

RESOLUTION NO. 2018-009

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 156-152-01, 156-152-02, AND 156-152-03.

WHEREAS, the Orange County Transportation Authority (the “Authority”) is undertaking the Interstate 405 (“I-405”) Improvement Project between State Route 73 and Interstate 605, a right-of-way for freeway purposes and all public uses appurtenant thereto (the “Project”); and

WHEREAS, the Project is intended to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

WHEREAS, the Project requires the acquisition of property interests from public and private parties; and

WHEREAS, the Project will be a transportation improvement project serving the public interest; and

WHEREAS, subsection (a) of the California Public Utilities Code section 130220.5, authorizes the Authority to exercise the power of eminent domain to acquire these property interests for public use by condemnation; and

WHEREAS, on May 11, 2015, the Authority’s Board of Directors authorized the Authority to acquire property interests for the Project; and

WHEREAS, portions of the real property located at 18240 Ward Street, in the City of Fountain Valley, California (the “Subject Property”) are required for the Project. The specific portions of the Subject Property required for the Project include a partial fee interest as legally described in and depicted in Exhibit “1” hereto, a partial fee interest as legally described in and depicted in Exhibit “2” hereto, a permanent wall footing easement as legally described in and depicted in Exhibit “3” hereto, a permanent wall footing easement as legally described in and depicted in Exhibit “4” hereto, a temporary construction easement as legally described and depicted in Exhibit “5” hereto, and a temporary construction easement as legally described and depicted in Exhibit “6” hereto (collectively, the “Property Interests”); and

WHEREAS, the acquisition of the partial fee interest as legally described in and depicted in Exhibit "2" hereto shall be subject to the pre-existing right of access; and

WHEREAS, the Authority communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and

WHEREAS, in accordance with section 1245.235 of the California Code of Civil Procedure on January 12, 2018, the Authority mailed a Notice of Hearing on the Intent of the Authority to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property Interests. The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as having an interest in the Subject Property; and

WHEREAS, the Authority provided written notice to the City of Fountain Valley as required by subsection (c) of California Public Utilities Code section 130220.5; and

WHEREAS, the Project, including all amendments thereto, together with the staff reports, environmental documents and all other evidence presented to the Authority's Board of Directors at the times the Project and the amendments thereto were adopted, are incorporated herein by this reference and made a part hereof as though fully set forth herein; and

WHEREAS, pursuant to section 1245.235 of the California Code of Civil Procedure, the Authority scheduled a hearing for February 26, 2018 at 9:00 a.m. at 550 South Main Street, Orange, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the Authority's Board of Directors and each person whose property is to be acquired by eminent domain was afforded an opportunity to be heard on those matters specified in the Authority's notice of intention to conduct a hearing on whether or not to adopt a Resolution of Necessity and referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the Authority may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED, by at least a two-thirds vote of the Authority's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, the Authority does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Compliance with California Code of Civil Procedure. There has been compliance by the Authority with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the interests in the property are to be acquired is for the construction and future maintenance of the Project, a public transportation improvement, as more fully described hereinabove. Subsection (a) of California Public Utilities Code section 130220.5 authorizes the Authority to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental or convenient thereto.

Section 4. Necessity.

(a) The proposed Project is necessary to enhance road safety, increase freeway capacity, and improve traffic and interchange operations by adding general purpose and express lanes and making improvements to freeway entrances, exits and bridges; and

(b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.

Section 5. Description of Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits “1” through “6” attached hereto and incorporated herein by reference.

Section 6. Findings. The Authority hereby finds, determines and declares 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 least private injury;

(c) The Property Interests sought to be acquired are necessary for the proposed Project; and

(d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already

devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, 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 real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Authority is hereby authorized and empowered to acquire two partial fee interests, two permanent wall footing easements, and two temporary construction easements in the real property described and depicted in Exhibits "1" through "6" hereto, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 9. Further Activities. The Authority's legal counsel ("Counsel") is hereby authorized and empowered to acquire the Property Interests in the name of and on behalf of the Authority by eminent domain, and is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Counsel is further authorized to take such steps as may be permitted and required by law, and to make such security deposits as may be required by law and/or order of court, to permit the Authority to take possession of the Property Interests at the earliest possible time.

Section 10. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this _____ day of _____, 2018.

LISA A. BARTLETT, CHAIRWOMAN
ORANGE COUNTY
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Laurena Weinert, Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2018-009, by the following votes:

AYES:

NOES:

ABSENT:

LAURENA WEINERT
CLERK OF THE BOARD

Exhibit 1

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-1

Fee Acquisition

APN 156-152-01, 156-152-02

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in Grant Deeds recorded in Book 8214, Page 966 of Official Records and Book 8662, Page 689 of Official Records both recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274 Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South $00^{\circ}15'04''$ West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South $89^{\circ}44'56''$ East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North $03^{\circ}07'06''$ East 454.53 feet to the southwest corner of the land described in said Grant Deed recorded in Book 8214, Page 966 of Official Records; thence continuing along the easterly line of said Parcel 4C and the westerly line of said Grant Deed the following three (3) courses:

1. North $03^{\circ}07'06''$ East 46.11 feet;
2. South $89^{\circ}45'44''$ East 30.00 feet;
3. North $04^{\circ}09'32''$ East 146.28 feet to the most northerly corner of said Grant Deed said point being on the southwesterly right of way line of the State of California, San Diego Freeway and the **True Point of Beginning** ;

COAST SURVEYING, INC.

1 Thence along the northerly line of said Grant Deed recorded in Book 8214, Page 966 and
2 the northerly line of said Grant Deed recorded in Book 8662, Page 689, both of Official
3 Records South $62^{\circ}41'07''$ East 1127.84 feet to the southeasterly corner of said Grant
4 Deed recorded in Book 8662, Page 689 of Official Records; thence along the
5 southeasterly line of last said Grant Deed South $36^{\circ}27'58''$ West 10.56 feet; thence
6 leaving said southeasterly line North $62^{\circ}40'13''$ West 1121.83 feet to the westerly line of
7 said Grant Deed recorded in Book 8214, Page 866 of Official Records; thence along said
8 westerly line North $04^{\circ}09'32''$ East 11.01 feet to the most northerly corner of said Grant
9 Deed and the **True Point of Beginning**.

10
11 Containing 11557 square feet.

12
13 This conveyance is made for the purpose of a freeway and the GRANTOR hereby
14 releases and relinquishes to the GRANTEE any and all abutter's rights including access
15 rights, appurtenant to GRANTOR's remaining property, in and to the freeway.

16
17 See Exhibit 'A2' attached hereto and made a part hereof.

18
19
20 The distances shown herein are grid distances. Ground distances may be obtained by
21 dividing grid distances by the combination factor of 0.99997837.

22
23 Prepared under the direction of

24
25 Kriss Larson

26 Kriss A. Larson, PLS 6179

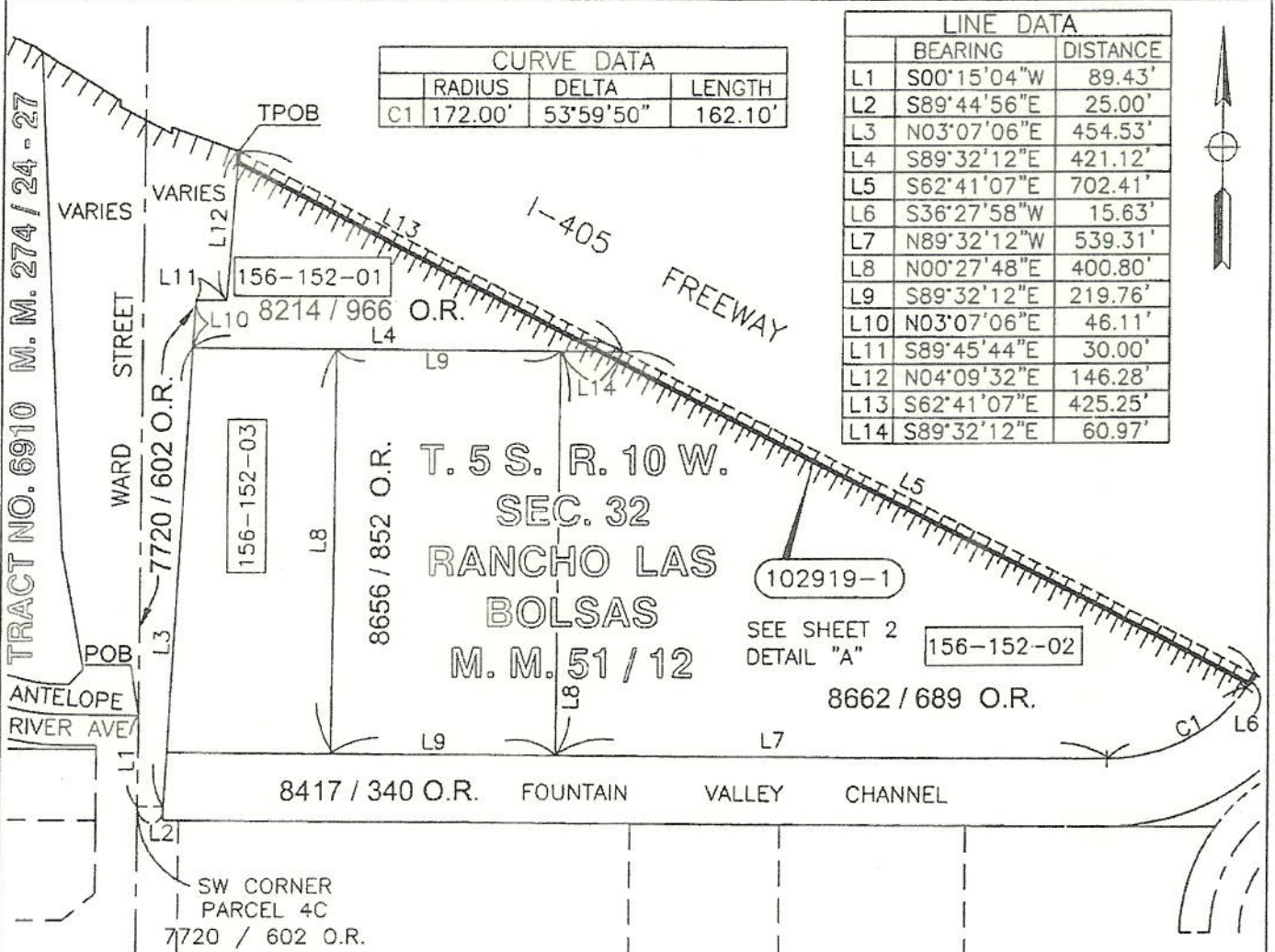
27 12-7-16

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-1	FEE	11,557 SF	156-152-01, 156-152-02



CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	172.00'	53°59'50"	162.10'

LINE DATA		
	BEARING	DISTANCE
L1	S00°15'04"W	89.43'
L2	S89°44'56"E	25.00'
L3	N03°07'06"E	454.53'
L4	S89°32'12"E	421.12'
L5	S62°41'07"E	702.41'
L6	S36°27'58"W	15.63'
L7	N89°32'12"W	539.31'
L8	N00°27'48"E	400.80'
L9	S89°32'12"E	219.76'
L10	N03°07'06"E	46.11'
L11	S89°45'44"E	30.00'
L12	N04°09'32"E	146.28'
L13	S62°41'07"E	425.25'
L14	S89°32'12"E	60.97'

LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Old Right of Way(superseded)
- Exist Right of Way
- Proposed Right of Way
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

102919-1

FEE ACQUISITION

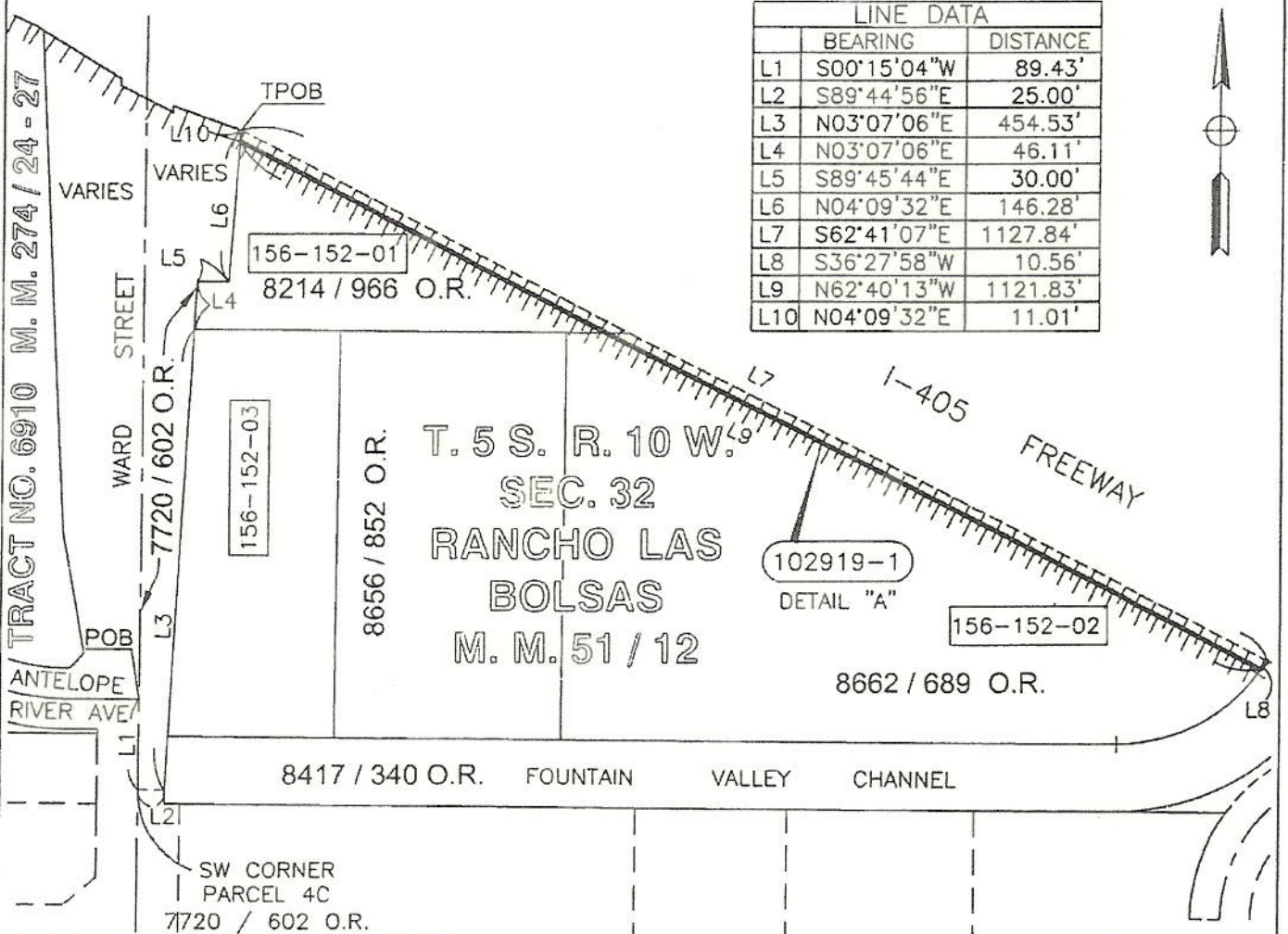


PREPARED BY:
COAST SURVEYING
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 12-7-16		REV.:	EA: XXXXX	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	1	2

EXHIBIT A2

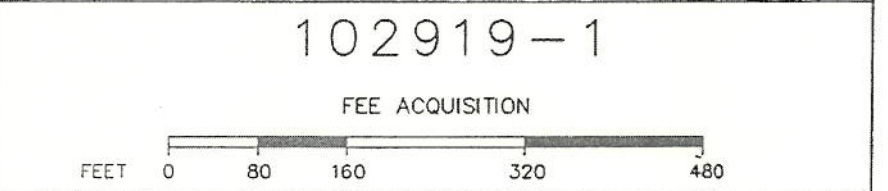
PARCEL#	TITLE	AREA	APN
102919-1	FEE	11,557 SF	156-152-01, 156-152-02



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Old Right of Way(superseded)
	Exist Right of Way
	Proposed Right of Way
	Access Prohibited

NOTES

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PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266		DATE: 12-7-16	REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
12	ORA	405	13.04	2	2	

Exhibit 2

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-2

Fee Acquisition

APN 156-152-03

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in a Grant Deed filed in Book 8496, Page 507 of Official Records, both recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274, Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South 00°15'04" West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South 89°44'56" East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North 03°07'06" East 53.30 feet to the southwest corner of the land described in said Grant Deed and the **True Point of Beginning**; thence continuing along the easterly line of said Parcel 4C and the westerly line of the land described in said Grant Deed North 03°07'06" East 285.54 feet; thence leaving said westerly line South 00°50'33" East 36.32 feet to the beginning of a tangent curve concave westerly having a radius of 5036.48 feet; thence southerly 103.24 feet along said curve through a central angle of 01°10'28"; thence tangent South 00°19'55" West 68.23 feet; thence South 44°03'45" East 33.61 feet; thence South 88°27'25" East 4.75 feet; thence South 01°32'35" West 53.42 feet to the southerly line of the land described in said Grant Deed;

COAST SURVEYING, INC.

1 thence along said southerly line North 89°32'12" West 42.81 feet to the southwest corner
2 of the land described in said Grant Deed and the **True Point of Beginning**.

3
4 Containing 4169 square feet.

5
6 See Exhibit 'A2' attached hereto and made a part hereof.

7
8
9 The distances shown herein are grid distances. Ground distances may be obtained by
10 dividing grid distances by the combination factor of 0.99997837.

11
12 Prepared under the direction of

13
14 Kriss Larson

15
16 Kriss A. Larson, PLS 6179

3-30-16

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-2	FEE	4,169 SF	156-152-03



TRACT NO. 6910
M. M. 274 / 24 - 27

LINE DATA		
	BEARING	DISTANCE
L1	S00°15'04"W	89.43'
L2	S89°44'56"E	25.00'
L3	N03°07'06"E	53.30'

VARIES STREET VARIES
WARD
7720 / 602 O.R.
N03°07'06"E 400.87'

156-152-01

N89°32'12"W 140.39'

T. 5 S. R. 10 W.
SEC. 32
RANCHO LAS BOLSAS
M. M. 51 / 12

SEE SHEET 2
DETAIL "A"

102919-2

8496 / 507 O.R.

N00°27'47"E 400.44'

156-152-02

ANTELOPE RIVER AVENUE
POB

FOUNTAIN VALLEY

N89°32'12"W 158.96'

TPOB

CHANNEL 8417 / 340 O.R.

SW CORNER
PARCEL 4C
7720 / 602 O.R.

LEGEND

(R) Indicates Radial Bearing
TPOB True Point of Beginning
POB Point of Beginning
Caltrans Parcel Number
Access Prohibited

NOTES

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FEE ACQUISITION

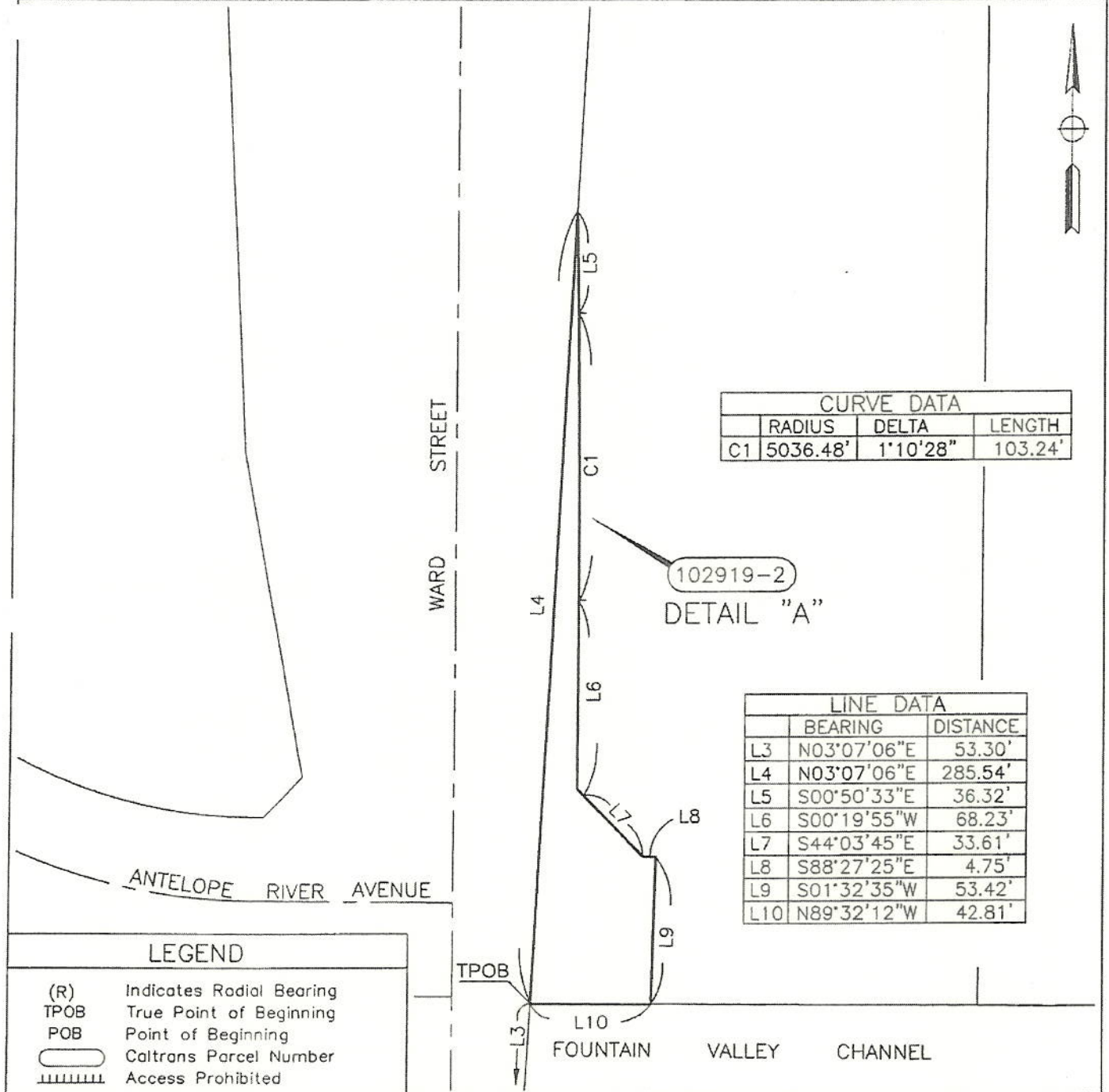


PREPARED BY:
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15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 3-30-16		REV.:	EA: XXXXX	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405		1	2

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-2	FEE	4,169 SF	156-152-03



PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266	DATE: 3-30-16 REV.: EA: XXXXX FA#:	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
		12	ORA	405		2	2

**PERMANENT WALL FOOTING EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel Nos.: 156-152-01, 156-152-02
Caltrans Parcel No.: 102919-3**

The Orange County Transportation Authority seeks to acquire a non-exclusive permanent wall footing easement in, on and under the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto, subject to the rights and limitations described herein ("Footing Easement"). The Footing Easement shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "OCTA") for purposes of constructing, maintaining, repairing, relocating, and adjusting, as applicable, subsurface footings and appurtenances thereto in connection with the construction of the I-405 Improvement Project.

The owner(s) and occupant(s) of the real property subject to the Footing Easement shall not construct any permanent improvements within the easement area described and depicted in the attached Exhibits "A1" and "A2," respectively, that would impede OCTA's rights as defined herein. OCTA will backfill to grade, with dirt, or will install pavement material, within that portion of the Footing Easement area affected by OCTA's work. The owner(s) and occupant(s) of the real property subject to the Footing Easement will have the right to use the surface of the easement area described and depicted in the attached Exhibits "A1" and "A2," respectively, for access or automobile parking purposes, once the subsurface footings are in place.

The rights and obligations of OCTA and the owner(s) of the real property subject to the Footing Easement shall run with the land and be binding upon and/or inure to the benefit of OCTA's and the property owner's respective heirs, successors and assigns.

OCTA expressly reserves the right to convey, transfer or assign the Footing Easement subject to the same rights and limitations described herein.

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-3

Permanent Wall Footing Easement

APN 156-152-01, 156-152-02

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in Grant Deeds recorded in Book 8214, Page 966 of Official Records and Book 8662, Page 689 of Official Records both recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274 Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South $00^{\circ}15'04''$ West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South $89^{\circ}44'56''$ East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North $03^{\circ}07'06''$ East 454.53 feet to the southwest corner of the land described in said Grant Deed recorded in Book 8214, Page 966 of Official Records; thence continuing along the easterly line of said Parcel 4C and the westerly line of said Grant Deed the following three (3) courses:

1. North $03^{\circ}07'06''$ East 46.11 feet;
2. South $89^{\circ}45'44''$ East 30.00 feet;
3. North $04^{\circ}09'32''$ East 146.28 feet to the most northerly corner of said Grant Deed said point being on the southwesterly right of way line of the State of California, San Diego Freeway;

COAST SURVEYING, INC.

1 Thence along the westerly line of said Grant Deed recorded in Book 8214, Page 966
2 South 04°09'32" West 11.01 feet to the **True Point of Beginning**; thence leaving said
3 westerly line South 62°40'13" East 1121.83 feet to the southeasterly line of said Grant
4 Deed recorded in Book 8662, Page 689 of Official Records; thence along the
5 southeasterly line of last said Grant Deed South 36°27'58" West 2.53 feet; thence leaving
6 said southeasterly line North 62°40'13" West 1120.35 feet to the westerly line of said
7 Grant Deed recorded in Book 8214, Page 966 of Official Records; thence along said
8 westerly line North 04°09'32" East 2.72 feet to the **True Point of Beginning**.

9
10 Containing 2803 square feet.

11
12
13 See Exhibit 'A2' attached hereto and made a part hereof.

14
15
16 The distances shown herein are grid distances. Ground distances may be obtained by
17 dividing grid distances by the combination factor of 0.99997837.

18
19 Prepared under the direction of

20
21 Kriss Larson

22
23 Kriss A. Larson, PLS 6179

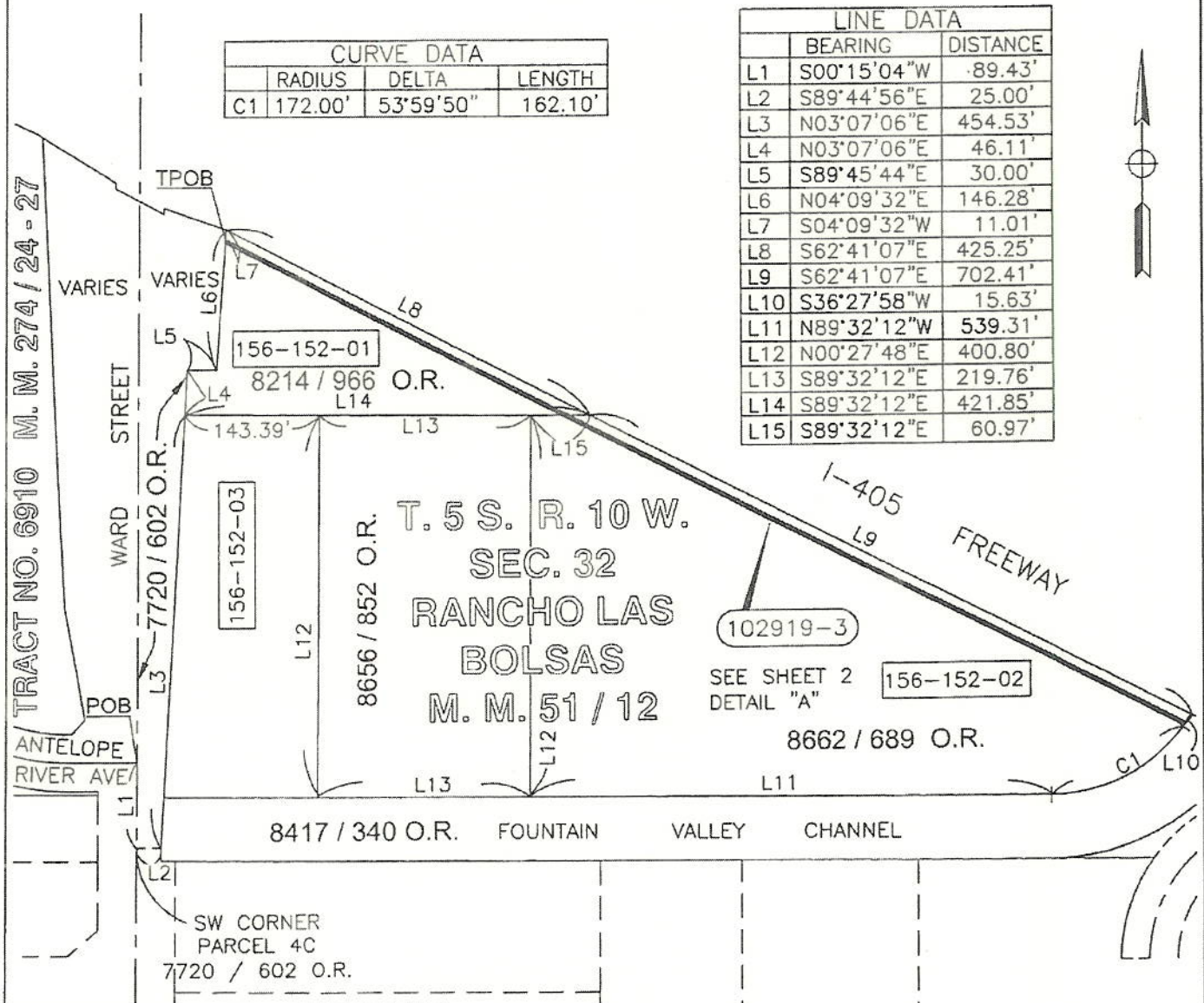
12-7-16

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-3	EASE	2,803 SF	156-152-01, 156-152-02



LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- |||||| Access Prohibited

NOTES

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PERMANENT WALL FOOTING EASEMENT

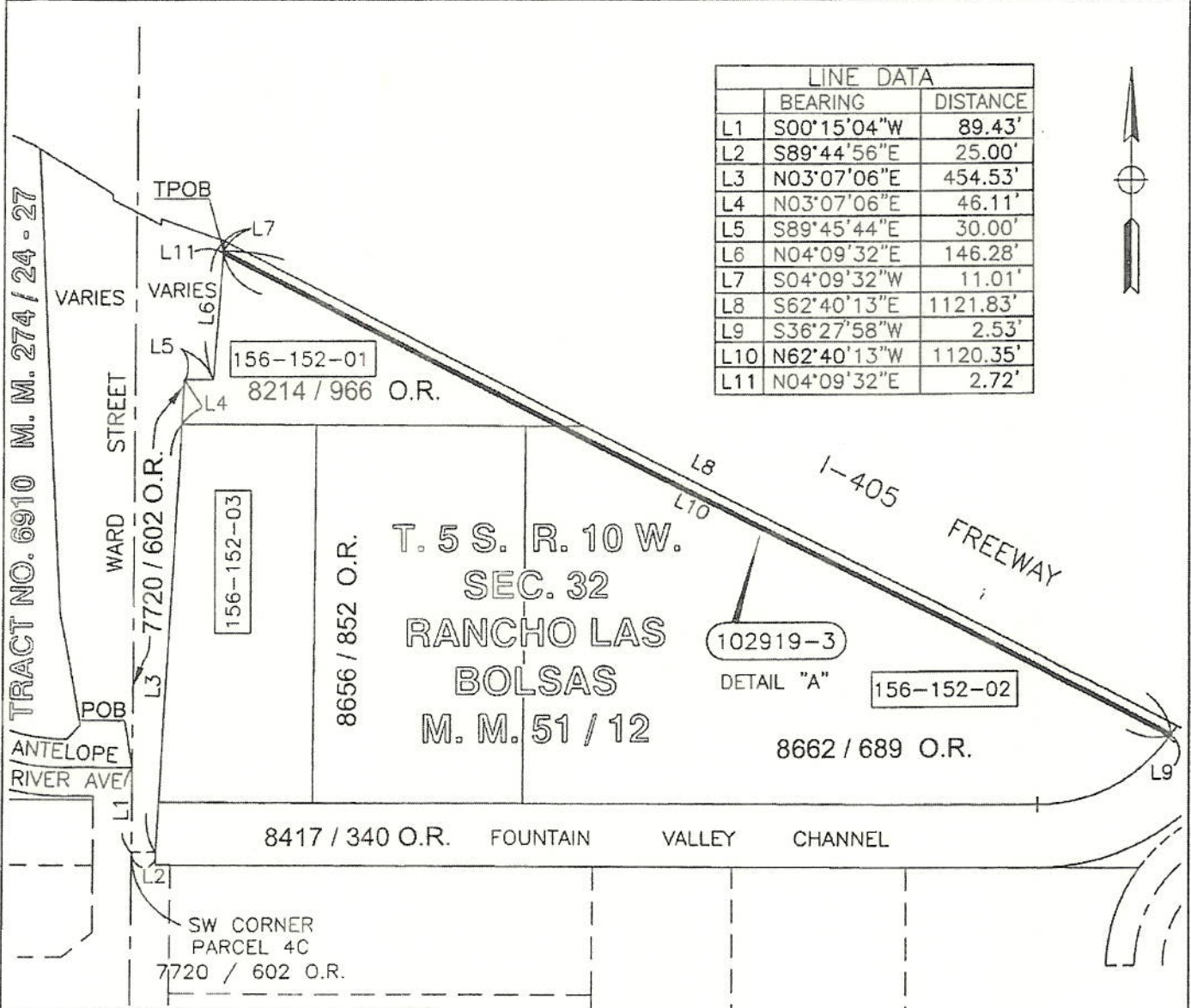


PREPARED BY:
COAST SURVEYING
 15031 PARKWAY LOOP, SUITE B
 TUSTIN, CA 92780-6527
 (714)918-6266

DATE: 12-7-16		REV.:		EA: XXXXX		FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM		SHEET NO.	TOTAL SHEETS	
12	ORA	405	13.04		1	2	

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-3	EASE	2,803 SF	156-152-01, 156-152-02



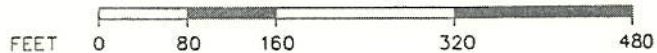
LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

PERMANENT WALL FOOTING EASEMENT



PREPARED BY:
COAST SURVEYING
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 12-70-16		REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	2	2

**PERMANENT WALL FOOTING EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel Nos.: 156-152-03

Caltrans Parcel No.: 102919-4

The Orange County Transportation Authority seeks to acquire a non-exclusive permanent wall footing easement in, on and under the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto, subject to the rights and limitations described herein ("Footing Easement"). The Footing Easement shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "OCTA") for purposes of constructing, maintaining, repairing, relocating, and adjusting, as applicable, subsurface footings and appurtenances thereto in connection with the construction of the I-405 Improvement Project.

The owner(s) and occupant(s) of the real property subject to the Footing Easement shall not construct any permanent improvements within the easement area described and depicted in the attached Exhibits "A1" and "A2," respectively, that would impede OCTA's rights as defined herein. OCTA will backfill to grade, with dirt, or will install pavement material, within that portion of the Footing Easement area affected by OCTA's work. The owner(s) and occupant(s) of the real property subject to the Footing Easement will have the right to use the surface of the easement area described and depicted in the attached Exhibits "A1" and "A2," respectively, for access or automobile parking purposes, once the subsurface footings are in place.

The rights and obligations of OCTA and the owner(s) of the real property subject to the Footing Easement shall run with the land and be binding upon and/or inure to the benefit of OCTA's and the property owner's respective heirs, successors and assigns.

OCTA expressly reserves the right to convey, transfer or assign the Footing Easement subject to the same rights and limitations described herein.

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-4

Permanent Wall Footing Eastment

APN 156-152-03

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in a Grant Deed filed in Book 8496, Page 507 of Official Records, both recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274 Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South 00°15'04" West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South 89°44'56" East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North 03°07'06" East 53.30 feet to the southwest corner of the land described in said Grant Deed; thence continuing along said easterly line of Parcel 4C North 03°07'06" East 285.54 feet to a point along the westerly line of said Grant Deed and the **True Point of Beginning**; thence continuing along the easterly line of said Parcel 4C and the westerly line of the land described in said Grant Deed North 03°07'06" East 57.91 feet; thence leaving said westerly line South 00°50'33" East 94.09 feet to the beginning of a tangent curve concave westerly having a radius of 5040.48 feet; thence southerly 103.32 feet along said curve through a central angle of 01°10'28"; thence tangent South 00°19'55" West 72.32 feet; thence North 44°03'45" West 5.72 feet; thence North 00°19'55" East 68.23 feet to the beginning of a tangent curve concave westerly having a

COAST SURVEYING, INC.

1 radius of 5036.48 feet; thence northerly 103.24 feet along said curve through a central
2 angle of $01^{\circ}10'28''$; thence tangent North $00^{\circ}50'33''$ West 36.32 feet to the westerly line
3 of the land described in said Grant Deed and the **True Point of Beginning**.

4
5 Containing 955 square feet.

6
7 See Exhibit 'A2' attached hereto and made a part hereof.

8
9
10 The distances shown herein are grid distances. Ground distances may be obtained by
11 dividing grid distances by the combination factor of 0.99997837.

12
13 Prepared under the direction of

14
15 Kriss Larson

16
17 Kriss A. Larson, PLS 6179

10-31-16

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-4	FTG EASE	955 SF	156-152-03



TRACT NO. 6910
M. M. 274 / 24 - 27

LINE DATA		
	BEARING	DISTANCE
L1	S00°15'04"W	89.43'
L2	S89°44'56"E	25.00'
L3	N03°07'06"E	53.30'
L4	N03°07'06"E	285.54'

N89°32'12"W 140.39'

T. 5 S. R. 10 W.
SEC. 32
RANCHO LAS BOLSAS
M. M. 51 / 12

TPOB

102919-4
SEE SHEET 2
DETAIL "A"

WARD STREET

7720 / 602 O.R.

N03°07'06"E 400.87'

8496 / 507 O.R.

N00°27'47"E 400.44'

ANTELOPE

RIVER AVENUE

POB

FOUNTAIN

VALLEY

N 89°32'12"W 158.96'

CHANNEL

8417 / 340 O.R.

SW CORNER
PARCEL 4C
7720 / 602 O.R.

LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- 102919-4 Caltrans Parcel Number
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

FOOTING EASEMENT

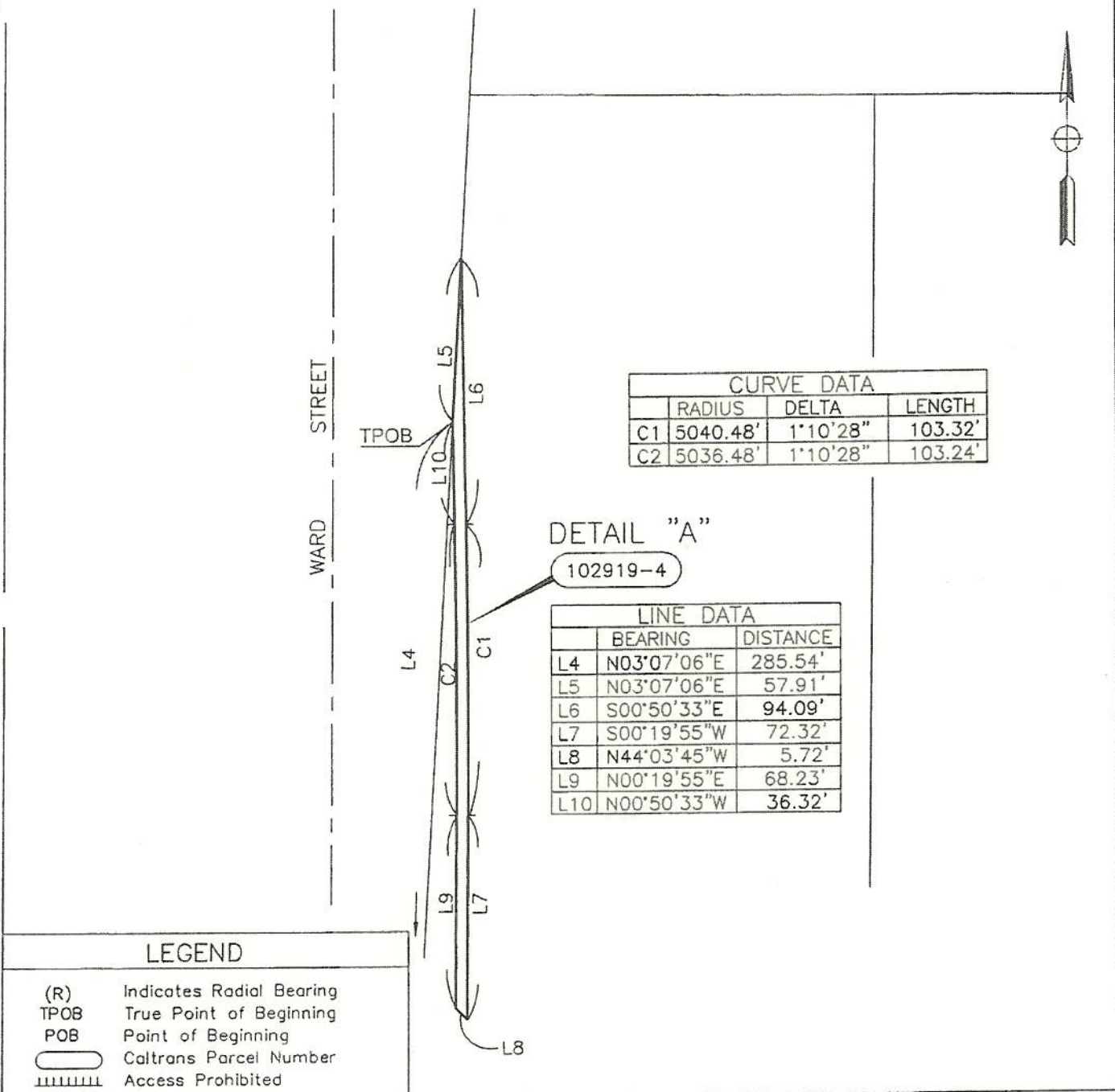


PREPARED BY:
COAST SURVEYING
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 3-30-16		REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	1	2

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-4	FTG EASE	955 SF	156-152-03



NOTES	FOOTING EASEMENT
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837	<div style="text-align: center;"> </div>

PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266	DATE: 3-30-16		REV.:	EA: XXXXX	FA#: _____	
	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
	12	ORA	405	13.04	2	2

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel Nos.: 156-152-01, 156-152-03
Caltrans Parcel No.: 102919-5**

The Orange County Transportation Authority seeks to acquire a temporary construction easement within and upon the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto, subject to the rights and limitations described herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of forty-eight (48) months, a portion of which shall be exclusive (subject to the limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of twenty-four (24) consecutive months within the forty-eight (48) month TCE period (hereinafter the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the limitations set forth below. OCTA's use and occupancy of the TCE during the remaining twenty-four (24) months of the TCE period will be non-exclusive.

Rights and Restrictions of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- At the commencement of Construction Period, OCTA may place a temporary fence around the TCE area, provided, however, reasonable pedestrian and vehicular access to the remaining property outside of the TCE area shall be maintained.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any improvements so removed will either be replaced in kind or included in the compensation paid by OCTA.
- The water well facility within the TCE area will be protected in place.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be backfilled to grade and functionally equivalent pavement material will be installed, as necessary, to restore it to a similar condition that existed prior to commencement of the construction activities.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-5

Temporary Construction Easement

APN 156-152-01, 156-152-03

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in Grant Deeds recorded in Book 8214, Page 966, and Book 8496 Page 507, both of Official Records, all recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274 Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South $00^{\circ}15'04''$ West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South $89^{\circ}44'56''$ East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North $03^{\circ}07'06''$ East 454.53 feet to the southwesterly corner of the land described in said Grant Deed recorded in Book 8214 Page 966 of Official Records, and the **True Point of Beginning**; thence continuing along the easterly line of said Parcel 4C and the westerly line of said Grant Deed North $03^{\circ}07'06''$ East 46.11 feet to the northwesterly corner of the land described in said Grant Deed; thence along the northerly line of the land described in said Grant Deed South $89^{\circ}45'44''$ East 25.03 feet; thence leaving said northerly line South $03^{\circ}07'06''$ West 278.30 feet; thence South $88^{\circ}26'19''$ East 15.34 feet; thence South $01^{\circ}33'41''$ West 66.04 feet; thence North $86^{\circ}52'54''$ West

COAST SURVEYING, INC.

1 22.15 feet; thence South $01^{\circ}17'21''$ West 35.14 feet; thence North $44^{\circ}03'45''$ East 12.54
2 feet; thence North $00^{\circ}19'55''$ East 68.23 feet to the beginning of a tangent curve concave
3 westerly having a radius of 5036.48 feet; thence northerly 103.24 feet along said curve
4 through a central angle of $01^{\circ}10'28''$; thence tangent North $00^{\circ}50'33''$ West 36.32 feet to
5 the westerly line of the land described in said Grant Deed recorded in Book 8496 Page
6 507 of Official Records; thence along said westerly line North $03^{\circ}07'06''$ East 115.33
7 feet to the northwesterly corner of the land described in said Grand Deed and the
8 southwesterly corner of said Grant Deed recorded in Book 8214, Page 966 of Official
9 Records and the **True Point of Beginning**.

10
11 Containing 8897 square feet.

12
13
14 See Exhibit 'A2' attached hereto and made a part hereof.

15
16
17 The distances shown herein are grid distances. Ground distances may be obtained by
18 dividing grid distances by the combination factor of 0.99997837.

19
20 Prepared under the direction of

21
22 Kriss Larson

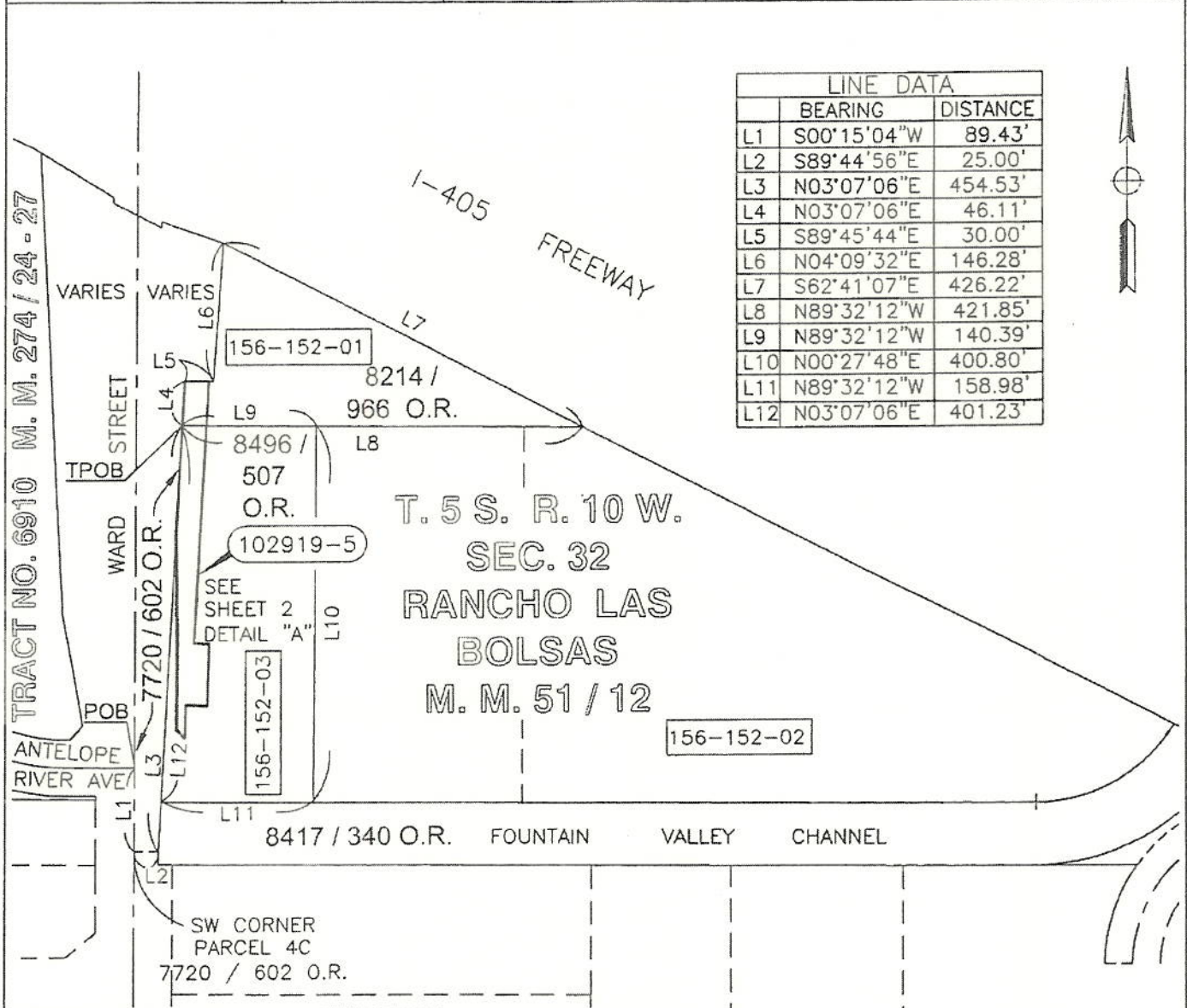
23
24 Kriss A. Larson, PLS 6179

7-31-17
Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-5	TCE	8,897 SF	156-152-01, 156-152-03



LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- |||||| Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

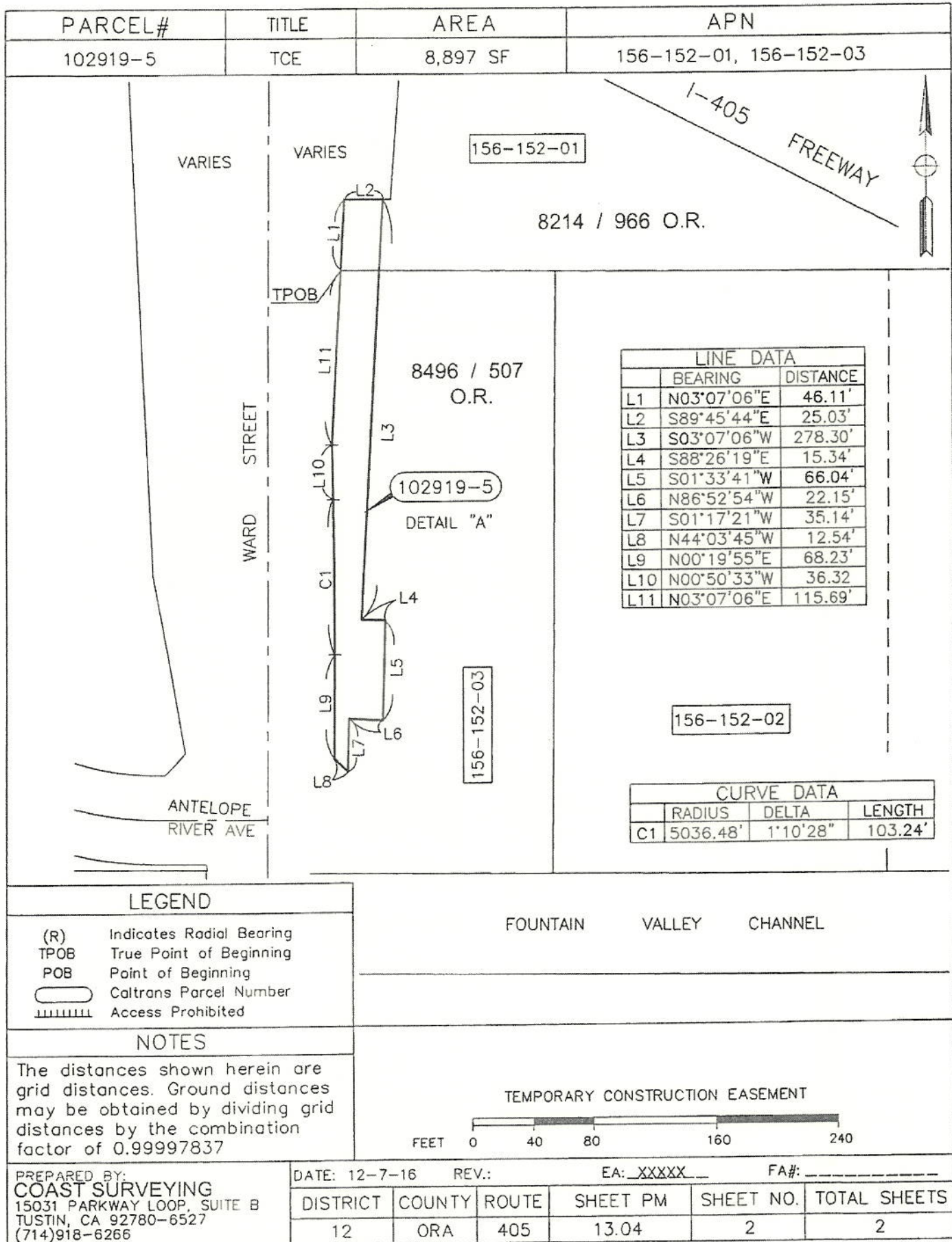
TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:
COAST SURVEYING
 15031 PARKWAY LOOP, SUITE B
 TUSTIN, CA 92780-6527
 (714)918-6266

DATE: 12-7-16		REV.:	EA: XXXXX	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	1	2

EXHIBIT A2



LEGEND

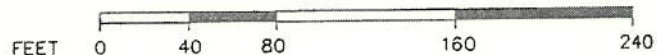
- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- 102919-5 Caltrans Parcel Number
- ||||| Access Prohibited

FOUNTAIN VALLEY CHANNEL

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:
COAST SURVEYING
 15031 PARKWAY LOOP, SUITE B
 TUSTIN, CA 92780-6527
 (714)918-6266

DATE: 12-7-16		REV.:		EA: XXXXX		FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS		
12	ORA	405	13.04	2	2		

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel Nos.: 156-152-01, 156-152-02
Caltrans Parcel No.: 102919-6**

The Orange County Transportation Authority seeks to acquire a temporary construction easement within and upon the real property described in Exhibit "A1" and depicted in Exhibit "A2" attached hereto, subject to the rights and limitations described herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the I-405 Improvement Project. The TCE shall be for a period of forty-eight (48) months, a portion of which shall be exclusive (subject to the limitations set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of twenty-four (24) consecutive months within the forty-eight (48) month TCE period (hereinafter the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the limitations set forth below. OCTA's use and occupancy of the TCE during the remaining twenty-four (24) months of the TCE period will be non-exclusive.

Rights and Restrictions of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- At the commencement of Construction Period, OCTA may place a temporary fence around the TCE area, provided, however, reasonable pedestrian and vehicular access to the remaining property outside of the TCE area shall be maintained.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any improvements so removed will either be replaced in kind or included in the compensation paid by OCTA. Specifically, the raised RV display platforms, large water feature and signage will be purchased and removed by OCTA.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The TCE area will be graded and compacted.

OCTA expressly reserves the right to convey, transfer, or assign the TCE subject to the same rights and limitations described herein.

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102919-6

Temporary Construction Easement

APN 156-152-01, 02

In the City of Fountain Valley, County of Orange, State of California, being a portion of Northeast quarter of Section 32, Township 5 South, Range 10 West, in the Rancho Las Bolsas per map recorded in Book 51, Page 12 of Miscellaneous Maps, more particularly described in Grant Deeds recorded in Book 8214 Page 966, Book 8656 Page 852 and Book 8662 Page 689, all of Official Records, recorded in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Ward Street and Antelope River Avenue, as shown on Tract No. 6910, filed in Book 274 Pages 24 through 27 of Miscellaneous Maps in the office of the County Recorder of said County; thence along the centerline of Ward Street South $00^{\circ}15'04''$ West 89.43 feet to the southwest corner of the land described as Parcel 4C in a Final Order of Condemnation recorded in Book 7720, Page 602 of Official Records in the office of the County Recorder of said County; thence leaving said centerline along the southerly line of said Parcel 4C South $89^{\circ}44'56''$ East 25.00 feet to the Southeast corner of said Parcel 4C; thence along the easterly line of said Parcel 4C North $03^{\circ}07'06''$ East 454.53 feet to the southwest corner of the land described in said Grant Deed recorded in Book 8214, Page 966 of Official Records; thence continuing along the easterly line of said Parcel 4C and the westerly line of said Grant Deed the following three (3) courses:

1. North $03^{\circ}07'06''$ East 46.11 feet;
2. South $89^{\circ}45'44''$ East 30.00 feet;
3. North $04^{\circ}09'32''$ East 146.28 feet to the most northerly corner of said Grant Deed said point being on the southwesterly right of way line of the State of California, San Diego Freeway;

COAST SURVEYING, INC.

1 Thence along the westerly line of said Grant Deed South 04°09'32" West 11.01 feet to
2 the **True Point of Beginning**; thence leaving said westerly line South 62°40'13" East
3 1121.83 feet to the southeasterly line of said Grant Deed recorded in Book 8662, Page
4 689 of Official Records; thence along said southeasterly line South 36°27'58" West 5.07
5 feet to the beginning of a curve concave northwesterly having a radius of 172.00 feet;
6 thence southwesterly 20.06 feet along said curve and said southeasterly line through a
7 central angle of 06°40'53"; thence leaving said southeasterly line non-tangent North
8 62°41'07" West 144.93 feet; thence along the following 15 courses:

- 9 1) North 27°19'47" East 12.12 feet;
- 10 2) North 62°40'13" West 186.62 feet;
- 11 3) South 27°19'47" West 12.17 feet;
- 12 4) North 62°41'07" West 130.00 feet;
- 13 5) North 27°41'43" East 12.20 feet;
- 14 6) North 62°40'13" West 84.69 feet;
- 15 7) South 27°19'47" West 30.00 feet;
- 16 8) North 62°40'13" West 100.00 feet;
- 17 9) North 27°19'47" East 30.00 feet;
- 18 10) North 62°40'13" West 85.00 feet;
- 19 11) South 27°19'47" West 12.27 feet;
- 20 12) North 62°41'07" West 135.00 feet;
- 21 13) North 27°19'47" East 12.31 feet;
- 22 14) North 62°40'13" West 115.00 feet;
- 23 15) South 27°19'47" West 12.34 feet;

24 thence North 62°41'07" West 124.89 feet to the westerly line of said Grant Deed
25 recorded in Book 8214 Page 966 of Official Records; thence along said westerly line
26 North 04°09'32" East 27.05 feet to the **True Point of Beginning**.

27

28 Containing 23,567 square feet, more or less.

29

30 See Exhibit 'A2' attached hereto and made a part hereof.

31

COAST SURVEYING, INC.

1 The distances shown herein are grid distances. Ground distances may be obtained by
2 dividing grid distances by the combination factor of 0.99997837.

3

4 Prepared under the direction of

5

6 Kriss Larson

7

8 Kriss A. Larson, PLS 6179

9

4-24-17

Date

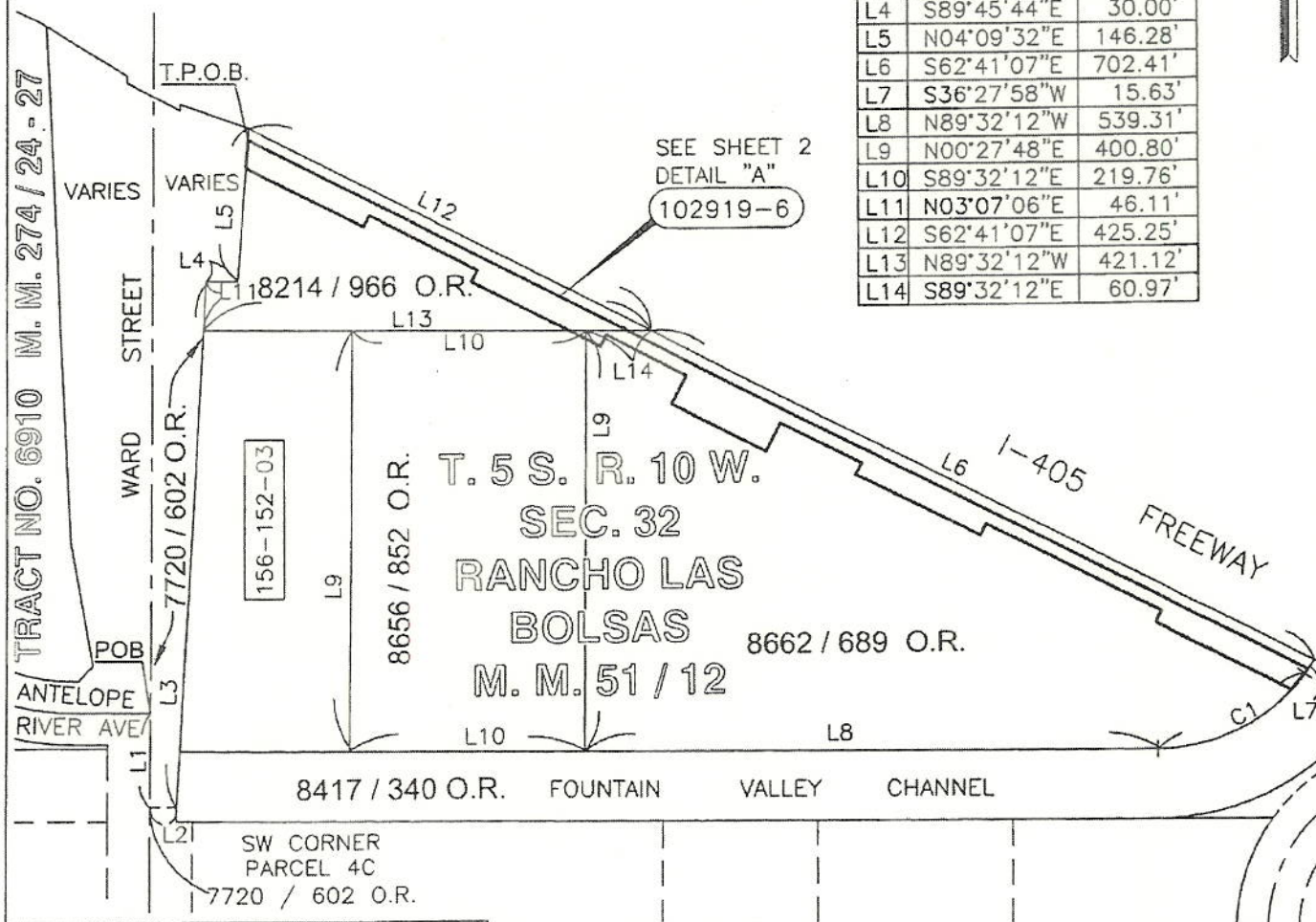


EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102919-6	TCE	23,567 SF	156-152-01, 156-152-02

CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	172.00'	53°59'50"	162.10'

LINE DATA		
	BEARING	DISTANCE
L1	S00°15'04"W	89.43'
L2	S89°44'56"E	25.00'
L3	N03°07'06"E	500.64'
L4	S89°45'44"E	30.00'
L5	N04°09'32"E	146.28'
L6	S62°41'07"E	702.41'
L7	S36°27'58"W	15.63'
L8	N89°32'12"W	539.31'
L9	N00°27'48"E	400.80'
L10	S89°32'12"E	219.76'
L11	N03°07'06"E	46.11'
L12	S62°41'07"E	425.25'
L13	N89°32'12"W	421.12'
L14	S89°32'12"E	60.97'



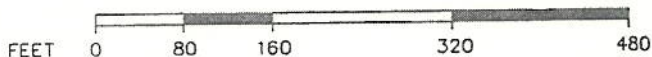
LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Caltrans Parcel Number
- Access Prohibited

NOTES

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:
COAST SURVEYING
15031 PARKWAY LOOP, SUITE B
TUSTIN, CA 92780-6527
(714)918-6266

DATE: 4-24-17		REV.:	EA: _____	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.04	1	2

EXHIBIT A2

