RESOLUTION NO. 2018-010

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. 143-294-01, 143-294-02, 143-301-31, AND 143-301-32

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 16800 Magnolia Street and 9025 Recreation Circle, 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 fee interest as legally described and depicted in Exhibit "A" attached hereto; a permanent footing easement as legally described and depicted in Exhibit "B" attached hereto; a fee interest as legally described and depicted in Exhibit "C" attached hereto; a temporary construction easement as legally described and depicted in Exhibit "E" attached hereto; a temporary construction easement as legally described and depicted in Exhibit "E" attached hereto; a temporary construction easement as legally described and depicted in Exhibit "F" attached hereto; and a

temporary construction easement as legally described and depicted in Exhibit "G" attached hereto (collectively, the "Property Interests"); 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 am 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:

- <u>Section 1.</u> <u>Incorporation of Findings and Recitals</u>. The above findings and recitals are true and correct and are incorporated herein in full by this reference.
- <u>Section 2</u>. <u>Compliance with California Code of Civil Procedure</u>. 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 Subject 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.
- <u>Section 5.</u> <u>Description of Property Interests</u>. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "A," "B," "C," "D," "E," "F," and "G" attached hereto and incorporated herein by reference.
- <u>Section 6</u>. <u>Findings</u>. 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.

<u>Section 8.</u> <u>Authority to Exercise Eminent Domain.</u> The Authority is hereby authorized and empowered to acquire three partial fee interests, a permanent footing easement, and three temporary construction easements a described and depicted in Exhibits "A," "B," "C," "D," "E," "F," and "G" attached 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:
Laurena Weinert, Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2018-010, by the following votes:
AYES:
NOES:
ABSENT:
LAURENA WEINERT
CLERK OF THE BOARD

EXHIBIT 'A1' 1 2 LEGAL DESCRIPTION 3 4 Caltrans Parcel No. 103010-1 Fee Acquisition 5 APN 143-294-01 6 7 APN 143-294-02 8 9 In the City of Fountain Valley, County of Orange, State of California, being a portion of the land described in those certain Deeds recorded December 4, 1987 as Instrument No. 10 87-690013 and Instrument No. 87-690014, and July 29. 1998 as Instrument No. 11 19980489925, all of Official Records of said County described as follows: 12 13 14 Beginning at the intersection of the westerly line of Section 19, Township 5 South, Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of 15 Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter 16 of the southwest quarter of said Section 19; thence along said northerly line, 17 North 89°06'11" East 55.28 feet to the easterly line of Parcel 2A of the Final Order of 18 19 Condemnation recorded August 6, 1963 in Book 6662, Page 132 of Official Records of 20 said County and the True Point of Beginning; thence along said easterly line 21 South 3°29'35" West 93.05 feet to the northwesterly line of that certain land conveyed to Orange County Flood Control District, per deed recorded July 14, 1964 in Book 7133, 22 page 509 of Official Records of said County and the beginning of a non-tangent curve 23 24 concave northwesterly having a radius of 122.50 feet, a radial line to said curve bears South 54°04'47" East; thence northeasterly 8.74 feet along said curve and northwesterly 25 line through a central angle 04°05'13"; thence leaving said line North 1°24'32" East 26 96.16 feet; thence North 3°26'24" East 133.41 feet; thence North 0°06'52" West 27 12.68 feet to the northerly prolongation of the easterly line of Parcel 7 of State Highway 28 -29 Relinquishment No. 553, recorded in Book 8387, Page 528 of Official Records of said County; thence South 3°29'35" West 156.65 feet along said prolongation and said 30 easterly line to the True Point of Beginning. 31

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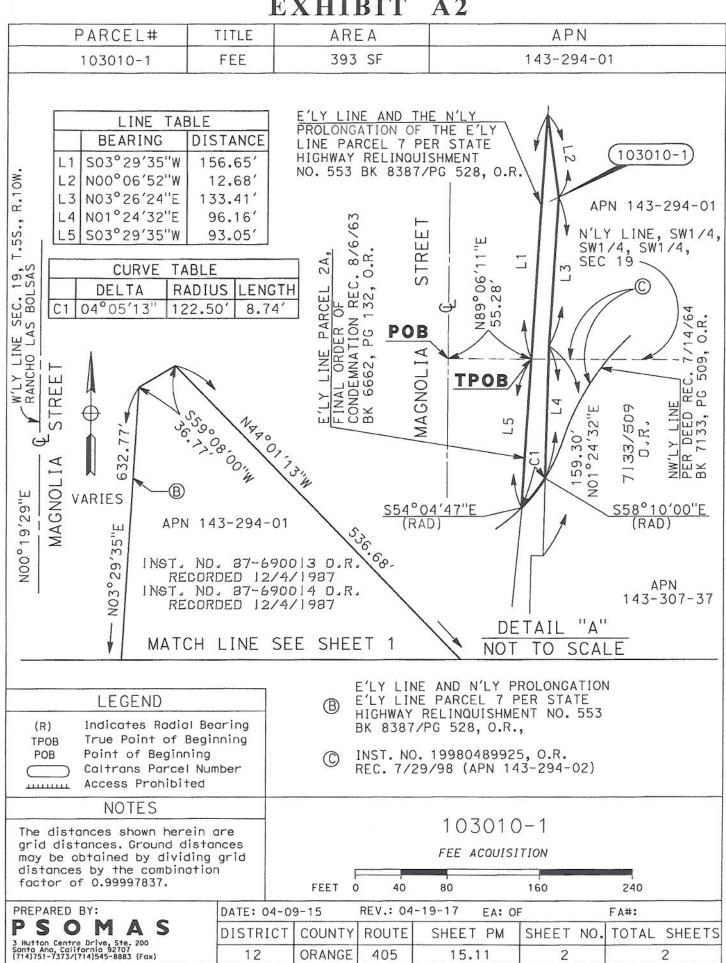
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I	
2	Containing 393 square feet.
3	
4	See Exhibit 'A2' attached hereto and made a part hereof.
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6	The distances shown herein are grid distances. Ground distances may be obtained by
7	dividing grid distances by the combination factor of 0.99997837
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10	Prepared under the direction of
11	JEREMY L.
12	IIEI EVANS 101
13	Cleumy (Evans 4.20.2017 "No. 5282 "
14	Jeremy L. Evans, PLS 5282 Date
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EXHIBIT A2

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PARCEL#	TITLE	AREA	APN
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MO PO	R. SW1/4, RANC	SEC. 19, T.5S., R.1 HO LAS BOLSAS	10W. 1400-
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ST T.5.		T. NO. 87-69001 RECORDED 12/4/1	
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02.411/	010-1)		
MA MA LIII NOO°			N43°07′03"E 43.60′
	1	N89°C	06'11"E 300.25'
NOS SERVICE SE	C3	7374/521 OR	APN 143-301-37
	N'L' SEC	Y LINE SW1/4, SW1/ . 19, T.5S., R.10W.	74, SW174, RCHO. LAS BOLSAS
C			143-301-31
C2 2	, , , , , ,	P.	ARCEL I
5 F 74	22		RCEL MAP .B. 82/19
C19,29"E	-364-	LINE TABLE	CURVE TABLE
10,00		BEARING DISTA	NCE DELTA RADIUS LENGTH
000°19		N89°06′11″E 55.2 S03°29′34″W 93.0	
99 -	L2	S03°29′34''W 93.0	C3 49°53′59" 179.84′ 156.62′
→ L		(A) E'LY LINE F	PARCEL 2A, FINAL ORDER
LEGEND		OF CONDEMN	ATION, BK 6662, PG 132, O.R.
(R) Indicates Radial TPOB True Point of Bo		PARCEL 7 P	AND N'LY PROLONGATION E'LY LINE ER STATE HIGHWAY RELINQUISHMENT
POB Point of Beginni	ing		8387 / PG 528, O.R.
Access Prohibite		© INST. NO. 1 (APN 143-	9980489925, O.R., REC. 7/29/98 294-02)
NOTES			103010-1
The distances shown herein are grid distances. Ground distances			FEE ACQUISITION
may be obtained by divididistances by the combination of 0.99997837.			
PREPARED BY:	DATE	FEET 0 40	80 160 240
PSOMAS	DISTRI		SHEET PM SHEET NO. TOTAL SHEETS
3 Hutton Centre Drive, Ste. 200 Sonta Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)	12	ORANGE 405	15.11 1 2

EXHIBIT A2



PERMANENT FOOTING EASEMENT ATTACHMENT TO LEGAL DESCRIPTION Assessor Parcel No.: 143-294-01, 143-294-02

Caltrans Parcel No.: 103010-2

The Orange County Transportation Authority seeks to acquire a permanent footing easement in, on and under the real property described in Exhibit "B1" and depicted in Exhibit "B2" 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 I-405 Improvement Project.

The owner 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 "B1" and "B2", respectively, that would in any manner impede, or otherwise interfere with 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 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 "B1" and "B2", respectively, solely for access, automobile parking, or ground cover plants and grasses (i.e., no trees) whose roots do not impact the subsurface footings, or any other appurtenances that may be put in place.

The rights and obligations of OCTA and the owner 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.

1	EXHIBIT 'B1'
2	LEGAL DESCRIPTION
3	
4	Caltrans Parcel No. 103010-2
5	Footing Easement
6	APN 143-294-01
7	APN 143-294-02
8	
9	In the City of Fountain Valley, County of Orange, State of California, being a portion of
10	the land described in those certain Deeds recorded December 4, 1987 as Instrument No.
11	87-690013 and Instrument No. 87-690014, and July 29. 1998 as Instrument No.
12	19980489925, all of Official Records of said County, described as follows:
13	
14	Beginning at the intersection of the westerly line of Section 19, Township 5 South,
15	Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of
16	Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter
17	of the southwest quarter of said Section19; thence North 89°06'11" East 56.58 feet along
18	said northerly line to the True Point of Beginning; thence leaving said northerly line
19	South 1°24'32" West 20.65 feet; thence South 88°35'28" East 5.00 feet; thence
20	North 1°24'32" East 31.16 feet; thence North 3°26'30" East 134.31 feet to the beginning
21	of a non-tangent curve concave easterly and having a radius of 4979.02 feet, a radial line
22	to said beginning bears South 89°36'29" West; thence northerly 100.51 feet along said
23	curve through a central angle of 1°09'24" to the northerly prolongation of the easterly
24	line of Parcel 7 of State Highway Relinquishment No. 553, recorded in Book 8387, Page
25	528 of Official Records of said County; thence South 3°29'34" West 88.79 feet along
26	said line; thence leaving said line South 0°06'52" East 12.68 feet; thence
27	South 3°26'24" West 133.41 feet; thence South 1°24'32" West 10.49 feet to the True
28	Point of Beginning.
29	
30	Containing 1097 square feet.
31	

See Exhibit 'B2' attached hereto and made a part hereof. The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837. Prepared under the direction of JEREMY L. EVANS No. 5282 Lumy LEvans 4.20.2017 Jeremy L. Evans, PLS 5282 Date

EXHIBIT B2

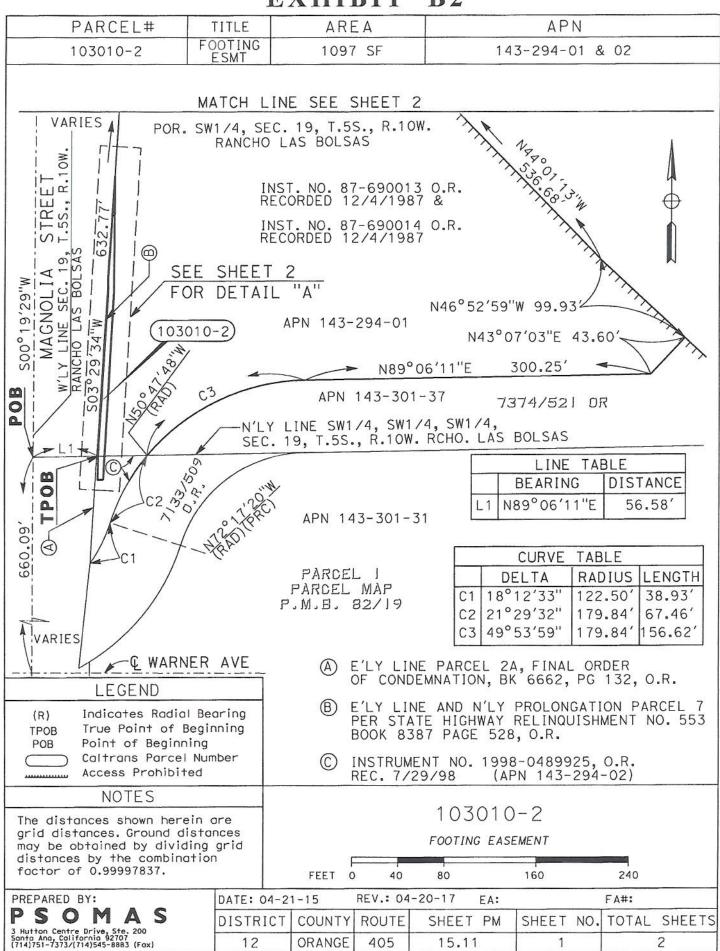
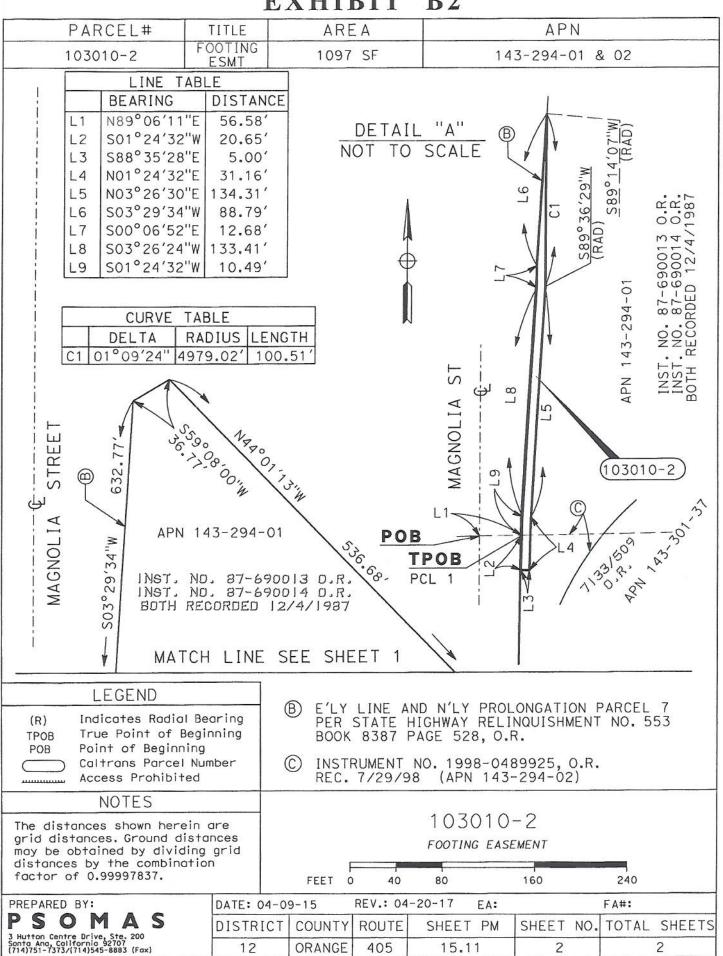


EXHIBIT B2



1	EXHIBIT 'C1'
2	LEGAL DESCRIPTION
3	
4	Caltrans Parcel No. 103010-3
5	Fee Acquisition
6	APN 143-301-31
7	
8	That portion of Parcel 1, in the City of Fountain Valley, County of Orange, State of
9	California, per the map filed in Book 82, Page 19 of Parcel Maps, in the office of the
10	County Recorder of said County, described as follows:
11	
12	Beginning at the intersection of the westerly line of Section 19, Township 5 South,
13	Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of
14	Magnolia Street, as shown on said map with the northerly line of the southwest quarter of
15	the southwest quarter of the southwest quarter of said Section19; thence along said
16	westerly line South 00°19'29" West 178.40 feet; thence leaving said westerly line
17	South 89°40'31" East 50.00 feet to the northerly terminus of that certain course on the
18	westerly line of said Parcel 1 shown as "North 00°00'07" East 132.95 feet", said course
19	having a bearing of North 00°19'29" East for the purpose of this description, and the
20	True Point of Beginning; thence along the westerly line of said Parcel 1
21	South 00°19'29" West 92.76 feet to a non-tangent curve concave easterly having a radius
22	of 6982.00 feet, a radial line to said curve bears North 88°50'19" West; thence
23	Northerly 30.17 feet along said curve through a central angle of 00°14'51"; thence
24	North 01°24'32" East 63.70 feet to a point on the northwesterly line of said Parcel 1, said
25	point being the beginning of a non-tangent curve concave northwesterly having a radius
26	186.50 feet, a radial line to said point bears South 32°33'29" East; thence southwesterly
27	2.03 feet along said curve and said northwesterly line through a central angle 00°37'25"
28	to the True Point of Beginning.
29	
30	Containing 77 square feet.
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I	See Exhibit 'C2' attached hereto and made a part hereof.
2	
3	The distances shown herein are grid distances. Ground distances may be obtained by
4	dividing grid distances by the combination factor of 0.99997837.
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6	SONAL LAND &
7	Prepared under the direction of JEREMY L.
8	EVANS)
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10	Cumy (Evans 1-9-2017 # OF CALIFORNIA)
11	Jeremy L. Evans, PLS 5282 Date
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EXHIBIT C2

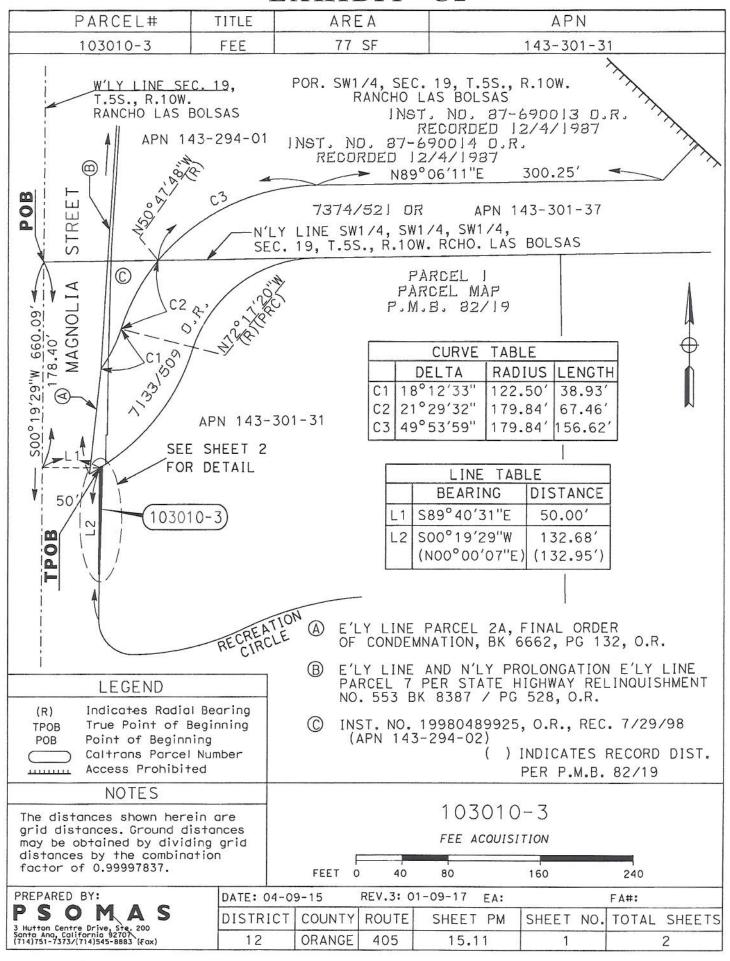
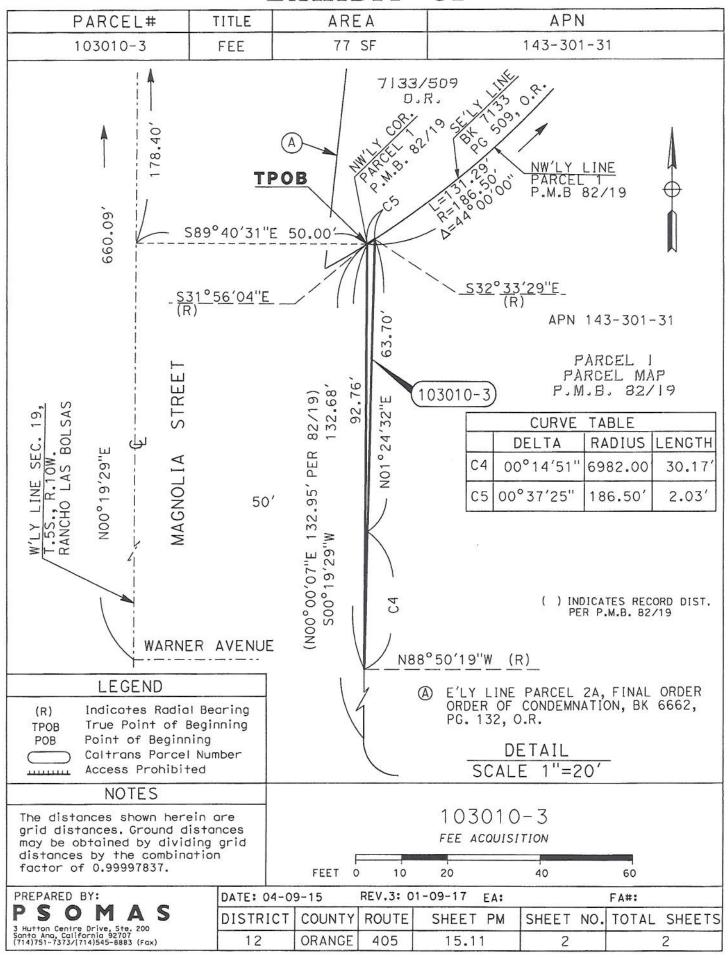


EXHIBIT C2



TEMPORARY CONSTRUCTION EASEMENT ATTACHMENT TO LEGAL DESCRIPTION

Assessor Parcel No.: 143-294-01, 143-294-02 Caltrans Parcel No.: 103010-4

This temporary construction easement shall be in, on, over, under, and across that certain real property described in <a href="Exhibit" D1" and depicted in Exhibit "D2" attached hereto, subject to the rights and limitations set forth 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 rights and 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 (the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the rights and 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 Limitations 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.
- During the Construction Period, OCTA may place a temporary fence around the TCE
 area, provided however, no fence will be placed across any driveway within the TCE
 area, or in a manner that would impede reasonable access to any driveway within the
 TCE area.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by OCTA for this TCE.
- 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 to restore it to a condition that is as functionally
 equivalent as is practicable to its condition 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.

1 EXHIBIT 'D1' 2 LEGAL DESCRIPTION 3 4 Caltrans Parcel No. 103010-4 **Temporary Construction Easement** 5 APN 143-294-01 6 7 APN 143-294-02 8 In the City of Fountain Valley, County of Orange, State of California, being a portion of 9 the land described in those certain Deeds recorded December 4, 1987 as Instrument No. 10 11 87-690013 and Instrument No. 87-690014, and July 29. 1998 as Instrument No. 19980489925, all of Official Records of said County described as follows: 12 13 Beginning at the intersection of the westerly line of Section 19, Township 5 South, 14 15 Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter 16 of the southwest quarter of said Section 19, thence North 89°06'11" East 56.58 feet along 17 18 said northerly line to the True Point of Beginning; thence leaving said northerly line 19 South 1°24'32" West 85.67 feet to the northwesterly line of that certain land conveyed to Orange County Flood Control District per the deed recorded July 14, 1964 in Book 7133, 20 Page 509 of Official Records of said County and the beginning of a non-tangent curve 21 22 concave northwesterly having a radius 122.50 feet, a radial line to said curve bears South 58°10'00" East; thence northeasterly 30.19 feet along said curve and northwesterly 23 line through a central angle 14°07'20" to a reverse curve concave southeasterly having a 24 radius 179.84 feet; thence northeasterly 9.95 feet along said curve through a central angle 25 of 3°10'16"; thence North 1°24'32" East 58.77 feet; thence North 3°26'24" East 26 134.58 feet to the beginning of a non-tangent curve concave easterly having a radius of 27 4969.02 feet, a radial line to said curve bears South 89°36'16" West; thence northerly 28 along said curve 178.79 feet through a central angle 2°03'42"; thence 29 North 86°30'26" West 6.88 feet to the northerly prolongation of the easterly line of 30 Parcel 7 of State Highway Relinquishment No. 533, recorded in Book 8387, Page 528 of 31

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1	Official Records of said County; thence South 3°29'34" West 167.35 feet along said
2	northerly prolongation; thence leaving said prolongation South 0°06'52" East 12.68 feet;
3	thence South 3°26'24" West 133.41 feet; thence South 1°24'32" West 10.49 feet to the
4	True Point of Beginning.
5	
6	Containing 5140 square feet.
7	
8	See Exhibit 'D2' attached hereto and made a part hereof.
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.
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14	JONAL LAND &
15	Prepared under the direction of JEREMY L. EVANS
16	JEREMY L.
17	No. 5282 (**)
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19	Jeremy L. Evans, PLS 5282 Date
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EXHIBIT D2

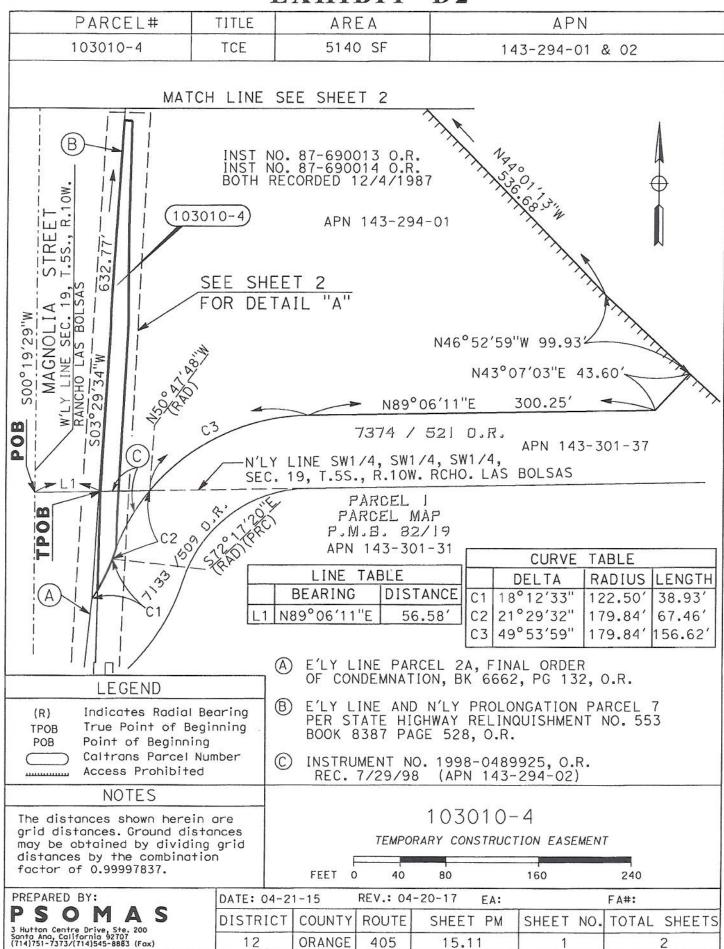
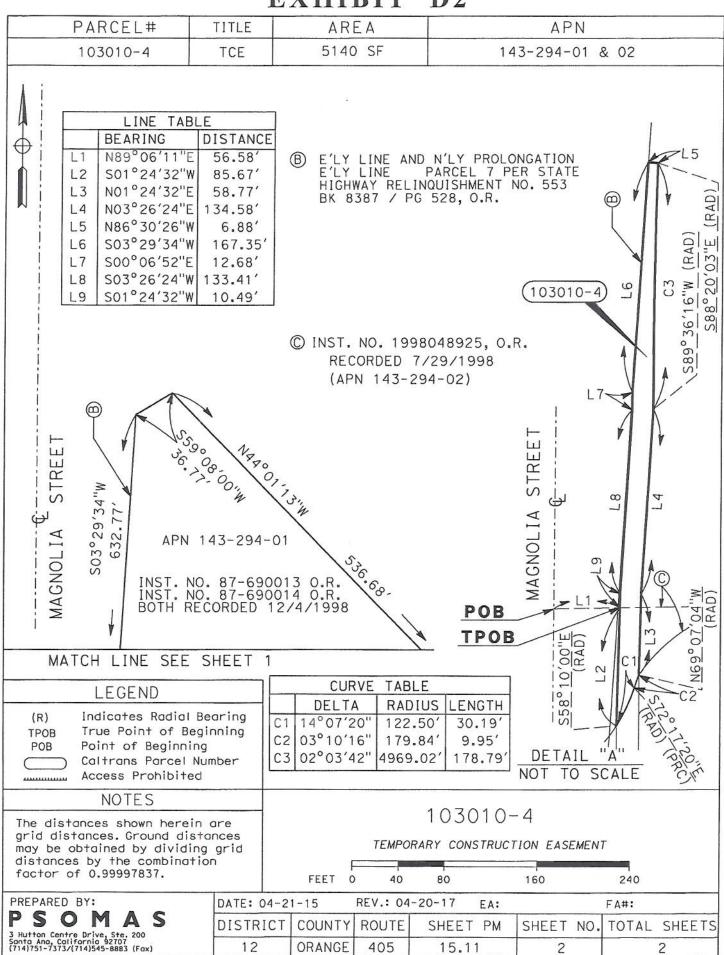


EXHIBIT D2



1 EXHIBIT 'E1' LEGAL DESCRIPTION 2 3 4 Caltrans Parcel No. 103010-5 Fee Acquisition 5 APN 143-301-31 6 7 8 In the City of Fountain Valley, County of Orange, State of California, being a portion of 9 Parcel 1 of the map filed in Book 82, Page 19 of Parcel Maps, Records of said County, described as follows: 10 11 12 Beginning at the intersection of the westerly line of Section 19, Township 5 South, 13 Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter 14 15 of the southwest quarter of said Section19; thence along said westerly line 16 South 00°19'29" West 178.40 feet to a point thereon; thence leaving said line South 89°40'31" East 50.00 feet to the northerly terminus of that certain course on the 17 westerly line of said Parcel shown as "North 00°00'07" East 132.95 feet" on said Parcel 18 Map, said course having a bearing of North 00° 19'29" East for the purpose of this 19 description, thence along the westerly and southwesterly lines of said Parcel 1 the 20 21 following two (2) courses: 1. South 00°19'29" West 132.68 feet to the beginning of a curve concave 22 23 northeasterly and having radius of 30.00 feet; 2. southeasterly along said curve 12.66 feet through a central angle of 24°10'36" to 24 25 the True Point of Beginning; thence continuing southeasterly and easterly along said southwesterly line and said curve 26 27 35.11 feet through a central angle of 67°03'26" to the beginning of a compound curve concave northerly having a radius of 225.00 feet; thence easterly continuing along 28 29 southwesterly line and said curve 0.43 feet through a central angle of 00°06'32" to a 30 point thereon; thence North 2°30'34" West 1.00 feet to a point, said point being the

31

beginning of a non-tangent curve concave northeasterly having a radius of 30.00 feet, a

radial line to said point bears South 02°30'34" East; thence westerly and northwesterly along said curve 34.87 feet through a central angle of 66°36'00" to the True Point of Beginning Containing 20 square feet. See Exhibit 'E2' attached hereto and made a part hereof. The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837. Prepared under the direction of ANNA M. BEAL P.L.S. 4955 Anna M. Beal Date

EXHIBIT E2

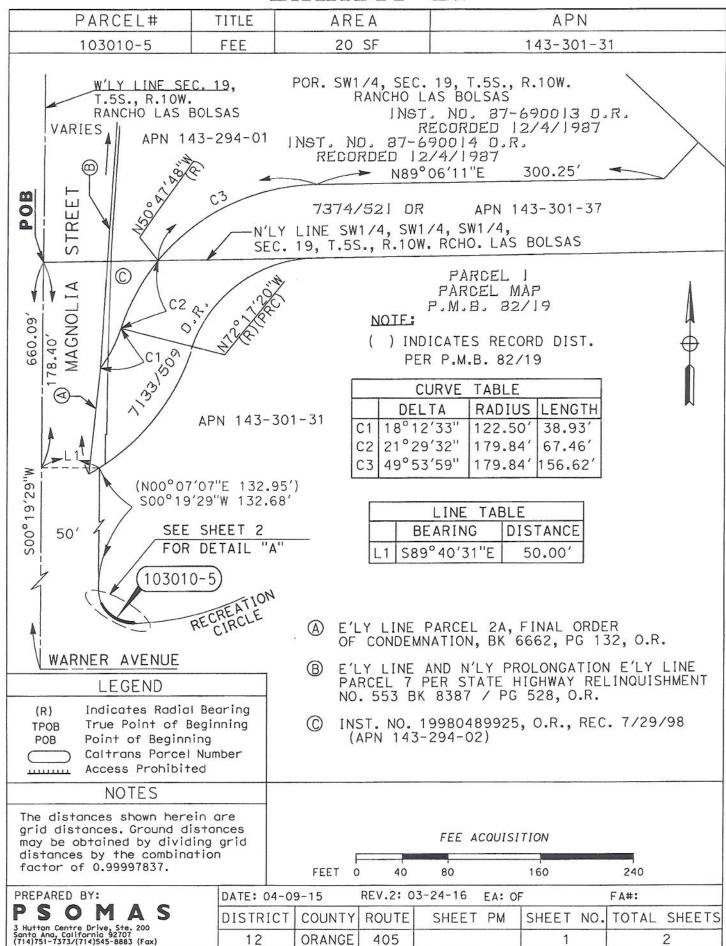
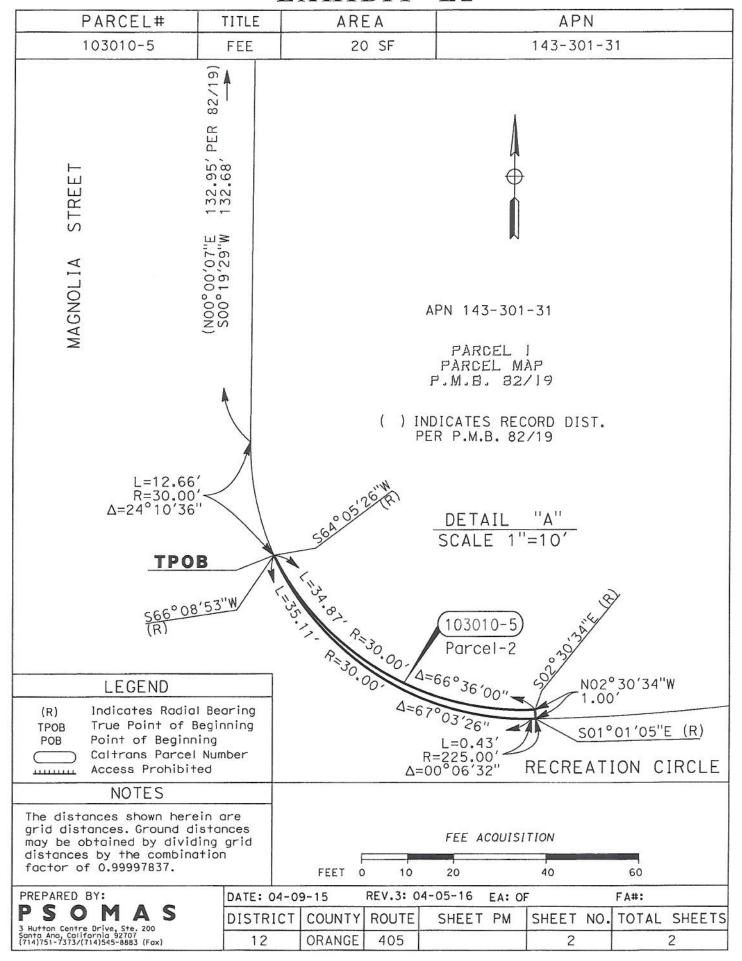


EXHIBIT E2



TEMPORARY CONSTRUCTION EASEMENT ATTACHMENT TO LEGAL DESCRIPTION

Assessor Parcel No.: 143-294-01 Caltrans Parcel No.: 103010-6

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "F1" and depicted in Exhibit "F2" attached hereto, subject to the rights and limitations set forth 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 rights and 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 six (6) consecutive months within the forty eight (48) month TCE period (the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the rights and limitations set forth below. OCTA's use and occupancy of the TCE during the remaining forty two (42) months of the TCE period will be non-exclusive.

Rights and Limitations 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.
- During the Construction Period, OCTA will place a temporary fence around the TCE area.
- Access to the TCE area shall be from the public right of way.
- Except as to those improvements identified as being protected in place, improvements
 within the TCE area will be removed as needed by OCTA to allow for construction
 activities. All improvements so removed shall be included in the compensation paid by
 OCTA for this TCE.
- 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 to restore it to a condition that is as functionally
 equivalent as is practicable to its condition 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.

1	EXHIBIT 'F1'
2	LEGAL DESCRIPTION
3	
4	Caltrans Parcel No. 103010-6
5	Temporary Construction Easement
6	APN 143-294-01
7	
8	In the City of Fountain Valley, County of Orange, State of California, being a portion of
9	the lands described in those certain Deeds recorded December 4, 1987 as Instrument No.
10	87-690013 and Instrument No. 87-690014, and July 29. 1998 as Instrument No.
11	19980489925, all of Official Records of said County described as follows:
12	
13	Beginning at the northwesterly terminus of that certain course having a bearing of
14	North 46°53'52" West as described in a deed recorded January 8, 1965 in Book 7374,
15	Page 521 of Official Records of said County, the bearing of said course being
16	North 46°52'59" West for the purposes of this description; thence North 46°52'59" West
17	8.00 feet along the northwesterly prolongation of said last course; thence
18	South 43°07'03" West 19.00 feet; thence South 46°52'59" East 8.00 feet to the
19	southeasterly line of said land; thence North 43°07'03" East 19.00 feet along said
20	southeasterly line to the Point of Beginning.
21	
22	Containing 152 square feet.
23	
24	See Exhibit 'F2' attached hereto and made a part hereof.
25	
26	The distances shown herein are grid distances. Ground distances may be obtained by
27	dividing grid distances by the combination factor of 0.99997837.
28	
29	
30	
31	

Prepared under the direction of

Jeremy L. Evans, PLS 5282



Vereny (Evans 2.11.2017

Date

EXHIBIT F2

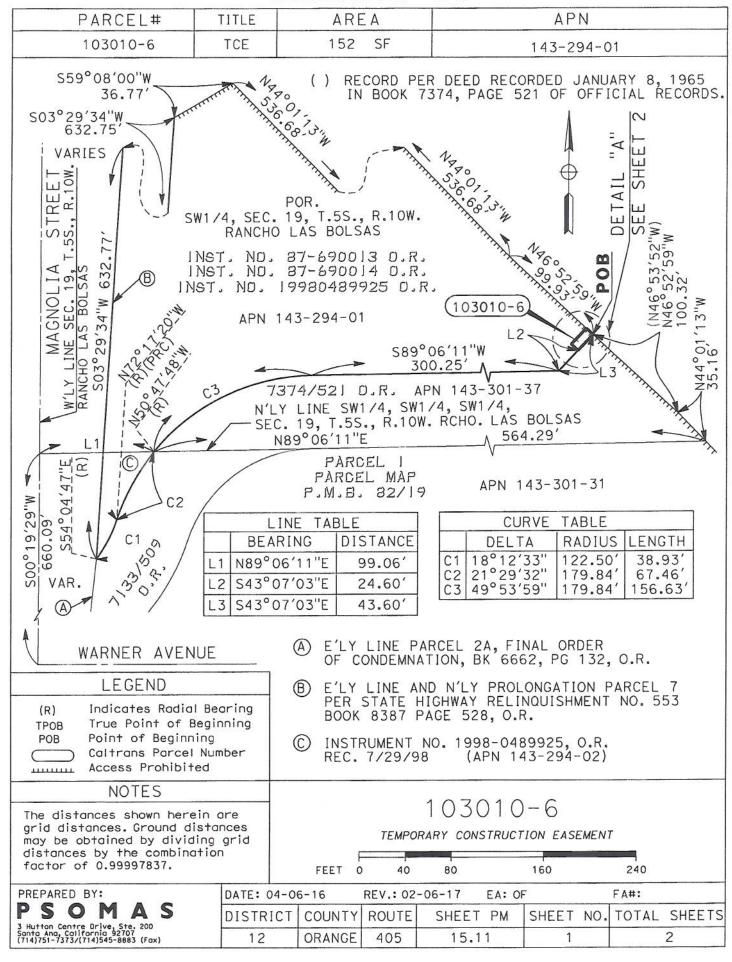
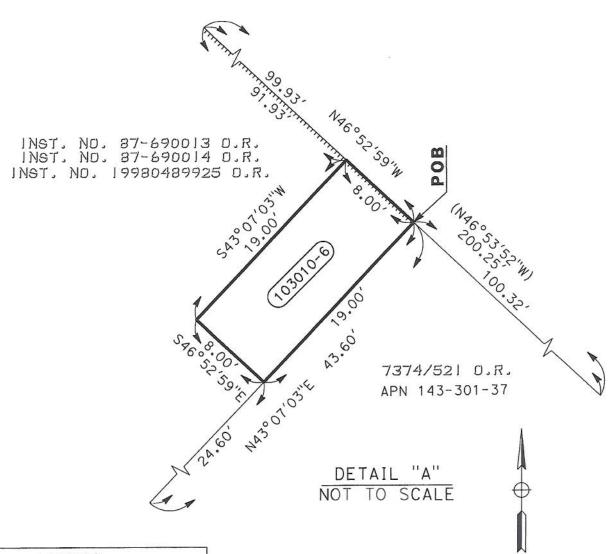


EXHIBIT F2

PARCEL#	TITLE	AREA	APN
103010-6	TCE	152 SF	143-294-01



LEGEND

(R) **TPOB** POB

Indicates Radial Bearing True Point of Beginning 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.

() RECORD PER DEED RECORDED JANUARY 8, 1965 IN BOOK 7374, PAGE 521 OF OFFICIAL RECORDS.

103010-6

TEMPORARY CONSTRUCTION EASEMENT

PREPARED BY:	DATE: 04-06-16		REV.: 02-07-17		EA: OF		FA#:		
PSOMAS 3 Hutton Centre Drive, Ste. 200	DISTRICT	COUNTY	ROUTE	SHEET	РМ	SHEET	NO.	TOTAL	SHEETS
Sonta Ano, California 92707 (714)751-7373/(714)545-8883 (Fax)	12	ORANGE	405	15.1	1	2			2

TEMPORARY CONSTRUCTION EASEMENT ATTACHMENT TO LEGAL DESCRIPTION

Assessor Parcel No.: 143-301-31 Caltrans Parcel No.: 103010-7

This temporary construction easement shall be in, on, over, under, and across that certain real property described in <a href="Exhibit" G1" and depicted in Exhibit "G2" attached hereto, subject to the rights and limitations set forth 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 rights and 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 (the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the TCE will be exclusive, subject to the rights and 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 Limitations 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.
- During the Construction Period, OCTA may place a temporary fence around the TCE area, provided however, no fence will be placed across any driveway within the TCE area or in a manner that would impede reasonable access to any driveway, or building.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area shall be from the public right of way.
- Except as to those improvements identified below as being protected in place, improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. All improvements so removed shall be included in the compensation paid by OCTA for this TCE.
- The following improvements within the TCE area will be protected in place:
 - Utility Box
- 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 to restore it to a condition that is as functionally
 equivalent as is practicable to its condition 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.

1	EXHIBIT 'G1'
2	LEGAL DESCRIPTION
3	
4	Caltrans Parcel No. 103010-7
5	Temporary Construction Easement
6	APN 143-301-31
7	
8	That portion of Parcel 1, in the City of Fountain Valley, County of Orange, State of
9	California, per the map filed in Book 82, Page 19 of Parcel Maps, in the office of the
10	County Recorder of said County, described as follows:
11	
12	Beginning at the intersection of the westerly line of Section 19, Township 5 South,
13	Range 10 West, in the Rancho Las Bolsas, said westerly line being the centerline of
14	Magnolia Street as shown on said map, with the northerly line of the southwest quarter of
15	the southwest quarter of the southwest quarter of said Section 19; thence along said
16	westerly line, South 00°19'29" West 178.40 feet; thence leaving said westerly line
17	South 89°40'31" East 50.00 feet to the northerly terminus of that certain course on the
18	westerly line of said Parcel 1 shown as "North 00°00'07" East 132.95 feet", said point
19	being on the northwesterly line of said Parcel 1, said point also being the beginning of a
20	non-tangent curve concave northwesterly having a radius of 186.50 feet, a radial line to
21	said point bears South 31°56'04" East; thence northeasterly 2.03 feet along said curve
22	and said northwesterly line through a central angle 00°37'25" to the True Point of
23	Beginning; thence South 01°24'32" West 63.70 feet to curve concave easterly having a
24	radius of 6982.00 feet, a radial line to said curve bears North 88°35'28" West; thence
25	Southerly 30.17 feet along said curve through a central angle of 00°14'51" to a point on
26	the westerly line of said Parcel 1; thence along said westerly and southwesterly line of
27	said Parcel 1 through the following two courses:
28	1. South 00°19'29" West 39.92 feet to a curve concave northeasterly having a radius
29	of 30.00 feet;
30	

30 31

31

1	2. southeasterly 12.66 feet along said curve through a central angle of 24°10'36" to a
2	non-tangent curve concave northeasterly having a radius of 30.00 feet; a radial line
3	to said curve bears South 64°05'26" West;
4	thence southeasterly 34.87 feet along said curve through a central angle of 66°36'00;
5	thence South 02°30'34" East 1.00 feet to a non-tangent curve concave northerly having a
6	radius of 225.00 feet, a radial line to said curve bears South 01°01'05" East; thence
7	easterly 4.88 feet along said curve through a central angle of 01°14'30"; thence
8	North 03°02'56" West 4.00 feet to a non-tangent curve concave northerly having a radius
9	of 221.00 feet, a radial line to said curve bears South 02°14'44"East; thence westerly
10	5.13 feet along said curve through a central angle of 01°19'49" to a compound curve
11	concave northeasterly having a radius of 27.00 feet, a radial line to said curve bears
12	South 00°54'56" East; thence northwesterly 43.00 feet along said curve through a central
13	angle of 91°14'25"; thence North 00°19'29" East 116.92 feet; thence
14	South 88°35'28" East 8.41 feet; thence North 01°24'32" East 23.06 feet to a point on the
15	northwesterly line of said Parcel 1, said point being the beginning of a non-tangent curve
16	concave northwesterly having a radius 186.50 feet, a radial line to said curve bears
17	South 36°20'59" East; thence southwesterly 12.34 feet along said curve and said
18	northwesterly line through a central angle 03°47'29" to the True Point of Beginning.
19	
20	Containing 659 square feet.
21	
22	See Exhibit 'G2' attached hereto and made a part hereof.
23	
24	The distances shown herein are grid distances. Ground distances may be obtained by
25	dividing grid distances by the combination factor of 0.99997837.
26	
27	
28	
29	
30	

 Prepared under the direction of

Jeremy L. Evans, PLS 5282

2.11.2017

Date



Page 3 of 3

EXHIBIT G2

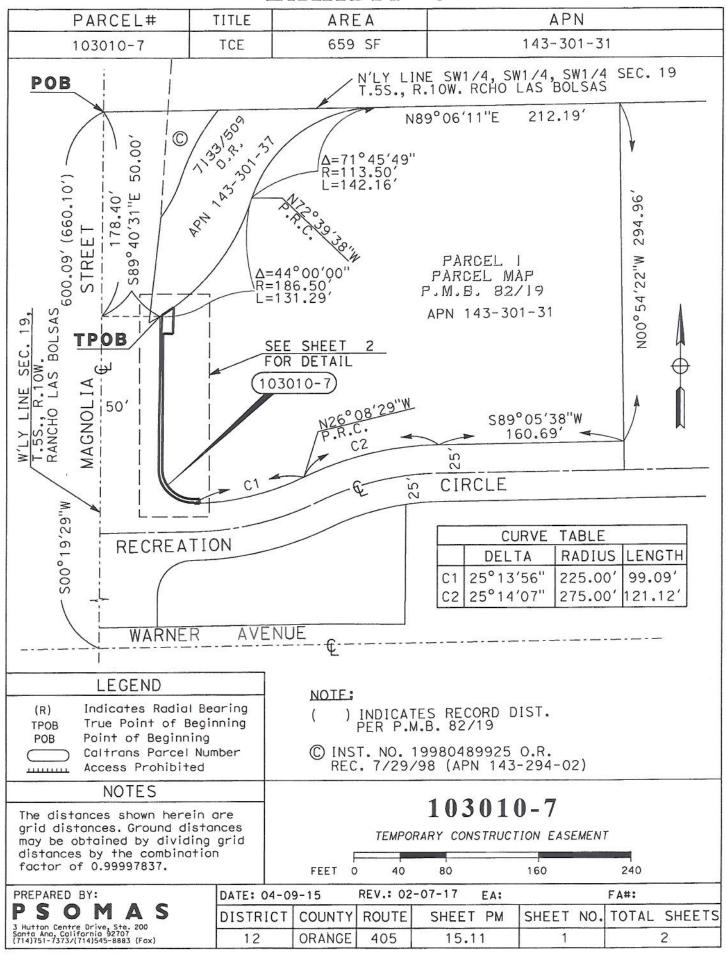


EXHIBIT G2

