
L14	S07°15'05"W	29.31'
L15	N13°23'07"W	7.66'
L16	N76°36'53"E	2.88'
L17	S07°15'05"W	8.18'
L18	S07°15'05"W	28.31'
L19	N82°35'32"W	55.26'

LEGEND:
 POC - POINT OF COMMENCEMENT
 TPOB - TRUE POINT OF BEGINNING
 GE - GRADING EASEMENT

RC-451-1
11 SQ. FT.
SEE DETAIL 1

RC-451-2
4,308 SQ. FT.

RC-451-3
1,091 SQ. FT.
APN: 5161-C-5-020

RC-451-4
11 SQ. FT.
SEE DETAIL 2

RC-451-5
5,746 SQ. FT.

RC-451-6
11 SQ. FT.

RC-451-7
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11 SQ. FT.

RC-451-86
11 SQ. FT.

RC-451-87
11 SQ. FT.

RC-451-88
11 SQ. FT.

RC-451-89
11 SQ. FT.

RC-451-90
11 SQ. FT.

RC-451-91
11 SQ. FT.

RC-451-92
11 SQ. FT.

RC-451-93
11 SQ. FT.

RC-451-94
11 SQ. FT.

RC-451-95
11 SQ. FT.

RC-451-96
11 SQ. FT.

RC-451-97
11 SQ. FT.

RC-451-98
11 SQ. FT.

RC-451-99
11 SQ. FT.

RC-451-100
11 SQ. FT.

TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)			

Subsurface Easements – Portions to be Abandoned

Grantor: JAPANESE VILLAGE, LLC Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1		THE DATA SHOWN ON PLAN ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA K.P.G.N.	
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No. Date	Revision Description

TRACT NO. 30211
M.B. 885 / 30-31
LOT 1
APN: 5161-017-033

TRACT NO. 64935
M.B. 1328 / 28-62
LOT 1
APN: 5161-017-039

JAPANESE VILLAGE MALL

CENTRAL AVENUE

1ST STREET

2ND STREET

LOT 3

LOT 2

RC-451-A
1,498 SQ.FT.

SEE DETAIL 2 ON PAGE 02

SEE DETAIL 1 ON PAGE 02

TPOB RC 451-A

BUILDING SET BACK AREA

P.O.C.

L1

OG - OUTGRANT
P.O.C. - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

APPROVED BY: Metro PROJECT MANAGER		DATE PREPARED BY: 17114 Devonshire St., Suite 200 Northridge, CA 91325	
CHECKED BY: LS: 5752		REGIONAL CONNECTOR PAGE 1 OF 2 CITY OF LOS ANGELES	

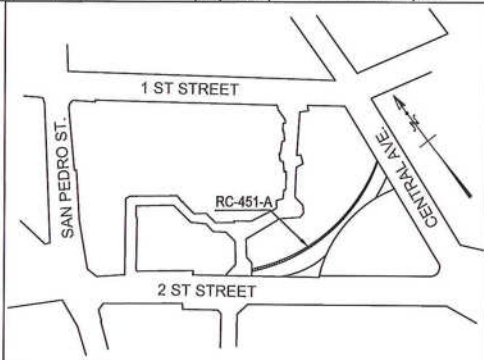
DATE: 03/29/2016
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC		<small>THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.F.G.M.</small>	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.			
PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02		No.	Date
Assessor's Ref: 5161-017-033	ROW Ref: R-107	Revision Description	

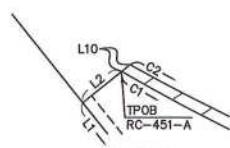
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'

CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

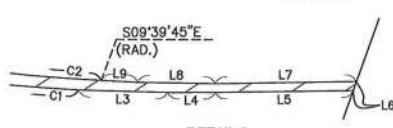


VICINITY MAP
N.T.S.


OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING



DETAIL 1






DETAIL 2



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

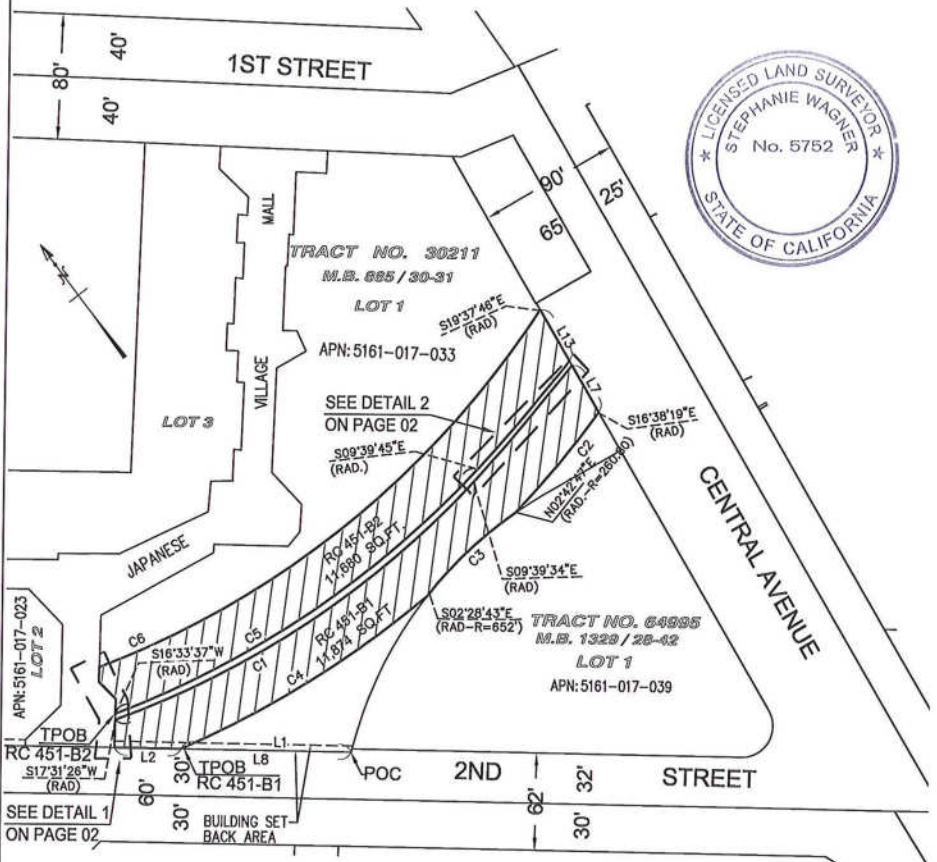
TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

 Metro	APPROVED BY: _____	REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	DATE: 03/23/2016
	PROJECT MANAGER		SCALE: NTS
			PREPARED BY:  DATE: _____ <small>WAGNER ENGINEERING & SURVEY, INC. 11114 Greenhurst, Suite 200 Northridge, CA 91325</small>
CHECKED BY: _____ LS: 5752	PARCEL No. RC-451-A		

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.		
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.			
PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision	Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.			
TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG
APPROVED BY:		REGIONAL CONNECTOR	
PROJECT MANAGER		PAGE 1 OF 2	
PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91329		CITY OF LOS ANGELES	
CHECKED BY: LS: 5752		DATE: 03/29/2016	
		SCALE: 1" = 80'	
		REV. No. DATE:	
		REV. No. DATE:	
		PARCEL No. RC-451-B	

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 9 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.			
PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No. Date	Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	815.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"

VICINITY MAP
N.T.S.

OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING

DETAIL 1

DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:		DATE:
	PROJECT MANAGER		03/29/2016
	PREPARED BY:		SCALE:
	CHECKED BY:		NTS
	LS: 6752		REV. No. DATE:
			REV. No. DATE:
			PARCEL No. RC-451-B

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF A
SUBSURFACE AND GROUTING EASEMENTS ON PARCEL NOS. RC-450, RC-
450-1, RC-451, & RC-451-1 THROUGH RC-451-4 (THE "PROPERTY") FOR THE
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT.**

BACKGROUND

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the owner of record (hereinafter "Owner"), as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project Parcel Nos. RC-450 and RC-451; and
- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface easements, which would result in a three (3) to four (4) foot wide area between the then bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 where the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary

grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015. Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned (returned) upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

An amended Resolution of Necessity is necessary to enable Metro to amend its existing condemnation Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

A. The public interest and necessity require the Project.

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

1. The existing population and employment density in the Regional Connector Transit Corridor ("Corridor") is higher than the surrounding County demographics, and is highly transit dependent. The Corridor population density is approximately two-and-a-half times higher than Los Angeles County as a whole. The Corridor has a very high concentration of low-income, minority, transit-dependent residents. More than 39 percent of all Corridor households are below the poverty threshold. 83 percent of Corridor residents are considered minorities, and 60 percent of all households in the Corridor do not have access to an automobile. The Project will provide significant improvements in transportation and attendant access to economic and employment opportunities for low-income, elderly, transit-dependent persons living in the Corridor area.
2. The Project would connect the Metro Gold, Blue, and Expo Lines through downtown Los Angeles, enabling passengers to travel the region's largest employment center on Metro's light rail transit (LRT) system without the need to transfer. By providing continuous through service between these lines, the Project will improve access to both local and regional destinations – greatly improving the connectivity of the transportation network for the region.

3. The Project will offer an alternative transportation option to congested roadways and provide significant environmental benefits, economic development, and employment opportunities throughout the Corridor and Los Angeles County as a whole.
4. The Project will enable Los Angeles County rail to operate more efficiently and attract higher ridership, thereby reducing congestion, improving air quality and lessening the regional carbon footprint. By linking several LRT systems through Downtown Los Angeles, the Project will significantly increase regional mobility.

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.

On September 3, 2010, a Draft Environmental Impact Statement/ Draft Environmental Impact Report (DEIS/DEIR) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments. A total of five alternatives were presented in the DEIR/DEIS: No Build, Transportation Systems Management (TSM), and three build alternatives utilizing Light Rail Transit (LRT) technology - Fully Underground, Underground Emphasis, and At-Grade Emphasis. On October 28, 2010 the Board adopted the Fully Underground LRT Alternative as the Locally Preferred Alternative (LPA), after review and consideration of the comments received from circulation of the 2010 DEIS/DEIR. The Board certified the Final Environmental Impact Statement/ Final Environmental Impact Report (FEIS/FEIR) on April 26, 2012. A Record of Decision was received from the Federal Transit Administration on June 29, 2012.

Various parties have challenged the FEIS/FEIR pursuant to the National Environmental Protection Act ("NEPA") and the California Environmental Quality Act ("CEQA"). On May 29, 2014, a federal judge held in *Japanese Village LLC v. Federal Transit Administration*, 2:13-CV-0396-JAK (PLAx)(C.D. Cal, complaint filed Jan. 18, 2013) that the Project fully and properly complied with NEPA in relation to the Property, but the Court did take issue with certain portions of the Project FEIS that are unrelated to the Property. The fact that a portion of the FEIS unrelated to the Property was found to be insufficient does not prevent MTA from approving a Resolution of Necessity and filing an eminent domain action to take interests in the Property. (U.S. v. 0.95 Acres of Land (1993) 994 F.2d 696 (NEPA compliance is not a defense to a condemnation action); *Golden Gate Land Holdings LLC v. East Bay Regional Park District* (2013) 215 Cal.App.4th 353 (irregularities in environmental documentation do not prevent a public entity from filing a condemnation action)). Further, while there is a pending CEQA challenge to the Project, *Japanese Village LLC v. Los Angeles County Metropolitan Transportation Authority*, No. BS137343 (Los Angeles Sup. Ct., complaint filed May 21, 2012), a pending CEQA challenge does not prevent MTA from approving a Resolution of Necessity and the filing of an eminent domain action to take the Property. (*Golden*

Gate, 215 Cal.App.4th at 376-377; *Santa Monica Baykeeper v. City of Malibu* (2011)193 Cal.App.4th 1538, 1547).

The Project is a Fully Underground LRT dual-track alignment, which will extend from the Metro Gold Line Little Tokyo/Arts District Station to the 7th Street/Metro Center Station in downtown Los Angeles, allowing passengers to transfer to the Blue, Expo, Red, and Purple Lines, bypassing Union Station. The 1.9-mile alignment will serve Little Tokyo, the Arts District, Civic Center, the Historic Core, Broadway, Grand Ave, Bunker Hill, Flower St., and the Financial District, and will benefit the City of Los Angeles and portions of unincorporated Los Angeles County. The Project includes three stations:

- 1st Street/Central Avenue
- 2nd Street/Broadway
- 2nd Place/Hope Street

The Corridor has some of the highest population and employment density in the Southern California region, as well as the highest proportion of transit ridership. No significant expansion of existing freeway and street networks is planned to accommodate this density and future expected growth. During various community meetings, the residents of the Corridor area expressed their need for improved transit service because many are transit-dependent and need better access to the region's educational, employment, and cultural opportunities. The Locally Preferred Alternative (LPA) addresses those needs and moves more people in a way that is energy efficient and with the least environmental impact.

The Project will cause private injury, including the use of certain private property. However, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter. It is recommended that, based upon the foregoing, the Board find and determine that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

C. The Property is necessary for the Project.

The Property is needed for the construction and operation of the tunnel alignment which connects the Red Line 7th and Metro Station and Little Tokyo Gold Line Station Site. The Property requirements are based on the approved FEIS/FEIR for the Project. The Project requires subsurface tunnel and grouting easements for the monitoring of the installation of grouting pipes, and subsurface tunnel and grouting easements to install, monitor and remove surface ground movement instruments. Staff recommends that the Board find that the acquisition of the subsurface tunnel and grouting easements on the Property are necessary for the Project. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

D. Offers were made in compliance with Government Code Section 7267.2

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owner and in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the Property. In addition, the agency is required to provide the Owner with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Obtained appraisals to determine the fair market value of the subsurface tunnel and grouting easements;
2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation;
3. Determined the Owner with ownership of the interests at issue by examining the county assessor's record and the title report;
4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner with a written statement of the basis for, the amount established as just compensation.

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

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

ATTACHMENTS

- A Order for Prejudgment Possession
- A-1 Subsurface Easements – Portion to be Abandoned
- A-2 Subsurface Easements – Portion to be Retained

Order of Prejudgment Possession (June 4, 2015)

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 MARK J. SALADINO, County Counsel
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(213) 974-1885 / Fax: (213) 687-7337

7 GREGORY M. BERGMAN (Bar No. 065196)
8 BRIAN J. BERGMAN (Bar No. 240584)
9 MATTHEW T. ANDERSON (Bar No. 280311)
BERGMAN DACEY GOLDSMITH
10 10880 Wilshire Blvd. Suite 900
11 Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931

12 Attorneys for Plaintiff and Cross-Defendant
13 LOS ANGELES COUNTY METROPOLITAN
14 TRANSPORTATION AUTHORITY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY, a California Public Entity,

Plaintiff,

v.

JAPANESE VILLAGE, LLC, et al.,

Defendants.

JAPANESE VILLAGE, LLC,

Cross-Complainant,

v.

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY,

Cross-Defendant.

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

**PROPOSED ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460**

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

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[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

COPY
FILING FEE EXEMPT PURSUANT
TO GOVERNMENT CODE § 6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	Date After Which Possession to Be Taken
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

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[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing "[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460" on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.

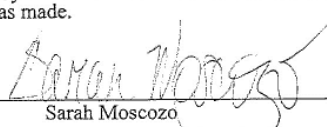
☒ (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015



Sarah Moscozo

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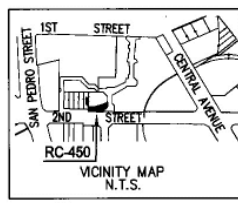
[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

EXHIBIT "B"


Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31 PORTION OF LOT 2			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No. Date	Revision Description



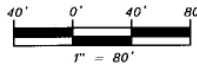
LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"



LEGEND:
POB - POINT OF BEGINNING
SSE - SUBSURFACE EASEMENT



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

APPROVED BY: *Jim Ray* 7/18/12
PROJECT MANAGER

PREPARED BY: *Stephanie Wagner*
CHECKED BY: *Stephanie Wagner* L.S. 5752


REGIONAL CONNECTOR

CITY OF LOS ANGELES

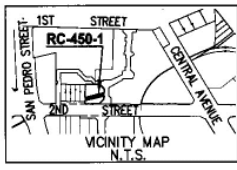
DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-450

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31 PORTION OF LOT 2, CITY OF LOS ANGELES COUNTY OF LOS ANGELES, STATE OF CALIFORNIA Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02 Assessor's Ref: 5161-017-023		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
ROW Ref: R-107	No.	Date	Revision Description



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"

TRACT NO. 30211
BK 1022
PGS 80-82
LOT 1
APN: 5161-017-023

WOODWORTH TRACT
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
MR BK 12
PG 92
APN: 5161-017-009

TRACT NO. 30211
LOT 2
APN: 5161-017-023
RC-450-1
1,693 SQ. FT.
C1
C2
TPOB
S51°33'13"E
74.08'

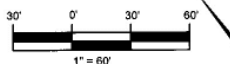
SAN PEDRO STREET
N35°22'56"E 381.28' TO 1ST STREET CENTERLINE
S22°26'47"W

GILBERT W. LINDSAY MALL
N38°26'47"E 86.84'
N38°26'47"E 86.84'

2ND STREET
N51°33'13"W 906.30' TO CENTRAL AVENUE CENTERLINE
APN: 5161-022-023

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POC - POINT OF COMMENCEMENT
TPOB - TRUE POINT OF BEGINNING
GE - GROUTING EASEMENT



TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

Metro
APPROVED BY: *Sam Ray* 7/18/12
PROJECT MANAGER
PREPARED BY: *Stephanie Wagner*
CHECKED BY: LS: 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

DATE: 05/30/12
SCALE: 1" = 60'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-450-1

EXHIBIT "B"

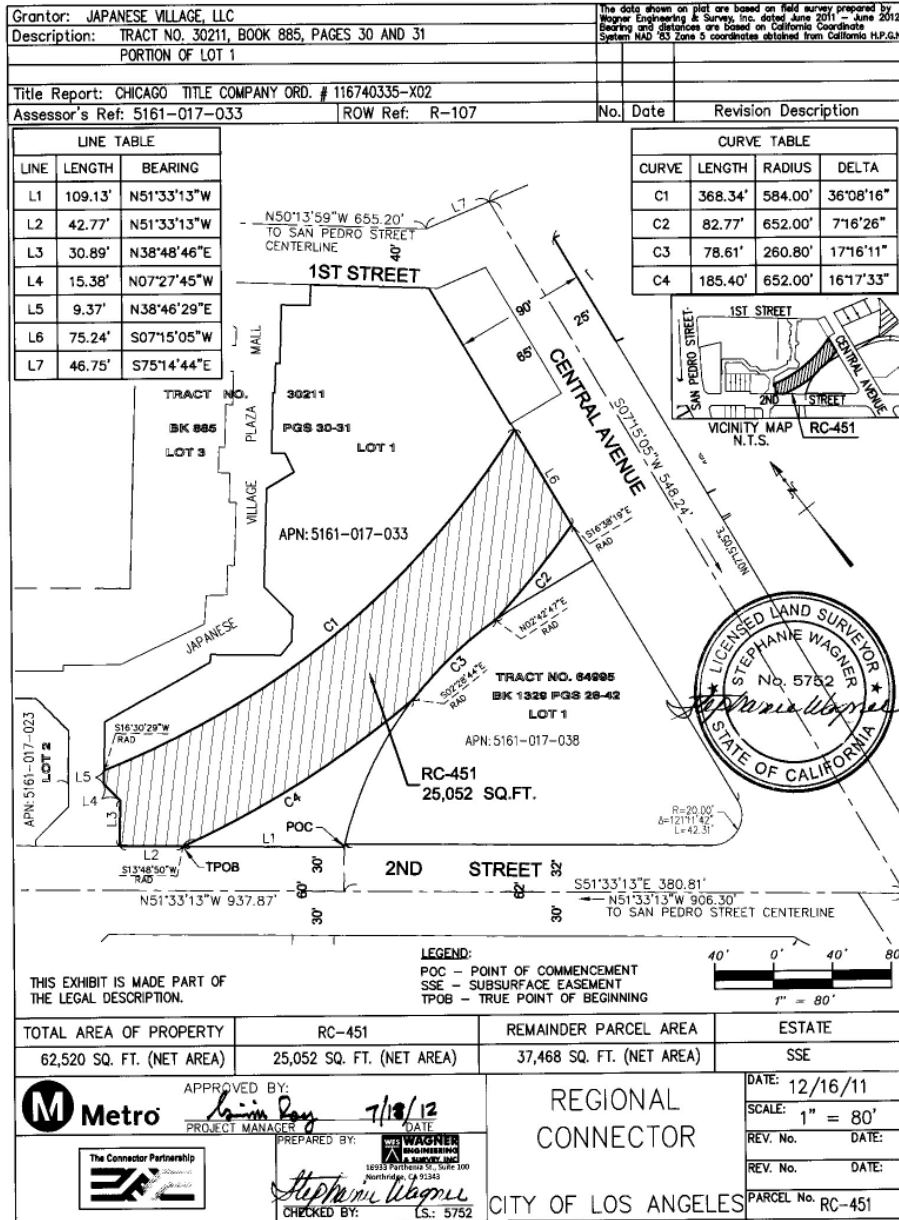
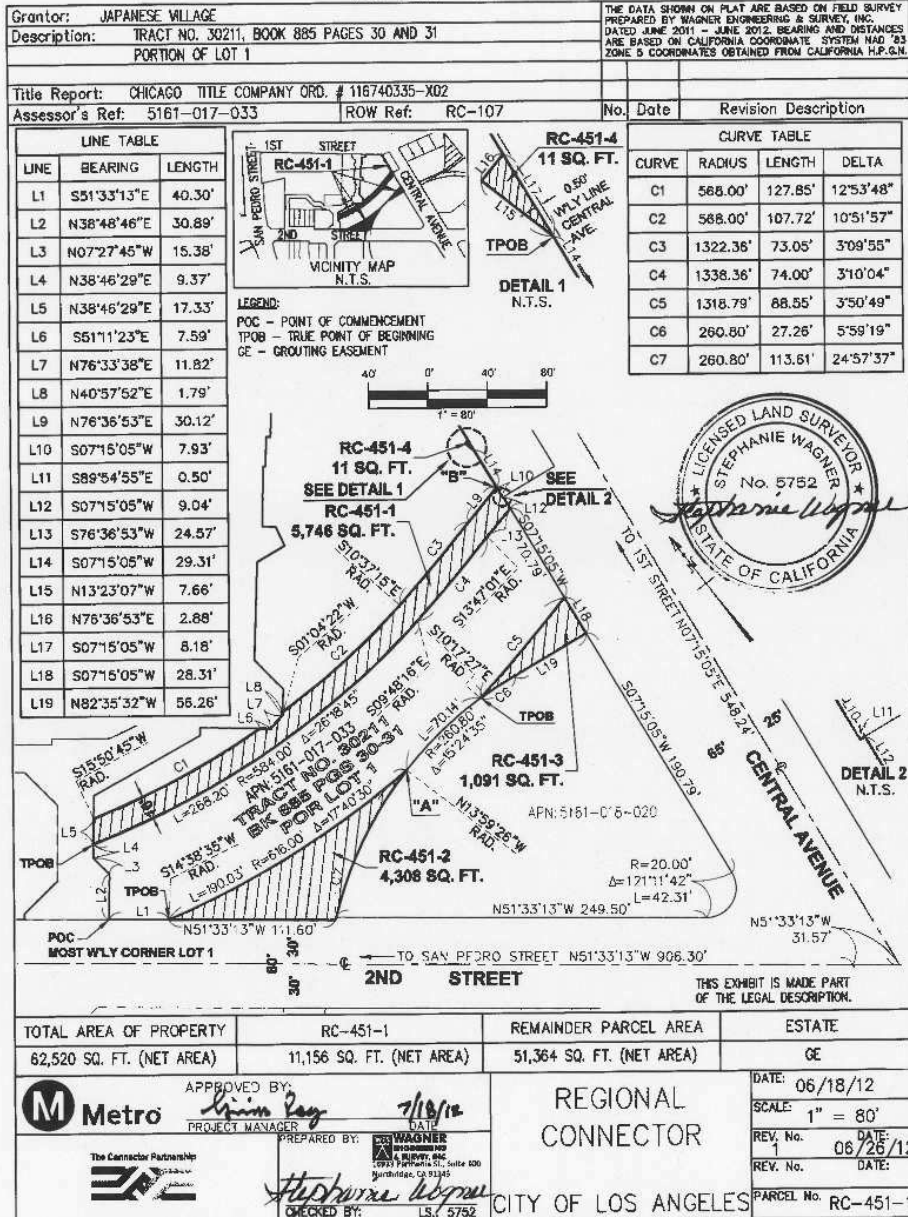


EXHIBIT "B"



Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision Description	

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

 	APPROVED BY:	 17134 Devonshire St., Suite 200 Northridge, CA 91325	DATE: 03/29/2016
	PROJECT MANAGER		SCALE: 1" = 80'
	PREPARED BY:		REV. No. DATE:
	CHECKED BY: LS: 5752		REV. No. DATE:


REGIONAL CONNECTOR	PARCEL No. RC-451-A
PAGE 1 OF 2	
CITY OF LOS ANGELES	

EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC		<small>THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.F.G.M.</small>	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.			
PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02		No.	Date
Assessor's Ref: 5161-017-033	ROW Ref: R-107	Revision Description	


LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'

CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

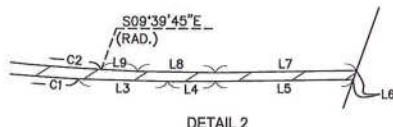


VICINITY MAP
N.T.S.


OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING



DETAIL 1



DETAIL 2




THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION			
TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

APPROVED BY:

PROJECT MANAGER

DATE

PREPARED BY:  **WAGNER**
ENGINEERING & SURVEY, INC.
11114 Greenhurst, Suite 200
Northridge, CA 91325

CHECKED BY: LS: 5752

REGIONAL CONNECTOR

PAGE 2 OF 2

CITY OF LOS ANGELES

DATE: 03/23/2016

SCALE: NTS

REV. No. DATE:

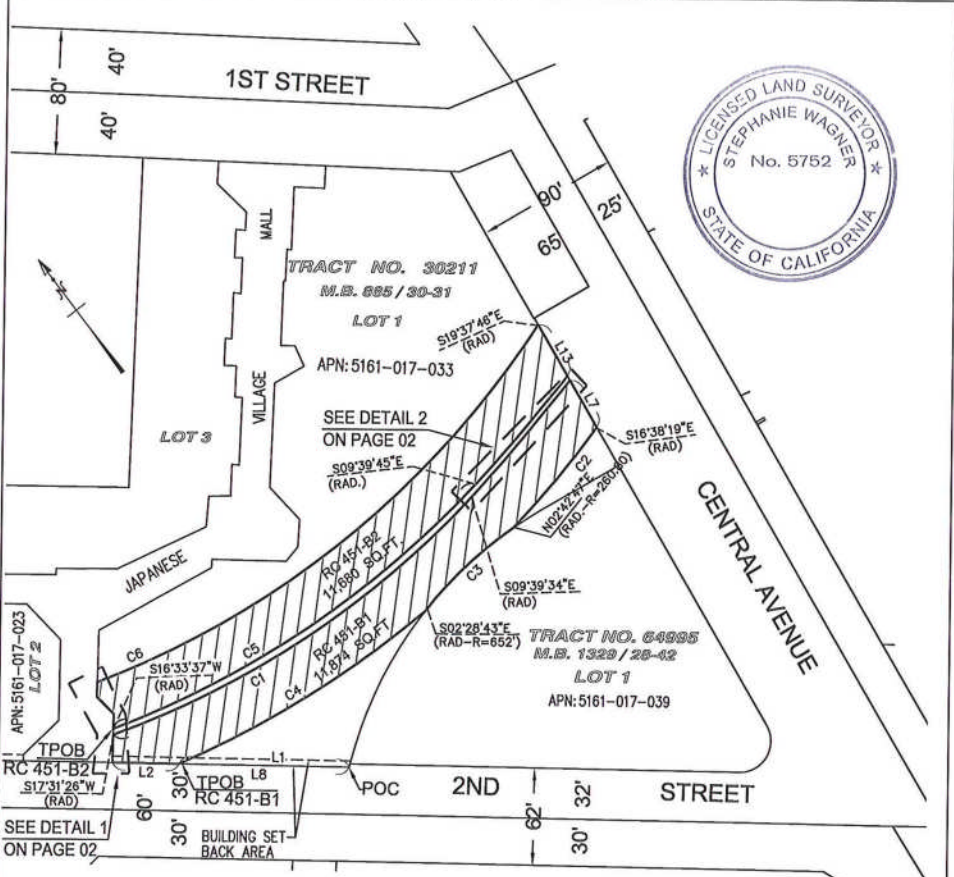
REV. No. DATE:

PARCEL No. RC-451-A

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.		
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.			
PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision	Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.			
TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG
APPROVED BY:		REGIONAL CONNECTOR	
	PROJECT MANAGER	DATE	DATE: 03/29/2016
	PREPARED BY:	CHECKED BY: LS: 5752	SCALE: 1" = 80'
		PAGE 1 OF 2	
		CITY OF LOS ANGELES	
		REV. No.	DATE:
		REV. No.	DATE:
		PARCEL No.	RC-451-B

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 9 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision Description	

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	815.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"

VICINITY MAP
N.T.S.

OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING

DETAIL 1

DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:		DATE:
	PROJECT MANAGER		03/29/2016
	PREPARED BY:		SCALE:
	CHECKED BY:		NTS
			REV. No. DATE:
			REV. No. DATE:
			PARCEL No. RC-451-B

REGIONAL CONNECTOR
PAGE 2 OF 2
CITY OF LOS ANGELES

RESOLUTION OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY DECLARING CERTAIN PROPERTY INTERESTS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF (REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT PARCELS RC-450, RC-450-1, RC-451, AND RC-451-1 THROUGH RC-451-4)

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

Section 1.

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

Section 3.

The required property interests consist of subsurface tunnel and grouting easements to develop, construct, operate, and maintain the Regional Connector Transit Corridor Project ("Project") as described in Attachment "A": Order of Prejudgment Possession, and further described in Attachment "A-1": Subsurface Easements – Portion to be Abandoned; and Attachment "A-2": Subsurface Easements – Portion to be Retained (hereinafter, the "Property"), all of which are incorporated herein by this reference.

Section 4

(a) The acquisition of the above-described required interests is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Final

Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR) for this Project which was certified by the Board on April 26, 2012. The Board found that in accordance with the California Environmental Quality Act Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project; and

(c) The Board has reviewed and considered the FEIS/FEIR, before and as part of the process of determining whether to acquire the above-referenced Property.

Section 5.

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

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

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

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

(d) The offers required by Section 7267.2 of the Government Code have been made to the Owner.

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 interest is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the

property 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.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELLE JACKSON, Secretary of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 28th day of April 2016.

MICHELLE JACKSON
METRO Secretary

Date: _____

ATTACHMENTS

- A Order for Prejudgment Possession
- A-1 Subsurface Easements – Portion to be Abandoned
- A-2 Subsurface Easements – Portion to be Retained

ATTACHMENT A

Order of Prejudgment Possession (June 4, 2015)

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

1 MARK J. SALADINO, County Counsel
2 ROBERT C. CARTWRIGHT, Asst. County Counsel
3 ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
4 648 Kenneth Hahn Hall of Administration
5 500 West Temple Street
6 Los Angeles, California 90012-2713
(213) 974-1885 / Fax: (213) 687-7337

7 GREGORY M. BERGMAN (Bar No. 065196)
8 BRIAN J. BERGMAN (Bar No. 240584)
9 MATTHEW T. ANDERSON (Bar No. 280311)
10 BERGMAN DACEY GOLDSMITH
11 10880 Wilshire Blvd. Suite 900
12 Los Angeles, California 90024-4101
13 (310) 470-6110 / Fax: (310) 474-0931

14 Attorneys for Plaintiff and Cross-Defendant
15 LOS ANGELES COUNTY METROPOLITAN
16 TRANSPORTATION AUTHORITY

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY, a California Public Entity,

Plaintiff,

v.

JAPANESE VILLAGE, LLC, et al.,

Defendants.

JAPANESE VILLAGE, LLC,

Cross-Complainant,

v.

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY,

Cross-Defendant.

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COPY
FILING FEE EXEMPT PURSUANT
TO GOVERNMENT CODE § 6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

Case No. BC550348

[Honorable Teresa Sanchez-Gordon --
Dept. 74]

[Complaint Filed 07/03/14]

**PROPOSED ORDER RE NOTICE
AND MOTION FOR ORDER FOR
PREJUDGMENT POSSESSION
PURSUANT TO C.C.P. § 1255.460**

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021,
5161-017-022, 5161-017-023, 5161-017-
033

MTA Parcel Nos. RC-450; RC-450-1; RC-
451; RC-451-1, -2, -3, -4

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	Date After Which Possession to Be Taken
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

FA104721\Pldg\ORD-MOT-POSSESSION-REV.docx 2

[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing "[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460" on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.


☒ (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015



Sarah Moscozo

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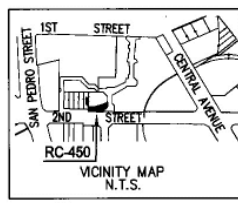
[PROPOSED] ORDER FOR PREJUDGMENT POSSESSION

EXHIBIT "B"

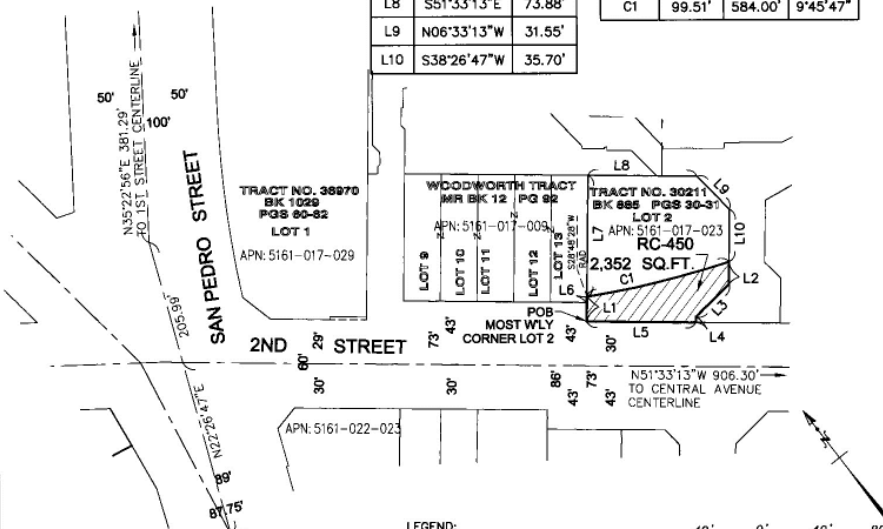
Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31 PORTION OF LOT 2			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No. Date	Revision Description



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POB - POINT OF BEGINNING
SSE - SUBSURFACE EASEMENT

Scale: 1" = 80'

TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

APPROVED BY: *[Signature]* 7/18/12
PROJECT MANAGER

PREPARED BY: *[Signature]*
WAGNER ENGINEERING & SURVEY, INC.
22933 Parkview Dr., Suite 100
Northridge, CA 91343

CHECKED BY: *[Signature]* L.S. 5752


REGIONAL CONNECTOR

CITY OF LOS ANGELES

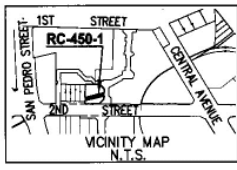
DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-450

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31			
PORTION OF LOT 2, CITY OF LOS ANGELES			
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02			
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No. Date	Revision Description



LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"

TRACT NO. 30211
BK 1022
PGS 80-82
LOT 1
APN: 5161-017-023

WOODWORTH TRACT
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
MR BK 12
PG 92
APN: 5161-017-009

TRACT NO. 30211
LOT 2
APN: 5161-017-023
RC-450-1
1,693 SQ. FT.
C1
C2
TPOB
S51°33'13"E
74.08'

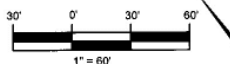
SAN PEDRO STREET
N35°22'56"E 381.28' TO 1ST STREET CENTERLINE

GILBERT W. LINDSAY MALL
N38°26'47"E 86.84'

2ND STREET
N51°33'13"W 906.30' TO CENTRAL AVENUE CENTERLINE

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POC - POINT OF COMMENCEMENT
TPOB - TRUE POINT OF BEGINNING
GE - GROUTING EASEMENT



TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

Metro

APPROVED BY: *Sam Ray* 7/18/12
PROJECT MANAGER

PREPARED BY: *Stephanie Wagner*
CHECKED BY: LS: 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 05/30/12
SCALE: 1" = 60'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-450-1

Grantor: JAPANESE VILLAGE, LLC

Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
PORTION OF LOT 1

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02

Assessor's Ref: 5161-017-033 ROW Ref: R-107 No. Date Revision Description

LINE	LENGTH	BEARING
L1	109.13'	N51°33'13"W
L2	42.77'	N51°33'13"W
L3	30.89'	N38°48'46"E
L4	15.38'	N07°27'45"W
L5	9.37'	N38°46'29"E
L6	75.24'	S07°15'05"W
L7	46.75'	S75°14'44"E

CURVE	LENGTH	RADIUS	DELTA
C1	368.34'	584.00'	36°08'16"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"

APN: 5161-017-033

TRACT NO. 30211
BK 885
LOT 3

PLAZA
VILLAGE
JAPANESE

1ST STREET

CENTRAL AVENUE

2ND STREET

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

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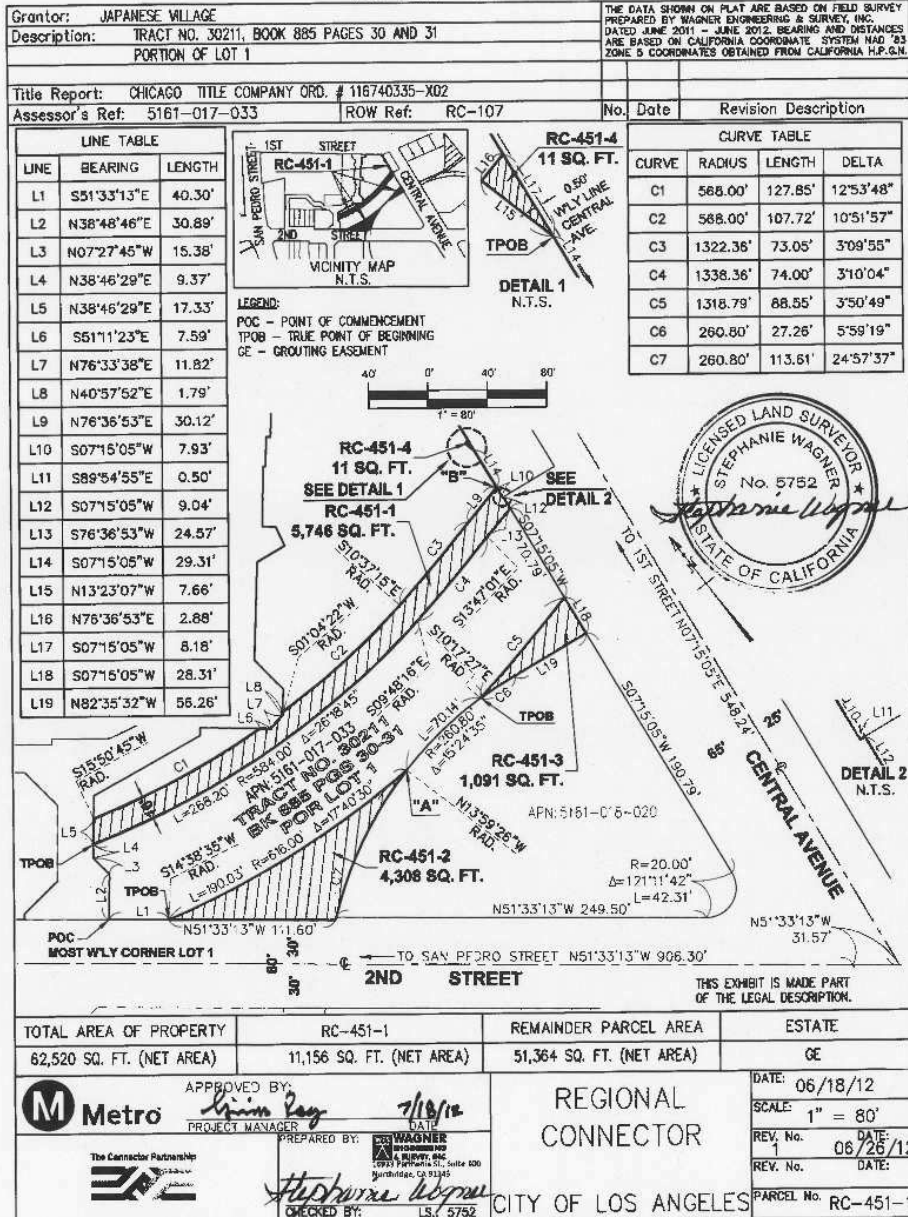
LOT 289

LOT 290

LOT 291

LOT 2

EXHIBIT "B"



Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision Description	

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:		DATE:
	PROJECT MANAGER		03/29/2016
	PREPARED BY:		SCALE:
	17134 Devonshire St., Suite 200, Northridge, CA 91325		1" = 80'
CHECKED BY:	LS.: 5752		REV. No. DATE:
			REV. No. DATE:
			PARCEL No. RC-451-A

EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC		<small>THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.F.G.M.</small>	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.			
PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02		No.	Date
Assessor's Ref: 5161-017-033	ROW Ref: R-107	Revision Description	

LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'

CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

VICINITY MAP
N.T.S.

OG - OUTGRANT
 POC - POINT OF COMMENCEMENT
 SSE - SUBSURFACE EASEMENT
 TPOB - TRUE POINT OF BEGINNING

DETAIL 1

DETAIL 2

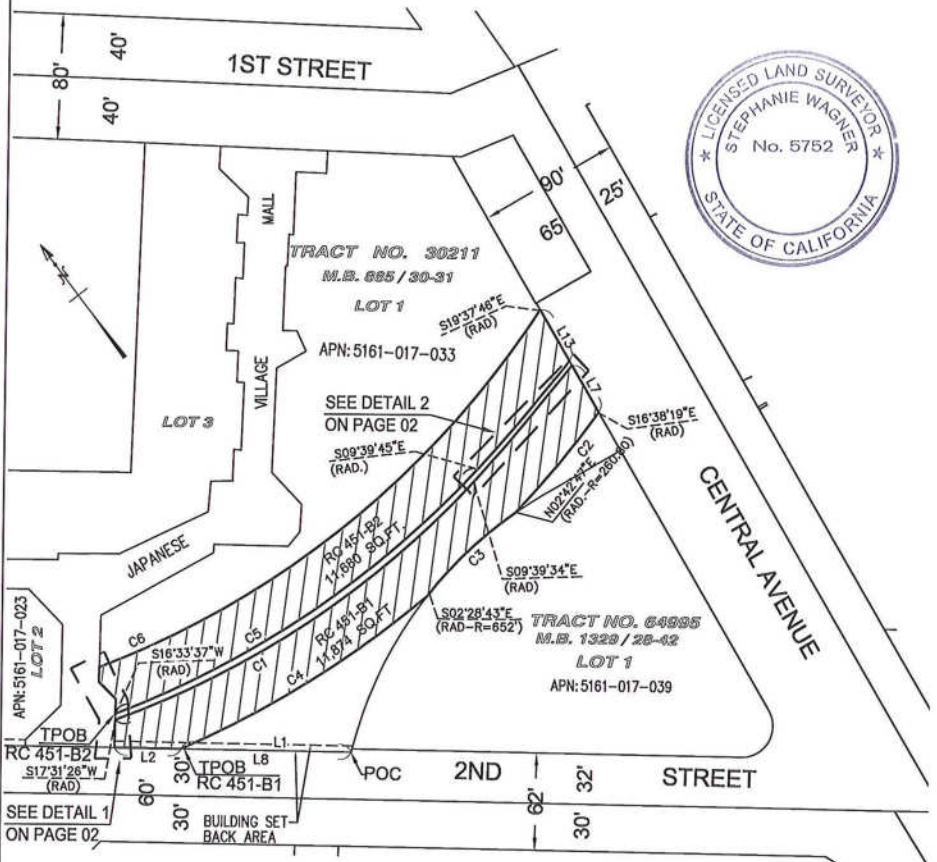
TOTAL AREA OF PROPERTY		RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)		1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:	DATE:	03/23/2016
	PROJECT MANAGER	DATE:	SCALE: NTS
		PREPARED BY: <small>WAGNER ENGINEERING & SURVEY, INC. 11114 Greenhurst St., Suite 200 Northridge, CA 91325</small>	REV. No. DATE:
CHECKED BY: LS: 5752		REGIONAL CONNECTOR PAGE 2 OF 2 CITY OF LOS ANGELES	
		REV. No. DATE: PARCEL No. RC-451-A	

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD 83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.		
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.			
PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No.	Date
		Revision	Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.			
TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG
APPROVED BY:		REGIONAL CONNECTOR	
	PROJECT MANAGER	DATE	DATE: 03/29/2016
	PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91329	CHECKED BY: LS: 5752	SCALE: 1" = 80'
		PAGE 1 OF 2	
		CITY OF LOS ANGELES	
		PARCEL No. RC-451-B	

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 9 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.	
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1			
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02			
Assessor's Ref: 5161-017-033	ROW Ref: R-107	No. Date	Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	815.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"

VICINITY MAP
N.T.S.

OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING

DETAIL 1

DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

	APPROVED BY:		DATE:
	PROJECT MANAGER		03/29/2016
	PREPARED BY:		SCALE:
	CHECKED BY:		NTS
			REV. No. DATE:
			REV. No. DATE:
			PARCEL No. RC-451-B