

RESOLUTION NO. 2018-126

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 NO. 156-151-02.

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 10550 Talbert Avenue, in the City of Fountain Valley, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project include a partial fee interest as legally described in and depicted in Exhibit "A" hereto, a partial fee interest as legally described and depicted in Exhibit "B" hereto, and a temporary construction easement as legally described and depicted in Exhibit "C" 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 September 7, 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 October 22, 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," and "C" attached hereto and incorporated herein by reference.

Section 6. Findings. The Authority hereby finds, determines and declares each of the following:

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

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

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

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

Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the real property to be acquired is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the real property, or any portion thereof, is already devoted, or, in the alternative, is a

compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the real property, or any portion thereof, is already devoted.

Section 8. Authority to Exercise Eminent Domain. The Authority is hereby authorized and empowered to acquire two partial fee interests and one temporary construction easement in real property as described and depicted in Exhibits "A," "B," and "C" 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. 2018-126, by the following votes:

AYES:

NOES:

ABSENT:

LAURENA WEINERT
CLERK OF THE BOARD

EXHIBIT “1”

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102925-1

Fee Acquisition

APN 156-151-02

In the City of Fountain Valley, County of Orange, State of California, being a portion of Parcel 1 of a Map filed in Book 118, Pages 23 and 24 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Talbert Avenue and Ward Street as shown on said Parcel Map; thence along the centerline of said Talbert Avenue South 89°32'00" East 433.90 feet; thence leaving said centerline South 00°28'00" West 50.00 feet to the northwest corner of said Parcel 1; thence along the westerly and southwesterly lines of said Parcel 1 the following five courses:

1. South 00°28'00" West 475.00 feet;
2. South 62°06'03" West 56.60 feet;
3. South 27°11'27" West 144.23 feet to the southwest corner of said Parcel 1;
4. South 62°45'09" East 154.77 feet;
5. South 63°36'01" East 750.18 feet to the **True Point of Beginning**;

Thence leaving said southerly line South 64°04'18" East 23.59 feet; thence South 64°18'51" East 103.57 feet to the southeasterly line of said Parcel 1; thence along said southeasterly line South 36°28'42" West 1.51 feet to the southeasternmost corner of said Parcel 1; thence along the southwesterly line of said Parcel 1 North 63°36'01" West 126.89 feet to the **True Point of Beginning**.

Containing 89 square feet.

COAST SURVEYING, INC.

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

4
5 See Exhibit 'A2' attached hereto and made a part hereof.

6
7 The distances shown herein are grid distances. Ground distances may be obtained by
8 dividing grid distances by the combination factor of 0.99997837.

9
10 Prepared under the direction of

11
12 Kriss Larson

13
14 Kriss A. Larson, PLS 6179

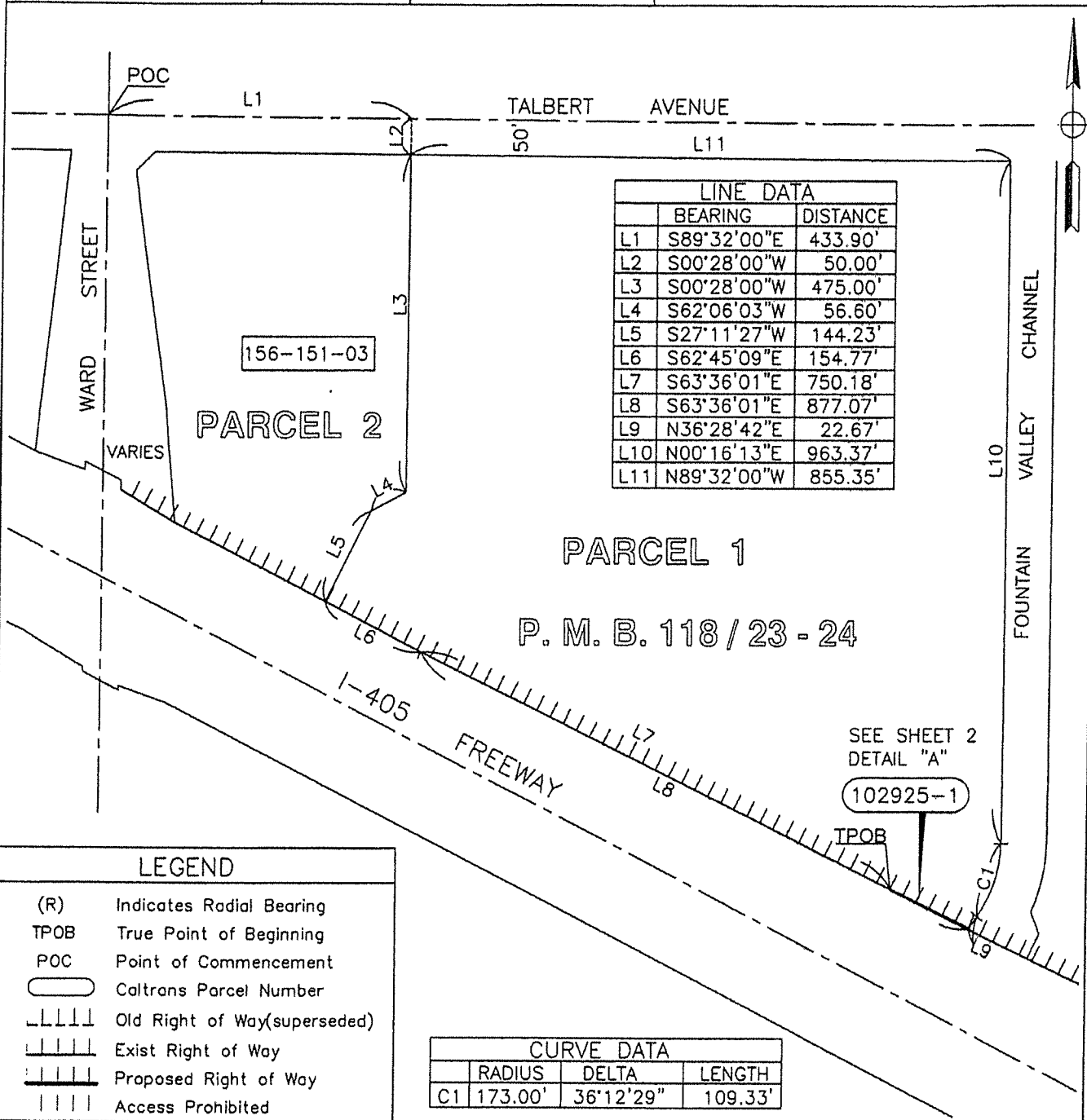
7-1-16

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102925-1	FEE	89 SF	156-151-02



LEGEND	
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
POC	Point of Commencement
156-151-03	Caltrans Parcel Number
	Old Right of Way(superseded)
	Exist Right of Way
	Proposed Right of Way
	Access Prohibited

NOTES

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

102925-1

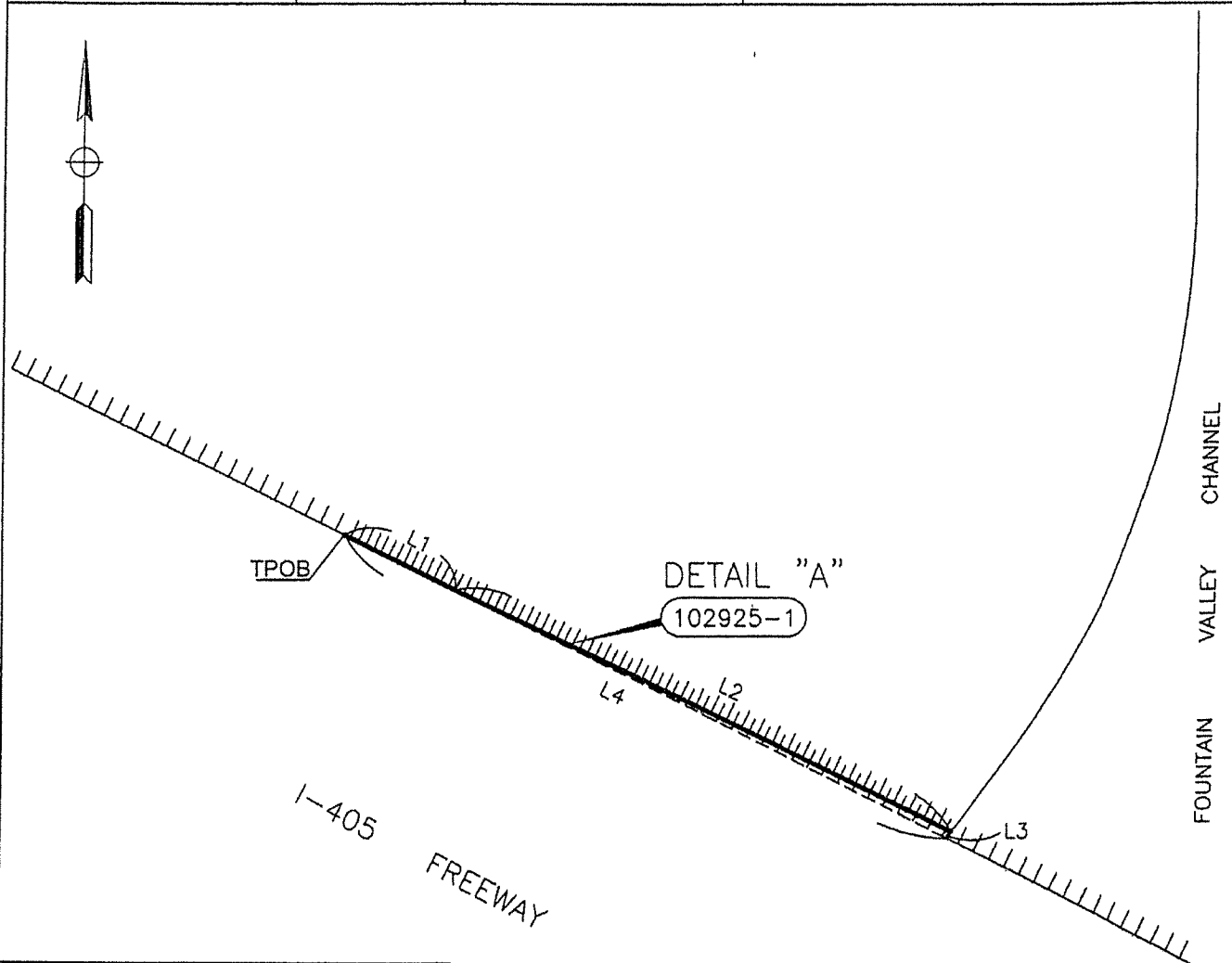
FEE ACQUISITION

FEET 0 100 200 400 600

PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266		DATE: 7-1-16	REV.:	EA: XXXXX	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.02	1	2

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102925-1	FEE	89 SF	156-151-02



LEGEND

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

LINE DATA

	BEARING	DISTANCE
L1	S64°04'18"E	23.59'
L2	S64°18'51"E	103.57'
L3	S36°28'42"W	1.51'
L4	N63°36'01"W	126.89'

NOTES

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

102925-1

FEE ACQUISITION



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

DATE: 7-1-16	REV.:	EA: XXXXX	FA#:			
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
12	ORA	405	13.02	2	2	

EXHIBIT “2”

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102925-2

Fee Acquisition

APN 156-151-02

In the City of Fountain Valley, County of Orange, State of California, being a portion of Parcel 1 of a Map filed in Book 118, Pages 23 and 24 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Talbert Avenue and Ward Street as shown on said Parcel Map; thence along the centerline of said Talbert Avenue South 89°32'00" East 433.90 feet; thence leaving said centerline South 00°28'00" West 50.00 feet to the northwest corner of said Parcel 1; thence along the westerly and southwesterly lines of said Parcel 1 the following five courses:

1. South 00°28'00" West 475.00 feet;
2. South 62°06'03" West 56.60 feet;
3. South 27°11'27" West 144.23 feet to the southwest corner of said Parcel 1;
4. South 62°45'09" East 154.77 feet;
5. South 63°36'01" East 252.70 feet to the **True Point of Beginning**;

Thence leaving said southwesterly line North 26°22'29" East 4.27 feet; thence South 63°37'31" East 10.00 feet; thence South 26°22'29" West 4.27 feet to the southwesterly line of said Parcel 1; thence along said southwesterly line North 63°36'01" West 10.00 feet to the **True Point of Beginning**.

Containing 43 square feet.

COAST SURVEYING, INC.

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

4
5 See Exhibit 'A2' attached hereto and made a part hereof.

6
7 The distances shown herein are grid distances. Ground distances may be obtained by
8 dividing grid distances by the combination factor of 0.99997837.

9
10 Prepared under the direction of

11
12 Kriss Larson

13
14 Kriss A. Larson, PLS 6179

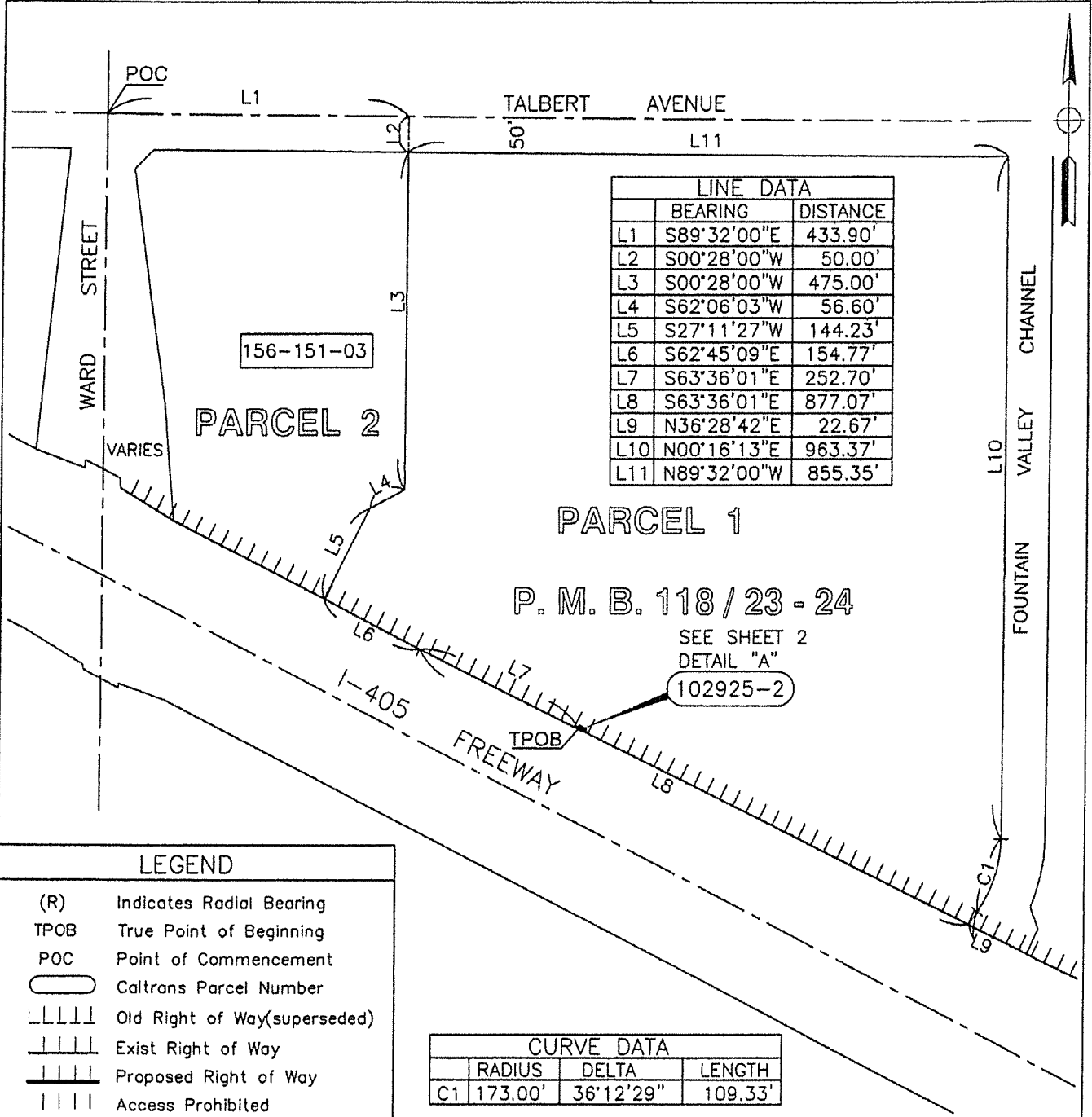
7-1-16

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102925-2	FEE	43 SF	156-151-02



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

NOTES

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102925-2

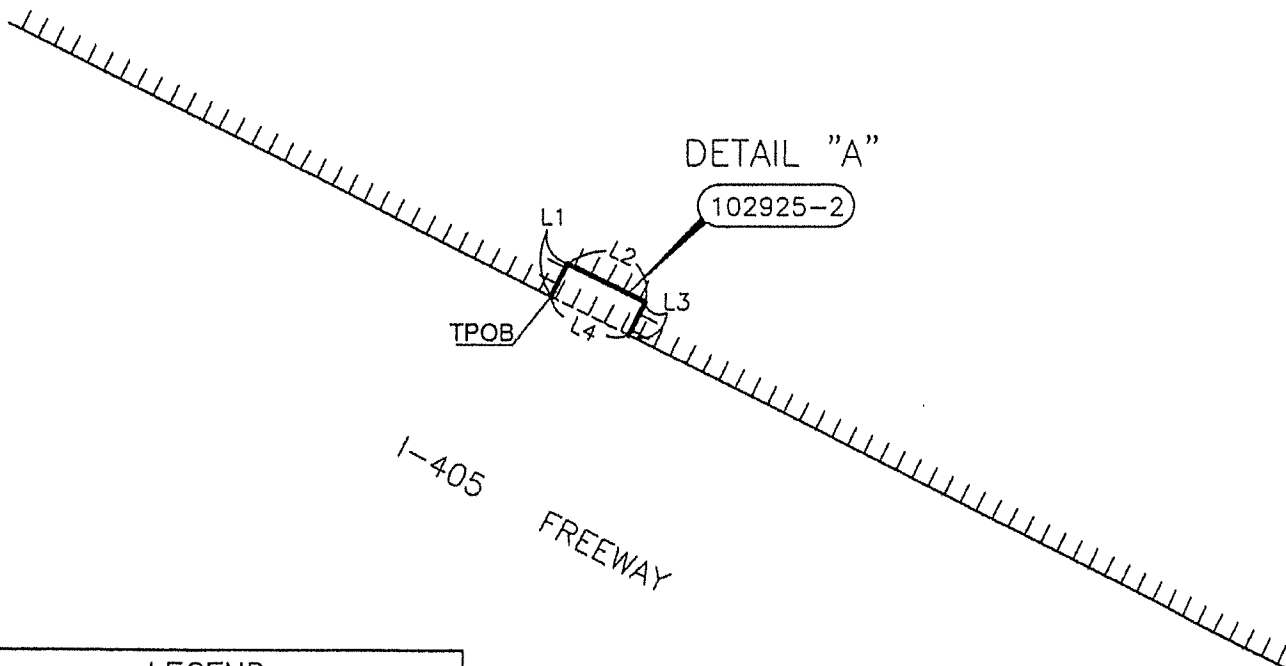
FEE ACQUISITION

FEET 0 100 200 400 600

PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266		DATE: 7-1-16	REV.:	EA: XXXXX	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.02	1	2

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102925-2	FEE	43 SF	156-151-02



LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POC Point of Commencement
- 102925-2 Caltrans Parcel Number
- Old Right of Way(superseded)
- Exist Right of Way
- Proposed Right of Way
- Access Prohibited

LINE DATA

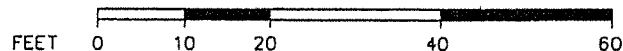
	BEARING	DISTANCE
L1	N26°22'29"E	4.27'
L2	S63°37'31"E	10.00'
L3	S26°22'29"W	4.27'
L4	N63°36'01"W	10.00'

NOTES

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

102925-2

FEE ACQUISITION



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

DATE: 7-1-16		REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.02	2	2

EXHIBIT “3”

COAST SURVEYING, INC.

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 102925-3

Temporary Construction Easement

APN 156-151-02

In the City of Fountain Valley, County of Orange, State of California, being a portion of Parcel 1 of a Map filed in Book 118, Pages 23 and 24 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

Commencing at the centerline intersection of Talbert Avenue and Ward Street as shown on said Parcel Map; thence along the centerline of said Talbert Avenue South $89^{\circ}32'00''$ East 433.90 feet; thence leaving said centerline South $00^{\circ}28'00''$ West 50.00 feet to the northwest corner of said Parcel 1; thence along the westerly line of said Parcel 1 the following three courses:

1. South $00^{\circ}28'00''$ West 475.00 feet;
2. South $62^{\circ}06'03''$ West 56.60 feet;
3. South $27^{\circ}11'27''$ West 144.23 feet to the southwest corner of said Parcel 1 and the **True Point of Beginning**;

Thence along the said westerly line of said Parcel 1 North $27^{\circ}11'27''$ East 8.30 feet; thence leaving said westerly line South $62^{\circ}40'13''$ East 405.39 feet; thence North $26^{\circ}22'29''$ East 1.88 feet; thence South $64^{\circ}04'19''$ East 522.97 feet; thence South $64^{\circ}18'51''$ East 105.48 feet to the southeasterly line of said Parcel 1; thence along said southeasterly line South $36^{\circ}28'42''$ West 10.18 feet; thence leaving said easterly line North $64^{\circ}18'51''$ West 103.57 feet; thence North $64^{\circ}04'18''$ West 23.59 feet to the southwesterly line of said Parcel 1; thence along said southwesterly line North $63^{\circ}36'01''$ West 487.48 feet; thence leaving said southwesterly line North $26^{\circ}22'29''$ East 4.27 feet; thence North $63^{\circ}37'31''$ West 10.00 feet; thence South $26^{\circ}22'29''$ West 4.27 feet to the

COAST SURVEYING, INC.

1 southwesterly line of said Parcel 1; thence along said southwesterly line North $63^{\circ}36'01''$
2 West 252.70 feet; thence continuing along said southwesterly line North $62^{\circ}45'09''$ West
3 154.77 feet to said southwest corner of Parcel 1 and the **True Point of Beginning**.

4
5 Containing 7989 square feet.

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

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

11
12 Prepared under the direction of

13
14 Kriss A. Larson

15
16 Kriss A. Larson, PLS 6179

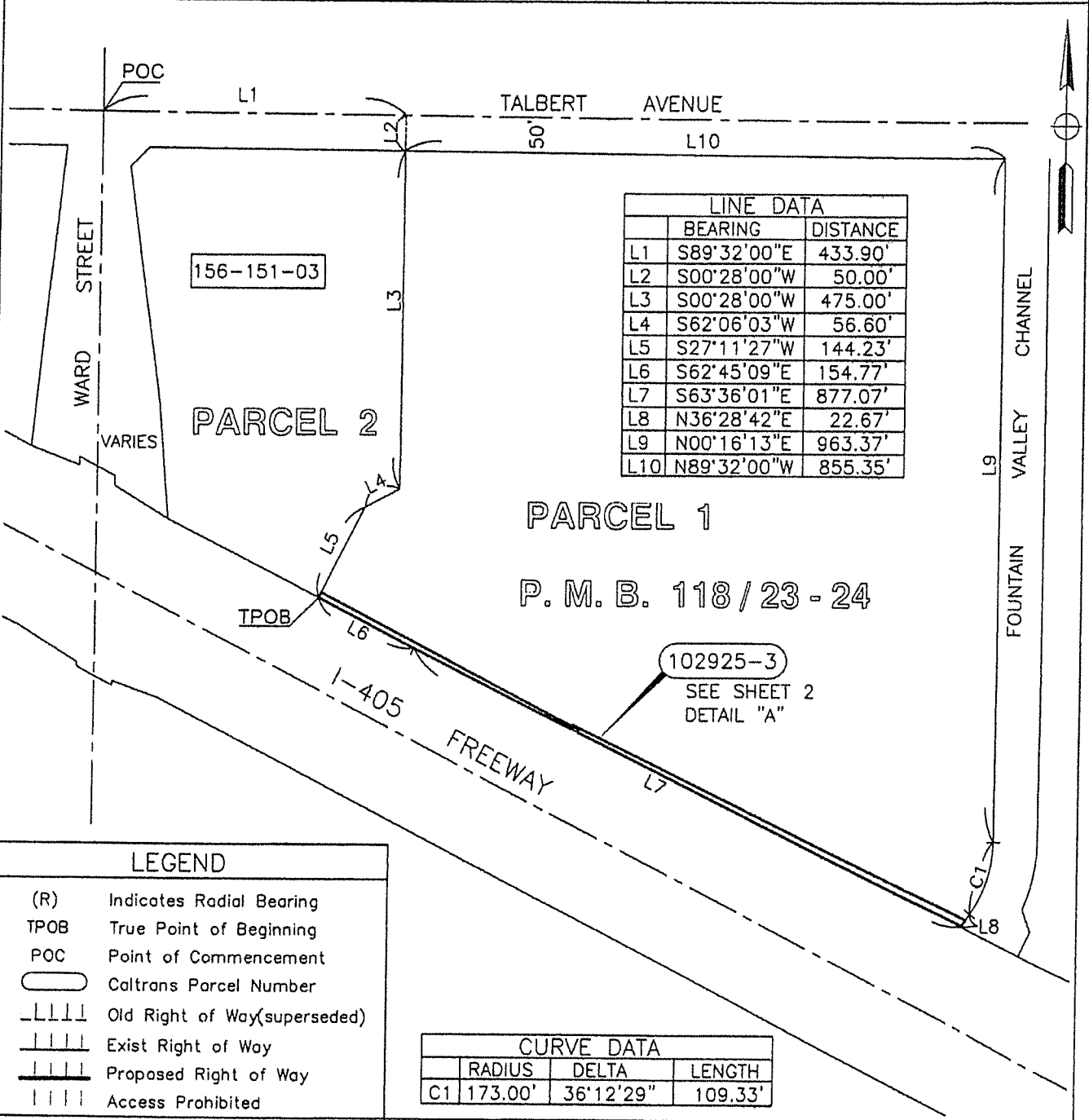
7-1-16

Date



EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102925-3	TCE	7,989 SF	156-151-02



LEGEND

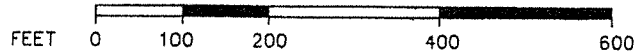
- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POC Point of Commencement
- Caltrans Parcel Number
- |—|—|— Old Right of Way (superseded)
- |—|—|— Exist Right of Way
- |—|—|— Proposed Right of Way
- |||| Access Prohibited

NOTES

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102925-3

TEMPORARY CONSTRUCTION AGREEMENT

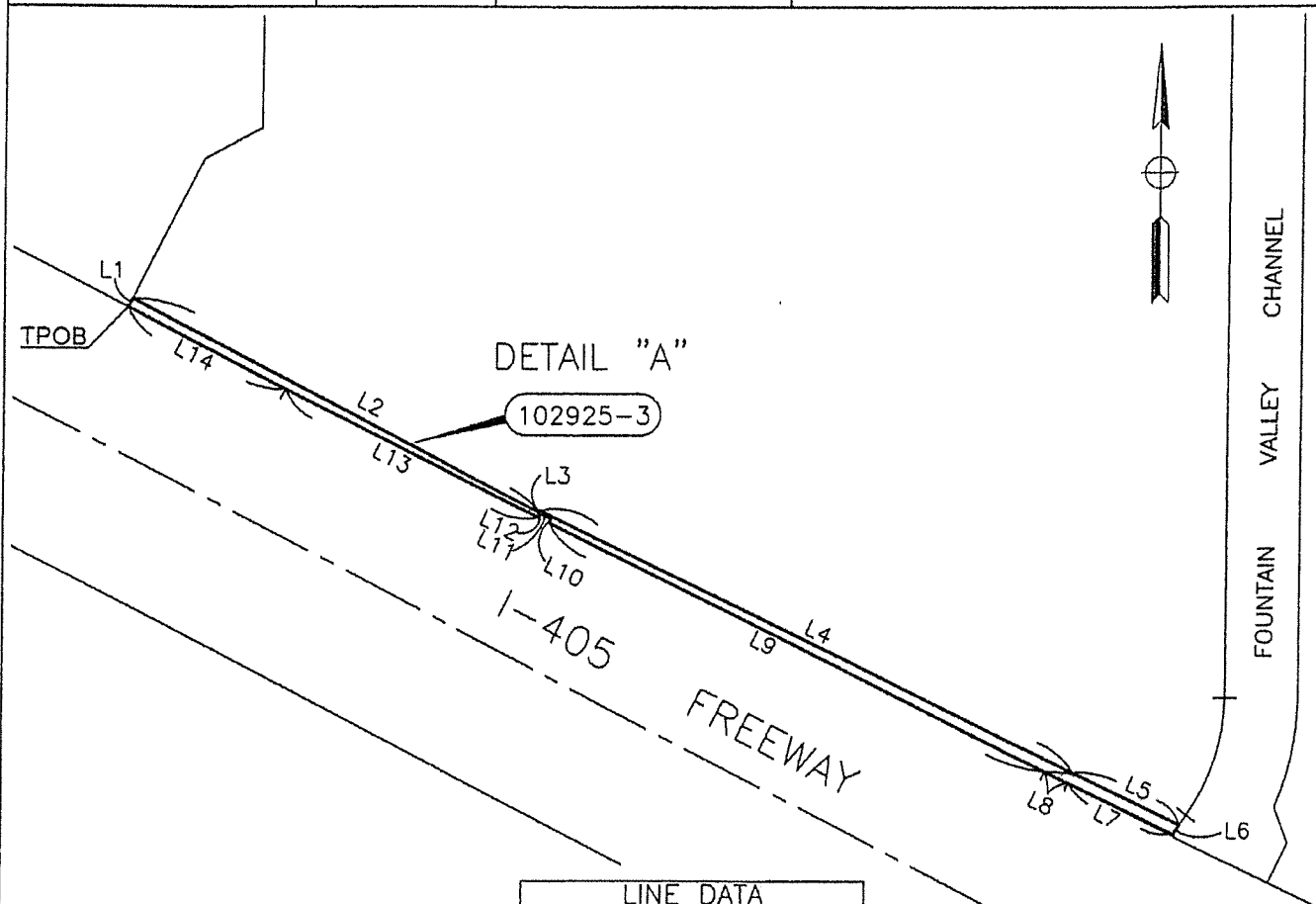


PREPARED BY:
COAST SURVEYING
 15031 PARKWAY LOOP, SUITE B
 TUSTIN, CA 92780-6527
 (714)918-6266

DATE: 7-1-16		REV.:	EA: XXXXX	FA#:	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.02	1	2

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102925-3	TCE	7,989 SF	156-151-02



LINE DATA		
	BEARING	DISTANCE
L1	N27°11'27"E	8.30'
L2	S62°40'13"E	405.39'
L3	N26°22'29"E	1.88'
L4	S64°04'19"E	522.97'
L5	S64°18'51"E	105.48'
L6	S36°28'42"W	10.18'
L7	N64°18'51"W	103.57'
L8	N64°04'18"W	23.59'
L9	N63°36'01"W	487.48'
L10	N26°22'29"E	4.27'
L11	N63°37'31"W	10.00'
L12	S26°22'29"W	4.27'
L13	N63°36'01"W	252.70'
L14	N62°45'09"W	154.77'

LEGEND

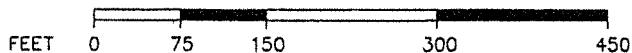
- (R) Indicates Radial Bearing
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- Caltrans Parcel Number
- Old Right of Way (superseded)
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- Access Prohibited

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102925-3

TEMPORARY CONSTRUCTION EASEMENT



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

DATE: 7-1-16		REV.:	EA: XXXXX	FA#:	
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12	ORA	405	13.02	2	2