

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, AND 143-301-31.

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 “D” attached hereto; a fee interest 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, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; 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 March 30, 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 May 14, 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:

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 "A," "B," "C," "D," "E," "F," and "G" 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 three partial fee interests, a permanent footing easement, and three temporary construction easements as 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:

I, 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 A

PSOMAS

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-1

Fee Acquisition

APN 143-294-01

APN 143-294-02

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. 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:

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 Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19; thence along said northerly line, North 89°06'12" East 55.16 feet to the easterly line of Parcel 2A of the Final Order of Condemnation recorded August 6, 1963 in Book 6662, Page 132 of Official Records of said County and the **True Point of Beginning**; thence along said easterly line South 3°29'53" West 92.67 feet; thence continuing along said easterly line South 6°05'21" West 0.42 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, Page 509 of Official Records of said County and the beginning of a non-tangent curve concave northwesterly having a radius of 122.50 feet, a radial line to said curve bears South 54°03'28" East; thence leaving said easterly line and along said northwesterly line 9.02 feet along said curve through a central angle 04°13'02"; thence leaving said northwesterly line North 1°24'32" East 95.96 feet; thence North 3°26'24" East 133.41 feet; thence North 0°34'32" West 12.68 feet to the northerly prolongation of the easterly line of Parcel 7 of State Highway Relinquishment No. 553, recorded in Book 8387, Page 528 of Official Records of said County; thence South 3°29'53" West

PSOMAS

1 156.65 feet along said prolongation and said easterly line to the **True Point of**
2 **Beginning.**

3
4 Containing 420 square feet.

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

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

10
11 This legal description was prepared by me or under my direction.

12 Peter J. Fitzpatrick
13
14 Peter J. Fitzpatrick, PLS 6777

15
16 Feb. 24, 2018
17 Date

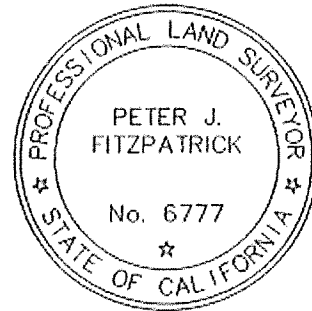
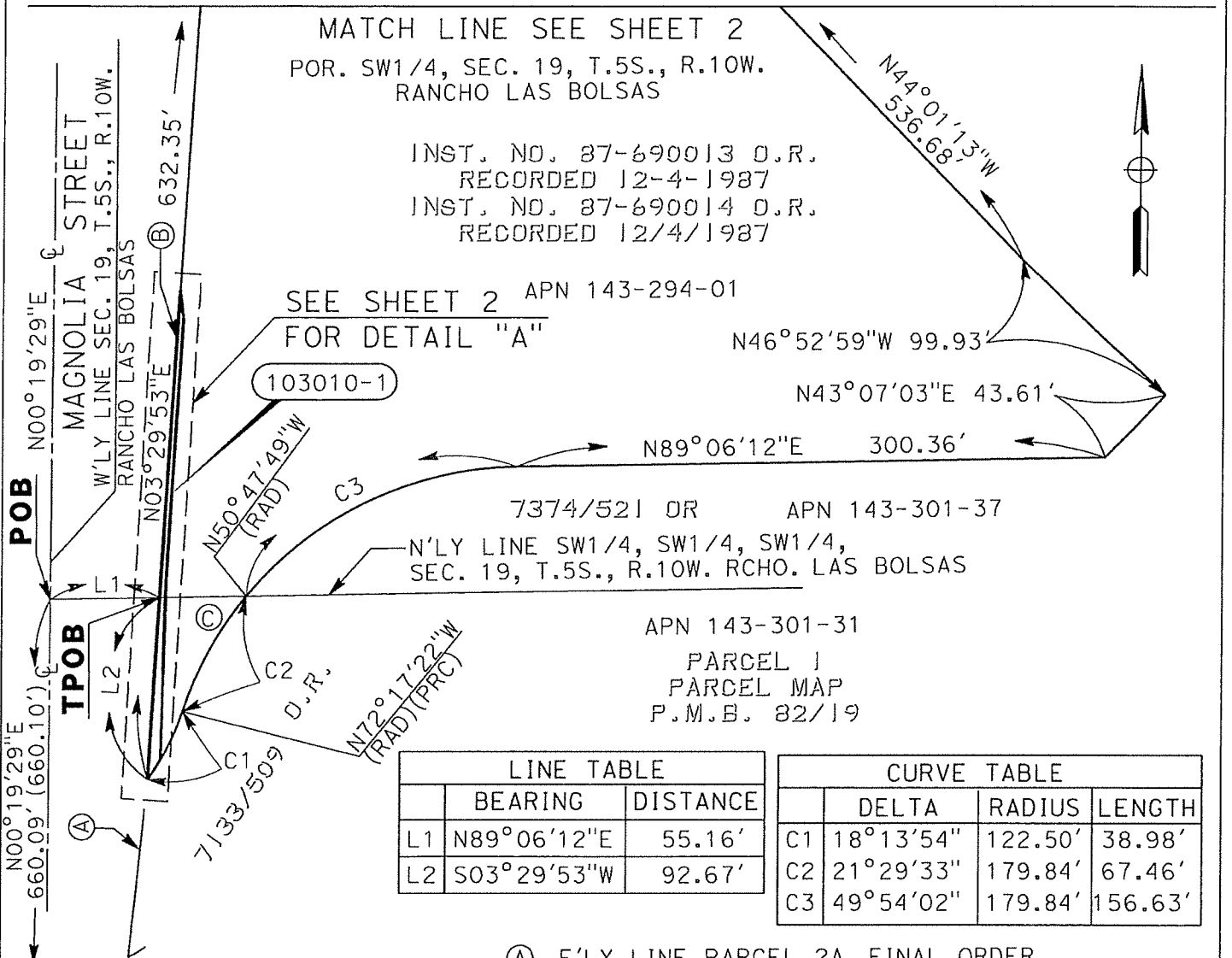


EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103010-1	FEE	420 SF	143-294-01 & 02



LEGEND

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

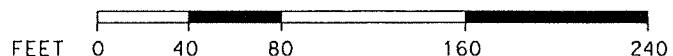
NOTES

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

- (A) E'LY LINE PARCEL 2A, FINAL ORDER OF CONDEMNATION, BK 6662, PG 132, O.R.
(B) E'LY LINE AND N'LY PROLONGATION E'LY LINE PARCEL 7 PER STATE HIGHWAY RELINQUISHMENT NO. 553 BK 8387 / PG 528, O.R.
(C) INST. NO. 19980489925, O.R., REC. 7/29/98 (APN 143-294-02)

103010-1

FEE ACQUISITION



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-09-15

REV.: 02-24-18

EA: OF

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

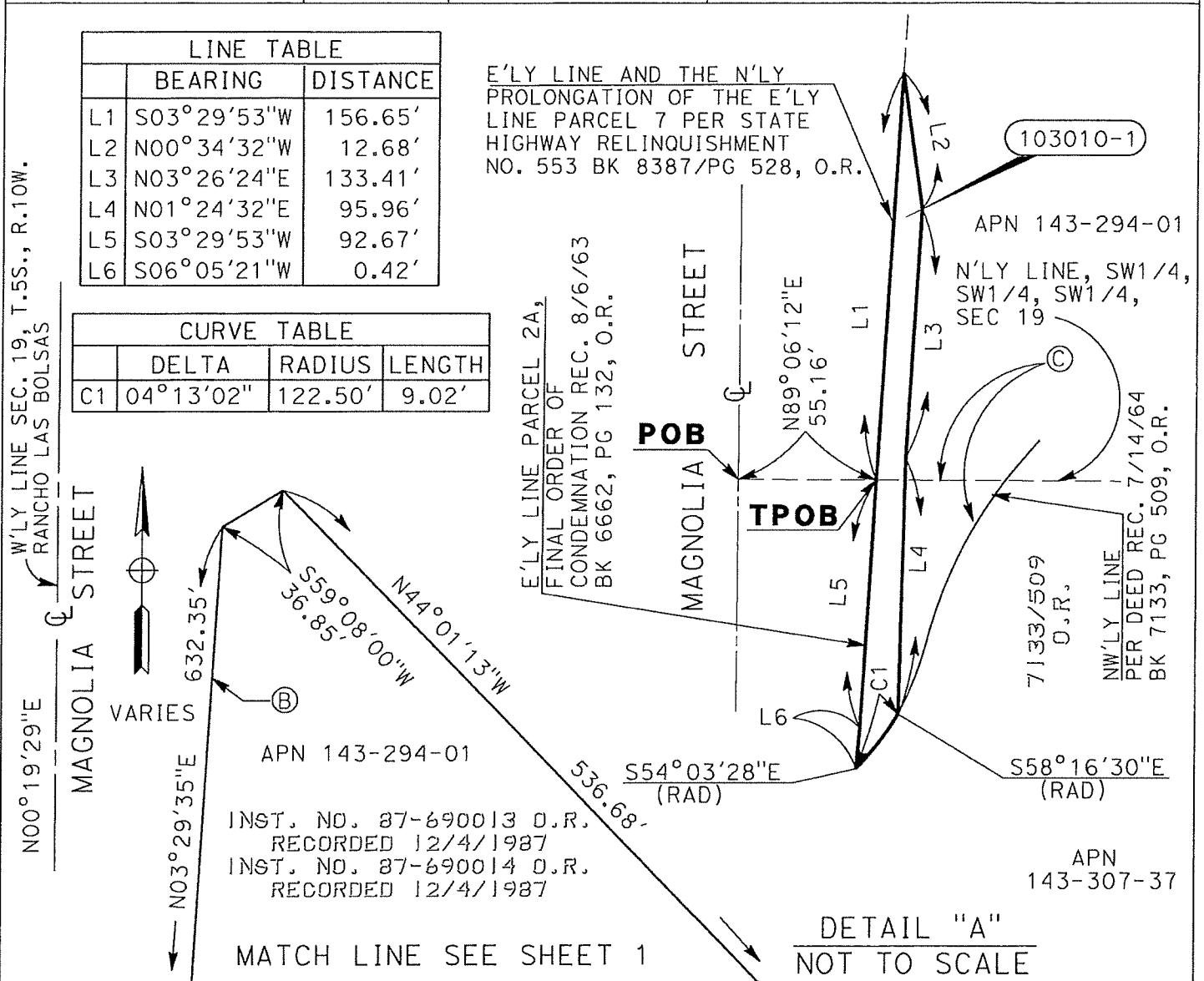
15.11

1

2

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103010-1	FEE	420 SF	143-294-01 & 02



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

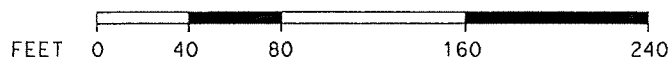
NOTES

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

- Ⓐ E'LY LINE AND N'LY PROLONGATION E'LY LINE PARCEL 7 PER STATE HIGHWAY RELINQUISHMENT NO. 553 BK 8387/PG 528, O.R.,
- Ⓑ INST. NO. 19980489925, O.R. REC. 7/29/98 (APN 143-294-02)

103010-1

FEE ACQUISITION



PREPARED BY:		DATE: 04-09-15		REV.: 02-24-18		EA: OF		FA#:	
PSOMAS		DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS		
3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714) 751-7373 / (714) 545-8883 (Fax)		12	ORANGE	405	15.11	2	2		

EXHIBIT B

**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.

PSOMAS

EXHIBIT 'B1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-2

Footing Easement

APN 143-294-01

APN 143-294-02

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. 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:

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 Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19; thence North 89°06'12" East 56.58 feet along said northerly line to the **True Point of Beginning**; thence leaving said northerly line South 1°24'32" West 20.65 feet; thence South 88°35'28" East 5.00 feet; thence North 1°24'32" East 31.16 feet; thence North 3°26'30" East 134.31 feet to the beginning of a non-tangent curve concave easterly and having a radius of 4979.01 feet, a radial line to said beginning bears South 89°33'17" West; thence northerly 100.51 feet along said curve through a central angle of 1°09'24" to the northerly prolongation of the easterly line of Parcel 7 of State Highway Relinquishment No. 553, recorded in Book 8387, Page 528 of Official Records of said County; thence South 3°29'53" West 88.79 feet along said easterly line; thence leaving said easterly line South 0°34'32" East 12.68 feet; thence South 3°26'24" West 133.41 feet; thence South 1°24'32" West 10.49 feet to the **True Point of Beginning**.

Containing 1102 square feet.

PSOMAS

1 See Exhibit 'B2' 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.

5
6 This legal description was prepared by me or under my direction.

7 Peter J. Fitzpatrick

8
9 Peter J. Fitzpatrick, PLS 6777

10
11 Feb. 26, 2018

12 Date

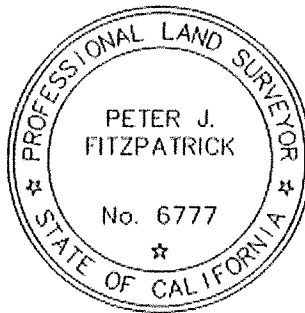
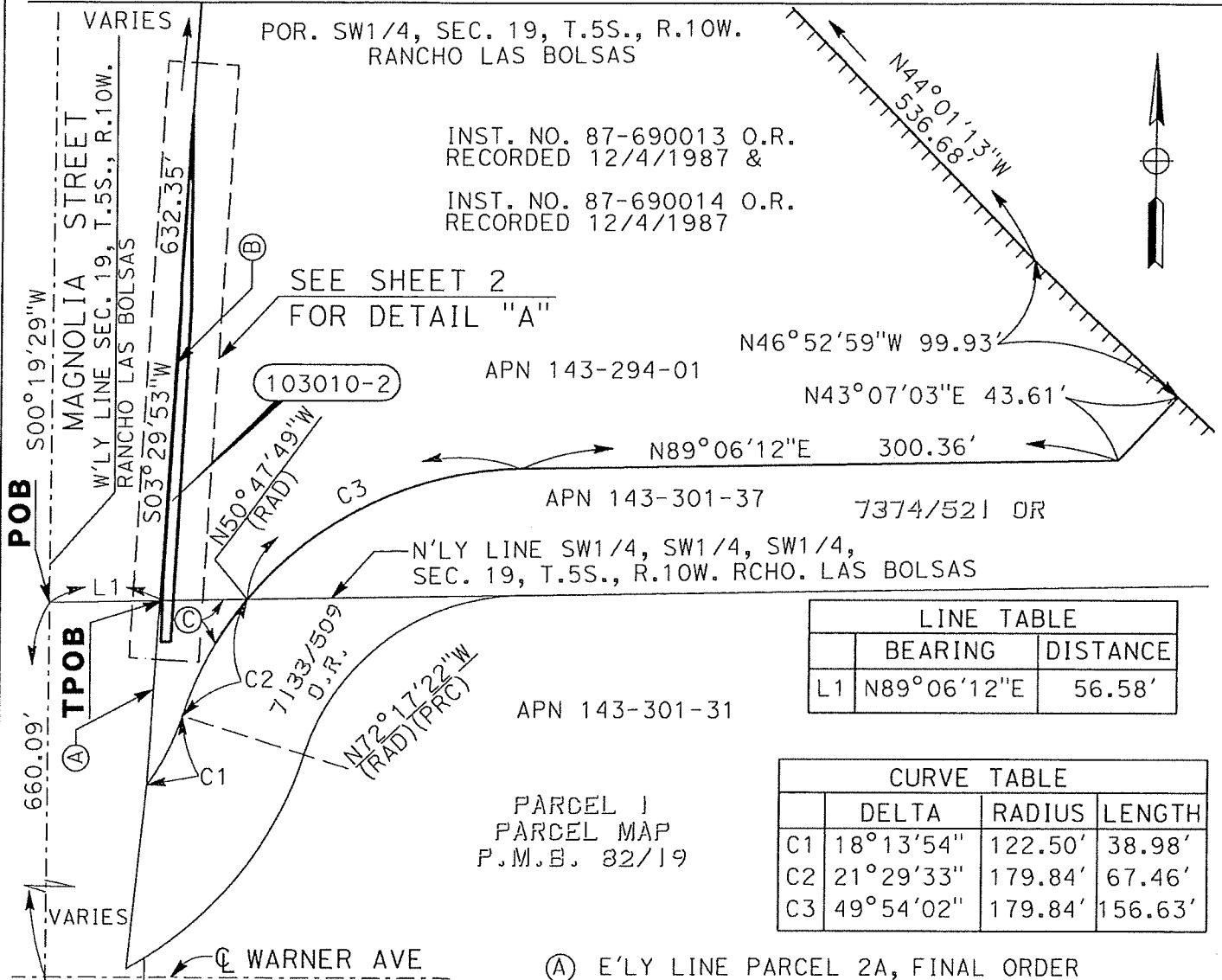


EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103010-2	FOOTING ESMT	1102 SF	143-294-01 & 02

MATCH LINE SEE SHEET 2



- (A) E'LY LINE PARCEL 2A, FINAL ORDER OF CONDEMNATION, BK 6662, PG 132, O.R.
- (B) E'LY LINE AND N'LY PROLONGATION PARCEL 7 PER STATE HIGHWAY RELINQUISHMENT NO. 553 BOOK 8387 PAGE 528, O.R.
- (C) INSTRUMENT NO. 1998-0489925, O.R. REC. 7/29/98 (APN 143-294-02)

PREPARED BY:
PSOMAS
3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

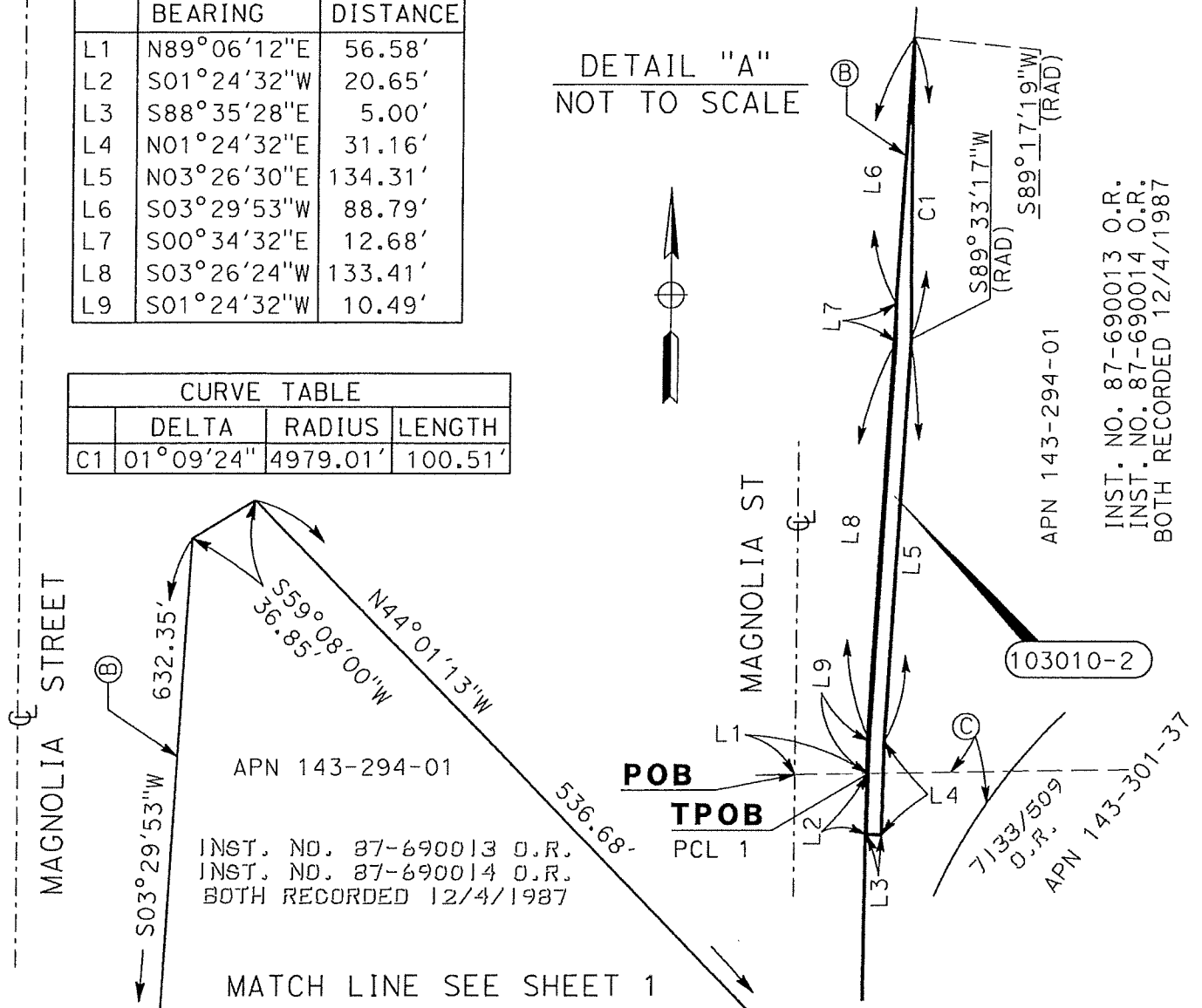
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DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS		
12	ORANGE	405	15.11	1	2		

EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103010-2	FOOTING ESMT	1102 SF	143-294-01 & 02

LINE TABLE		
	BEARING	DISTANCE
L1	N89°06'12"E	56.58'
L2	S01°24'32"W	20.65'
L3	S88°35'28"E	5.00'
L4	N01°24'32"E	31.16'
L5	N03°26'30"E	134.31'
L6	S03°29'53"W	88.79'
L7	S00°34'32"E	12.68'
L8	S03°26'24"W	133.41'
L9	S01°24'32"W	10.49'

CURVE TABLE			
	DELTA	RADIUS	LENGTH
C1	01°09'24"	4979.01'	100.51'



LEGEND

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

(B) E'LY LINE AND N'LY PROLONGATION PARCEL 7
PER STATE HIGHWAY RELINQUISHMENT NO. 553
BOOK 8387 PAGE 528, O.R.

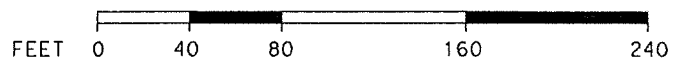
(C) INSTRUMENT NO. 1998-0489925, O.R.
REC. 7/29/98 (APN 143-294-02)

NOTES

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

103010-2

FOOTING EASEMENT



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-09-15

REV.: 02-24-18

EA:

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

15.11

2

2

EXHIBIT C

PSOMAS

EXHIBIT 'C1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-3

Fee Acquisition

APN 143-301-31

That portion of Parcel 1, in the City of Fountain Valley, County of Orange, State of California, per the map filed in Book 82, Page 19 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

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 Magnolia Street, as shown on said map with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19; thence along said westerly line South 00°19'29" West 178.14 feet; thence leaving said westerly line South 89°40'31" East 50.00 feet to the northerly terminus of that certain course on the westerly line of said Parcel 1 shown as "North 00°00'07" East 132.95 feet", said course having a bearing of North 00°19'29" East for the purpose of this description, and the **True Point of Beginning**; thence along the westerly line of said Parcel 1 South 00°19'29" West 93.03 feet to a non-tangent curve concave easterly having a radius of 6982.00 feet, a radial line to said curve bears North 88°50'19" West; thence northerly 30.17 feet along said curve through a central angle of 00°14'51"; thence North 01°24'32" East 63.97 feet to a point on the northwesterly line of said Parcel 1, said point being the beginning of a non-tangent curve concave northwesterly having a radius 186.50 feet, a radial line to said point bears South 32°34'36" East; thence southwesterly 2.04 feet along said curve and said northwesterly line through a central angle 00°37'32" to the **True Point of Beginning**.

Containing 77 square feet.

PSOMAS

See Exhibit 'C2' 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.

This legal description was prepared by me or under my direction.

Peter J. Fitzpatrick

Peter J. Fitzpatrick, PLS 6777

Feb. 26, 2018

Date

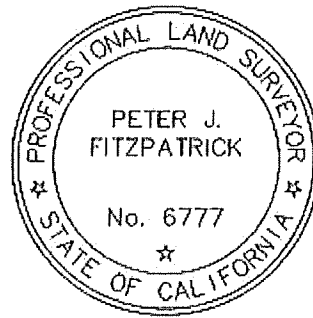
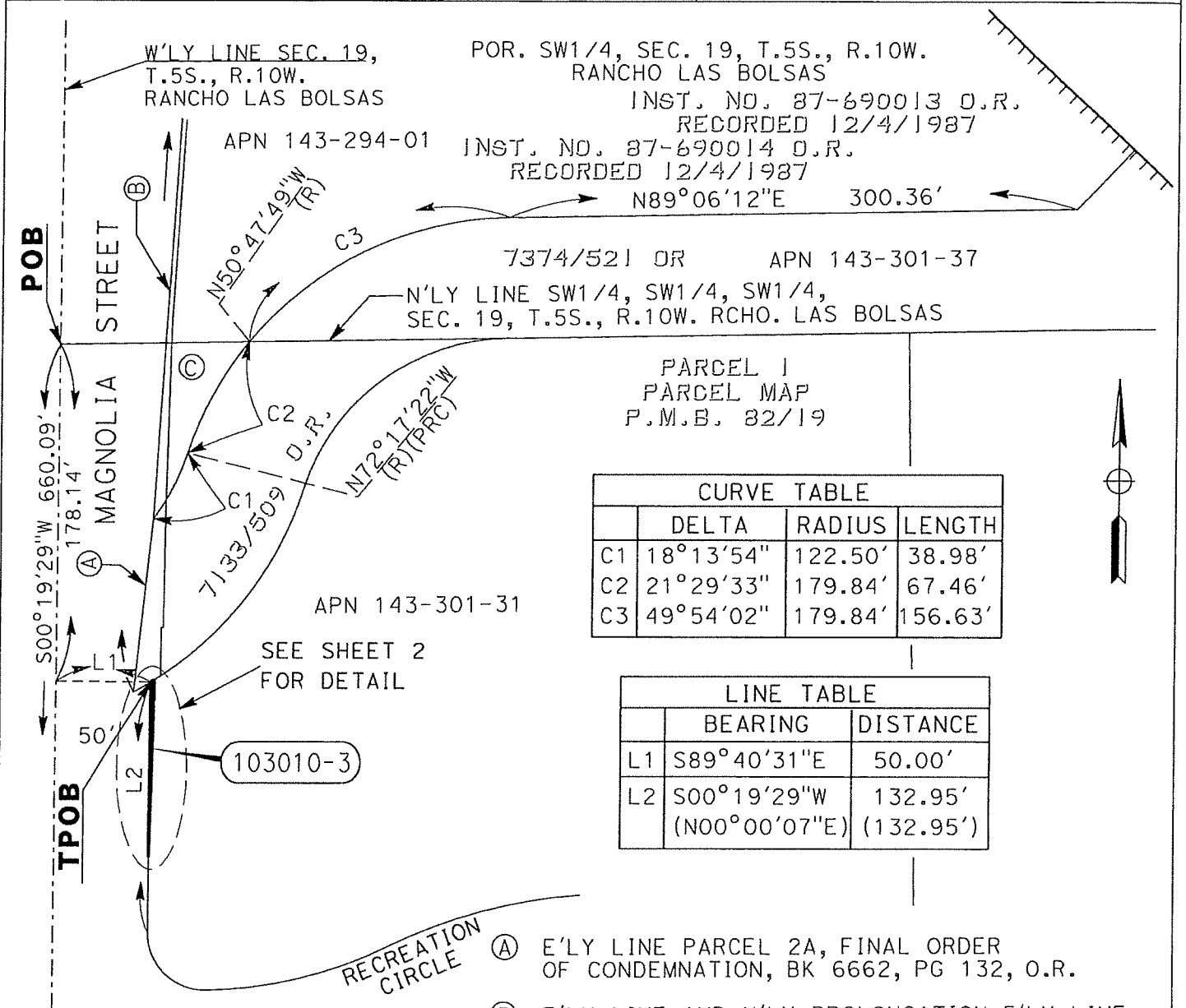


EXHIBIT C2

PARCEL#	TITLE	AREA	APN
103010-3	FEE	77 SF	143-301-31



CURVE TABLE			
	DELTA	RADIUS	LENGTH
C1	18°13'54"	122.50'	38.98'
C2	21°29'33"	179.84'	67.46'
C3	49°54'02"	179.84'	156.63'

LINE TABLE		
	BEARING	DISTANCE
L1	S89°40'31"E	50.00'
L2	S00°19'29"W (N00°00'07"E)	132.95' (132.95')

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.

- (A) E'LY LINE PARCEL 2A, FINAL ORDER OF CONDEMNATION, BK 6662, PG 132, O.R.
- (B) E'LY LINE AND N'LY PROLONGATION E'LY LINE PARCEL 7 PER STATE HIGHWAY RELINQUISHMENT NO. 553 BK 8387 / PG 528, O.R.
- (C) INST. NO. 19980489925, O.R., REC. 7/29/98 (APN 143-294-02)
- () INDICATES RECORD DIST. PER P.M.B. 82/19

103010-3

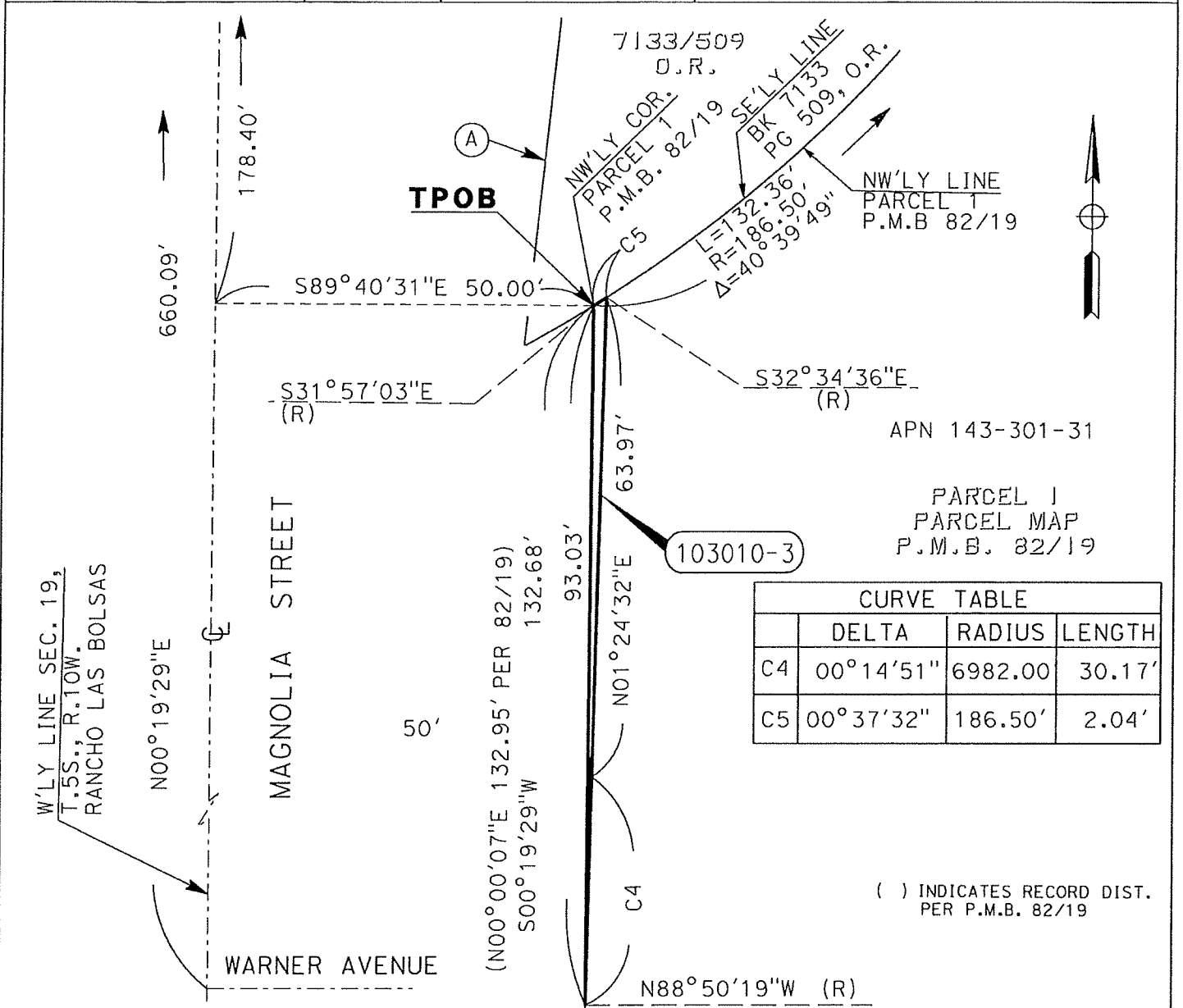
FEE ACQUISITION



PREPARED BY:		DATE: 04-09-15		REV.3: 01-09-17		EA:		FA#:	
PSOMAS		DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS		
3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)		12	ORANGE	405	15.11	1	2		

EXHIBIT C2

PARCEL#	TITLE	AREA	APN
103010-3	FEE	77 SF	143-301-31

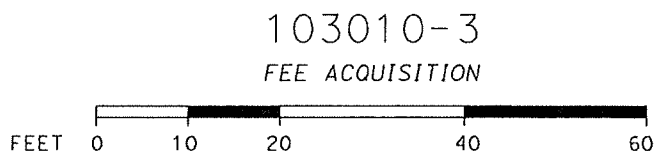


LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited

NOTES

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

DETAIL
SCALE 1"=20'



PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)	DATE: 04-09-15		REV.3: 01-09-17		EA:	FA#:	
	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
	12	ORANGE	405	15.11	2	2	

EXHIBIT D

**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 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.

PSOMAS

EXHIBIT 'D1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-4

Temporary Construction Easement

APN 143-294-01

APN 143-294-02

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. 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:

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 Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19, thence North 89°06'12" East 56.58 feet along said northerly line to the **True Point of Beginning**; thence leaving said northerly line South 1°24'32" West 85.47 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, Page 509 of Official Records of said County and the beginning of a non-tangent curve concave northwesterly having a radius 122.50 feet, a radial line to said curve bears South 58°16'30" East; thence northeasterly 29.96 feet along said curve and along said northwesterly line through a central angle 14°00'52" to a reverse curve concave southeasterly having a radius 179.84 feet; thence northeasterly 10.30 feet along said curve and along said northwesterly line through a central angle of 3°16'57"; thence leaving said northwesterly line, North 1°24'32" East 58.77 feet; thence North 3°26'24" East 134.58 feet to the beginning of a non-tangent curve concave easterly having a radius of 4969.02 feet, a radial line to said curve bears South 89°36'16" West; thence northerly along said curve 178.79 feet through a central angle 2°03'42"; thence

PSOMAS

1 North 86°30'26" West 6.97 feet to the northerly prolongation of the easterly line of
2 Parcel 7 of State Highway Relinquishment No. 533, recorded September 28, 1967 in
3 Book 8387, Page 528 of Official Records of said County; thence South 3°29'53" West
4 165.73 feet along said northerly prolongation; thence leaving said prolongation South
5 0°06'52" East 14.30 feet; thence South 3°26'24" West 133.41 feet; thence South
6 1°24'32" West 10.49 feet to the **True Point of Beginning**.

7
8 Containing 5152 square feet.

9
10 See Exhibit 'D2' attached hereto and made a part hereof.

11
12 The distances shown herein are grid distances. Ground distances may be obtained by
13 dividing grid distances by the combination factor of 0.99997837.

14
15 This legal description was prepared by me or under my direction.

16 Peter J. Fitzpatrick

17
18 Peter J. Fitzpatrick, PLS 6777

19
20 Feb. 26, 2018

21 Date

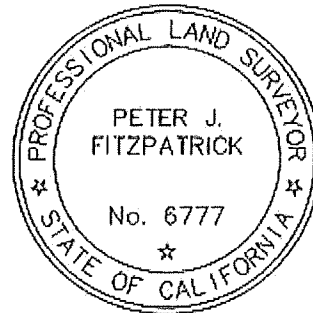
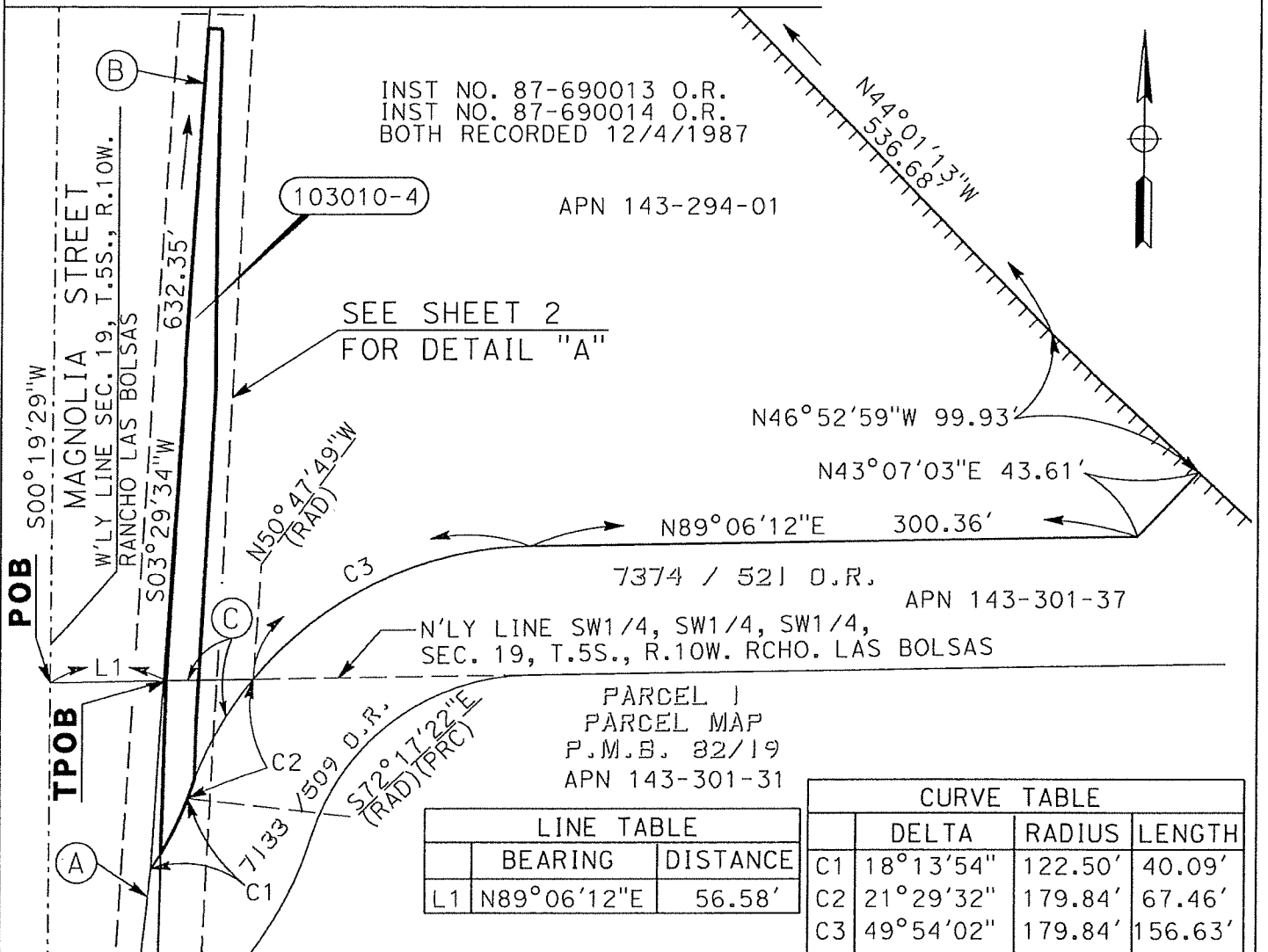


EXHIBIT D2

PARCEL#	TITLE	AREA	APN
103010-4	TCE	5152 SF	143-294-01 & 02

MATCH LINE SEE SHEET 2



LEGEND

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

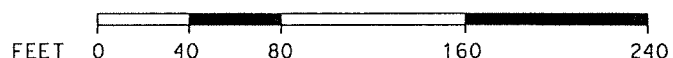
NOTES

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

- (A) E'LY LINE PARCEL 2A, FINAL ORDER OF CONDEMNATION, BK 6662, PG 132, O.R.
- (B) E'LY LINE AND N'LY PROLONGATION PARCEL 7 PER STATE HIGHWAY RELINQUISHMENT NO. 553 BOOK 8387 PAGE 528, O.R.
- (C) INSTRUMENT NO. 1998-0489925, O.R. REC. 7/29/98 (APN 143-294-02)

103010-4

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-21-15

REV.: 02-25-18

EA:

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

15.11

1

2

EXHIBIT D2

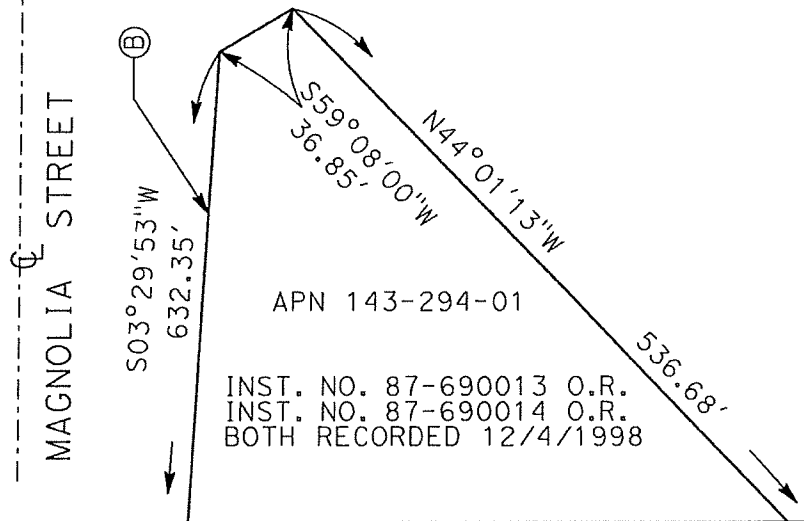
PARCEL#	TITLE	AREA	APN
103010-4	TCE	5152 SF	143-294-01 & 02



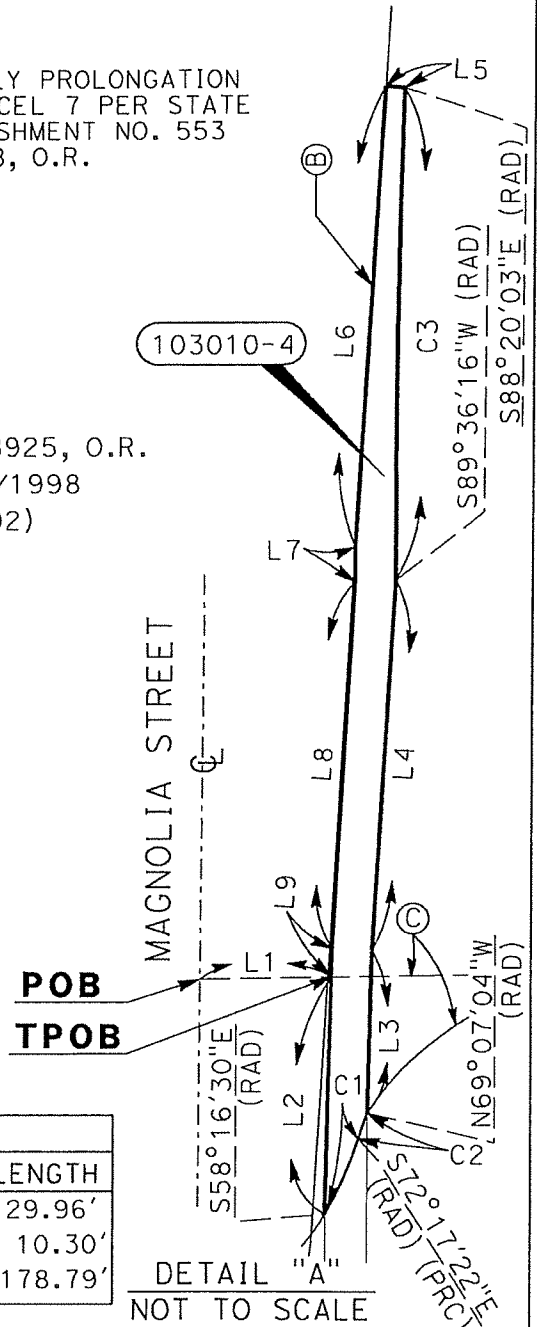
LINE TABLE		
	BEARING	DISTANCE
L1	N89°06'11"E	56.58'
L2	S01°24'32"W	85.47'
L3	N01°24'32"E	58.45'
L4	N03°26'24"E	134.58'
L5	N86°30'26"W	6.97'
L6	S03°29'53"W	167.73'
L7	S00°06'52"E	14.30'
L8	S03°26'24"W	133.41'
L9	S01°24'32"W	10.49'

Ⓑ E'LY LINE AND N'LY PROLONGATION
E'LY LINE PARCEL 7 PER STATE
HIGHWAY RELINQUISHMENT NO. 553
BK 8387 / PG 528, O.R.

Ⓒ INST. NO. 1998048925, O.R.
RECORDED 7/29/1998
(APN 143-294-02)



MATCH LINE SEE SHEET 1



LEGEND

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

CURVE TABLE

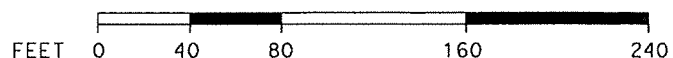
	DELTA	RADIUS	LENGTH
C1	14°00'52"	122.50'	29.96'
C2	03°16'57"	179.84'	10.30'
C3	02°03'42"	4969.02'	178.79'

NOTES

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

103010-4

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-21-15

REV.: 02-25-18

EA:

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

15.11

2

2

EXHIBIT E

PSOMAS

EXHIBIT 'E1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-5

Fee Acquisition

APN 143-301-31

In the City of Fountain Valley, County of Orange, State of California, being a portion of Parcel 1 of the map filed in Book 82, Page 19 of Parcel Maps, Records of said County, described as follows:

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 Magnolia Street, with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19; thence along said westerly line 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 westerly line of said Parcel shown as "North 00°00'07" East 132.95 feet" on said Parcel Map, said course having a bearing of North 00° 19'29" East for the purpose of this description, thence along the westerly and southwesterly lines of said Parcel 1 the following two (2) courses:

1. South 00°19'29" West 132.68 feet to the beginning of a curve concave 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 the **True Point of Beginning**;

thence continuing southeasterly and easterly along said southwesterly line and said curve 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 southwesterly line and said curve 0.43 feet through a central angle of 00°06'32" to a point thereon; thence North 2°30'34" West 1.00 feet to a point, said point being the beginning of a non-tangent curve concave northeasterly having a radius of 30.00 feet, a

PSOMAS

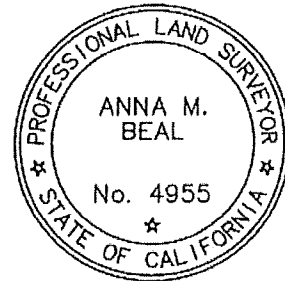
radial line to said point bears South $02^{\circ}30'34''$ East; thence westerly and northwesterly along said curve 34.87 feet through a central angle of $66^{\circ}36'00''$ to the **True Point of Beginning**


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

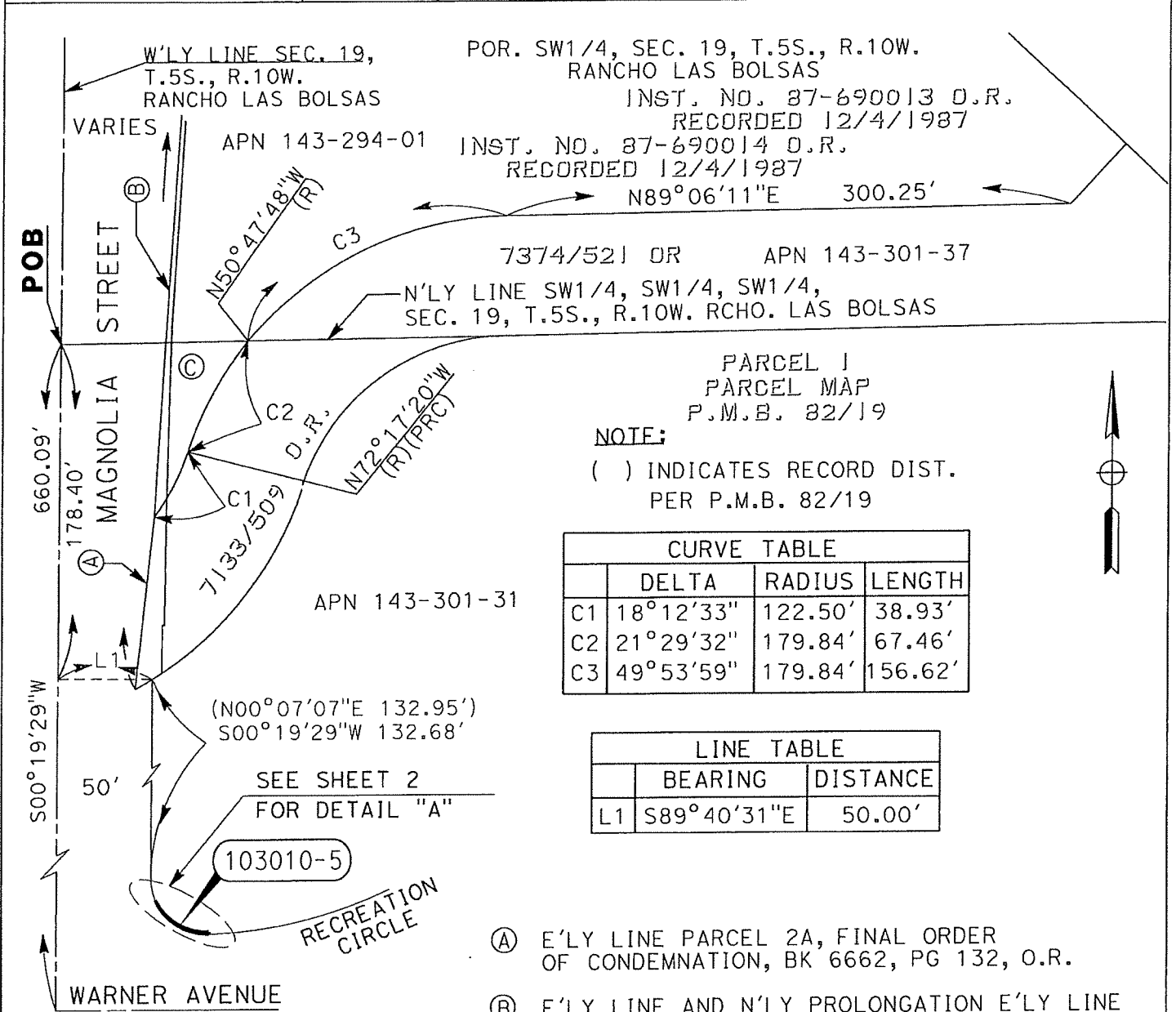
P.L.S. 4955

4/6/16

Date

EXHIBIT E2

PARCEL#	TITLE	AREA	APN
103010-5	FEE	20 SF	143-301-31



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.	
PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)		DATE: 04-09-15 REV.2: 03-24-16 EA: OF FA#:	
DISTRICT 12 COUNTY ORANGE ROUTE 405		SHEET PM SHEET NO. 1 TOTAL SHEETS 2	

EXHIBIT E2

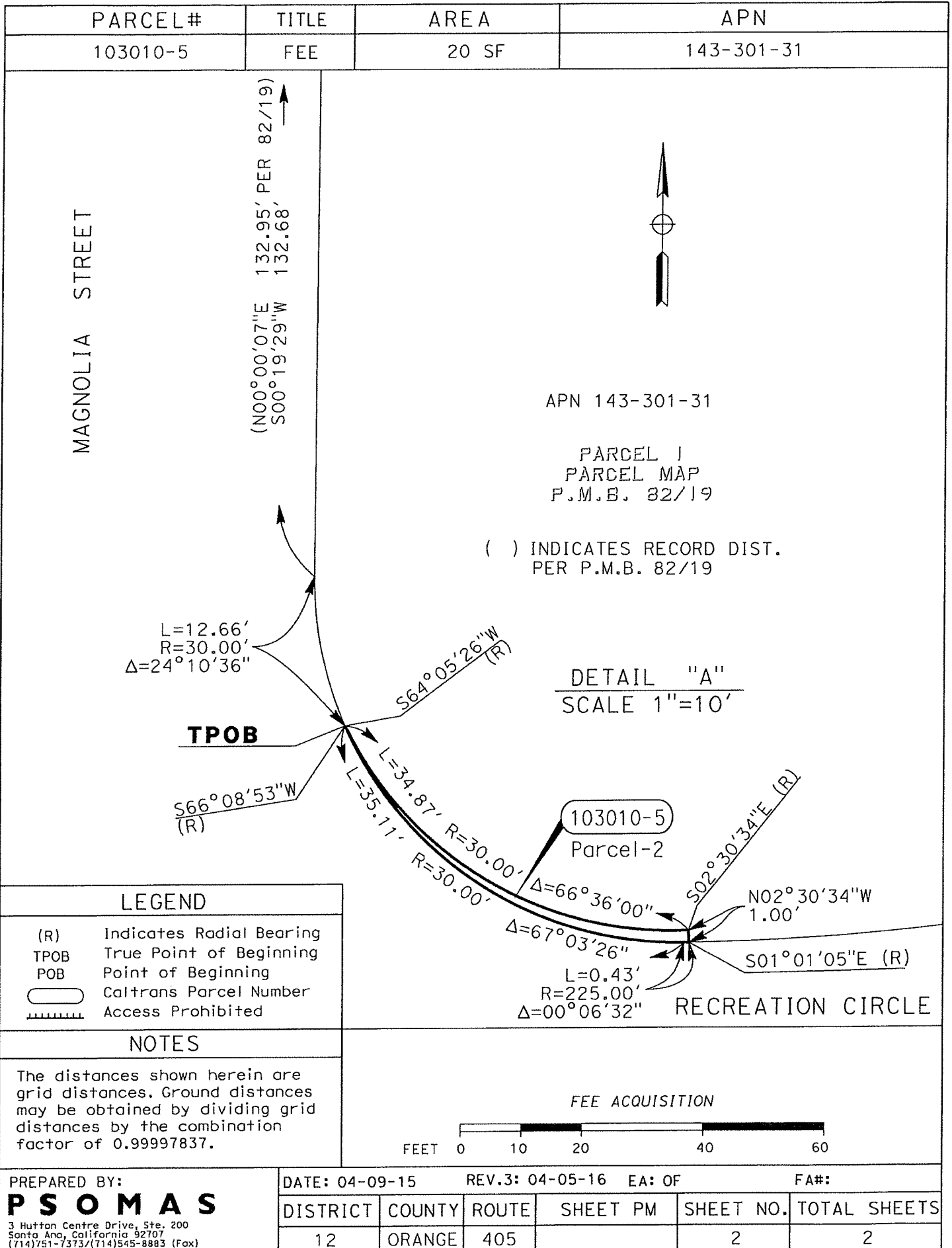


EXHIBIT F

**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.

PSOMAS

EXHIBIT 'F1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-6

Temporary Construction Easement

APN 143-294-01

In the City of Fountain Valley, County of Orange, State of California, being a portion of the lands described in those certain Deeds recorded December 4, 1987 as Instrument No. 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:

Beginning at the northwesterly terminus of that certain course having a bearing of North 46°53'52" West as described in a deed recorded January 8, 1965 in Book 7374, Page 521 of Official Records of said County, the bearing of said course being North 46°52'59" West for the purposes of this description; thence North 46°52'59" West 8.00 feet along the northwesterly prolongation of said last course; thence South 43°07'03" West 19.00 feet; thence South 46°52'59" East 8.00 feet to the southeasterly line of said land; thence North 43°07'03" East 19.00 feet along said southeasterly line to the **Point of Beginning**.

Containing 152 square feet.

See Exhibit 'F2' 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.

PSOMAS

Prepared under the direction of

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

2.11.2017

Date

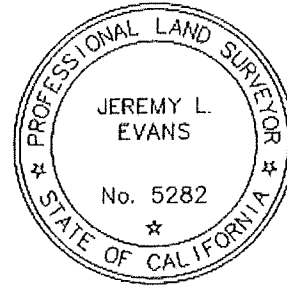
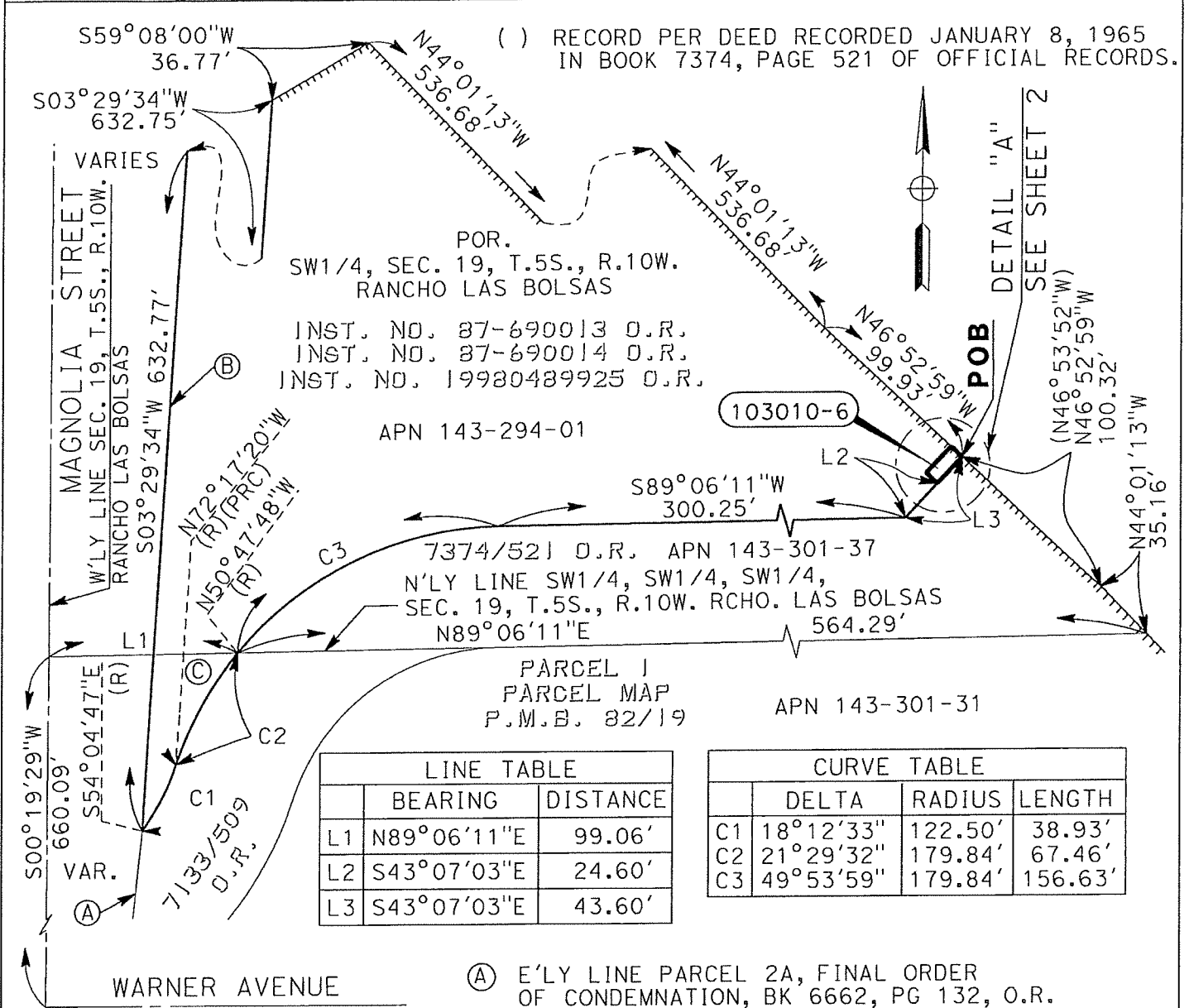


EXHIBIT F2

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



LINE TABLE		
	BEARING	DISTANCE
L1	N89°06'11"E	99.06'
L2	S43°07'03"E	24.60'
L3	S43°07'03"E	43.60'

CURVE TABLE			
	DELTA	RADIUS	LENGTH
C1	18°12'33"	122.50'	38.93'
C2	21°29'32"	179.84'	67.46'
C3	49°53'59"	179.84'	156.63'

(A) E'LY LINE PARCEL 2A, FINAL ORDER OF CONDEMNATION, BK 6662, PG 132, O.R.

(B) E'LY LINE AND N'LY PROLONGATION PARCEL 7 PER STATE HIGHWAY RELINQUISHMENT NO. 553 BOOK 8387 PAGE 528, O.R.

(C) INSTRUMENT NO. 1998-0489925, O.R. REC. 7/29/98 (APN 143-294-02)

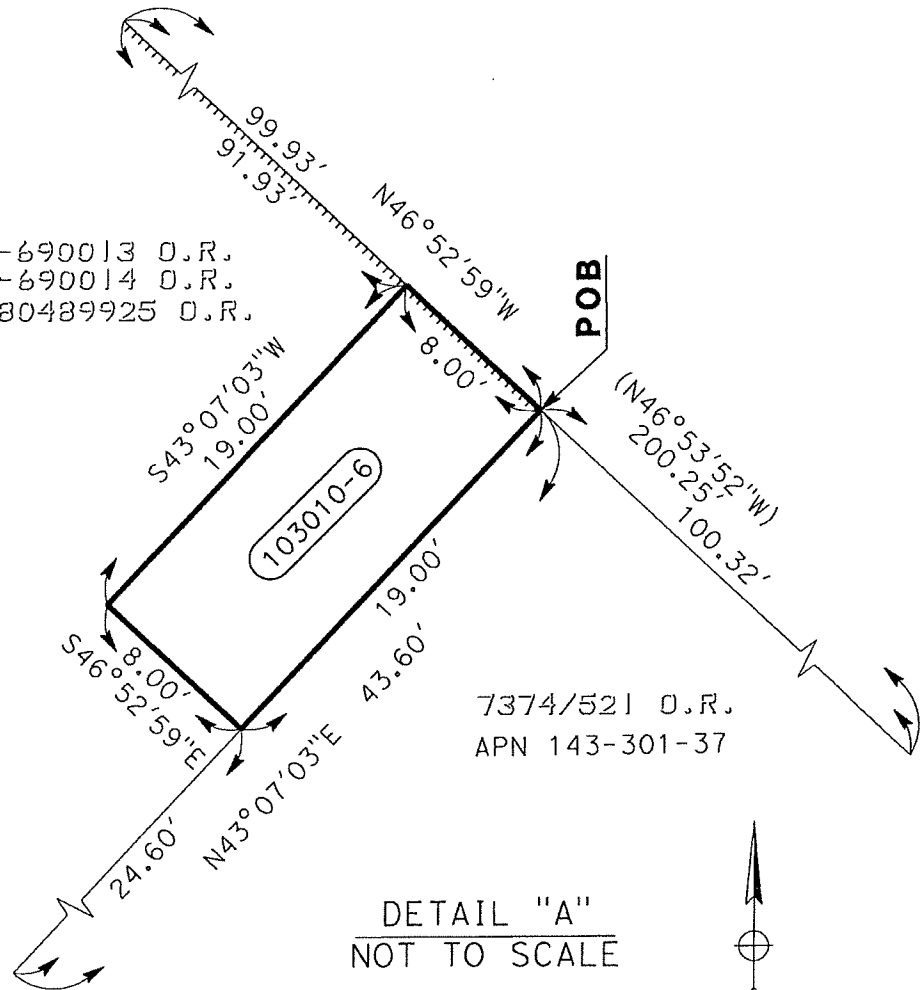
PREPARED BY:
PSOMAS
3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-06-16		REV.: 02-06-17		EA: OF		FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL		SHEETS
12	ORANGE	405	15.11	1	2		

EXHIBIT F2

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

INST. NO. 87-690013 O.R.
INST. NO. 87-690014 O.R.
INST. NO. 19980489925 O.R.



DETAIL "A"
NOT TO SCALE

LEGEND

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

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

NOTES

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

103010-6

TEMPORARY CONSTRUCTION EASEMENT

PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-06-16

REV.: 02-07-17

EA: OF

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.11	2	2

EXHIBIT G

**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 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.

PSOMAS

EXHIBIT 'G1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103010-7

Temporary Construction Easement

APN 143-301-31

That portion of Parcel 1, in the City of Fountain Valley, County of Orange, State of California, per the map filed in Book 82, Page 19 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

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 Magnolia Street as shown on said map, with the northerly line of the southwest quarter of the southwest quarter of the southwest quarter of said Section 19; thence along said westerly line, South 00°19'29" West 178.14 feet; thence leaving said westerly line South 89°40'31" East 50.00 feet to the northerly terminus of that certain course on the westerly line of said Parcel 1 shown as "North 00°00'07" East 132.95 feet", said point being on the northwesterly line of said Parcel 1, said point also being the beginning of a non-tangent curve concave northwesterly having a radius of 186.50 feet, a radial line to said point bears South 31°57'03" East; thence northeasterly 2.04 feet along said curve and said northwesterly line through a central angle 00°37'32" to the **True Point of Beginning**; thence South 01°24'32" West 63.97 feet to curve concave easterly having a radius of 6982.00 feet, a radial line to said curve bears North 88°35'28" West; thence southerly 30.17 feet along said curve through a central angle of 00°14'51" to a point on the westerly line of said Parcel 1; thence along said westerly and southwesterly line of said Parcel 1 through the following two courses:

1. South 00°19'29" West 39.92 feet to a curve concave northeasterly having a radius of 30.00 feet;

PSOMAS

2. southeasterly 12.66 feet along said curve through a central angle of $24^{\circ}10'36''$ to a non-tangent curve concave northeasterly having a radius of 30.00 feet; a radial line to said curve bears South $64^{\circ}05'26''$ West; thence southeasterly 34.87 feet along said curve through a central angle of $66^{\circ}36'00''$; thence South $02^{\circ}30'34''$ East 1.00 feet to a non-tangent curve concave northerly having a radius of 225.00 feet, a radial line to said curve bears South $01^{\circ}01'05''$ East; thence easterly 4.88 feet along said curve through a central angle of $01^{\circ}14'30''$; thence North $03^{\circ}02'56''$ West 4.00 feet to a non-tangent curve concave northerly having a radius of 221.00 feet, a radial line to said curve bears South $02^{\circ}14'44''$ East; thence westerly 5.13 feet along said curve through a central angle of $01^{\circ}19'49''$ to a compound curve concave northeasterly having a radius of 27.00 feet, a radial line to said curve bears South $00^{\circ}54'56''$ East; thence northwesterly 43.00 feet along said curve through a central angle of $91^{\circ}14'25''$; thence North $00^{\circ}19'29''$ East 116.92 feet; thence South $88^{\circ}35'28''$ East 8.41 feet; thence North $01^{\circ}24'32''$ East 23.33 feet to a point on the northwesterly line of said Parcel 1, said point being the beginning of a non-tangent curve concave northwesterly having a radius 186.50 feet, a radial line to said curve bears South $36^{\circ}22'08''$ East; thence southwesterly 12.34 feet along said curve and said northwesterly line through a central angle $03^{\circ}47'33''$ to the **True Point of Beginning**.

Containing 662 square feet.

See Exhibit 'G2' 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.

PSOMAS

1 This legal description was prepared by me or under my direction.

2 Peter J. Fitzpatrick

3 Peter J. Fitzpatrick, PLS 6777

4 Feb. 26, 2018

5 Date

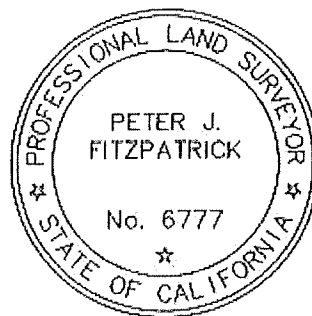
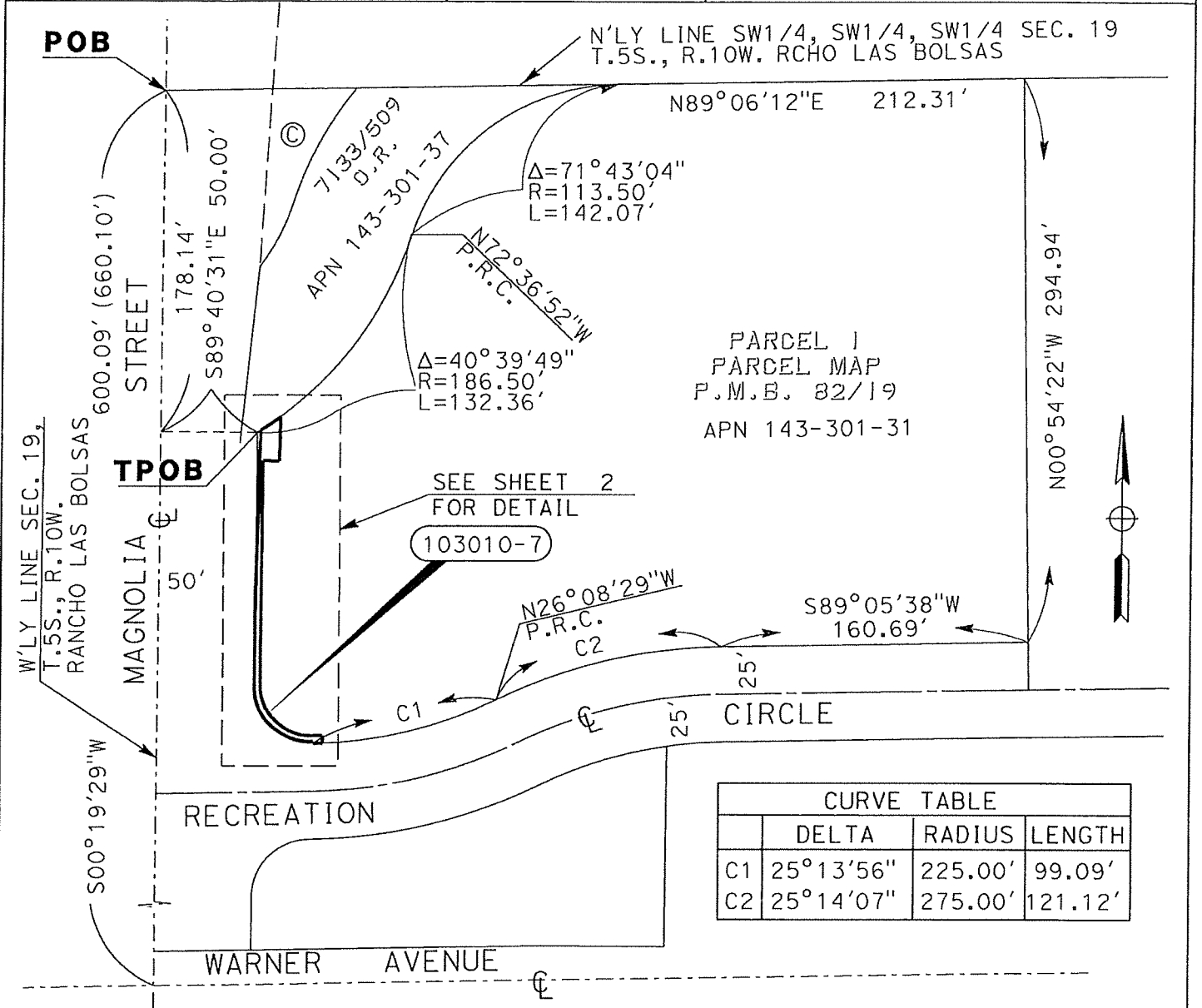


EXHIBIT G2

PARCEL#	TITLE	AREA	APN
103010-7	TCE	662 SF	143-301-31



LEGEND

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

NOTE:

() INDICATES RECORD DIST.
PER P.M.B. 82/19

© INST. NO. 19980489925 O.R.
REC. 7/29/98 (APN 143-294-02)

NOTES

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

103010-7

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373/(714)545-8883 (Fax)

DATE: 04-09-15

REV.: 02-25-18

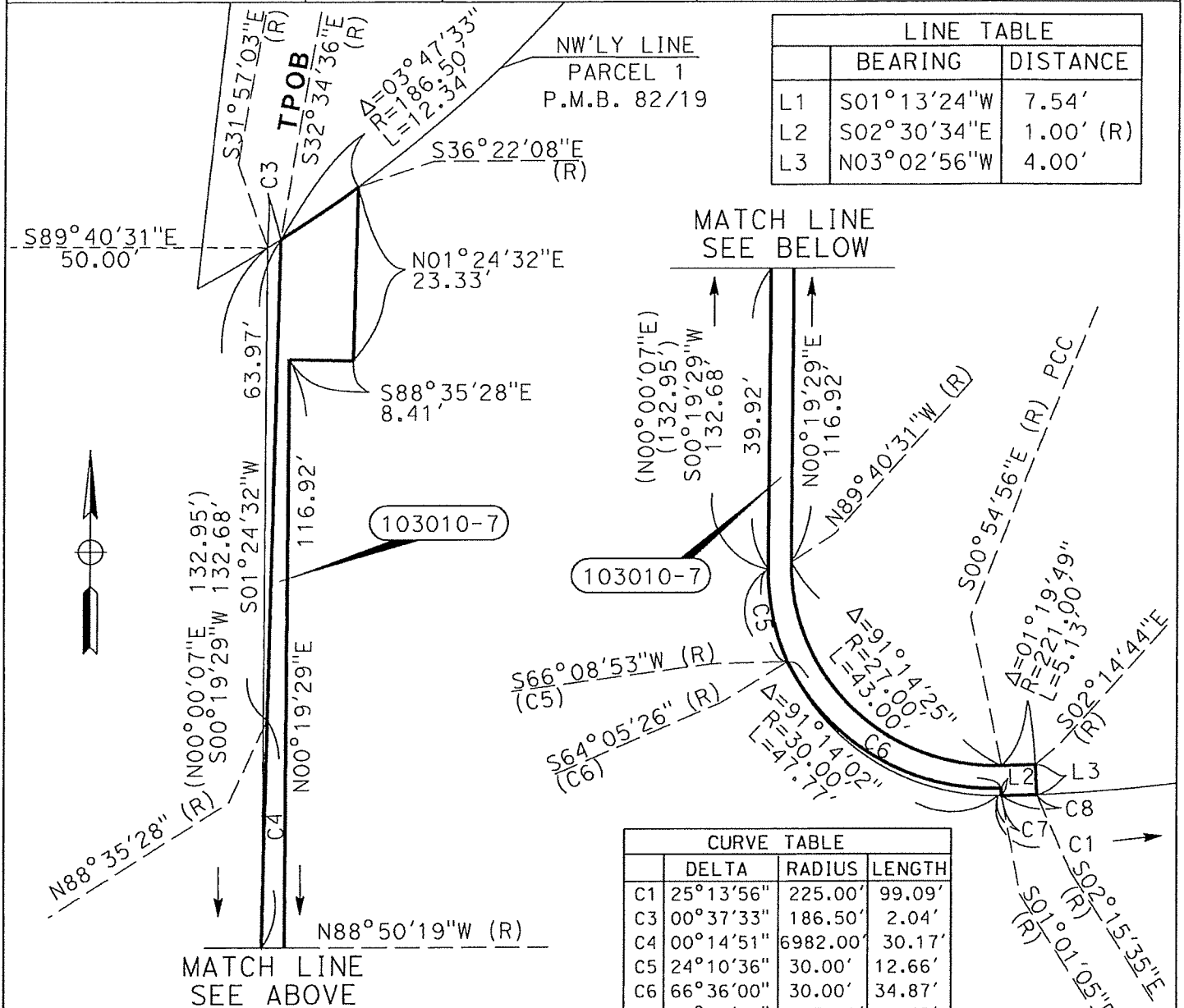
EA:

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.11	1	2

EXHIBIT G2

PARCEL#	TITLE	AREA	APN
103010-7	TCE	662 SF	143-301-31



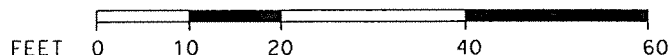
LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POB	Point of Beginning
	Caltrans Parcel Number
	Access Prohibited

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

DETAIL
SCALE 1"=20' () INDICATES RECORD DIST. PER P.M.B. 82/19

103010-7

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY: PSOMAS 3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373/(714)545-8883 (Fax)	DATE: 04-09-15		REV.: 02-25-18	EA: OF	FA#:	
	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
	12	ORANGE	405	15.11	2	2