



Board Report

File #: 2023-0087, File Type: Policy

Agenda Number: 38.

REGULAR BOARD MEETING
MARCH 23, 2023

**SUBJECT: WHITTIER BOULEVARD/PAINTER AVENUE INTERSECTION IMPROVEMENT
PROJECT RESOLUTIONS OF NECESSITY**

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolutions of Necessity; and
- B. ADOPTING the Resolutions of Necessity authorizing the commencement of an eminent domain action to acquire a 28-month Temporary Construction Easement (“TCE”) interest from the properties located at:

13127 Whittier Boulevard, Whittier, CA, APN:8141-033-006, CPN: 81781-1;
 13205 Whittier Boulevard Whittier, CA, APN:8142-033-052, CPN: 81782-1;
 13241 Whittier Boulevard, Whittier, CA, APN:8142-033-068, CPN: 81783-1, -2
 13301 Whittier Boulevard, Whittier, CA, APN:8142-033-069, CPN: 81784-1;
 8421 Painter Avenue, Whittier, CA, APN:8142-033-070, CPN: 81785-1;

The above listed requirements are collectively identified as the “Property Interests” as identified in (Attachment A).

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

ISSUE

Acquisition of the Property Interests is required for the construction and operation of the Whittier Boulevard/Painter Avenue Intersection Improvement Project (“Project”). After testimony and evidence has been received from all interested parties at the hearings, Los Angeles County Metropolitan Transportation Authority (“LACMTA”), by a vote of two-thirds of its Board of Directors (“Board”), must make a determination as to whether to adopt the proposed Resolutions of Necessity (Attachments B-1 through B-5) to acquire the Property Interests by eminent domain. Attached is evidence submitted by staff that supports the adoption of the resolutions and which sets forth the required findings (Attachment A).

BACKGROUND

The City of Whittier, in cooperation with LACMTA, the California Department of Transportation (Caltrans), and the Gateway Cities Council of Governments, propose to improve mobility, relieve congestion, and improve safety by address deficiencies including correcting inadequate truck turn paths and noncompliant Americans with Disabilities Act (ADA) facilities at the Painter Avenue Intersection on Whittier Boulevard (State Route 72) in the City of Whittier. At this intersection, the project would include an additional westbound and eastbound through lane along Whittier Boulevard 300 feet east of Painter Avenue to Washington Avenue and from Painter Avenue to Madison Avenue and increased storage on the westbound and eastbound left-turn lanes along Whittier Boulevard. The Project is one of 33 projects selected from the I-605 “Hot Spots” Feasibility Report.

Acquisition of the Property Interests is required for the construction and operation of the Project. The 28-month TCE identified as CPN 81781-1 is located along a portion of the southeastern end of the parcel and wraps around the corner of the intersection of Whittier Blvd and Washington Avenue. The TCE has an area of ± 140 square feet and is required to provide access to the contractor for the reconstruction of the existing curb ramp and sidewalk improvements within Caltrans right of way. The exclusive use construction period is 1 month. All improvements within the TCE area will be protected in place or replaced in kind.

The 28-month TCE identified as CPN 81782-1 is located at the southern end of the parcel along Whittier Blvd. It has a total area of $\pm 2,425$ square feet and has an estimated 2 week to 2 months exclusive use construction period. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway and sidewalk improvements within Caltrans right of way. The site improvements within the TCE area are being replaced in kind or protected in place.

The 28-month TCE identified as CPN 81783-1 contains $\pm 1,209$ square feet and impacts the parcel's easterly driveway along Whittier Boulevard. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway pavement and curb within the property due to improvements to the sidewalk within Caltrans right of way. The TCE has an estimated exclusive use construction period of 10 days to 2 months. All improvements within the TCE area will be protected in place or replaced in kind. The 28-month TCE identified as CPN 81783-2 contains $\pm 1,790$ square feet and impacts the larger parcel's Whittier Boulevard westerly driveway. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway pavement and curb within the property due to improvements to the sidewalk within Caltrans right of way. The TCE has an exclusive use construction period of 10 days to 2 months. All improvements within the TCE area will be protected in place or replaced in kind.

The 28-month TCE identified as CPN 81784-1 contains ± 231 square feet and impacts the pedestrian walkway on the property. It is needed to provide access to the contractor for sidewalk improvements within Caltrans right of way. The TCE has an exclusive use construction period of 4 days to 1 month. All improvements within the TCE area will be protected in place or replaced in kind.

The 28-month TCE identified as CPN 81785-1 contains ± 60 square feet and is located on the irregularly shaped parcel's Whittier Blvd frontage. It is required to provide access to the contractor for

sidewalk improvements and installation of drainage features within the Caltrans right-of-way. The TCE has an exclusive use construction period of 4 days to 2 months. Improvements within the TCE area will either be protected in place or replaced in kind.

The TCE's are scheduled to commence upon the project right of way certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than June 19, 2026.

There are no displacements of residents or local businesses resulting from acquisition of the Property Interests. Improvements within the TCE areas are generally comprised of landscaping and hardscape, which will be protected in place, replaced in kind, or compensated for. No building structures will be impacted by the TCE's.

DISCUSSION

A written offer of Just Compensation to purchase the Property Interests was presented to the Owner of Record for each Property (collectively, "Owners"): on June 29, 2022 for CPN 81781-1; July 26, 2022 for CPN 81782-1; June 29, 2022 for CPN 81783-1, -2 and CPN 81784-1; September 6, 2022 for CPN 81785-1, as required by California Government Code Section 7267.2. The Owners have not accepted the offers of Just Compensation made by the LACMTA", and the parties have not at this time reached a negotiated settlement for the acquisition. Because the Property Interests are necessary for the construction and operation of the Project, staff recommends the acquisition of the Property Interests through eminent domain to obtain possession in order to maintain the Project's schedule.

In accordance with the provision of the California Eminent Domain law and Section 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorizes the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this hearing to the Owners informing them of their right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury; (3) whether the Property is necessary for the Project; (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence; (5) that any environmental review of the Project, as may be necessary, pursuant to the California Environmental Quality Act (CEQA) has occurred and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence has been received from all interested parties at the hearing, LACMTA must make a determination as to whether to adopt the proposed Resolutions of Necessity to acquire the Easements by eminent domain. In order to adopt the resolutions, LACMTA must, based on the evidence before it, and by a vote of two-thirds of its Board, find and determine that the conditions stated in items 1 - 6 above exist.

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

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

The funding for the acquisition of the Property Interests is included in the fiscal year 23 budget under Project, Cost Center 4720, in Whittier Blvd. Intersection Improvements Project 460314, Task MR31572, Professional Services Account 53103.

Impact to Budget

The source of funds will be Measure R Highway Capital (20%) Funds. These program funds are not eligible for bus and rail operations and/or capital expenditures.

EQUITY PLATFORM

No other alternative locations for the Project provide a better opportunity to reduce congestion, improve roadway operations, improve safety, and improve ADA access on Whittier Boulevard (SR-72) at Painter Avenue. This public good will also support the fulfillment of Metro's LA County Traffic Improvement Plan under Measure R and the I-605 "Hot Spots" Feasibility Report. There are no displacements of residents or local businesses resulting from the acquisition of this Property Interests. Offers for the Property Interests were made throughout the months of March to October 2022, based on appraisals of fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." Metro staff has been negotiating with the Owners beginning in the months of March to October 2022 to present, but agreements have not yet been reached. Approving this action will allow staff to continue negotiations while maintaining the project schedule.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Board action is consistent with LACMTA Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Adoption of the Resolutions of Necessity is a required step to acquire these Property Interests for the Project which will reduce congestion, improve roadway operations, improve safety, and improve ADA access on Whittier Boulevard (SR-72) at Painter Avenue.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendations. This is not recommended as it will result in significant delays and cost increases for the Project.

NEXT STEPS


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

ATTACHMENTS

Attachment A - Staff Report
Attachment B-1 - Resolution of Necessity
Attachment B-2 - Resolution of Necessity
Attachment B-3 - Resolution of Necessity
Attachment B-4 - Resolution of Necessity
Attachment B-5 - Resolution of Necessity

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Stephanie N. Wiggins
Chief Executive Officer

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF THE PROPERTY REQUIRED FOR THE WHITTIER BOULEVARD/PAINTER AVENUE INTERSECTION IMPROVEMENT PROJECT (“PROJECT”)

BACKGROUND

The Property Interests are required by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) for the construction and operation of the Project. The parcel accessor parcel number, project parcel number, addresses, record property owners, purpose of the acquisitions, and nature of the property interests sought to be acquired for the Project are summarized as follows:

Summary Table 1

Assessor's Parcel Number	Project Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought
8141-033-006	81781-1	13127 Whittier Blvd, Whittier, CA	Gregory Voudouris, trustee of the Gregory Voudouris Trust	Construction and operation of the Whittier Boulevard/Painter Avenue Intersection Improvement Project	28-Month Temporary Construction Easement (“TCE”)
8142-033-052	81782-1	13205 Whittier Blvd, Whittier, CA	Gregory Voudouris, a married man as his sole and separate property	Construction and operation of the Whittier Boulevard/Painter Avenue Intersection Improvement Project	28-Month Temporary Construction Easement (“TCE”)
8142-033-068	81783-1, -2	13241 Whittier Blvd, Whittie, CA	NMC Tower, LLC, a California limited liability company, Whittier Gateway, L.P., a California limited partnership, and Pearl Whittier Painter, LLC, a Delaware limited liability company	Construction and operation of the Whittier Boulevard/Painter Avenue Intersection Improvement Project	28-Month Temporary Construction Easement (“TCE”)

Assessor's Parcel Number	Project Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought
8142-033-069	81784-1	13301 Whittier Blvd, Whittier, CA	NMC Tower, LLC, a California limited liability company, as to an undivided 41.6% interest, Whittier Gateway, L.P., a California limited partnership, as to an undivided 50% interest and Pearl Whittier Painter, LLC, a Delaware limited liability company, as to an undivided 8.4% interest, as tenants in common	Construction and operation of the Whittier Boulevard/Painter Avenue Intersection Improvement Project	28-Month Temporary Construction Easement ("TCE")
8142-033-070	81785-1	8421 Painter Avenue, Whittier, CA	Susan K. Kirby, Trustee of the Susan K. Kirby 2005 Living Trust, as to an undivided fifty percent (50%) interest and Darlene J. Evans, Trustee of the Darlene J. Evans Separate Property Trust, dated March 17, 2016, as to an undivided fifty percent (50%) interest	Construction and operation of the Whittier Boulevard/Painter Avenue Intersection Improvement Project	28-Month Temporary Construction Easement ("TCE")

Summary Table 2

Project Parcel	Acquisition Type	Area Size (Sq. Feet)	Duration	Purpose
81781-1	TCE	140	28 Months	Reconstruction of existing curb, ramp and sidewalk
81782-1	TCE	2425	28 Months	Reconstruction of existing driveway and sidewalk
81783-1	TCE	1209	28 months	Reconstruction of existing driveway and curb
81783-2	TCE	1790	28 months	Reconstruction of existing driveway and curb
81784-1	TCE	231	28 months	Installing sidewalk improvements
81785-1	TCE	60	28 months	Installing sidewalk improvements and drainage features

Property Requirements:

Purpose of Acquisitions: Construction and operation of the Whittier Boulevard/Painter Avenue Intersection Improvement Project.

Property Interests Sought:

The 28- month TCE identified as CPN 81781-1 is located along a portion of the southeastern end of the parcel and wraps around the corner of the intersection of Whittier Blvd and Washington Avenue. The TCE has an area of ±140 square feet and is required to provide access to the contractor for the reconstruction of the existing curb ramp and sidewalk improvements within Caltrans right of way. The exclusive use Construction Period is 1 month. All improvements within the TCE area will be protected in place or replaced in kind.

The 28- month TCE identified as CPN 81782-1 is located at the southern end of the parcel along Whittier Blvd. It has a total area of ±2425 square feet and has an estimated 2 week to 2 month exclusive use Construction Period. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway and sidewalk improvements within Caltrans right of way. The site improvements within the TCE area are being replaced in kind or protected in place.

The 28-month TCE identified as CPN 81783-1 contains ±1,209 square feet and impacts the parcel’s easterly driveway along Whittier Boulevard. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway pavement and curb within the property due to improvements to the sidewalk within Caltrans right of way. The TCE has an estimated exclusive use Construction Period of 10 days to 2 months. All improvements within the TCE area will be protected in place or replaced in kind. The 28-month TCE identified as CPN 81783-2 contains ±1,790 square feet and impacts the larger parcel’s Whittier Boulevard westerly driveway. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway pavement and curb within the property due to improvements to the sidewalk within Caltrans right of way. The TCE has an exclusive use Construction Period of 10 days to 2 months. All improvements within the TCE area will be protected in place or replaced in kind.

The 28-month TCE identified as CPN 81784-1 contains ±231 square feet and impacts the pedestrian walkway on the property. It is needed to provide access to the contractor for sidewalk improvements within Caltrans right of way. The TCE has an exclusive use Construction Period of 4 days to 1 month. All improvements within the TCE area will be protected in place.

The 28-month TCE identified as CPN 81785-1 contains ±60 square feet and is located on the irregularly shaped parcel's Whittier Blvd frontage. It is required to provide access to the contractor for sidewalk improvements and installation of drainage features within the Caltrans right-of-way. The TCE has an exclusive use Construction Period of 4 days to 2 months. Improvements within the TCE area will either be protected in place or replaced in kind.

The TCE's are collectively referred to as the Property Interests.

A written offer was delivered to the Property Owners by letter dated On June 29, 2022 for CPN 81781-1; On July 26, 2022 for CPN 81782-1; On June 29, 2022 for CPN 81783-1, - 2 and CPN 81784-1; On September 6, 2022 for CPN 81785-1. The Property Owners have not accepted the offer of Just Compensation.

A. The public interest and necessity require the Project.

The need for the Project is generated by the findings and recommendations resulting from the LACMTA and Gateway Cities Council of Governments (GCCOG) I-605 Congestion "Hot Spots" Feasibility Report. This report included an Arterial Intersection Congestion Analysis Report which evaluated 215 arterial intersection locations throughout the Gateway Cities subregion. From that list of study intersections, 33 were selected for improvements, of which the intersection of Whittier Boulevard at Painter Avenue was selected for geometric improvements. The intersection currently operates at an unacceptable level of service (LOS) and experiences significant congestion during peak periods.

The public interest and necessity require the Project because the Project will:

1. Improve operational safety;
2. Benefit the surrounding community by decreasing travel time, improving air quality, and enhancing access to the corridor;
3. Support value for money throughout design and construction and cost certainty throughout construction;
4. Support fulfillment of LACMTA's L.A. County Traffic Improvement Plan, as authorized under Measure R.

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

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

In 2017, the City of Whittier, acting as the lead agency, determined that the Project was subject to the California Environmental Quality Act (CEQA) and prepared an Initial Study (IS) evaluating the potential environmental impacts of the Project. The City determined that the Project would not have a significant effect on the environment with the implementation of mitigation measures, which supported the adoption of a Mitigated Negative Declaration (MND). The MND and a Mitigation Monitoring and Reporting Program were adopted by City Council Resolution No. 8953 on March 27, 2018, following a public review period as required by CEQA and the CEQA Guidelines.

On August 13, 2019, the City Council authorized the City Manager to sign a memorandum of understanding (MOU) between the City and LACMTA to allow LACMTA to lead the Final Design and Right of Way phases of the Project to expedite Project delivery. On April 28, 2020, the City Council reviewed and approved design changes that eliminated the need for permanent Right of Way from two privately-owned parcels in the project area. On October 11, 2022, the City Council adopted Resolution No. 2022-87, which formalized the reduction or elimination of environmental impacts discussed in the Final MND and revised the Mitigation Monitoring and Reporting Program to reflect the reduced environmental footprint. Once Final Design and Right of Way is complete, the City will function as the lead agency for construction and Project close out.

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

C. The Property is necessary for the Project.

The Property Interests are required for construction and operation of the Project. The TCE's are located along Whittier Blvd and Painter Avenue and are necessary due to the reconstruction of existing driveways, curbs, ramps, and sidewalks and to install drainage features. These property interests are further detailed in the Summary Table 2, above. There are no alternatives to this design.

The term for each TCE shall have a duration up to twenty-eight (28) months during which time, except for the exclusive use period as set forth below, the TCE will be non-exclusive. The TCE's are scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than June 19, 2026. Each TCE term shall provide for the exclusive use of the TCE area by the easement holder, and its contractors, agents

and assigns, for the duration of the construction period (“Construction Period”), which is to run as follows:

CPN 81781-1: Construction Period estimated 3-5 contiguous days, but in no event longer than 1 contiguous month

CPN 81782-1: Construction Period estimated 2 contiguous weeks but in no event longer than 2 contiguous months

CPN 81783-1 : Construction Period estimated 10 to 12 contiguous days but in no event longer than 2 contiguous months

CPN 81783-2: Construction Period estimated 10 to 12 contiguous days but in no event longer than 2 contiguous months

CPN 81784-1: Construction Period estimated 4 to 6 contiguous days but in no event longer than 1 contiguous month

CPN 81785-1 Construction Period estimated 4 to 6 contiguous days but in no event longer than 2 contiguous months

Except for the foregoing Construction Periods described above, the remainder of the 28-month TCE term for each TCE shall be non-exclusive, allowing fee owner’s use of the TCE area to the extent it does not interfere with any Project construction activities.

The non-exclusive Construction Period for each TCE shall commence 30 Days following written notice to the underlying property owner.

Therefore, the Property Interests are necessary for the construction and operation of the project.

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

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

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

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

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

1. Obtained an independent appraisal to determine the fair market value of the

Property Interests, which included consideration existing use of the Property, highest and best use of the Property, and impact to the remainder;

2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;
3. Determined the Owner(s) of the Property by examining the county assessor's record and a preliminary title report;
4. Made a written offer to the Owner(s) for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner(s) with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

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

E. LACMTA has fulfilled the necessary statutory prerequisites.

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

F. LACMTA has complied with the California Environmental Quality Act.

The Project Approval and Environmental Document (PAED) Phase of the project was approved by the City of Whittier in March 2018 (ED) and Caltrans in June 2018 (PA). A Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act (CEQA). Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain. Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

CONCLUSION

Staff recommends that the Board approve the Resolutions of Necessity.

ATTACHMENTS

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

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

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8141-033-006)

PARCEL 81781-1

THAT PORTION OF LOT 32 OF TRACT NO. 8168, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 96, PAGES 3 AND 4 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WITHIN THE PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED RECORDED APRIL 20, 1990 AS DOCUMENT NO. 90-741834, IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LAND DESCRIBED IN QUITCLAIM DEED, SAID CORNER BEING COINCIDENT WITH THE NORTHEAST LINE OF WHITTIER BOULEVARD, LYING PARALLEL WITH AND DISTANT 40 FEET NORTHEASTERLY FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE OF WHITTIER BOULEVARD, NORTH 56°00'48" WEST, A DISTANCE OF 20.16 FEET;

THENCE LEAVING SAID NORTHEAST LINE, NORTH 33°59'05" EAST, 4.97 FEET;
THENCE SOUTH 56°00'21" EAST, 15.29 FEET;
THENCE NORTH 56°19'00" EAST, 9.43 FEET;
THENCE NORTH 00°39'34" EAST, 8.82 FEET;
THENCE SOUTH 89°38'23" EAST, 0.38 FEET TO THE EAST LINE OF SAID LOT 32, SAID EAST LINE BEING COINCIDENT WITH THE WESTERLY LINE OF WASHINGTON AVENUE, LYING PARALLEL WITH AND DISTANT 28.5 FEET WESTERLY FROM THE CENTERLINE OF SAID WASHINGTON AVENUE;


THENCE ALONG SAID EAST LINE OF LOT 32, SOUTH 00°07'35" WEST, A DISTANCE OF 7.66 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 16.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH AN ANGLE OF 55°53'05", AN ARC DISTANCE OF 15.61 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 140 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



Maria Hall, PLS 9300

7/7/2021



EXHIBIT A-2

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8142-033-052)

PARCEL 81782-1

THOSE PORTIONS OF LOTS 2 AND 3 OF THE MAP OF CORYELL'S SUBDIVISION, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 37, PAGE 82 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEAST LINE OF WHITTIER BOULEVARD, LYING PARALLEL WITH AND DISTANT 40 FEET NORTHEASTERLY FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, WITH THE EAST LINE OF WASHINGTON AVENUE, LYING PARALLEL WITH AND DISTANT 28.5 FEET EASTERLY FROM THE CENTERLINE OF SAID WASHINGTON AVENUE, THENCE ALONG SAID EAST LINE, NORTH 00°07'35" EAST, A DISTANCE OF 21.11 FEET;
THENCE LEAVING SAID EAST LINE, NORTH 89°48'09" EAST, 5.00 FEET;
THENCE SOUTH 00°07'38" WEST, 17.03 FEET;
THENCE SOUTH 25°41'38" EAST, 9.27 FEET;
THENCE SOUTH 55°50'40" EAST, 29.30 FEET;
THENCE SOUTH 56°50'42" EAST, 11.06 FEET;
THENCE NORTH 33°59'12" EAST, 3.40 FEET;
THENCE SOUTH 56°00'48" EAST, 122.14 FEET;
THENCE NORTH 33°59'21" EAST, 25.00 FEET;
THENCE SOUTH 56°00'48" EAST, 26.22 FEET;
THENCE SOUTH 0°13'15" EAST, 22.01 FEET;
THENCE SOUTH 77°50'14" EAST, 14.44 FEET;
THENCE SOUTH 33°59'12" WEST, 12.17 FEET;
THENCE SOUTH 56°00'48" EAST, 74.87 FEET MORE OR LESS TO THE EAST LINE OF SAID LOT 3;
THENCE SOUTHERLY ALONG SAID EAST LINE SOUTH 00°08'46" WEST, 6.02 FEET TO SAID NORTHEAST LINE OF WHITTIER BOULEVARD;
THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, 302.57 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 2425 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

Maria Hall

11/8/2022

Maria Hall, PLS 9300



EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8142-033-068)

THOSE PORTIONS OF PARCEL 1 OF LOT LINE ADJUSTMENT NO. 09-003, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED JUNE 1, 2009 AS INSTRUMENT NO. 20090811856, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 81783-1

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID PARCEL 1 WITH THE NORTHEAST LINE OF WHITTIER BOULEVARD, SAID NORTHEAST LINE BEING PARALLEL WITH AND DISTANT 43 FEET FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, A DISTANCE OF 58.80 FEET; THENCE LEAVING SAID NORTHEAST LINE, NORTH 33°59'12" EAST, 20.55 FEET; THENCE SOUTH 56°02'59" EAST, 58.80 FEET; THENCE SOUTH 33°58'48" WEST, 20.59 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1209 SQUARE FEET, MORE OR LESS.

PARCEL 81783-2


COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID PARCEL 1 WITH THE NORTHEAST LINE OF WHITTIER BOULEVARD, SAID NORTHEAST LINE BEING PARALLEL WITH AND DISTANT 43 FEET FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, A DISTANCE OF 153.77 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, 47.07 FEET; THENCE LEAVING SAID NORTHEAST LINE, NORTH 33°58'56" EAST, 38.03 FEET; THENCE SOUTH 56°00'48" EAST, 47.08 FEET; THENCE SOUTH SOUTH 33°59'12" WEST, 38.03 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 1790 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

 7/7/2021

Maria Hall, PLS 9300



EXHIBIT A-4

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8142-033-069)

PARCEL 81784-1

THAT PORTION OF PARCEL 2 OF LOT LINE ADJUSTMENT NO. 09-003, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED JUNE 1, 2009 AS INSTRUMENT NO. 20090811856, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT THE INTERSECTION OF THE NORTHWEST LINE OF SAID PARCEL 2 WITH THE NORTHEAST LINE OF WHITTIER BOULEVARD, SAID NORTHEAST LINE BEING PARALLEL WITH AND DISTANT 43 FEET FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, THENCE NORTHEASTERLY ALONG SAID NORTHWEST LINE OF PARCEL 2, NORTH 33°58'48" EAST, A DISTANCE OF 20.59 FEET;

THENCE LEAVING SAID NORTHWEST LINE, SOUTH 56°02'59" EAST, 11.20 FEET;
THENCE SOUTH 33°57'01" WEST, 20.59 FEET TO SAID NORTHEAST LINE OF WHITTIER BOULEVARD;
THENCE ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, 11.21 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 231 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.


7/7/2021

Maria Hall, PLS 9300



EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8142-033-070)


PARCEL 81785-1

THE SOUTHWESTERLY 3.00 FEET OF PARCEL 3 OF LOT LINE ADJUSTMENT NO. 09-003, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED JUNE 1, 2009 AS INSTRUMENT NO. 20090811856, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 60 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.


7/7/2021

Maria Hall, PLS 9300



PLAT MAPS

EXHIBITS B-1, B-2, B-3, B-4, B-5

EXHIBIT B-1

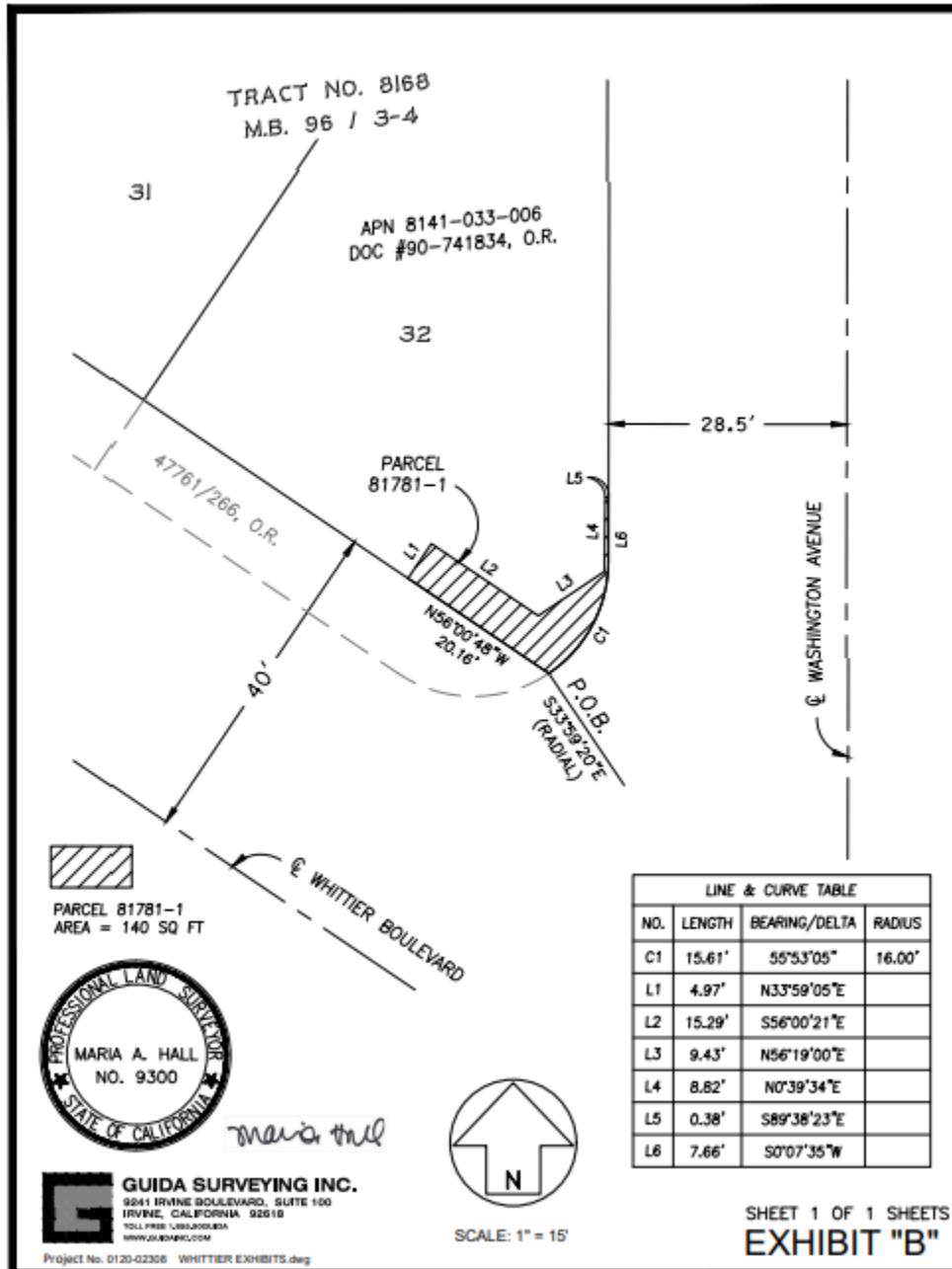


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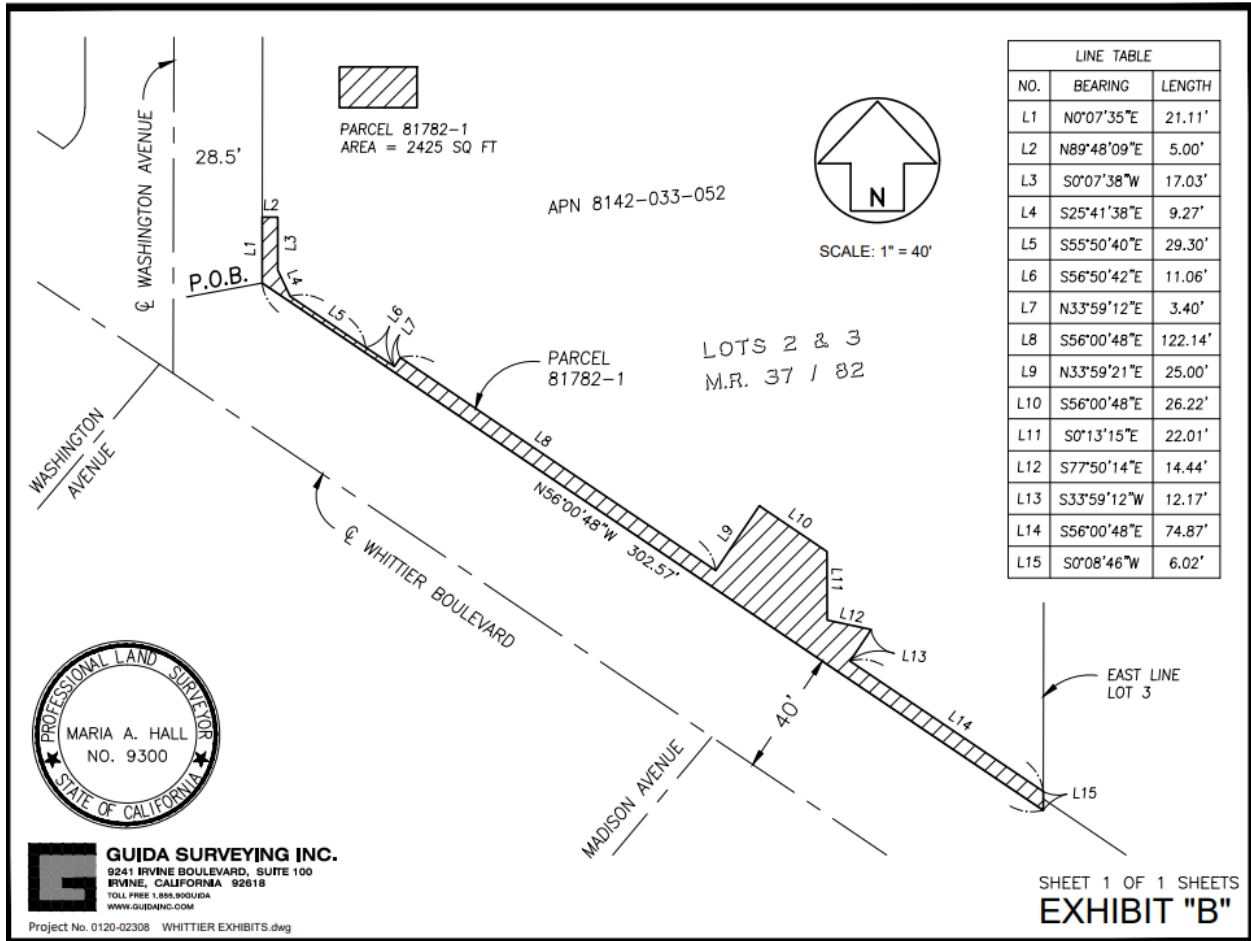


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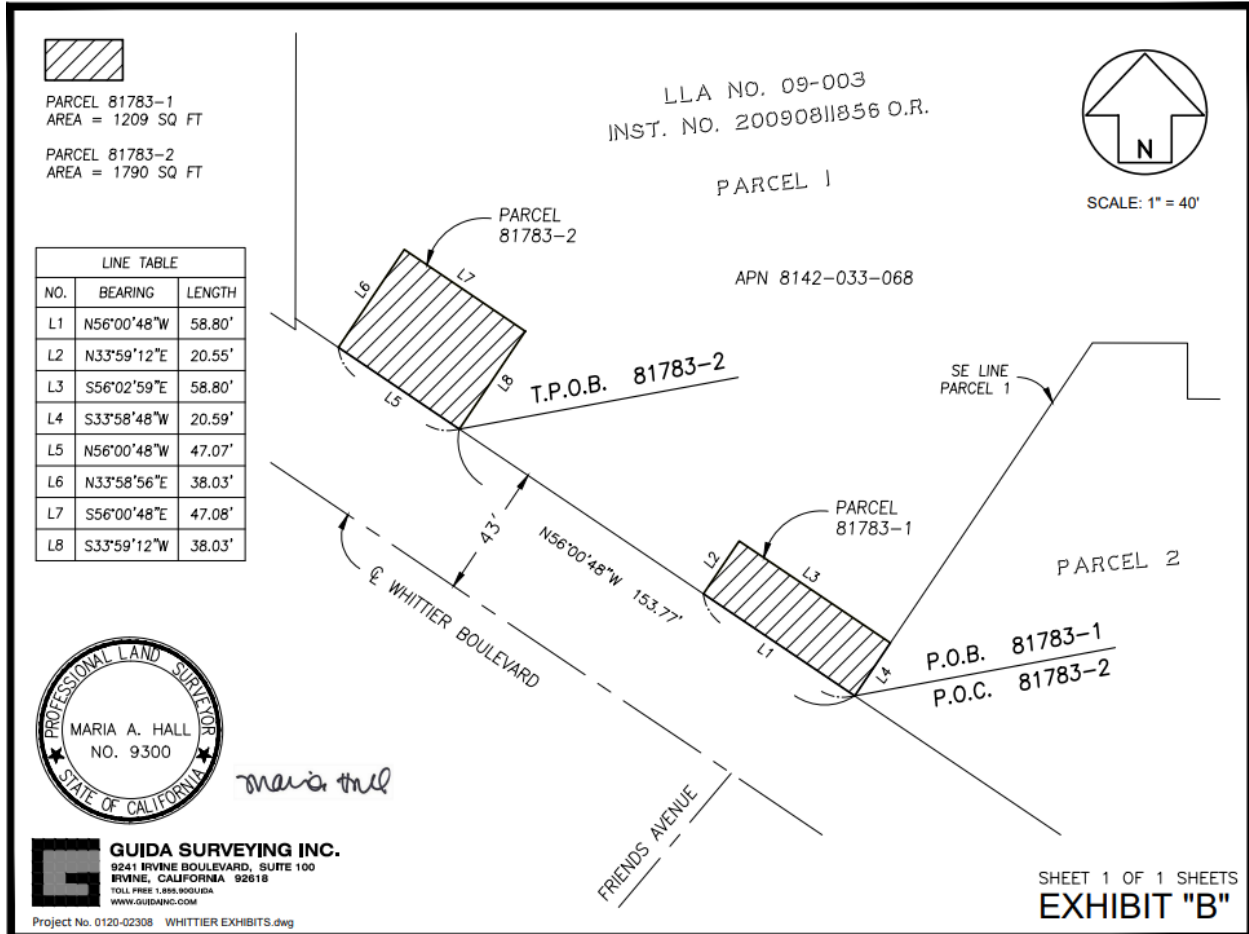


EXHIBIT B-4

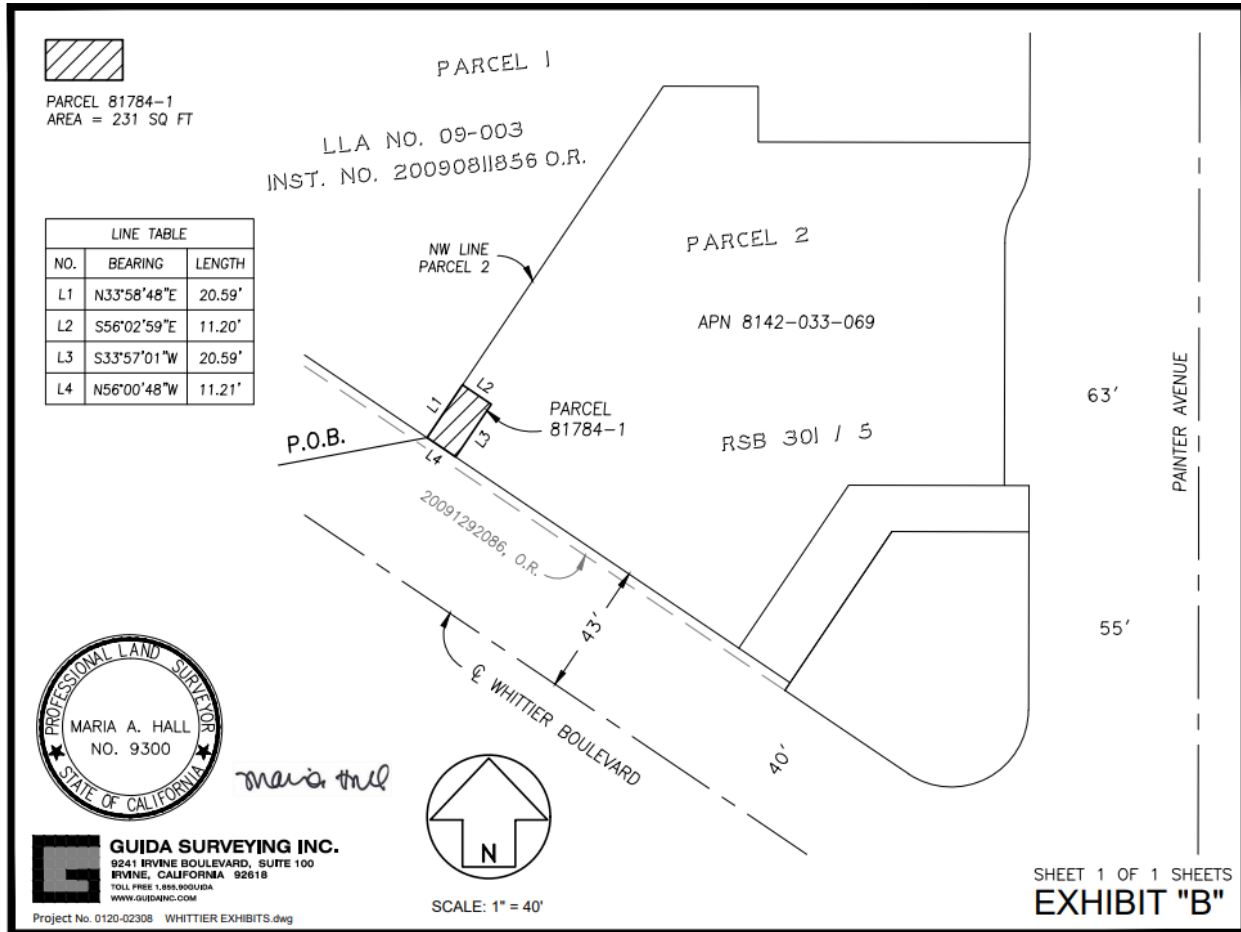
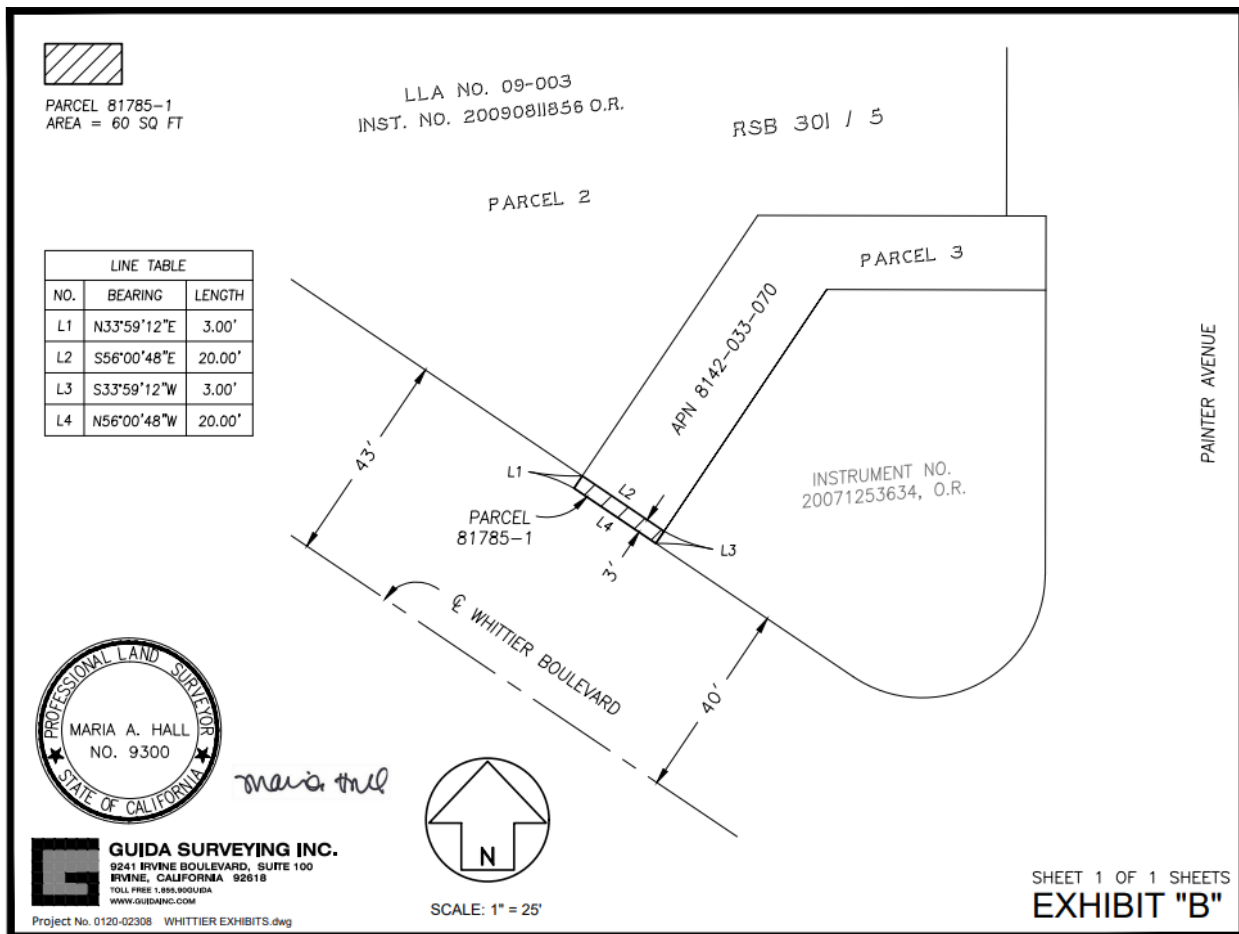


EXHIBIT B-5



**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
WHITTIER BOULEVARD/PAINTER AVENUE INTERSECTION IMPROVEMENT
PROJECT ("PROJECT") APN: 8141-033-006 CPN: 81781-1**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

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

Section 2.

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

Section 3.

The property interests consist of the acquisition of a 28-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions (Exhibits "A-1") and depicted in the plat map (Exhibit "B-1"), (hereinafter, the "Property Interest").

The TCE consists of the following:

The TCE identified as CPN 81781-1 is located along a portion of the southeastern end of the parcel and wraps around the corner of the intersection of Whittier Blvd and Washington Avenue. The TCE has an area of ±140 square feet and is required to provide access to the contractor for the reconstruction of the existing curb ramp and sidewalk improvements within Caltrans right of way. The exclusive use Construction Period is 1 month. All improvements within the TCE area will be protected in place or replaced in

kind.

The term for the TCE shall have a duration up to twenty-eight (28) months. The TCE is scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than June 19, 2026. The TCE term shall include within it with the remainder of the 28-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

Section 4.

(a.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Whittier Boulevard/Painter Avenue Intersection Improvement Project ("Project");

(b.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by the City of Whittier in March 2018 (ED) and Caltrans in June 2018 (PA). A Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act (CEQA).

(c.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

Section 5.

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

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

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

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

(d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

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

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property Interest, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Los Angeles County Metropolitan Transportation Authority at a meeting held on the 23rd day

of March 2023.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit - A-1--Legal Description

Exhibit - B-1 --Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8141-033-006)

PARCEL 81781-1

THAT PORTION OF LOT 32 OF TRACT NO. 8168, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 96, PAGES 3 AND 4 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WITHIN THE PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED RECORDED APRIL 20, 1990 AS DOCUMENT NO. 90-741834, IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LAND DESCRIBED IN QUITCLAIM DEED, SAID CORNER BEING COINCIDENT WITH THE NORTHEAST LINE OF WHITTIER BOULEVARD, LYING PARALLEL WITH AND DISTANT 40 FEET NORTHEASTERLY FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE OF WHITTIER BOULEVARD, NORTH 56°00'48" WEST, A DISTANCE OF 20.16 FEET;

THENCE LEAVING SAID NORTHEAST LINE, NORTH 33°59'05" EAST, 4.97 FEET;
THENCE SOUTH 56°00'21" EAST, 15.29 FEET;
THENCE NORTH 56°19'00" EAST, 9.43 FEET;
THENCE NORTH 00°39'34" EAST, 8.82 FEET;
THENCE SOUTH 89°38'23" EAST, 0.38 FEET TO THE EAST LINE OF SAID LOT 32, SAID EAST LINE BEING COINCIDENT WITH THE WESTERLY LINE OF WASHINGTON AVENUE, LYING PARALLEL WITH AND DISTANT 28.5 FEET WESTERLY FROM THE CENTERLINE OF SAID WASHINGTON AVENUE;


THENCE ALONG SAID EAST LINE OF LOT 32, SOUTH 00°07'35" WEST, A DISTANCE OF 7.66 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 16.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH AN ANGLE OF 55°53'05", AN ARC DISTANCE OF 15.61 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 140 SQUARE FEET, MORE OR LESS.

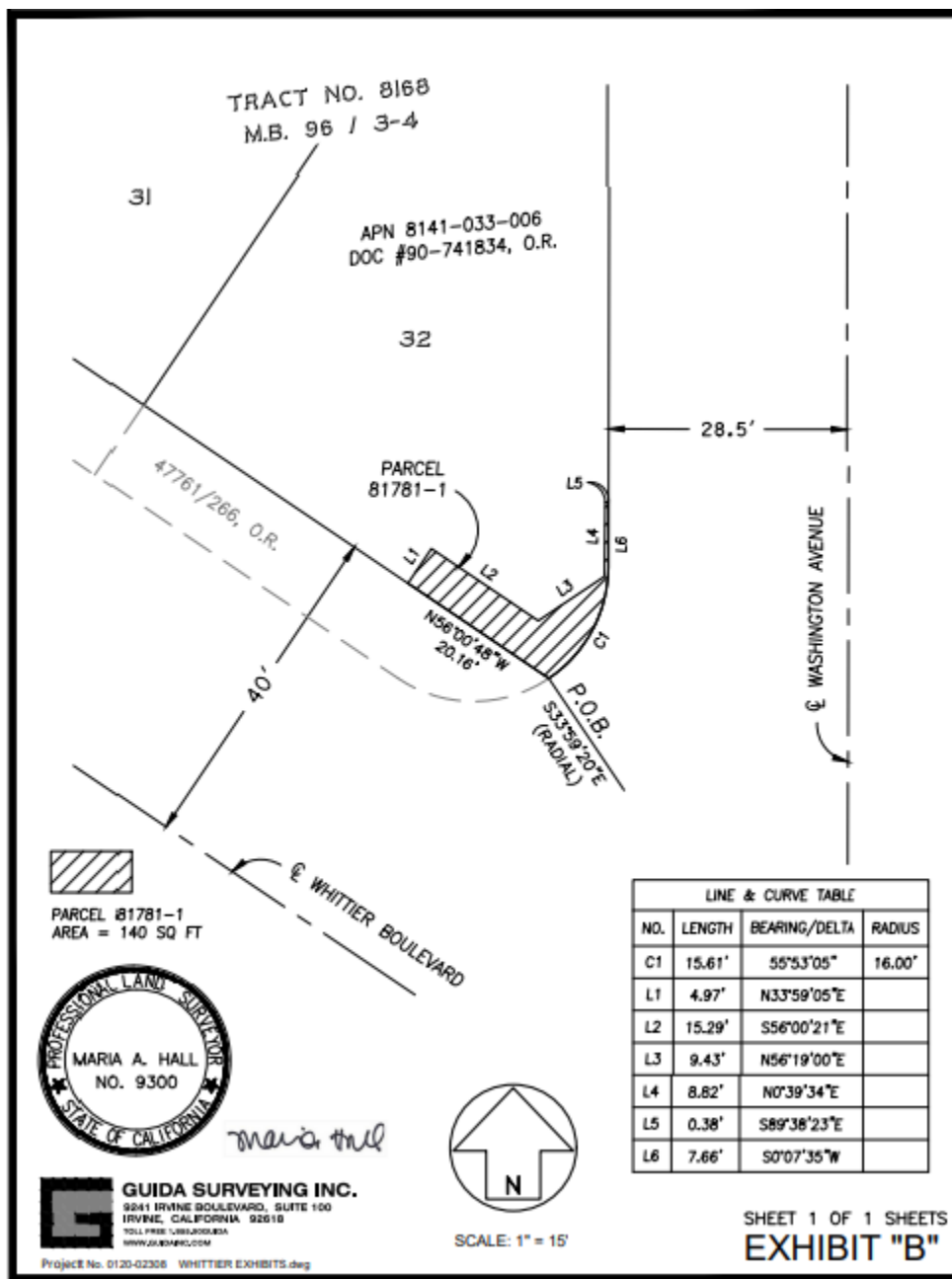
ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.


7/7/2021
Maria Hall, PLS 9300



PLAT MAP



**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
WHITTIER BOULEVARD/PAINTER AVENUE INTERSECTION IMPROVEMENT
PROJECT ("PROJECT") APN: 8142-033-052 CPN: 81782-1**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

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

Section 2.

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

Section 3.

The property interests consist of the acquisition of a 28-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions (Exhibits "A-2") and depicted in the plat map (Exhibit "B-2"), (hereinafter, the "Property Interest").

The TCE consists of the following:

The TCE identified as CPN 81782-1 is located at the southern end of the parcel along Whittier Blvd. It has a total area of ±2,425 square feet and has an estimated 2 week to 2 months exclusive use Construction Period. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway and sidewalk improvements within Caltrans right of way. The site improvements within the TCE area are being replaced in kind or protected in place.

The term for the TCE shall have a duration up to twenty-eight (28) months. The TCE is scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than June 19, 2026. The TCE term shall include within it with the remainder of the 28-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

Section 4.

(a.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Whittier Boulevard/Painter Avenue Intersection Improvement Project ("Project");

(b.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by the City of Whittier in March 2018 (ED) and Caltrans in June 2018 (PA). A Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act (CEQA).

(c.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

Section 5.

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

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

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

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

(d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

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

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property Interest, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Los

Angeles County Metropolitan Transportation Authority at a meeting held on the 23rd day of March, 2023.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit - A-2--Legal Description

Exhibit - B-2 --Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8142-033-052)

PARCEL 81782-1

THOSE PORTIONS OF LOTS 2 AND 3 OF THE MAP OF CORYELL'S SUBDIVISION, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 37, PAGE 82 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEAST LINE OF WHITTIER BOULEVARD, LYING PARALLEL WITH AND DISTANT 40 FEET NORTHEASTERLY FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, WITH THE EAST LINE OF WASHINGTON AVENUE, LYING PARALLEL WITH AND DISTANT 28.5 FEET EASTERLY FROM THE CENTERLINE OF SAID WASHINGTON AVENUE, THENCE ALONG SAID EAST LINE, NORTH 00°07'35" EAST, A DISTANCE OF 21.11 FEET;
THENCE LEAVING SAID EAST LINE, NORTH 89°48'09" EAST, 5.00 FEET;
THENCE SOUTH 00°07'38" WEST, 17.03 FEET;
THENCE SOUTH 25°41'38" EAST, 9.27 FEET;
THENCE SOUTH 55°50'40" EAST, 29.30 FEET;
THENCE SOUTH 56°50'42" EAST, 11.06 FEET;
THENCE NORTH 33°59'12" EAST, 3.40 FEET;
THENCE SOUTH 56°00'48" EAST, 122.14 FEET;
THENCE NORTH 33°59'21" EAST, 25.00 FEET;
THENCE SOUTH 56°00'48" EAST, 26.22 FEET;
THENCE SOUTH 0°13'15" EAST, 22.01 FEET;
THENCE SOUTH 77°50'14" EAST, 14.44 FEET;
THENCE SOUTH 33°59'12" WEST, 12.17 FEET;
THENCE SOUTH 56°00'48" EAST, 74.87 FEET MORE OR LESS TO THE EAST LINE OF SAID LOT 3;
THENCE SOUTHERLY ALONG SAID EAST LINE SOUTH 00°08'46" WEST, 6.02 FEET TO SAID NORTHEAST LINE OF WHITTIER BOULEVARD;
THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, 302.57 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 2425 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

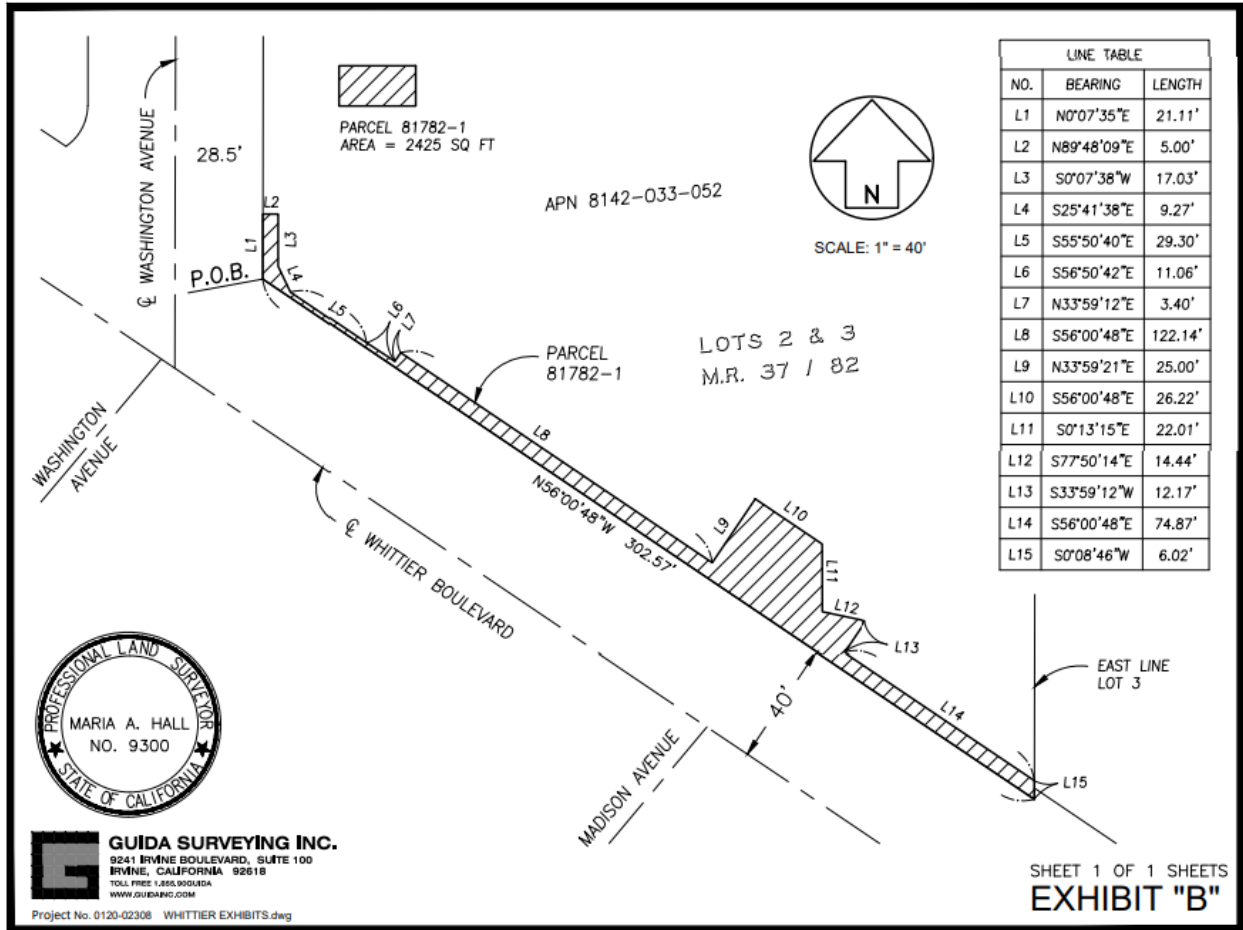
THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

Maria Hall 11/8/2022

Maria Hall, PLS 9300



PLAT MAP



**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
WHITTIER BOULEVARD/PAINTER AVENUE INTERSECTION IMPROVEMENT
PROJECT ("PROJECT") APN: 8142-033-068 CPN: 81783-1, 81783-2**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

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

Section 2.

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

Section 3.

The property interests consist of the acquisition of 28-month Temporary Construction Easements ("TCE's"), as described more specifically in the legal descriptions (Exhibits "A-3") and depicted in the plat map (Exhibit "B-3"), (hereinafter, the "Property Interests").

The TCE's consist of the following:

The TCE identified as CPN 81783-1 contains $\pm 1,209$ square feet and impacts the parcel's easterly driveway along Whittier Boulevard. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway pavement and curb within the property due to improvements to the sidewalk within Caltrans right of way. The TCE has an estimated exclusive use Construction Period of 10 days to 2 months. All improvements within the TCE will be protected in place or replaced in kind. The TCE identified as CPN

81783-2 contains ±1,790 square feet and impacts the larger parcel's Whittier Boulevard westerly driveway. The TCE is needed to provide access to the contractor for the reconstruction of the existing driveway pavement and curb within the property due to improvements to the sidewalk within Caltrans right of way. The TCE has an exclusive use Construction Period of 10 days to 2 months. All improvements within the TCE will be protected in place or replaced in kind.

The term for the TCE's shall have a duration up to twenty-eight (28) months. The TCE's are scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than June 19, 2026. The TCE term shall include within it with the remainder of the 28-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

Section 4.

(a.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Whittier Boulevard/Painter Avenue Intersection Improvement Project ("Project");

(b.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by the City of Whittier in March 2018 (ED) and Caltrans in June 2018 (PA). A Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act (CEQA).

(c.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

Section 5.

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

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

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

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

(d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established

as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

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

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property Interests 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 Interests, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation

and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Los Angeles County Metropolitan Transportation Authority at a meeting held on the 23rd day of March 2023.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit - A-3--Legal Description

Exhibit - B-3 --Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8142-033-068)

THOSE PORTIONS OF PARCEL 1 OF LOT LINE ADJUSTMENT NO. 09-003, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED JUNE 1, 2009 AS INSTRUMENT NO. 20090811856, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 81783-1

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID PARCEL 1 WITH THE NORTHEAST LINE OF WHITTIER BOULEVARD, SAID NORTHEAST LINE BEING PARALLEL WITH AND DISTANT 43 FEET FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, A DISTANCE OF 58.80 FEET; THENCE LEAVING SAID NORTHEAST LINE, NORTH 33°59'12" EAST, 20.55 FEET; THENCE SOUTH 56°02'59" EAST, 58.80 FEET; THENCE SOUTH 33°58'48" WEST, 20.59 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1209 SQUARE FEET, MORE OR LESS.

PARCEL 81783-2

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID PARCEL 1 WITH THE NORTHEAST LINE OF WHITTIER BOULEVARD, SAID NORTHEAST LINE BEING PARALLEL WITH AND DISTANT 43 FEET FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, THENCE NORTHWESTERLY ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, A DISTANCE OF 153.77 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, 47.07 FEET; THENCE LEAVING SAID NORTHEAST LINE, NORTH 33°58'56" EAST, 38.03 FEET; THENCE SOUTH 56°00'48" EAST, 47.08 FEET; THENCE SOUTH SOUTH 33°59'12" WEST, 38.03 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 1790 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

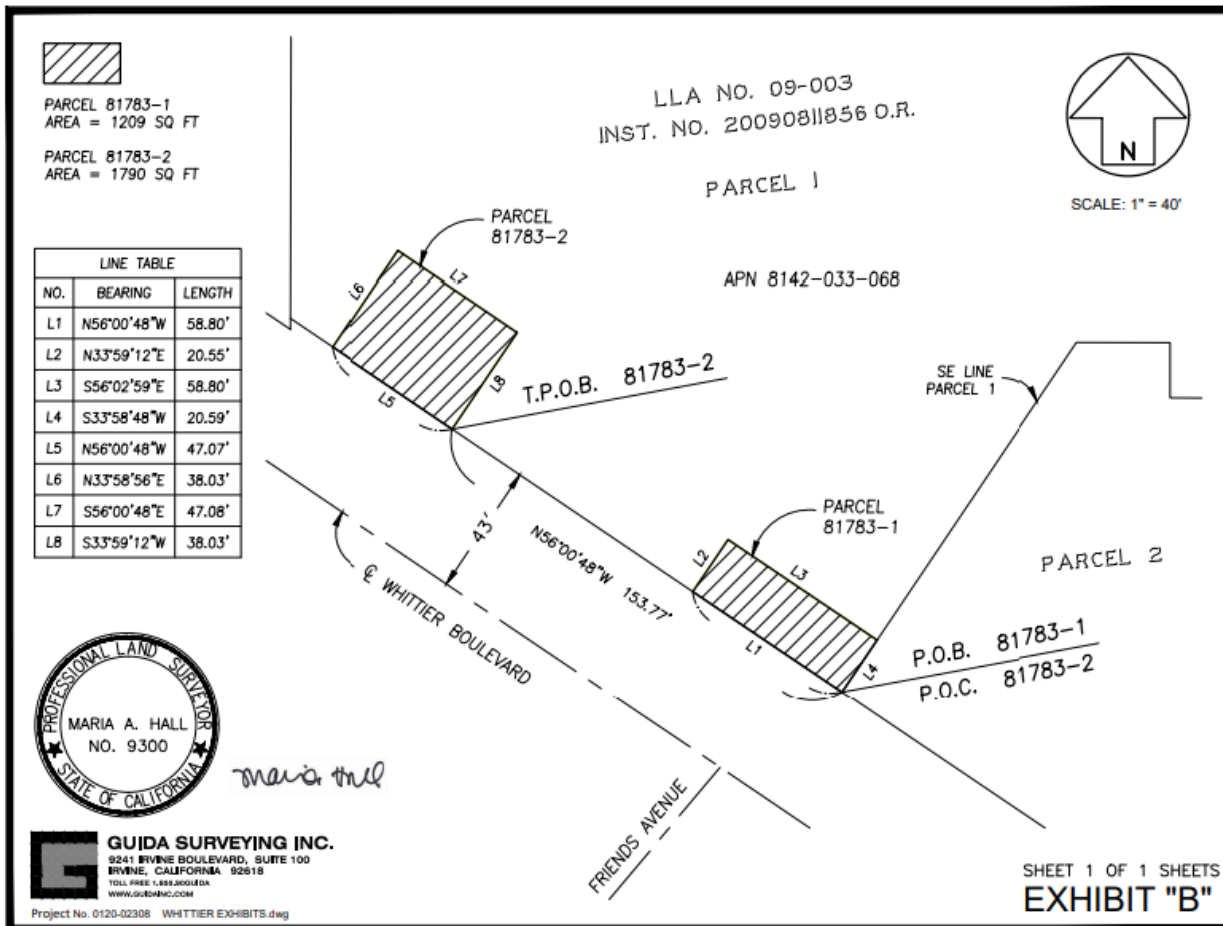
THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

Maria Hall
7/7/2021

Maria Hall, PLS 9300



PLAT MAP



**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
WHITTIER BOULEVARD/PAINTER AVENUE INTERSECTION IMPROVEMENT
PROJECT ("PROJECT") APN: 8142-033-069 CPN: 81784-1**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

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

Section 2.

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

Section 3.

The property interests consist of the acquisition of a 28-month Temporary Construction Easement ("TCE"), as described more specifically in the legal description (Exhibits "A-4") and depicted in the plat map (Exhibit "B-4"), (hereinafter, the "Property Interest").

The TCE consists of the following:

The TCE identified as CPN 81784-1 contains ±231 square feet and impacts the pedestrian walkway on the property. It is needed to provide access to the contractor for sidewalk improvements within Caltrans right of way. The TCE has an exclusive use Construction Period of 4 days to 1 month. All improvements will be protected in place or replaced in kind.

The term for the TCE shall have a duration up to twenty-eight (28) months. The TCE is scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than June 19, 2026. The TCE term shall include within it with the remainder of the 28-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

Section 4.

(a.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Whittier Boulevard/Painter Avenue Intersection Improvement Project ("Project");

(b.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by the City of Whittier in March 2018 (ED) and Caltrans in June 2018 (PA). A Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act (CEQA).

(c.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

Section 5.

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

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

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

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

(d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

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

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property Interest, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Los

Angeles County Metropolitan Transportation Authority at a meeting held on the 23rd day of March 2023.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit - A-4--Legal Description

Exhibit - B-4 --Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8142-033-069)

PARCEL 81784-1

THAT PORTION OF PARCEL 2 OF LOT LINE ADJUSTMENT NO. 09-003, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED JUNE 1, 2009 AS INSTRUMENT NO. 20090811856, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT THE INTERSECTION OF THE NORTHWEST LINE OF SAID PARCEL 2 WITH THE NORTHEAST LINE OF WHITTIER BOULEVARD, SAID NORTHEAST LINE BEING PARALLEL WITH AND DISTANT 43 FEET FROM THE CENTERLINE OF SAID WHITTIER BOULEVARD, THENCE NORTHEASTERLY ALONG SAID NORTHWEST LINE OF PARCEL 2, NORTH 33°58'48" EAST, A DISTANCE OF 20.59 FEET;

THENCE LEAVING SAID NORTHWEST LINE, SOUTH 56°02'59" EAST, 11.20 FEET;
THENCE SOUTH 33°57'01" WEST, 20.59 FEET TO SAID NORTHEAST LINE OF WHITTIER BOULEVARD;
THENCE ALONG SAID NORTHEAST LINE, NORTH 56°00'48" WEST, 11.21 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 231 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

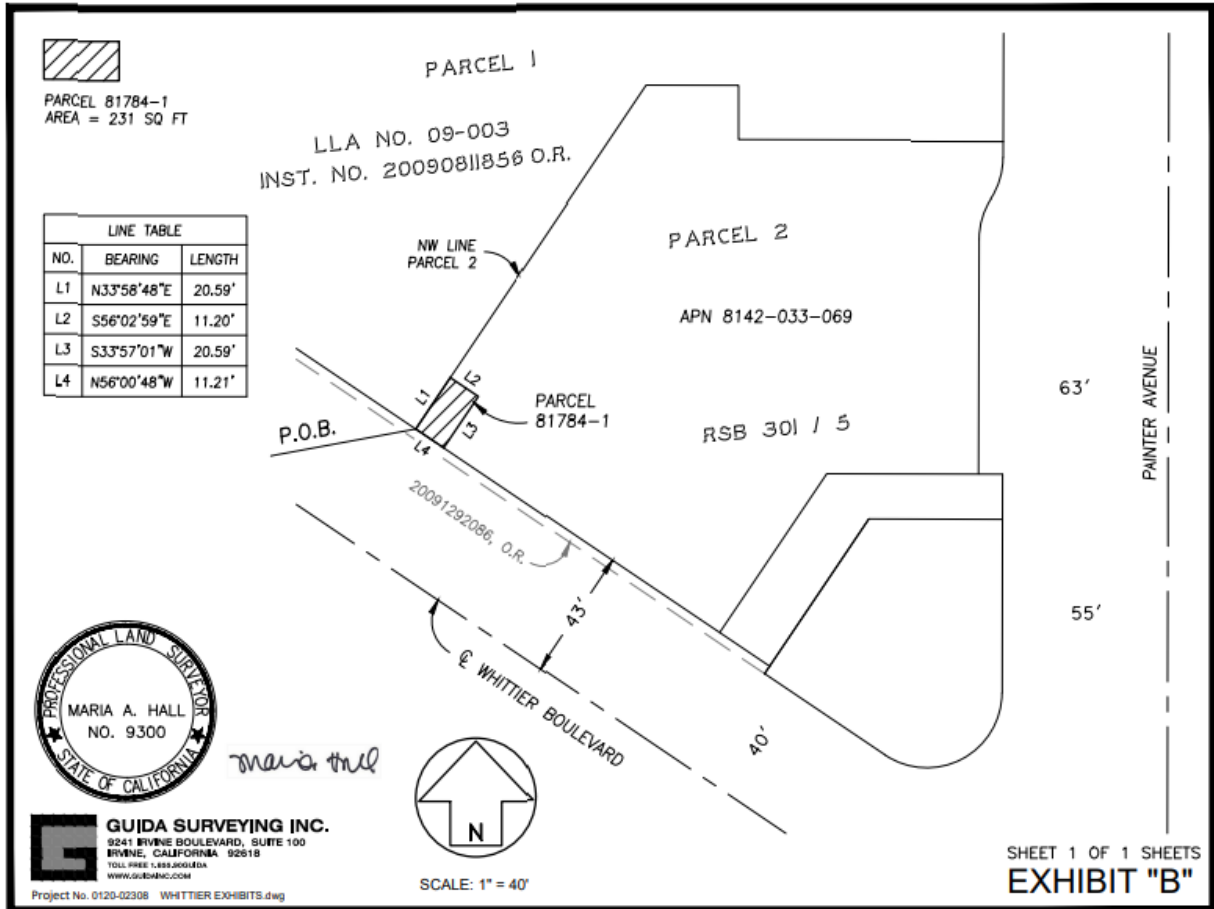


7/7/2021
Maria Hall, PLS 9300



EXHIBIT "B-4"

PLAT MAP



**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE
EXERCISE OF EMINENT DOMAIN
WHITTIER BOULEVARD/PAINTER AVENUE INTERSECTION IMPROVEMENT
PROJECT ("PROJECT") APN: 8142-033-070 CPN: 81785-1**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

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

Section 2.

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

Section 3.

The property interest consists of the acquisition of a 28-month Temporary Construction Easement ("TCE"), as described more specifically in the legal description (Exhibits "A-5") and depicted in the plat map (Exhibit "B-5"), (hereinafter, the "Property Interest").

The TCE consists of the following:

The TCE identified as CPN 81785-1 contains ±60 square feet and is located on the irregularly shaped parcel's Whittier Blvd frontage. It is required to provide access to the contractor for sidewalk improvements and installation of drainage features within the Caltrans right-of-way. The TCE has an exclusive use Construction Period of 4 to 6 days (no longer than 2 months). Improvements within the TCE area will either be protected in place or replaced in kind.

The term for the TCE shall have a duration up to twenty-eight (28) months. The TCE is scheduled to commence upon the Project Right of Way Certification or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, but in all events will automatically expire no later than June 19, 2026. The TCE term shall include within it with the remainder of the 28-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

Section 4.

(a.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Whittier Boulevard/Painter Avenue Intersection Improvement Project ("Project");

(b.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by the City of Whittier in March 2018 (ED) and Caltrans in June 2018 (PA). A Mitigated Negative Declaration (MND) was prepared pursuant to the California Environmental Quality Act (CEQA).

(c.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property Interest by eminent domain.

Section 5.

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

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

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

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

(d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

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

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property Interest, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Los

Angeles County Metropolitan Transportation Authority at a meeting held on the 23rd day of March 2023.

COLLETTE LANGSTON
LACMTA Board Clerk

Date: _____

ATTACHMENTS

Exhibit - A-5--Legal Description

Exhibit - B-5 --Plat Map

LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
(APN 8142-033-070)

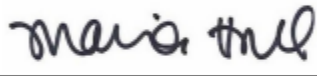
PARCEL 81785-1

THE SOUTHWESTERLY 3.00 FEET OF PARCEL 3 OF LOT LINE ADJUSTMENT NO. 09-003, IN THE CITY OF WHITTIER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED JUNE 1, 2009 AS INSTRUMENT NO. 20090811856, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 60 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING EXHIBITS WERE PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

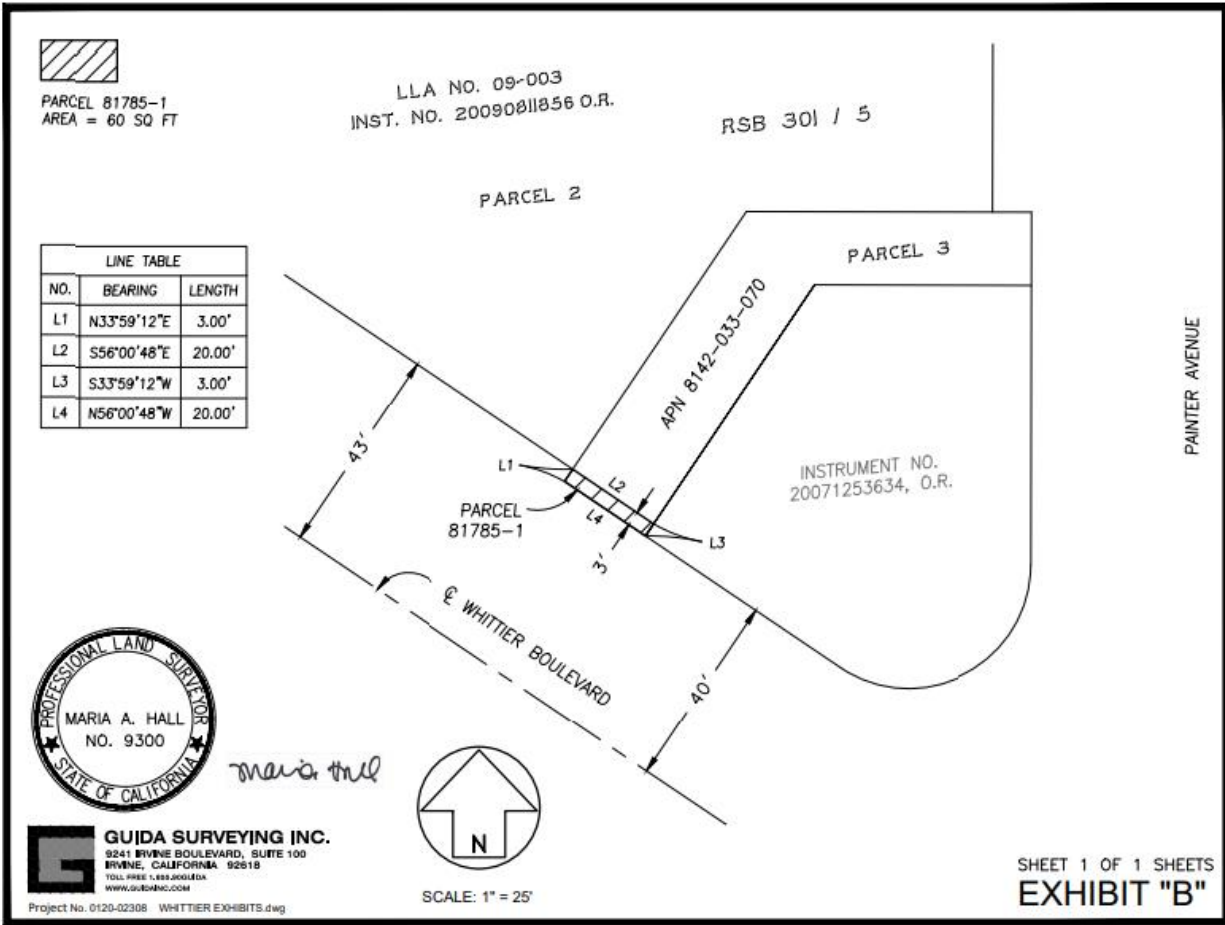

7/7/2021

Maria Hall, PLS 9300



EXHIBIT "B-5"

PLAT MAP



[JC1]

Hearing to Adopt Resolutions of Necessity

Whittier Boulevard/Painter Avenue Intersection
Improvement Project

Board Meeting March 23, 2023

Item # 2023-0087

Hearing to Adopt Resolution of Necessity: Whittier Boulevard/Painter Avenue Intersection Improvement Project

Project:

- Will improve mobility, relieve congestion, and address deficiencies including inadequate truck turn paths and noncompliant Americans with Disabilities Act (ADA) facilities at the Painter Avenue Intersection on Whittier Boulevard (State Route 72) in the City of Whittier.

Property Impacts:

- Temporary Construction Easements (TCE's): 28-month TCE's are required for the reconstruction of existing curbs, sidewalks and installation of sidewalk and drainage features.

<u>Property Locations:</u>	<u>CPN</u>	<u>Purpose</u>	<u>Property Interest(s)</u>
• 13127 Whittier Blvd, Whittier, CA, APN:8141-033-006	81781-1	Construction and operation	28-month TCE
• 13205 Whittier Boulevard Whittier, CA, APN:8142-033-052	81782-1	Construction and operation	28-month TCE
• 13241 Whittier Boulevard, Whittier, CA, APN:8142-033-068	81783-1,2	Construction and operation	28-month TCE
• 13301 Whittier Blvd, Whittier, CA, APN:8142-033-069	81784-1	Construction and operation	28-month TCE
• 8421 Painter Avenue, Whittier, CA, APN:8142-033-070	81785-1	Construction and operation	28-month TCE

Relocation Impacts:

- Project impacts will not create a displacement

Hearing to Adopt Resolutions of Necessity: Whittier Boulevard/Painter Avenue Intersection Improvement Project

PROJECT PARCELS OVERVIEW

LEGEND:

- TEMPORARY CONSTRUCTION EASEMENT (TCE)
- STATE R/W
- CITY R/W
- PARCEL BOUNDARY



**RIGHT OF WAY REQUIREMENTS
PAINTER AVENUE**

Hearing to Adopt Resolutions of Necessity. Whittier Boulevard/Painter Avenue Intersection Improvement Project

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

- The public interest and necessity require the proposed Project;
- The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- Whether the statutory requirements necessary to acquire the property or property interest by eminent domain have been complied with by LACMTA.