



**Board Report**

**File #:** 2019-0204, **File Type:** Policy

**Agenda Number:** 42.

**REVISED**  
**REGULAR BOARD MEETING**  
**MAY 23, 2019**

**SUBJECT: PURPLE LINE WESTSIDE SUBWAY EXTENSION TRANSIT PROJECT SECTION 2**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and
- B. ADOPTING a Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a permanent subsurface tunnel easement in the property identified as Parcel: W-3507 (APN: 4319-005-900) (APN: 4328-005-900) (hereinafter the "Property").

(REQUIRES TWO-THIRDS VOTE OF THE BOARD)

**BACKGROUND**

Acquisition of the above-referenced permanent subsurface tunnel easement ("Easement"), referred to herein as "Property" is required for the construction of and operation of the Westside Purple Line Westside Extension Project Section 2 ("Project"). The Easement is required for the tunnel alignment that will connect the Century City Constellation station with the Beverly Hills Wilshire Rodeo Station.

A written offer was delivered to the Owners of Record ("Owners"), as required by California Government Code Section 7267.2. The Owners have not accepted the offer of Just Compensation made by the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), and the parties have not at this time reached a negotiated settlement. Because the Property is necessary for construction of the Project, staff recommends the acquisition of the Property through eminent domain to determine the value of the Property and to maintain the Project schedule.

In accordance with the provisions of the California Eminent Domain Law, Sections 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of property by eminent domain), California Code of Civil Procedure Sections 1240.510-530 (which authorize the acquisition of property appropriated to public use for a compatible public use), and California Code of Civil Procedure Sections 1240.610-700 (which authorize the acquisition

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of property appropriated to a public use for a more necessary public use), LACMTA has prepared and mailed notice of this hearing to the Owners informing them of their right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury; (3) whether the Property is necessary for the Project; (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence; (5) whether environmental review of the Project has complied with the California Environmental Quality Act (CEQA) and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence has been received by LACMTA from all interested parties, LACMTA must make a determination as to whether to adopt the proposed Resolutions of Necessity to acquire the Property by eminent domain. In order to adopt the resolutions, LACMTA must, based on the evidence before, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated in the items 1 - 6 above exist. Attached is evidence submitted by staff that supports adoption of the Resolutions that have been approved by counsel, and which sets forth the required findings (Attachment A).

### **DETERMINATION OF SAFETY IMPACT**

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

### **FINANCIAL IMPACT**

The funding for the acquisition of the Property is included in the approved fiscal year 2019, Project budget under Measure R Project 865522 (Purple Line Westside Extension Project Section 2), in Cost Center 8510, and Account Number 53103 (Acquisition of Land).

#### Impact to Budget

The approved FY19 budget is designated for the Westside Purple Line Extension, Section 2 and does not have an impact to operations funding sources. This Project is not eligible for Proposition A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

#### Equity Platform Framework Consistency

Implementation of the State's eminent domain laws assures that equity is afforded to property owners to engage and have a voice in the decision making process with regards to the acquisition of their property.

#### Strategic Plan Consistency

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The Board action is consistent with Metro Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Adoption of the Resolution of Necessity is a required step to acquire these properties for the Westside Purple Line Extension which will provide an additional mobility option.

**NEXT STEPS**

If this action is approved by the Board, the LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property interest by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law.

**ATTACHMENTS**

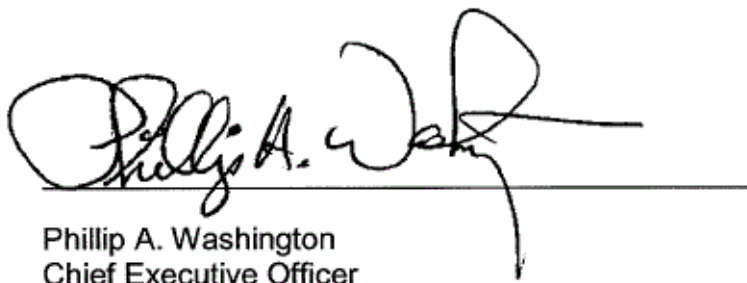
Attachment A - Staff Report

Attachment B - Resolution of Necessity

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Phillip A. Washington  
Chief Executive Officer

## ATTACHMENT A

### STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF PROPERTY”) FOR THE WESTSIDE PURPLE LINE EXTENSION SECTION 2

#### BACKGROUND

The Property is required for the construction and operation of the Westside Purple Line Extension Section 2 ("Project").

The address, record owners (as indicated by a title report) ("Owners"), physical description, and nature of the property interest sought to be acquired for the Project are summarized below. A written offer for acquisition of the permanent subsurface tunnel easement under the Property was mailed the property Owner by letter dated February 28, 2018. The parcel is identified as W-3507 (APN: 4319-005-900) (**APN: 4328-005-900**) (hereinafter the "Property").

Parcel No. Assessor's No.	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest (s) Sought
W-3507	255 S Lasky Drive Beverly Hills, CA 90201	Beverly Hills Unified School District	Construction and Operation of underground tunnel	Subsurface Tunnel Easement

#### **A. Environmental Review**

The Los Angeles County Metropolitan Transportation Authority ("LACMTA") and the Federal Transit Administration ("FTA") prepared a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Project pursuant to the National Environmental Policy Act (NEPA) (42 USC Section 4321, et seq.) and the California Environmental Quality Act (CEQA) (Cal. Public Resources Codes Section 21000 et seq.) A Draft EIS/EIR (DEIS/DEIR) was circulated for public review and comment. The Final EIS/EIR (FEIS/FEIR) was released in March 2012 for public review. On April 26, 2012, the LACMTA Board certified the Final EIS/EIR under CEQA and approved Phase 1 of the Project (Wilshire/Fairfax to Wilshire/La Cienega). On May 24, 2012, LACMTA's Board adopted findings regarding the reasonableness of the Constellation Station location and approved Phase 2 of the Project (Wilshire/La Cienega to Constellation/Avenue of the Stars) and Phase 3 of the Project (Constellation/Avenue of the Stars to Westwood/VA Hospital). On August 9, 2012, FTA issued its Record of Decision (ROD). On November 22, 2017, FTA issued a Final Supplemental Environmental Impact Statement (FSEIS), and Supplemental Record of Decision (ROD) for Section 2 of the Project.

Due to their bulk, the FEIS/FEIR and FSEIS are not included in the Board's agenda packet. However, these environmental review documents are publicly available; are incorporated herein by reference; and are made a part of the record of the hearing (including documents and information relied upon by the LACMTA Board) on this Resolution of Necessity.

**B. The public interest and necessity require the Project.**

The need for the Project is based on population and employment growth, the high number of major activity centers served by the Project, high existing transit usage, and severe traffic congestion in Los Angeles County. The Project area bisects 12 large population and employment centers, all of which are served by extremely congested road networks that will deteriorate further with the projected increase in population and jobs. This anticipated growth will further affect transit travel speeds and reliability, even with a dedicated lane for express bus service on Wilshire Boulevard. The public interest and necessity require the Project for the following specific reasons:

1. The population and employment densities in the Project area are among the highest in the metropolitan region. Approximately five percent of the Los Angeles County population and 10 percent of the jobs are concentrated in the Project area.
2. Implementation of the Project will result in a reduction of vehicle miles per day and reduction of auto air pollutants.
3. The Project will relieve congestion on the already over capacity 1-405 San Diego and the 1-10 Santa Monica Freeways and surrounding major thoroughfares. In addition, it will reduce the parking demands in the Westside area by providing an alternative means of transportation, competitive in rush-hour travel times with the automobile.
4. The Project will be a major link in the existing county-wide rail transit system, and will thereby provide alternative means of transportation during fuel crises and increased future traffic congestion.
5. The Project will improve transportation equity by meeting the need for improved transit service of the significant transit-dependent population within the Project area.
6. The Project will help meet Regional Transit Objectives through the Southern California Association of Governments' (SCAG's) Performance Indicators of mobility, accessibility, reliability, and safety.

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

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

As part of the environmental review process for the Project, an Alternatives Analysis (AA) Study was initiated in 2007 to identify all reasonable, fixed-guide way, alternative alignments and transit technologies within the proposed Project Area. The fixed-guide way alternative alignments studied and analyzed during the AA process were heavy rail

transit (HRT), light rail transit (LRT), bus rapid transit (BRT), and monorail (MR). Due to its capacity to meet the anticipated ridership demand and limit the number of transfers, HRT was identified as the preferred technology for further study.

In January 2009, the Metro Board approved the AA Study and authorized preparation of a Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR). A total of seven alternatives, including five heavy rail subway (HRT) Build Alternatives, a No Build Alternative, and a relatively low-cost Transportation System Management (TSM) Alternative, were presented in the DEIS/DEIR. The 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.

In October 2010, the Board approved the DEIS/DEIR and the Wilshire Boulevard to Santa Monica HRT option was selected as the Locally Preferred Alternative (LPA) for further analysis in the FEIS/FEIR. The FEIS/FEIR was released in March 2012 for public review. As referenced above, on April 26, 2012, the Board certified the FEIS/FEIR, and on May 24, 2012, the Board approved the route and station locations for the Project; on August 9, 2012, FTA issued a ROD; and, on November 22, 2017, FTA issued a Supplemental ROD for Section 2 of the Project.

The approved LPA will extend HRT (as subway) approximately nine (9) miles from the existing Metro Purple Line terminus at the Wilshire/ Western Station to a new western terminus at the West Los Angeles Veterans Affairs Hospital (Westwood/ VA Hospital Station). The LPA will include seven new stations spaced in approximately one-mile intervals, as follows:

- Wilshire/La Brea
- Wilshire/Fairfax
- Wilshire/La Cienega
- Wilshire/Rodeo
- Century City
- Westwood/UCLA
- Westwood/VA Hospital

LACMTA does not anticipate that the Project will cause significant injury to the BHUSD property, including the displacement or relocation of certain owners and users of private or public 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.

#### **D. The Property is necessary for the Project.**

LACMTA's Property Impact Statement was certified on October 3, 2018, and is attached hereto as Exhibit "A". The Property Impact Statement sets forth the permanent

subsurface tunnel easement needed for the Project. The Property is required for construction and operation of the underground tunnel connecting Wilshire/Rodeo Station and Century City/Constellation Station. The permanent subsurface easement required for the Project are listed and described in the Property Impact Statement. The legal description of the required subsurface easement is attached to each Resolution of Necessity as Exhibit A and is depicted on the Plat Map attached to the Resolution of Necessity as Exhibit B. The Property requirements were chosen based upon the approved FEIS/FEIR for the Project, referenced above.

Staff recommends that the Board find that the acquisition of the Property is necessary for the Project.

**E. LACMTA's proposed use of the Property is compatible with BHUSD's Administration Building use (California Code of Civil Procedure Sections 1240.510-530).**

**1. The easement will not unreasonably interfere with or impair the continuance of BHUSD's existing Administration Building use.**

As set forth in LACMTA's Property Impact Statement, the high point of the permanent subsurface tunnel easement is 49 feet below the existing ground surface of the Administration Building. None of the areas included within the proposed permanent subsurface easement are used by BHUSD.

BHUSD is using the surface of the Property as an Administration Building. The permanent subsurface tunnel easement will not cause an unreasonable interference with, or impairment of, the existing Administration Building use.

**2. The Project will not unreasonably interfere with or impair the continuance of BHUSD's existing Administration Building use.**

**a. BHUSD's Administration Building will not need to be relocated or displaced.**

As further set forth in LACMTA's Property Impact Statement, there is no requirement for BHUSD's Administration Building to be relocated or displaced either during or after construction of the Project. LACMTA is aware that BHUSD is considering a Beverly Hills High School Modernization Project for the main campus. But, LACMTA is not aware of any intended development to BHUSD's Administration Building site as part of the Modernization Project.

**b. Any potential noise and vibration impacts from the construction and operation of the tunnels will be negligible.**

As stated in LACMTA's Property Impact Statement, LACMTA's Construction Requirements and Techniques include the following:

THE TUNNELS SHALL BE EXCAVATED BY TUNNEL BORING MACHINES (TBMS) WITH POSITIVE FACE

CONTROL APPROPRIATE FOR THE SOIL CONDITIONS THAT WILL BE ENCOUNTERED ON THE PROJECT. THESE MACHINES EXCAVATE THE TUNNEL IN A MANNER THAT LIMITS DISTURBANCE TO THE SURROUNDING GROUND, THEREBY MINIMIZING THE IMPACT AT THE SURFACE. CONTRACT SPECIFICATIONS INCLUDE REQUIREMENTS GOVERNING SUBSURFACE SETTLEMENT AND FOR OPERATING THE TBMS. THE TBMS' PERFORMANCE WILL BE CONTINUOUSLY MONITORED FROM WITHIN THE TUNNEL AND FROM THE GROUND SURFACE USING SURVEYING AND GROUND MOVEMENT DETECTION INSTRUMENTS. A FINAL SEGMENTAL TUNNEL LINING WILL BE ERECTED FROM WITHIN THE TBM AS THE TBM ADVANCES, PROVIDING IMMEDIATE PERMANENT SUPPORT OF THE GROUND AND SERVE AS THE FINAL TUNNEL LINING. THE TUNNEL HAS BEEN DESIGNED TO SUPPORT THE EXISTING SURFACE IMPROVEMENTS.

LACMTA's Construction Impacts are described as follows:

THE CONSTRUCTION AND OPERATION OF THE SUBWAY TUNNELS SHALL RESULT IN LITTLE OR NO NOISE OR VIBRATION IMPACT EXCEPT FOR:

- I. ANY PERCEPTIBLE NOISE OR VIBRATION DURING CONSTRUCTION WILL BE BELOW METRO CRITERIA, FEDERAL , STATE AND LOCAL ORDINANCES DESCRIBED IN THE PROJECT SPECIFICATIONS (01 56 19).
  
- II. THE OPERATION OF THE SUBWAY PROJECT WILL NOT RESULT IN ADVERSE OPERATIONAL NOISE OR VIBRATION IMPACTS TO THE OCCUPANTS OF THIS PROPERTY

METRO HAS PLANNED AND DESIGNED THE PROJECT TO PROTECT EXISTING BUILDINGS. IN THE UNLIKELY EVENT THAT IMPACTS TO THE EXISTING BUILDING OCCURS AS A RESULT OF METRO'S ACTION, IT IS METRO'S POLICY TO ADDRESS SUCH ISSUES EXPEDITIOUSLY. THE REPAIR WORK, IF REQUIRED, SHALL BE SCHEDULED TO MINIMIZE DISRUPTION AND INCONVENIENCE TO OCCUPANTS AND OTHER USES OF THE PROPERTY.



The Project will not cause unreasonable interference with, or impairment of, BHUSD's existing use of the Administration Building.

**c. The FSEIS addressed subsurface gas risks during construction.**

Chapter 4 of the FSEIS (incorporated herein by reference) addresses, among other matters, subsurface gas conditions and oil wells during construction. Given the ground conditions, existing gas concentrations, and tunneling methods to be used, there is not a plausible mechanism by which the proposed tunneling could cause a substantial amount of gas to migrate to or be released from the ground surface. Although there is an existing risk of methane or hydrogen sulfide gas migrating from the ground to the adjacent buildings or being released to the ground surface, the incremental risk of such a release due to tunneling is negligible.

**d. The FSEIS addressed subsurface gas risks during operations.**

Chapter 4 of the FSEIS (incorporated herein by reference) addresses, among other matters, subsurface gas conditions and oil wells during operations. The overall level of risk with the potential presence of methane and hydrogen sulfide gas along the Section 2 alignment, including through BHUSD's Administration Building, is low. LACMTA has specified design and construction measures to address gassy environments during operation of the Project. Tunnels and stations will be designed to provide a redundant protection system against gas intrusion hazard. The FSEIS concludes that the presence of the constructed tunnel will have no influence on the long-term migration of soil to the ground surface or into buildings or increase the risk of explosion, resulting in no adverse effect.

**3. Additionally, neither the easement nor the Project will unreasonably interfere with or impair the continuance of BHUSD's Administration Building use which may reasonably be expected to exist in the future.**

As previously stated, LACMTA is not aware of any planned changes in the public use of the Administration Building site.

**F. Alternatively, LACMTA's proposed use of the Property is a more necessary public use than BHUSD's existing use.**

LACMTA is not seeking to exercise its eminent domain authority to displace BHUSD's Administration Building. LACMTA's Project is a compatible public use with the existing use. Yet, even if LACMTA's Project is not completely compatible in all respects with the Administration Building use, for the reasons stated above, LACMTA's Project is a more necessary public use under applicable law. As such, LACMTA is legally authorized to acquire the easement by eminent domain.

**G. 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. Retained an independent appraiser to determine the fair market value of the Property;
2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation;
3. Determined the Owners of the Property by examining the county assessor's record a preliminary title report, and occupancy of the Property;
4. Made a written offer to the Owners for the full amount of just compensation - which was not less than the approved appraised value;
5. Provided the Owners with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

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

**H. Metro has fulfilled the necessary statutory prerequisites.**

LACMTA is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

**I. Metro has complied with the California Environmental Quality Act.**

As set forth above, LACMTA has complied with CEQA.

Accordingly, LACMTA also fulfilled all statutory prerequisites under Code of Civil Procedure § 1240.030 and Government Code § 7267.2 to acquire the Property by

eminent domain.

**CONCLUSION**

Staff recommends that the Board adopt the Resolution of Necessity.

**EXHIBITS TO STAFF REPORT**

1. Exhibit A – Property Impact Statement (Parcel W-3507)

## CERTIFICATION MEMORANDUM

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### WESTSIDE PURPLE LINE EXTENSION PROJECT

THURSDAY SEPTEMBER 27, 2018

PARCEL NUMBERS: W-3507  
ATTACHMENTS: PROPERTY IMPACT STATEMENT  
EXHIBIT "A" – LEGAL DESCRIPTION  
EXHIBIT "B" – PLAT MAP  
EXHIBIT "C" – RIGHT-OF-WAY-DRAWING  
EXHIBIT "D" – BR & BL TUNNEL PLAN AND PROFILE DRAWINGS  
EXHIBIT "E" – CROSS SECTION OF TUNNEL SUBSURFACE EASEMENT

**W-3507:**

A SUBSURFACE EASEMENT (SSE) OF W-3507 IS REQUIRED BASED ON THE RIGHT-OF-WAY DRAWING, REVISION 1. I CERTIFY THAT THE SSE IN PARCEL NUMBER W-3507 CONTAINING 14,793 SQUARE FEET OF PROPERTY IS REQUIRED FOR THE CONSTRUCTION AND OPERATION OF METRO'S WESTSIDE PURPLE LINE EXTENSION PROJECT.

 10/3/18

MICHAEL MCKENNA  
EXECUTIVE OFFICER  
PROJECT MANAGEMENT

# PROPERTY IMPACT STATEMENT

PREPARED:	WEDNESDAY, SEPTEMBER 26 2018
REFERENCE DRAWING:	R-3035
REFERENCE PLAT:	W-3507
PARCEL ADDRESS:	255 S. LASKY DRIVE, BEVERLY HILLS, CA 90212
AFFECTED APN:	4328-005-900
OWNER:	BEVERLY HILLS UNIFIED SCHOOL DISTRICT

**1. LOCATION AND DESCRIPTION:**

PARCEL W-3507, CONTAINING 14,793 SQUARE FEET IS A TRIANGULAR SHAPED PARCEL, BOUNDED BY MORENO DRIVE, YOUNG DRIVE AND LASKY DRIVE. THE SITE IS DEVELOPED WITH A 2 STORY BEVERLY HILLS UNIFIED SCHOOL DISTRICT ADMINISTRATION BUILDING.

**2. NEED FOR THE PROPERTY:**

THE TUNNEL ALIGNMENT FOR THE WESTSIDE PURPLE LINE EXTENSION SECTION 2 (PROJECT) TRAVELS UNDERNEATH THE PROPERTY DESCRIBED ABOVE. CONSTRUCTION AND OPERATION OF THE PROJECT SHALL REQUIRE THE ACQUISITION OF A SUBSURFACE EASEMENT (SSE) FOR THE ALIGNMENT AS SHOWN IN THE PROJECT DEFINITION DRAWINGS (SEE EXHIBIT D). THE REQUIRED RIGHT OF WAY ENVELOPE IN THE VERTICAL PLANE IS A VERTICAL DISTANCE OF APPROXIMATELY 10 FEET ABOVE THE HIGH POINT OF THE TUNNEL STRUCTURES AND APPROXIMATELY 10 FEET BELOW THE LOW POINT OF THE TUNNEL STRUCTURES. FOR THE HORIZONTAL PLANE, THE RIGHT OF WAY ENVELOPE IS DEFINED BY A 5 FEET OFFSET FROM THE OUTERMOST BR AND BL TUNNEL WALLS (SEE EXHIBIT E). AS THE TUNNEL TRAVERSES THE PROPERTY SOUTHWESTERLY FROM THE PARCEL'S NORTHERLY PROPERTY LINE TO THE PARCEL'S SOUTHERLY PROPERTY LINE, THE HIGH POINT OF SSE IS APPROXIMATELY 49 FEET BELOW THE EXISTING GROUND SURFACE, RESPECTIVELY (AS SHOWN IN EXHIBIT E). EXHIBIT C, RIGHT-OF-WAY MAP IS INCLUDED.

**3. DESIGN REQUIREMENTS**

APN #	PROJECT USE	SQ. FT. REQ.	ROW TAKE (PERMANENT OR TEMPORARY)
4328-005-900	TUNNEL CONSTRUCTION/OPERATION	14,793	PERMANENT SSE

**4. CONSTRUCTION REQUIREMENTS AND TECHNIQUES**

THE TUNNELS SHALL BE EXCAVATED BY TUNNEL BORING MACHINES (TBMS) WITH POSITIVE FACE CONTROL APPROPRIATE FOR THE SOIL CONDITIONS THAT WILL BE ENCOUNTERED ON THE PROJECT. THESE MACHINES EXCAVATE THE TUNNEL IN A MANNER THAT LIMITS DISTURBANCE TO THE SURROUNDING GROUND, THEREBY MINIMIZING IMPACT AT THE SURFACE. CONTRACT

# PROPERTY IMPACT STATEMENT

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SPECIFICATIONS INCLUDE REQUIREMENTS GOVERNING SURFACE SETTLEMENT AND FOR OPERATING THE TBMS. THE TBMS' PERFORMANCE SHALL BE MONITORED FROM WITHIN THE TUNNEL AND FROM THE GROUND SURFACE USING SURVEYING AND GROUND MOVEMENT DETECTION INSTRUMENTS. A FINAL SEGMENTAL TUNNEL LINING WILL BE ERECTED FROM WITHIN THE TBM AS THE TBM ADVANCES, PROVIDING IMMEDIATE PERMANENT SUPPORT OF THE GROUND AND SERVE AS THE FINAL TUNNEL LINING. THE TUNNEL HAS BEEN DESIGNED TO SUPPORT THE EXISTING SURFACE IMPROVEMENTS.

## CONSTRUCTION IMPACTS:

THE CONSTRUCTION AND OPERATION OF THE SUBWAY TUNNELS SHALL RESULT IN LITTLE OR NO NOISE OR VIBRATION IMPACT EXCEPT FOR:

- I. ANY PERCEPTIBLE NOISE OR VIBRATION DURING CONSTRUCTION WILL BE BELOW METRO CRITERIA, FEDERAL, STATE AND LOCAL ORDINANCES AS DESCRIBED IN THE PROJECT SPECIFICATIONS (01 56 19).
- II. THE OPERATION OF THE SUBWAY PROJECT WILL NOT RESULT IN ADVERSE OPERATIONAL NOISE OR VIBRATION IMPACTS TO THE OCCUPANTS OF THIS PROPERTY.

METRO HAS PLANNED AND DESIGNED THE PROJECT TO PROTECT EXISTING BUILDING. IN THE UNLIKELY EVENT THAT IMPACTS TO EXISTING BUILDING OCCURS AS A RESULT OF METRO'S ACTION; IT IS METRO'S POLICY TO ADDRESS SUCH ISSUES EXPEDITIOUSLY. THE REPAIR WORK, IF REQUIRED, SHALL BE SCHEDULED TO MINIMIZE DISRUPTION AND INCONVENIENCE TO OCCUPANTS AND OTHER USERS OF THE PROPERTY.

FUTURE CONSTRUCTION MAY BE ACCOMMODATED OVER THE METRO RIGHT OF WAY WHEN CONDUCTED IN ACCORDANCE WITH METRO'S ADJACENT CONSTRUCTION MANUAL. ANY FUTURE DEVELOPMENT PLANS AT THIS LOCATION ARE SUBJECT TO METRO'S REVIEW AND APPROVAL.

## 5. OTHER CONSIDERATIONS

OCCUPANTS OF THIS PROPERTY WILL NOT BE REQUIRED TO RELOCATE.

## 6. RECOMMENDED ACQUISITION

A SUBSURFACE EASEMENT (W-3507) PER THE ATTACHED EXHIBIT A, LEGAL DESCRIPTION, AND EXHIBIT B, PLAT.

# LEGAL DESCRIPTION

## EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOTS 838, 839, 840 AND 841 OF TRACT NO. 7710, AS PER MAP RECORDED IN BOOK 83, PAGES 94 THROUGH 95 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

**COMMENCING** AT THE CENTERLINE INTERSECTION OF MORENO DRIVE AND YOUNG DRIVE AS SHOWN ON RECORD OF SURVEY MAP, RECORDED IN BOOK 157, PAGES 63 AND 64 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID INTERSECTION BEING ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1746.96 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 37°06'19" WEST; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE OF MORENO DRIVE AND SAID CURVE 90.18 FEET THROUGH A CENTRAL ANGLE OF 02°57'27"; THENCE RADIAL TO SAID CURVE, NORTH 34°08'52" EAST, 30.00 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 839, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1716.96 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 34°08'52" WEST, SAID POINT BEING THE **POINT OF BEGINNING**; SAID POINT OF BEGINNING ALSO BEING ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1084.50 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 56°28'02" EAST; THENCE NORTHEASTERLY ALONG LAST SAID CURVE 136.66 FEET THROUGH A CENTRAL ANGLE OF 07°13'13" TO THE NORTHWESTERLY LINE OF SAID LOT 839; THENCE NORTH 50°43'18" EAST, 149.58 FEET ALONG SAID NORTHWESTERLY LINE AND THE NORTHWESTERLY LINE OF SAID LOT 838 TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1154.50 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 70°27'45" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE 281.33 FEET THROUGH A CENTRAL ANGLE OF 13°57'43" TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 841, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1716.96 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 31°48'56" WEST; THENCE NORTHWESTERLY ALONG LAST SAID SOUTHWESTERLY LINE, AND THE SOUTHWESTERLY LINES OF SAID LOTS 840 AND 839, AND SAID CURVE 69.88 FEET THROUGH A CENTRAL ANGLE OF 02°19'55" TO THE **POINT OF BEGINNING**.

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NOTE:

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

PREPARED BY:

  
JAMES L. ELLIOTT, P.L.S. 6334



9-25-18  
DATE

AFFECTS APN: 4319-005-900

GRANTOR : BEVERLY HILLS UNIFIED SCHOOL DISTRICT

DESCRIPTION : PORTION OF LOTS 838, 839, 840 & 841 OF TRACT NO. 7710, M.B. 83/94-95

The data shown on this map and/or plat are compiled from public sources and are subject to field verification.

BENCH MARK :

TITLE REPORT : ORANGE COAST TITLE NO. 997-23060296-A-ML3

ADDRESS : NO SITUS, BEVERLY HILLS, CA 90212

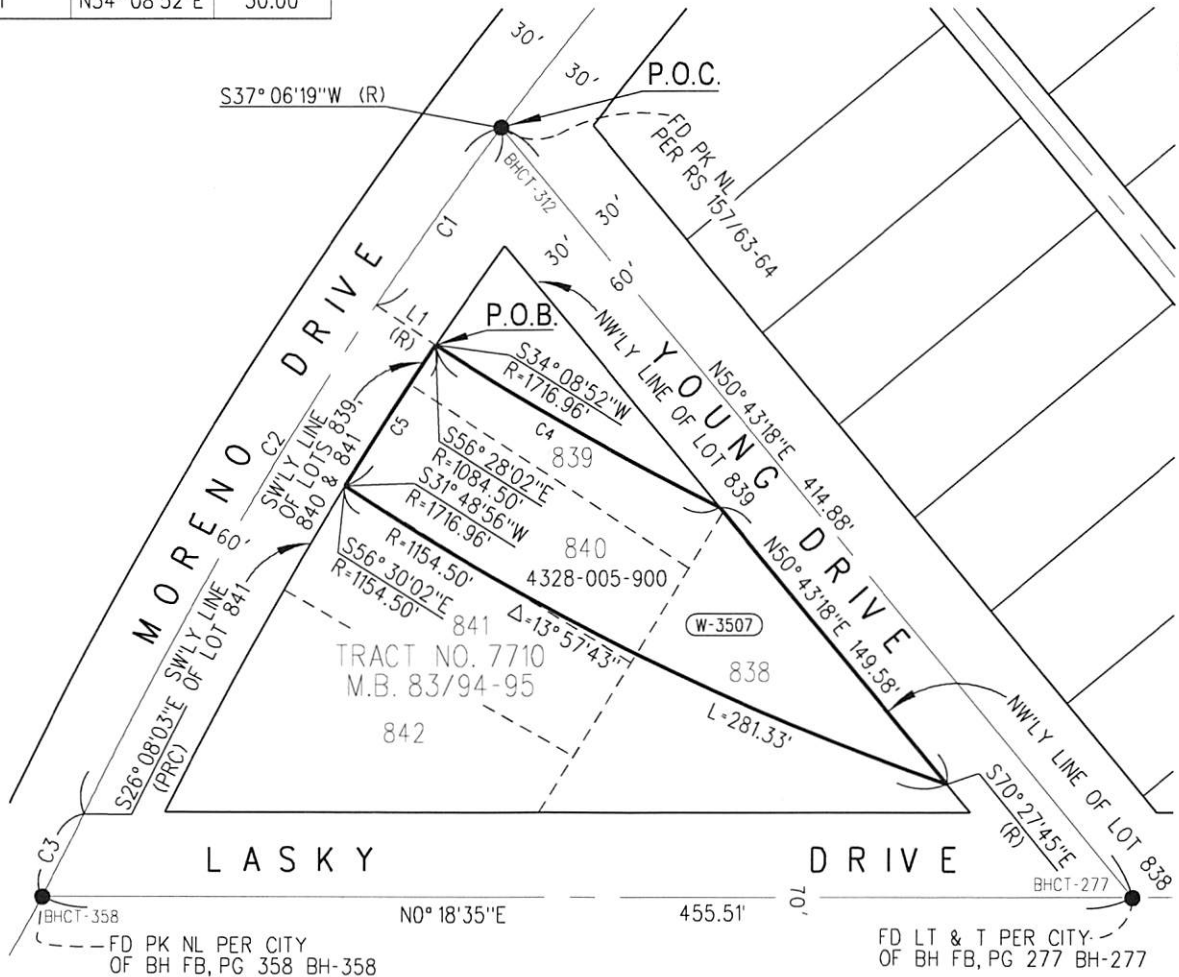
ASSESSOR'S REF. : 4328-005-900

R.O.W. REFERENCE : R-3035; W-3507

NO.	DATE	REVISION DESCRIPTION

LINE SEGMENT	BEARING	DISTANCE
L1	N34°08'52"E	30.00'

**EXHIBIT "B"**



CURVE	RADIUS	Δ	LENGTH
C1	1746.96'	02°57'27"	90.18'
C2	1746.96'	10°58'15"	334.51'
C3	891.51'	02°28'50"	38.59'
C4	1084.50'	07°13'13"	136.66'
C5	1716.96'	02°19'55"	69.88'

PARCEL	TOTAL	W-3507		
AREA - SQUARE FEET	40,683	14,793		

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

**Metro**

**JAMES L. ELLIOTT**  
 PROFESSIONAL LAND SURVEYOR  
 NO. 6334

APPROVED BY:  
*Michael Mc...* 10/3/18  
 MTA PROJECT MANAGER DATE

SUBMITTED BY: *[Signature]* 10/3/18

**PARCEL PLAT**

**W-3507**

**SHEET 1 OF 1**

CONTRACT NO./DESIGN UNIT	
SCALE	1" = 80'
DATE	09/25/2018
DRAWN BY	T. RAINEY
CHECKED BY	J. NEDLIK
REV. DATE	REV. NO.



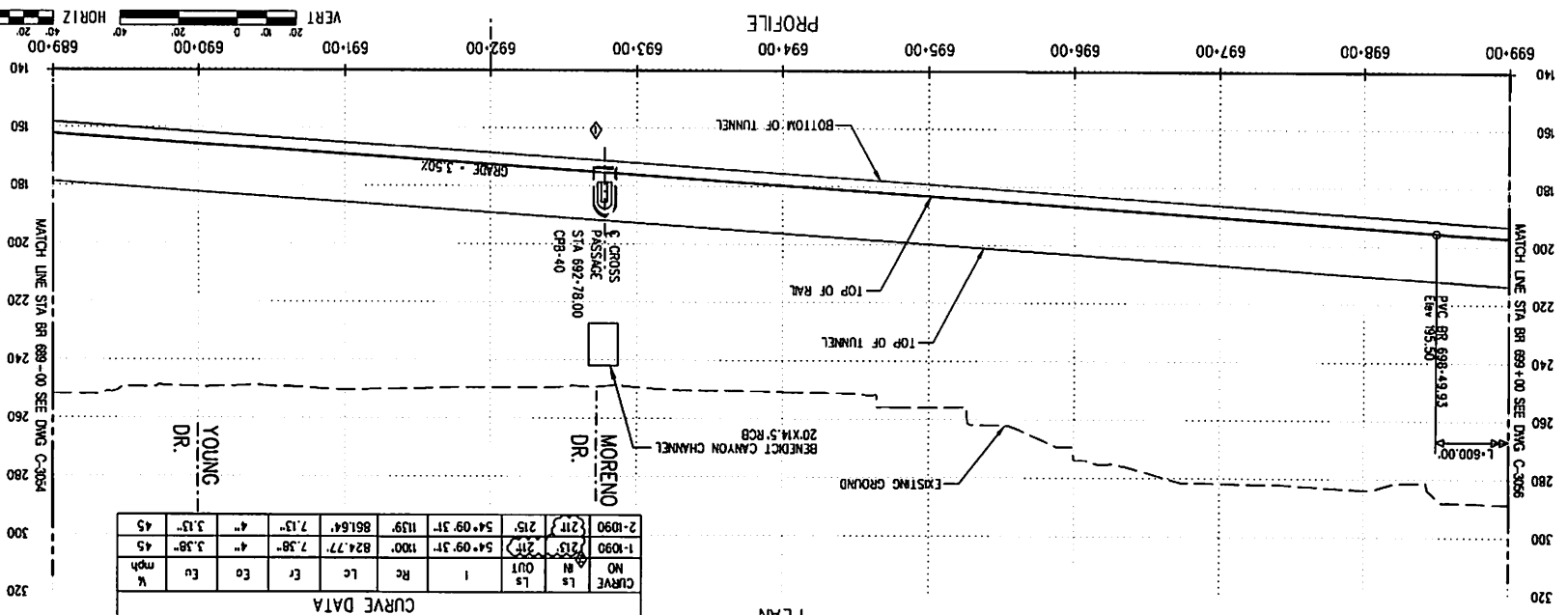


REV	DATE	BY	APP	DESCRIPTION
0	09/01/15	C. BARBATTI		ISSUED FOR SOLICITATION
1	12/01/15	M. ABERCO		AMENDMENT B
2	02/02/16	M. ABERCO		AMENDMENT B

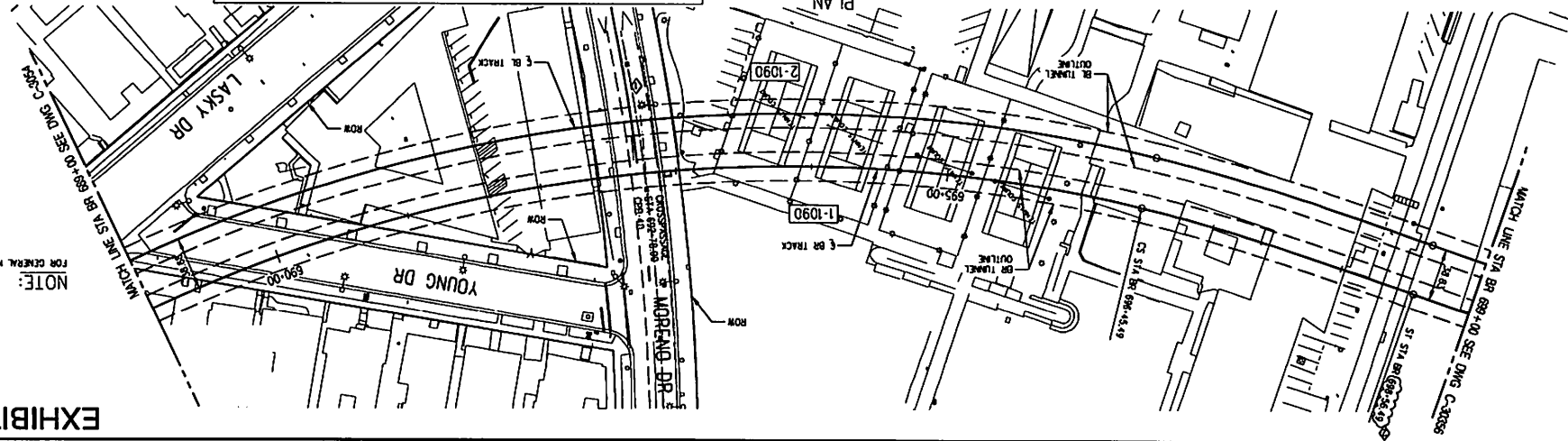
PROJECT NO. 84  
 CONTRACT NO. C1120  
 DRAWING NO. C-3055  
 SHEET NO. 2  
 SCALE: HORIZ: 1"=40'  
 VERT: 1"=20'

**PARSONS BRINCKERHOFF**  
**Metro**  
 LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

RESTSIDE PURPLE LINE EXTENSION - SECTION 2  
 TRACK ALIGNMENT  
 BR PLAN AND PROFILE  
 RODEO DR TO CONSTELLATION BLVD  
 STA 689+00 TO STA 699+00



CURVE DATA											
CURVE NO.	LS	LS	LC	LC	EC	EC	Eu	Eu	mph	mph	mph
1-1090	215	215	54+09.31	100'	824.77'	7.38"	4"	3.38"	45	45	45
2-1090	215	215	54+09.31	115'	861.64'	7.15"	4"	3.15"	45	45	45



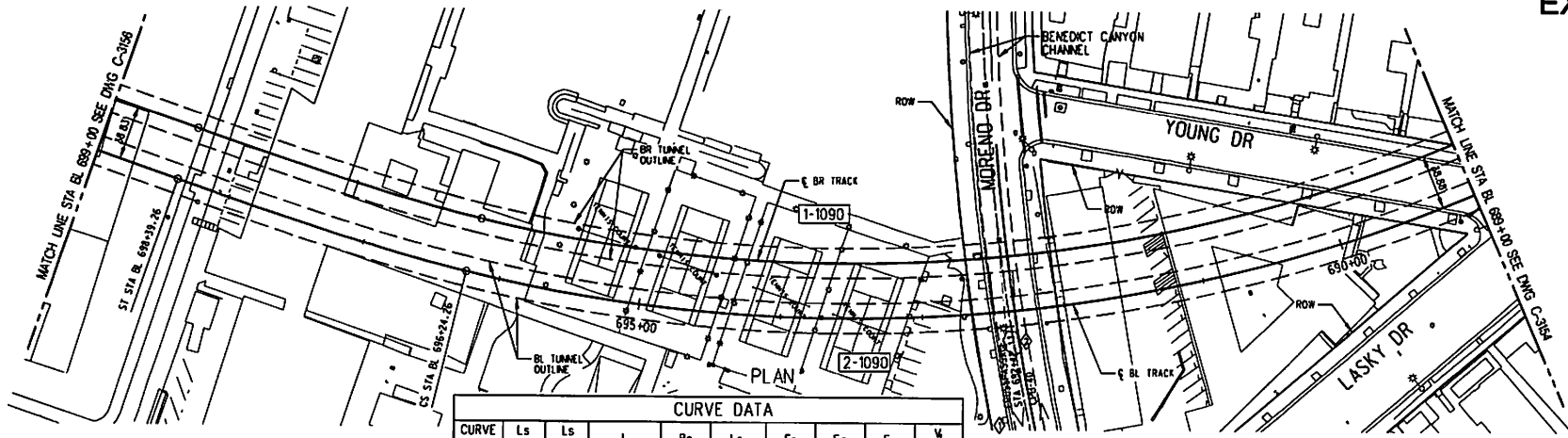
1/27/2016  
 2:08:58 PM  
 FOR GENERAL NOTES SEE DRG C-3011  
 NOTE:  
 MATCH LINE STA BR 689+00 SEE DRG C-3054  
 MATCH LINE STA BR 699+00 SEE DRG C-3056  
 EXHIBIT - D  
 208758 PR



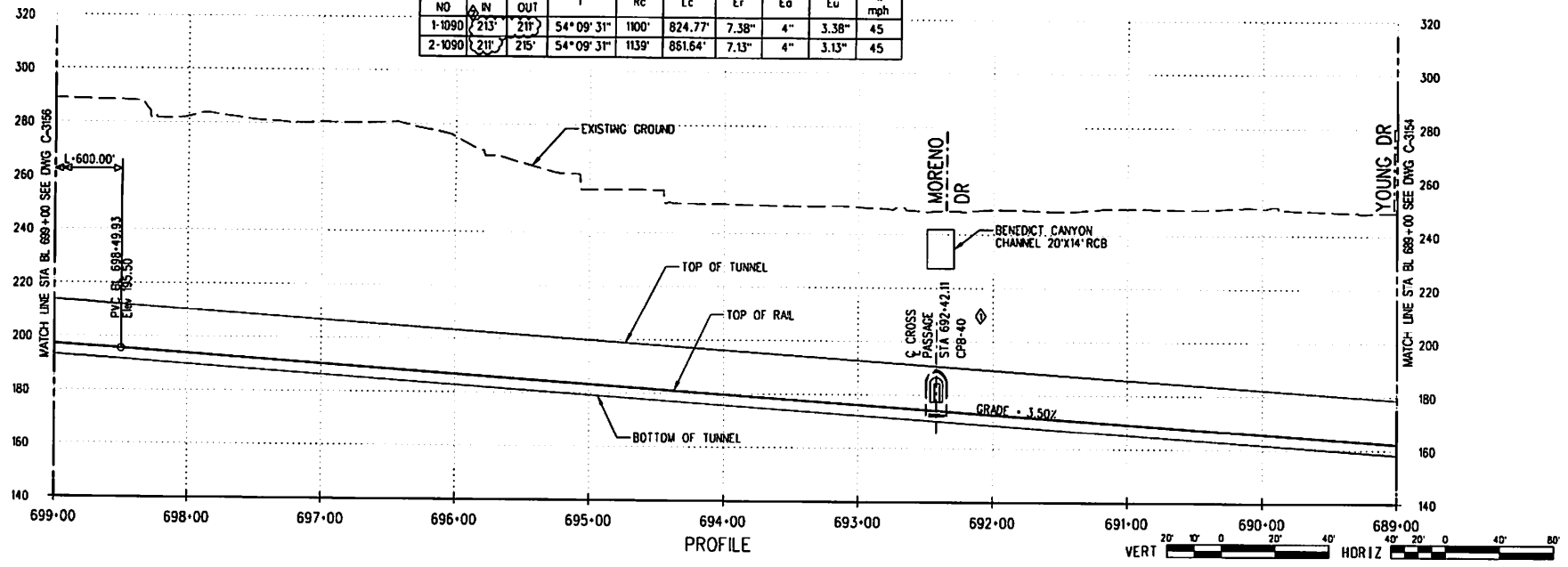
EXHIBIT - D



NOTE:  
FOR GENERAL NOTES SEE DWG C-301.



CURVE DATA									
CURVE NO	Ls IN	Ls OUT	I	Rc	Lc	Er	Eo	Eu	V mph
1-1090	213'	211'	54° 09' 31"	1100'	824.77'	7.38"	4"	3.38"	45
2-1090	211'	215'	54° 09' 31"	1139'	861.64'	7.13"	4"	3.13"	45



REV	DATE	BY	APP	RES NO	EXPIRES	SEAL HOLDER	DESCRIPTION
0	09/01/15	BA	ME				ISSUED FOR SOLICITATION
1	12/10/15	BA	ME				AMENDMENT 8
2	02/02/16	AM	ME				AMENDMENT 6

DESIGNED BY: W. ABREGO  
 DRAWN BY: W. ABREGO  
 CHECKED BY: J. SALVATIERRA  
 IN CHARGE: C. BARRATT  
 DATE: 09/01/2015

**Metro**  
**PARSONS BRINCKERHOFF**

LOS ANGELES COUNTY  
 METROPOLITAN TRANSPORTATION AUTHORITY

WESTSIDE PURPLE LINE EXTENSION - SECTION 2  
 TRACK ALIGNMENT  
 BL PLAN AND PROFILE.  
 RODEO DR TO CONSTELLATION BLVD  
 STA 689+00 TO STA 699+00

CONTRACT NO	C1120
DRAWING NO	C-3155
SCALE	HORIZ: 1"=40' VERT: 1"=20'
SHEET NO	99

210184.P4

17272816

L:\CADD\PROJECTS\2015\12\15\150000\150000.ctb





**RESOLUTION OF THE  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES  
AND AUTHORIZING THE ACQUISITION THEREOF  
WESTSIDE PURPLE LINE EXTENSION PROJECT SECTION 2  
PARCEL NO. W-3507**

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

Section 1.

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

Section 2.

The property interests described hereinafter 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 property interest consists of the acquisition of a permanent subsurface tunnel easement, as described more specifically in the legal description (Exhibit A), depicted on the Plat Map (Exhibit B), and described in the Subsurface Easement (Exhibit C), attached hereto (hereinafter, the "Property"), incorporated herein by this reference.

Section 4.

(a.) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the Westside Purple Line Extension Section 2 ("Project");

(b.) The environmental impacts of the Project were evaluated in the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR), which was certified by the Board on April 26, 2012 and May 24, 2012. The Board found that in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project, and the FEIS/FEIR documents are consistent with CEQA; 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;
- (d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- (e.) Environmental review consistent with the California Environmental Quality Act (CEQA) for the Project has been previously certified by this Board.

#### Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is appropriated 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 appropriated, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use as it exists or may reasonably be expected to exist in the future.

#### Section 7.

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

#### 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 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 23rd day of May, 2019.

\_\_\_\_\_  
MICHELLE JACKSON  
LACMTA Secretary

Date: \_\_\_\_\_

**ATTACHMENTS**

- 1 - Legal Description (Exhibit "A")
- 2 - Plat Map (Exhibit "B")
- 3 - Subsurface Easement (Exhibit "C")

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOTS 838, 839, 840 AND 841 OF TRACT NO. 7710, AS PER MAP RECORDED IN BOOK 83, PAGES 94 THROUGH 95 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

**COMMENCING** AT THE CENTERLINE INTERSECTION OF MORENO DRIVE AND YOUNG DRIVE AS SHOWN ON RECORD OF SURVEY MAP, RECORDED IN BOOK 157, PAGES 63 AND 64 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID INTERSECTION BEING ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1746.96 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 37°06'19" WEST; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE OF MORENO DRIVE AND SAID CURVE 90.18 FEET THROUGH A CENTRAL ANGLE OF 02°57'27"; THENCE RADIAL TO SAID CURVE, NORTH 34°08'52" EAST, 30.00 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 839, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1716.96 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 34°08'52" WEST, SAID POINT BEING THE **POINT OF BEGINNING**; SAID POINT OF BEGINNING ALSO BEING ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1084.50 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 56°28'02" EAST; THENCE NORTHEASTERLY ALONG LAST SAID CURVE 136.66 FEET THROUGH A CENTRAL ANGLE OF 07°13'13" TO THE NORTHWESTERLY LINE OF SAID LOT 839; THENCE NORTH 50°43'18" EAST, 149.58 FEET ALONG SAID NORTHWESTERLY LINE AND THE NORTHWESTERLY LINE OF SAID LOT 838 TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1154.50 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 70°27'45" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE 281.33 FEET THROUGH A CENTRAL ANGLE OF 13°57'43" TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 841, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1716.96 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 31°48'56" WEST; THENCE NORTHWESTERLY ALONG LAST SAID SOUTHWESTERLY LINE, AND THE SOUTHWESTERLY LINES OF SAID LOTS 840 AND 839, AND SAID CURVE 69.88 FEET THROUGH A CENTRAL ANGLE OF 02°19'55" TO THE **POINT OF BEGINNING**.

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NOTE:  
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PREPARED BY:

  
JAMES L. ELLIOTT, P.L.S. 6334



9-25-18  
DATE

AFFECTS APN: 4319-005-900

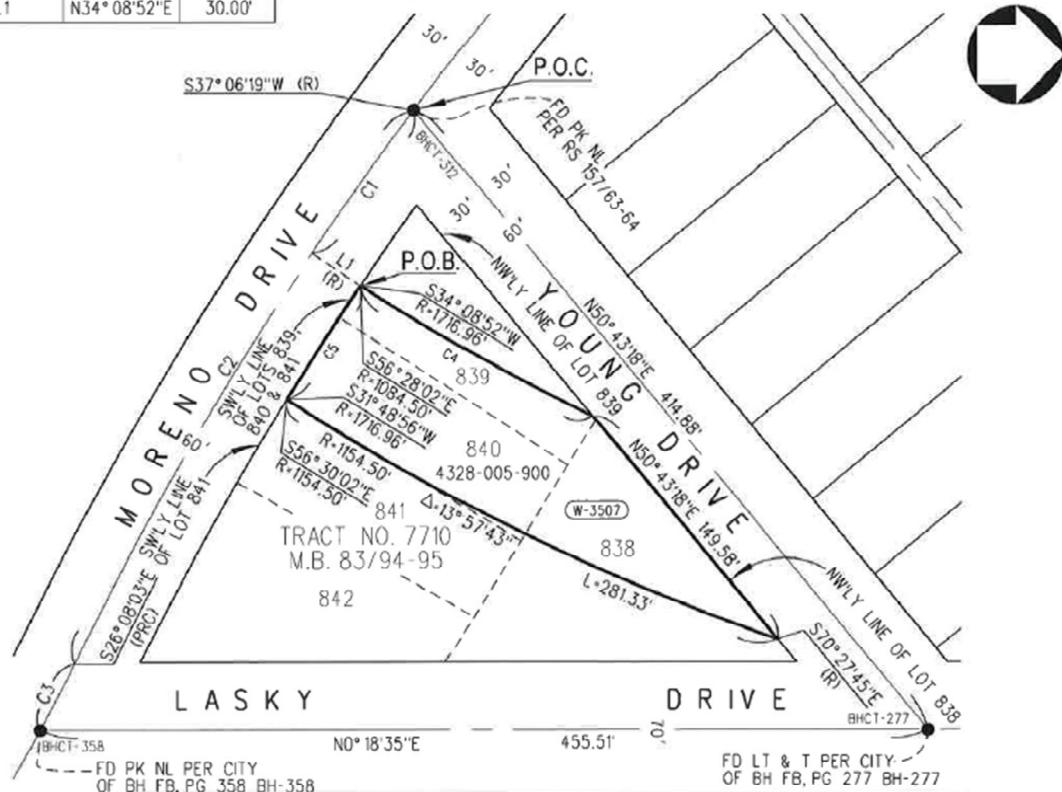
**EXHIBIT B  
PLAT MAP**

Plat Map of the Required Subsurface Easement, Parcel W-3507

GRANTOR : BEVERLY HILLS UNIFIED SCHOOL DISTRICT		The data shown on this map and/or plat are compiled from public sources and are subject to field verification.	
DESCRIPTION : PORTION OF LOTS 838, 839, 840 & 841 OF TRACT NO. 7710, M.B. 83/94-95			
BENCH MARK :			
TITLE REPORT : ORANGE COAST TITLE NO. 997-23060295-A-M.3	ADDRESS : NO SITUS, BEVERLY HILLS, CA 90212		
ASSESSOR'S REF. : 4328-005-900	R.O.W. REFERENCE : R-3035; W-3507	NO.	DATE
			REVISION DESCRIPTION

LINE SEGMENT	BEARING	DISTANCE
L1	N34°08'52"E	30.00'

EXHIBIT "B"



CURVE	RADIUS	Δ	LENGTH
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PARCEL	TOTAL	W-3507
AREA - SQUARE FEET	40,683	14,793

	LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY	CONTRACT NO./DESIGN UNIT SCALE 1" = 80' DATE 09/25/2018 DRAWN BY T. RAINEY CHECKED BY J. NEDLIK REV. DATE REV. NO.
	APPROVED BY:  MTA PROJECT MANAGER	

**EXHIBIT C**  
**SUBSURFACE EASEMENT**

## EXHIBIT C

### SUBSURFACE EASEMENT

A perpetual, assignable and exclusive subsurface easement ("Easement") to the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA"), its successors, and assigns.

This Easement shall be for use by LACMTA and its "Permitees" (which term refers to the officers, directors, employees, agents, contractors, licensees, customers, visitors, invitees, tenants and concessionaires of LACMTA) to construct, maintain, repair, operate, replace, relocate, remove, use and occupy LACMTA's improvements for mass transit purposes, including, but not limited to, a portion of an underground rail tunnel, and all incidental uses related thereto ("LACMTA's Facilities"). LACMTA intends to use the Easement to operate and provide rail train service as part of LACMTA's rail transit operations.

There shall be no building or use of any property upon, above, or contiguous to the Easement that would interfere with, damage or endanger LACMTA's Facilities, or the excavation, construction, maintenance, replacement, enjoyment or use thereof. In order to ensure the structural integrity of LACMTA's Facilities, there shall be no excavation or construction above or adjacent to the Easement without LACMTA's express written consent, and after LACMTA's review of the plans and specifications for excavation or construction. LACMTA's right to consent to such excavation or construction is limited to this purpose, and LACMTA may not unreasonably withhold its consent.

The Easement and all the provisions hereof shall inure to the benefit of, and be binding upon, all parties who claim an interest in the property and LACMTA, and their respective successors and assigns.

3210172.1