

**RESOLUTION NO. 2018-127**

**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. 156-213-40, 156-212-43 AND 156-202-94.**

**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 Ward Street, in the City of Fountain Valley, California (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project include a partial fee interest as legally described in and depicted in Exhibit “1” hereto, a permanent wall footing easement as legally described and depicted in Exhibit “2” hereto, a temporary construction easement as legally described and depicted in Exhibit “3” hereto, and a temporary construction easement as legally described and depicted in Exhibit “4” 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 “1” through “4” 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 one partial fee interest, one permanent wall footing easement, and two temporary construction easements in real property as described and depicted in Exhibits "1" through "4" 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 22nd day of October, 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. 2018-127, by the following votes:

AYES:

NOES:

ABSENT:

---

LAURENA WEINERT  
CLERK OF THE BOARD

Exhibit “A”

# COAST SURVEYING, INC.

## EXHIBIT 'A1'

### LEGAL DESCRIPTION

#### Caltrans Parcel No. 102921-1

#### Fee Acquisition

APN 156-213-40, 156-212-43 & 156-202-94

In the City of Fountain Valley, County of Orange, State of California, being that portion of Lot "A" as shown on Tract 6910, filed in Book 274, Pages 24 through 27 of Miscellaneous Maps together with that portion of Truckee River Court adjacent to said Lot "A", and that portion of Lot "A" as shown on Tract 6909, filed in Book 261, Pages 33 through 36 of Miscellaneous Maps, both filed in the office of the County Recorder of said County, described as a whole as follows:

**Beginning** at the northeasternmost corner of Lot "A" of said Tract 6910, being at the northernmost terminus of the line shown as " N 02°39'15" W 491.23' " on said map, shown as North 02°42'35" West 491.23 feet for purposes of this description; thence along the northerly lines of said Lot "A" and Lot "A" of said Tract 6909 the following five (5) courses:

- 1) North 55°52'20" West 8.19 feet;
- 2) North 64°49'50" West 233.70 feet;
- 3) North 62°40'09" West 405.67 feet;
- 4) North 62°27'30" West 130.22 feet to the northwesternmost corner of Lot "A" of said Tract 6910 and the northeasternmost corner of Lot "A" of said Tract 6909;
- 5) North 62°27'30" West 53.36 feet;

thence leaving said northerly line of Lot "A" of Tract 6909 on the beginning of a non-tangent curve concave northeasterly having a radius of 5992.43 feet, to which point a radial line bears South 28°03'11" West; thence southeasterly 70.45 feet along said curve through a central angle of 00°40'25" to the beginning of a non-tangent curve concave northeasterly having a radius of 5990.58 feet, to which point a radial line bears South 28°30'07" West; thence southeasterly 122.56 feet along said curve through a central

## COAST SURVEYING, INC.

1 angle of  $01^{\circ}10'20''$ ; thence tangent South  $62^{\circ}40'13''$  East 643.04 feet to the easterly line  
2 of Lot "A" of said Tract 6910; thence along said easterly line North  $02^{\circ}42'35''$  W 10.26  
3 feet to the northeasternmost corner of said Lot "A" and the **Point of Beginning**.

4  
5 Containing 1899 square feet.

6  
7 This conveyance is made for the purpose of a freeway and the Grantor hereby releases  
8 and relinquishes to the Grantee any and all abutter's rights or access, appurtenant to  
9 Grantor's remaining property, in and to said freeway.

10  
11 See Exhibit 'A2' attached hereto and made a part hereof.

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

15  
16 Prepared under the direction of

17 Kriss Larson

18 Kriss A. Larson, PLS 6179

19 8-3-16

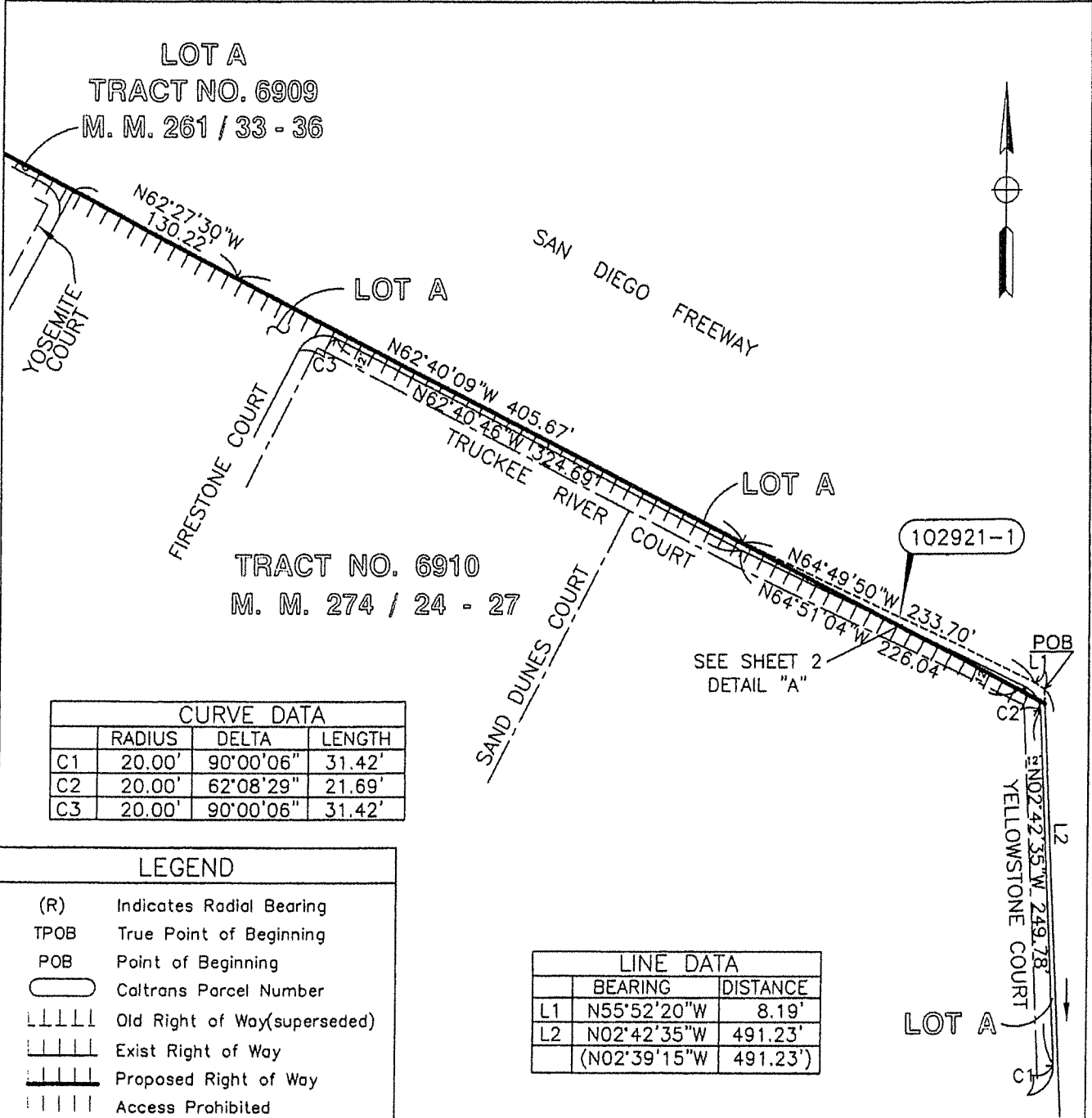
Date





# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102921-1	FEE	1899 SF	156-212-43, 156-213-40, 156-202-94

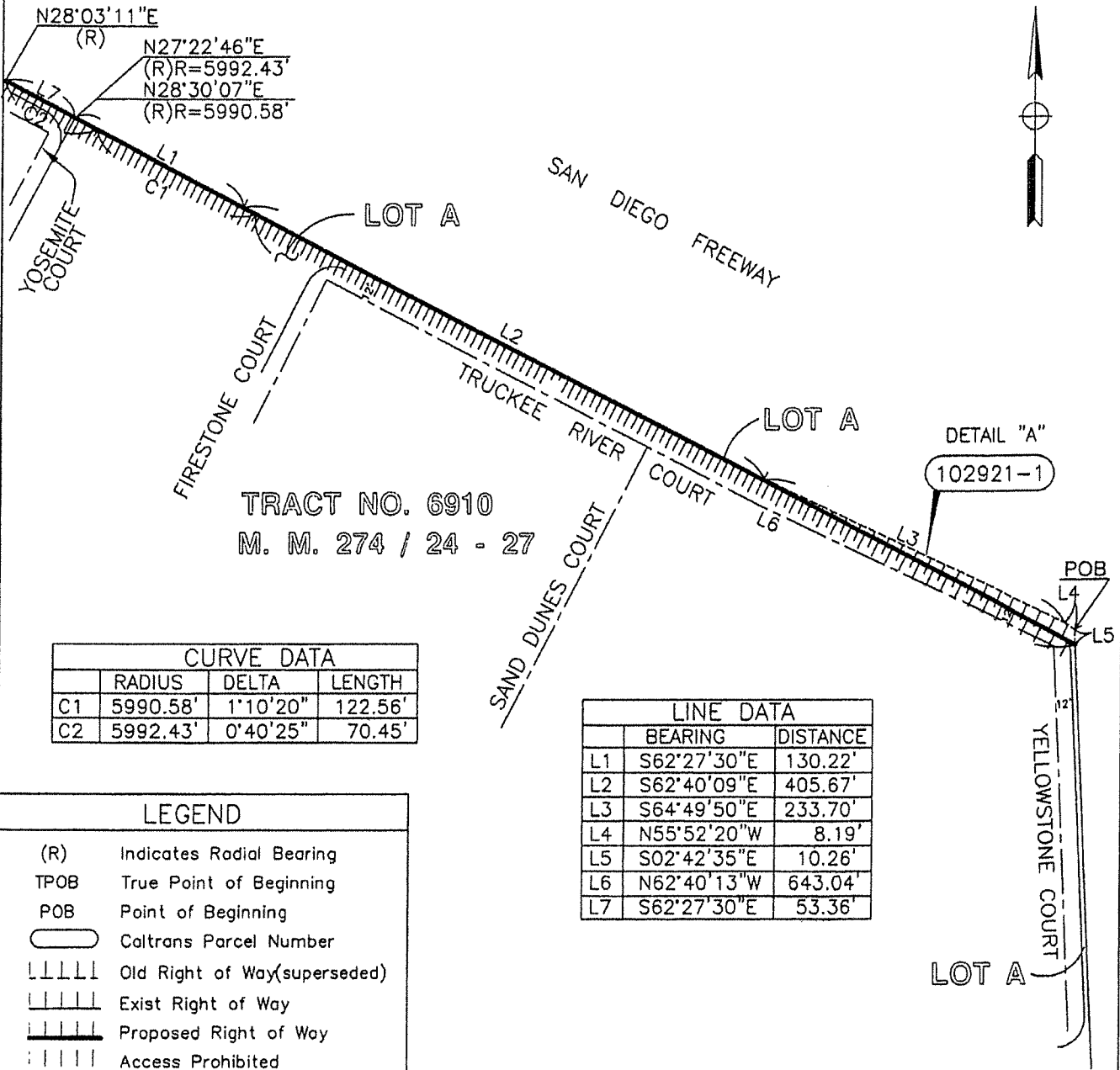


PREPARED BY:  
**COAST SURVEYING**  
15031 PARKWAY LOOP, SUITE B  
TUSTIN, CA 92780-6527  
(714)918-6266

DATE: 7-26-16		REV.:	EA: XXXXX	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.20	1	2

# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102921-1	FEE	1899 SF	156-212-43, 156-213-40, 156-202-94



NOTES	102921-1
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997837	FEE ACQUISITION

PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266	DATE: 7-26-16 REV.: EA: XXXXX FA#:	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
		12	ORA	405	13.20	2	2

**PERMANENT WALL FOOTING EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No: 156-213-40, 156-212-43, 156-202-94  
Caltrans Parcel No: 102921-2**

This non-exclusive permanent wall footing easement shall be 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 construction of 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 impede OCTA's rights as defined herein. OCTA will backfill to grade, with dirt, or will install pavement material, within that portion of the Footing Easement area affected by OCTA's work. The owner 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, for access or automobile parking purposes, or ground cover plants and grasses whose roots do not impact the subsurface footings, once the subsurface footings are 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.

Exhibit “B”

# COAST SURVEYING, INC.

## EXHIBIT 'B1'

### LEGAL DESCRIPTION

#### Caltrans Parcel No. 102921-2

#### Permanent Wall Footing Easement

APN 156-213-40, 156-212-43 & 156-202-94

In the City of Fountain Valley, County of Orange, State of California, being that portion of Lot "A" as shown on Tract 6910, filed in Book 274, Pages 24 through 27 of Miscellaneous Maps together with that portion of Truckee River Court adjacent to said Lot "A", and that portion of Lot "A" as shown on Tract 6909, filed in Book 261, Pages 33 through 36 of Miscellaneous Maps, both in the office of the County Recorder of said County, described as a whole as follows:

**Commencing** at the northeasternmost corner of Lot "A" of said Tract 6910, being at the northernmost terminus of the line shown as "N 02°39'15" W 491.23' " on said map, shown as North 02°42'35" West 491.23 feet for purposes of this description; thence along the easterly line of said Lot "A" South 02°42'35" East 10.26 feet to the **True Point of Beginning**; thence leaving said easterly line North 62°40'13" West 643.04 feet to the beginning of a tangent curve concave northeasterly having a radius of 5990.58 feet; thence northwesterly 122.56 feet along said curve through a central angle of 01°10'20" to the beginning of a non-tangent curve concave northeasterly having a radius of 5992.43 feet, to which point a radial line bears South 27°22'46" West; thence northwesterly along said curve 70.45 feet through a central angle of 00°40'25" to the northerly line of Lot "A" of said Tract 6909; thence non-tangent along said northerly line North 62°27'30" West 40.60 feet to the beginning of a non-tangent curve concave northeasterly having a radius of 5992.93 feet, to which point a radial line bears South 28°26'29" West; thence leaving said northerly line southeasterly 111.06 feet along said curve through a central angle of 01°03'42" to the beginning of a non-tangent curve concave northeasterly having a radius of 5991.08 feet, to which point a radial line bears South 28°30'07" West; thence southeasterly 122.56 feet along said curve through a central angle of 01°10'20"; thence

## COAST SURVEYING, INC.

1 tangent South  $62^{\circ}40'13''$  East 643.33 feet to the easterly line of Lot "A" of said Tract  
2 6910; thence along said easterly line North  $02^{\circ}42'35''$  West 0.58 feet to the **True Point**  
3 **of Beginning.**

4  
5 Containing 429 square feet.

6  
7 See Exhibit 'B2' 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.

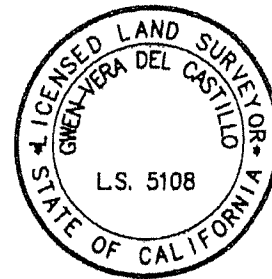
11  
12 Prepared under the direction of

13 Gwen Vera del Castillo

14  
15 Gwen-Vera del Castillo, PLS 5108

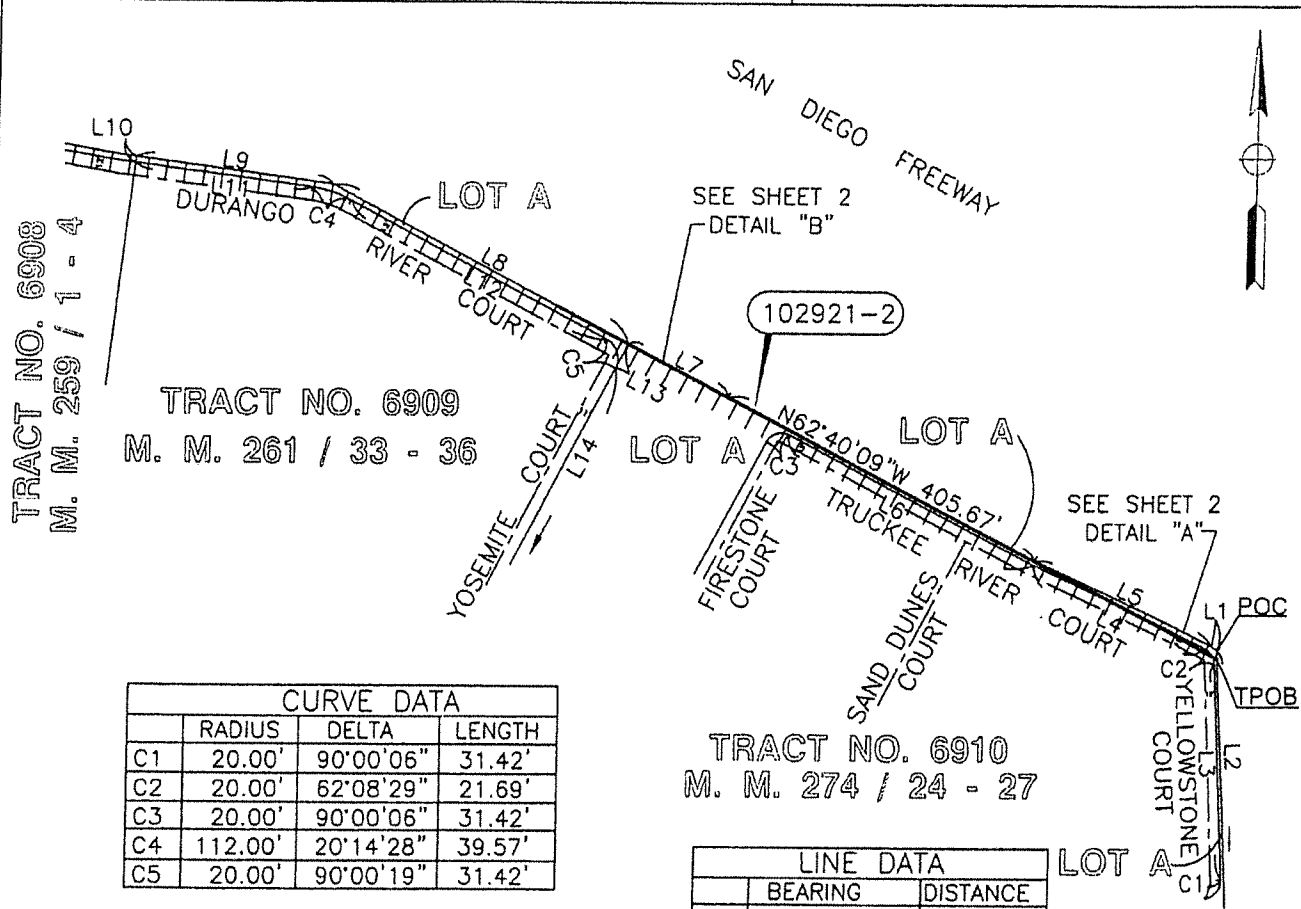
January 9, 2017

Date



# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
102921-2	ESMT	429 SF	156-212-43, 156-213-40, 156-202-94



CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'06"	31.42'
C2	20.00'	62°08'29"	21.69'
C3	20.00'	90°00'06"	31.42'
C4	112.00'	20°14'28"	39.57'
C5	20.00'	90°00'19"	31.42'

LINE DATA		
	BEARING	DISTANCE
L1	N55°52'20"W	8.19'
L2	N02°42'35"W	491.23'
	(N02°39'15"W	491.23')
L3	N02°42'35"W	249.78'
L4	N64°51'04"W	226.04'
L5	N64°49'50"W	233.70'
L6	N62°40'46"W	324.69'
L7	N62°27'30"W	130.62'
L8	N62°27'30"W	315.28'
L9	N82°28'18"W	184.86'
L10	S06°35'14"W	5.73'
L11	N82°35'32"W	164.69'
L12	N62°21'04"W	273.52'
L13	N27°39'15"E	25.64'
L14	N27°39'15"E	231.16'

## LEGEND

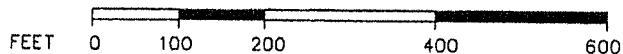
- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POC Point of Commencement
- Caltrans Parcel Number
- Old Right of Way (superseded)
- Exist Right of Way
- Proposed Right of Way
- Access Prohibited

## NOTES

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

102921-2

FOOTING EASEMENT

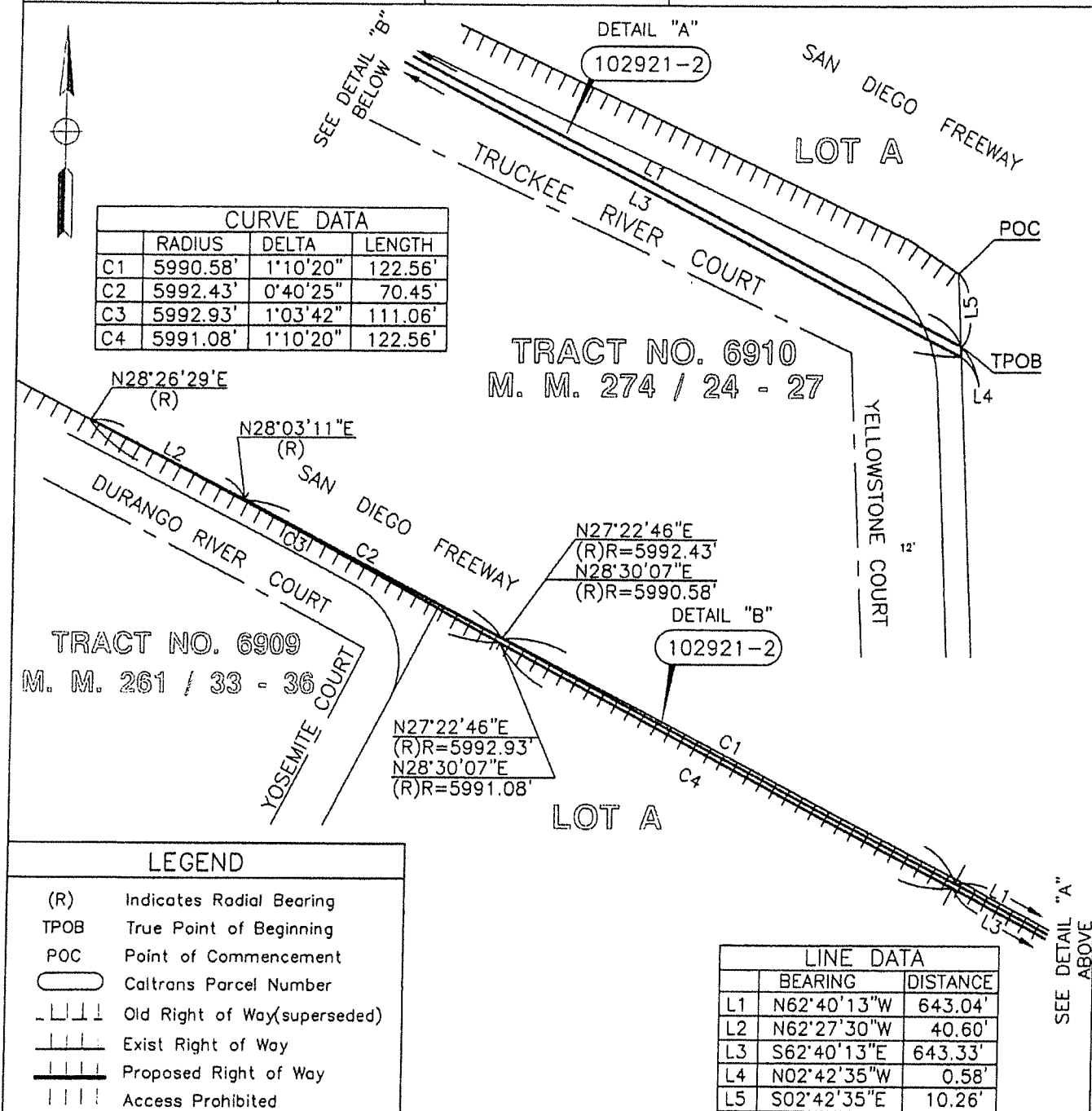


PREPARED BY:  
**COAST SURVEYING**  
15031 PARKWAY LOOP, SUITE B  
TUSTIN, CA 92780-6527  
(714)918-6266

DATE: 7-27-16	REV.:	EA: XXXXX	FA#:			
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
12	ORA	405	13.20	1	2	

# EXHIBIT B2

PARCEL#	TITLE	AREA	APN
102921-2	ESMT	429 SF	156-212-43, 156-213-40, 156-202-94



**NOTES**

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

102921-2

FOOTING EASEMENT  
NOT TO SCALE

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

DATE: 7-27-16	REV.:	EA: XXXX	FA#:		
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.20	2	2



# Exhibit “C”

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
Assessor Parcel No: 156-213-40, 156-212-43, 156-202-94  
Caltrans Parcel No: 102921-3**

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "C1" and depicted in Exhibit "C2" 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 around or across 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.
- Access to the garages and emergency vehicular access along Truckee River Court will be maintained at all times..
- 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.

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

# COAST SURVEYING, INC.

## EXHIBIT 'A1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 102921-3

Temporary Construction Easement

APN 156-213-40, 156-212-43 & 156-202-94

In the City of Fountain Valley, County of Orange, State of California, being that portion of Lot "A" as shown on Tract 6910, filed in Book 274, Pages 24 through 27 of Miscellaneous Maps, and that portion of Lot "A" as shown on Tract 6909, filed in Book 261, Pages 33 through 36 of Miscellaneous Maps, both filed in the office of the County Recorder of said County, described as a whole as follows:

**Commencing** at the northeasternmost corner of Lot "A" of said Tract 6910, being at the northernmost terminus of the line shown as "N 02°39'15" W 491.23' " on said map, shown as North 02°42'35" West 491.23 feet for purposes of this description; thence along the easterly line of said Lot "A" South 02°42'35" East 10.26 feet; thence leaving said easterly line North 62°40'13" West 121.00 feet to a point on the southerly line of said Lot "A" and the **True Point of Beginning**; thence leaving said southerly line North 62°40'13" West 522.04 feet to the beginning of a tangent curve concave northeasterly having a radius of 5990.58 feet; thence northwesterly 122.56 feet along said curve through a central angle of 01°10'20" to the beginning of a non-tangent curve concave northeasterly having a radius of 5992.43 feet, to which point a radial line bears South 27°22'46" West; thence northwesterly 70.45 feet along said curve through a central angle of 00°40'25" to the northerly line of Lot "A" of said Tract 6909; thence non-tangent along said northerly line North 62°27'30" West 261.92 feet; thence continuing along said northerly line North 82°28'18" West 14.66 feet; thence leaving said northerly line South 62°21'04" East 35.52 feet to the southerly line of said lot "A" and the northerly line of Durango River Court; thence along said northerly line South 62°21'04" East 273.52 feet; thence leaving said northerly line South 62°21'04" East 20.00 feet to the easterly line of Lot "A" of said Tract 6909; thence along said easterly line North 27°39'15" East 0.23

## COAST SURVEYING, INC.

1 foot to the beginning of a non-tangent curve concave northeasterly having a radius of  
2 5996.08 feet, to which point a radial line bears South 28°39'52" West; thence leaving  
3 said easterly line southeasterly 209.96 feet along said curve through a central angle of  
4 02°00'23" to the southerly line of said Lot "A" of Tract 6910 and the northerly line of  
5 Truckee River Court, being the beginning of a non-tangent curve concave southeasterly  
6 having a radius of 20.00 feet, to which point a radial line bears North 16°48'03" East;  
7 thence northeasterly 3.67 feet along said curve and said southerly line through a central  
8 angle of 10°31'11"; thence continuing along the southerly line of said Lot A" and  
9 northerly line of Truckee River Court South 62°40'46" East 324.69 feet; thence  
10 continuing along said southerly line South 64°51'04" East 123.51 feet to the **True Point**  
11 **of Beginning.**

12  
13 Containing 4694 square feet.

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

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

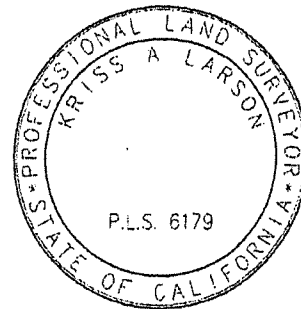
19  
20 Prepared under the direction of

21 Kriss Larson

22 Kriss A. Larson, PLS 6179

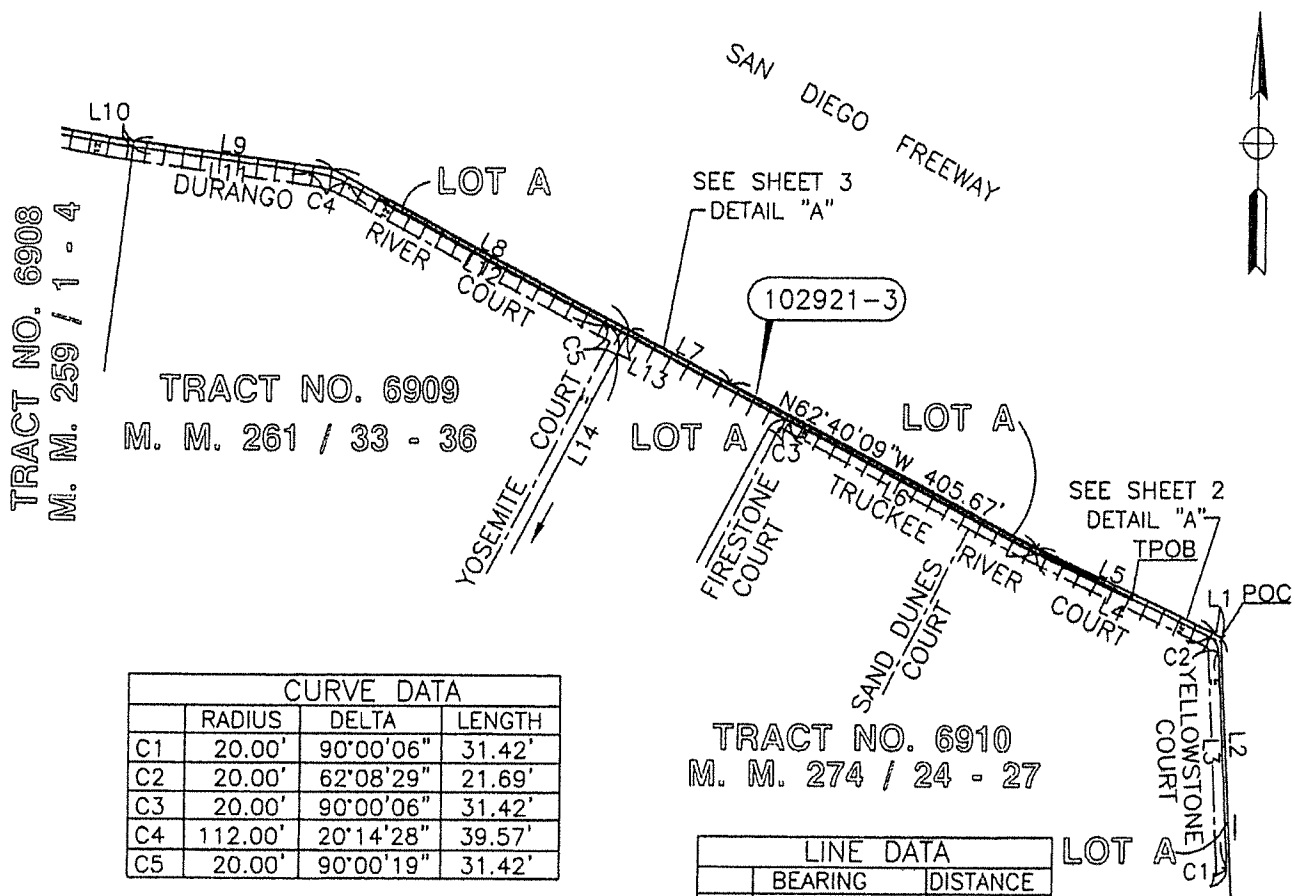
23 8-3-16

Date



# EXHIBIT C2

PARCEL#	TITLE	AREA	APN
102921-3	TCE	4694 SF	156-212-43, 156-213-40, 156-202-94



CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'06"	31.42'
C2	20.00'	62°08'29"	21.69'
C3	20.00'	90°00'06"	31.42'
C4	112.00'	20°14'28"	39.57'
C5	20.00'	90°00'19"	31.42'

LINE DATA		
	BEARING	DISTANCE
L1	N55°52'20"W	8.19'
L2	N02°42'35"W	491.23'
	(N02°39'15"W	491.23')
L3	N02°42'35"W	249.78'
L4	N64°51'04"W	226.04'
L5	N64°49'50"W	233.70'
L6	N62°40'46"W	324.69'
L7	N62°27'30"W	130.62'
L8	N62°27'30"W	315.28'
L9	N82°28'18"W	184.86'
L10	S06°35'14"W	5.73'
L11	N82°35'32"W	164.69'
L12	N62°21'04"W	273.52'
L13	N27°39'15"E	25.64'
L14	N27°39'15"E	231.16'

## LEGEND

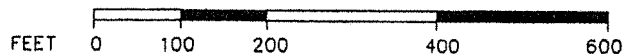
- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POC Point of Commencement
- Caltrans Parcel Number
- Old Right of Way (superseded)
- Exist Right of Way
- Proposed Right of Way
- Access Prohibited

## NOTES

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

102921-3

TEMPORARY CONSTRUCTION EASEMENT

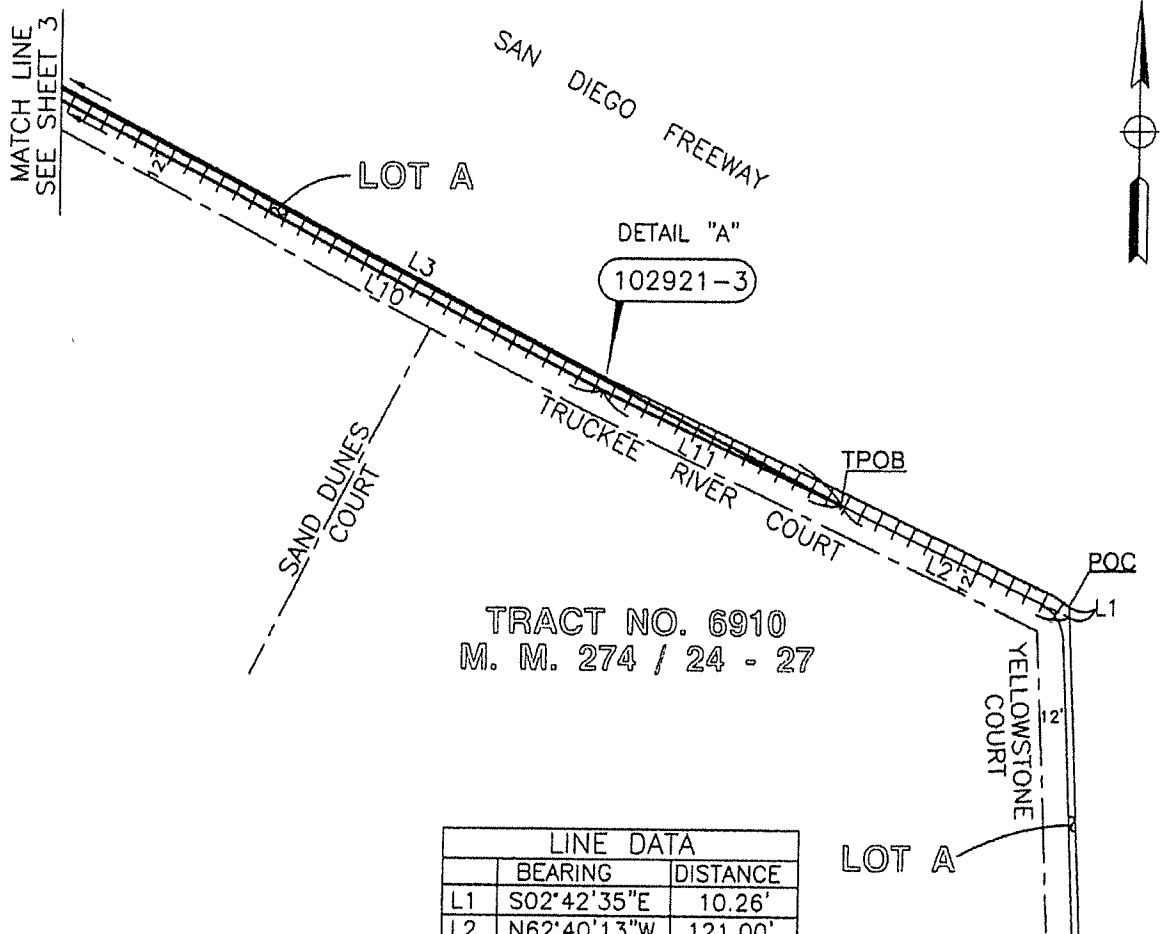


PREPARED BY:  
COAST SURVEYING  
15031 PARKWAY LOOP, SUITE B  
TUSTIN, CA 92780-6527  
(714)918-6266

DATE: 7-27-16		REV.:	EA: XXXXX	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.20	1	3

# EXHIBIT C2

PARCEL#	TITLE	AREA	APN
102921-3	TCE	4694 SF	156-212-43, 156-213-40, 156-202-94



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

LINE DATA		
	BEARING	DISTANCE
L1	S02°42'35"E	10.26'
L2	N62°40'13"W	121.00'
L3	N62°40'13"W	522.04'
L10	S62°40'46"E	324.69'
L11	S64°51'04"E	123.51'

## LEGEND

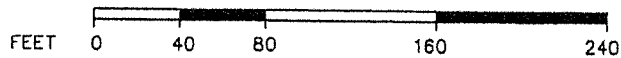
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- TPOB True Point of Beginning
- POC Point of Commencement
- Caltrans Parcel Number
- Old Right of Way (superseded)
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## NOTES

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102921-3

TEMPORARY CONSTRUCTION EASEMENT

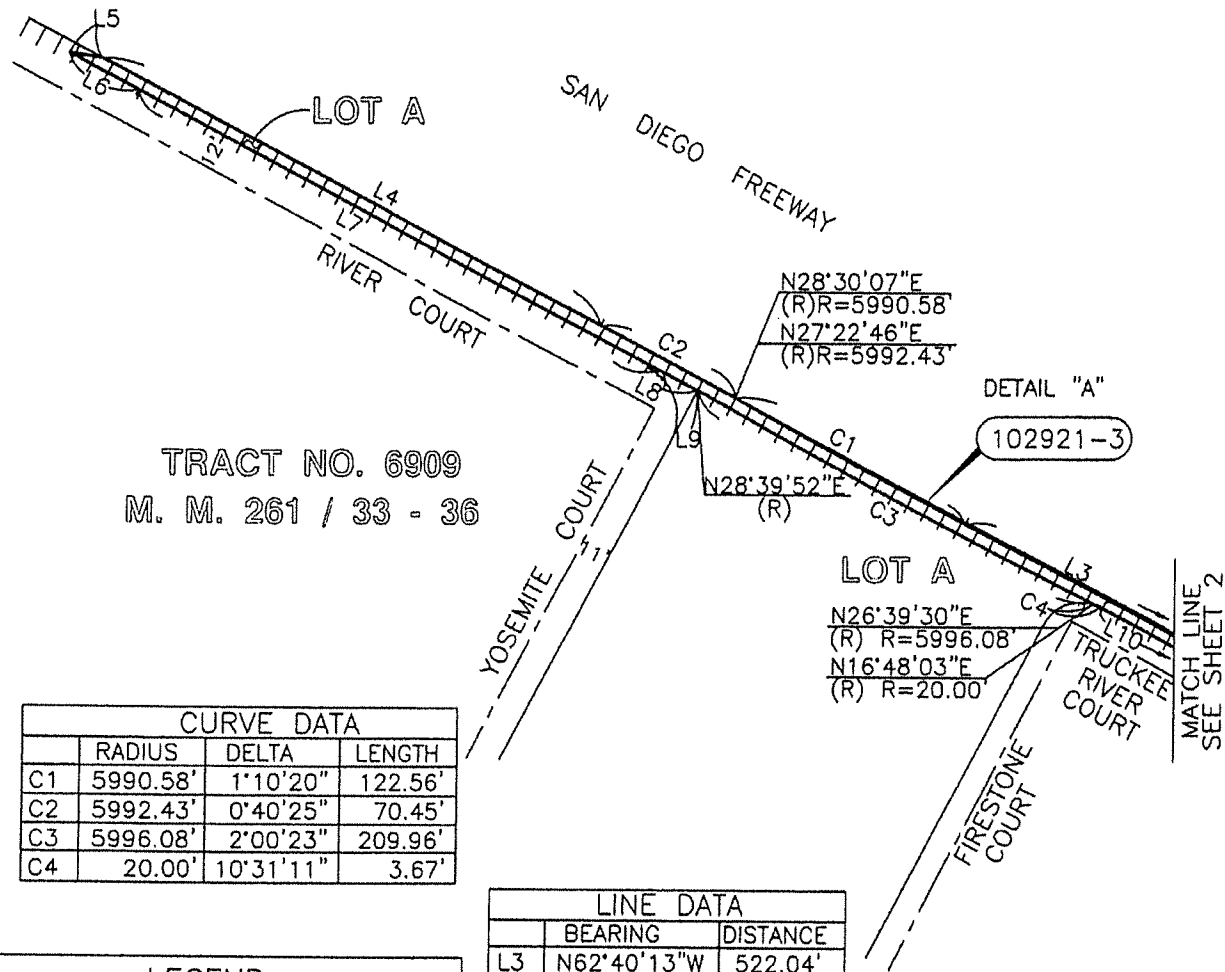


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15031 PARKWAY LOOP, SUITE B  
TUSTIN, CA 92780-6527  
(714)918-6266

DATE: 7-27-16		REV.:	EA: XXXXX	FA#: _____	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.20	2	3

# EXHIBIT A2

PARCEL#	TITLE	AREA	APN
102921-3	TCE	4694 SF	156-212-43, 156-213-40, 156-202-94



TRACT NO. 6909  
M. M. 261 / 33 - 36

CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	5990.58'	1°10'20"	122.56'
C2	5992.43'	0°40'25"	70.45'
C3	5996.08'	2°00'23"	209.96'
C4	20.00'	10°31'11"	3.67'

LINE DATA		
	BEARING	DISTANCE
L3	N62°40'13"W	522.04'
L4	N62°27'30"W	261.92'
L5	N82°28'18"W	14.66'
L6	S62°21'04"E	35.52'
L7	S62°21'04"E	273.52'
L8	S62°21'04"E	20.00'
L9	N27°39'15"E	0.23'
L10	S62°40'46"E	324.69'

## 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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102921-3

TEMPORARY CONSTRUCTION EASEMENT



PREPARED BY: COAST SURVEYING 15031 PARKWAY LOOP, SUITE B TUSTIN, CA 92780-6527 (714)918-6266	DATE: 7-27-16		REV.:		EA: XXXXX		FA#: _____	
	DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS		
	12	ORA	405	13.20	3	3		

Exhibit “D”



**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION**

**Assessor Parcel No: 156-213-40**

**Caltrans Parcel No: 102921-4**

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 around or across 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.
- Access to the garages and emergency vehicular access along Truckee River Court will be maintained at all times.
- 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.

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

# COAST SURVEYING, INC.

## EXHIBIT 'B1'

### LEGAL DESCRIPTION

Caltrans Parcel No. 102921-4

Temporary Construction Easement

APN 156-213-40

In the City of Fountain Valley, County of Orange, State of California, being that portion of Lot "A" as shown on Tract 6910, filed in Book 274, Pages 24 through 27 of Miscellaneous Maps, filed in the office of the County Recorder of said County, described as follows:

**Commencing** at the northeasternmost corner of Lot "A" of said Tract 6910, being at the northernmost terminus of the line shown as "N 02°39'15" W 491.23' " on said map, shown as North 02°42'35" West 491.23 feet for purposes of this description; thence along the easterly line of said Lot "A" South 02°42'35" East 10.26 feet to the **True Point of Beginning**; thence along said easterly line South 02°42'35" East 12.13 feet; thence leaving said easterly line North 62°40'13" West 3.99 feet to the westerly line of said Lot "A" and the easterly line of Yellowstone Court; thence along said westerly line North 02°42'35" West 5.12 feet to the beginning of a tangent curve concave southwesterly having a radius of 20.00 feet; thence continuing along said westerly line northwesterly 8.20 feet along said curve through a central angle of 23°29'36"; thence leaving said westerly line non-tangent South 62°40'13" East 5.90 feet to the easterly line of said Lot "A" and the **True Point of Beginning**.

Containing 45 square feet.

See Exhibit 'B2' attached hereto and made a part hereof.

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# COAST SURVEYING, INC.

1

2

3

4 Prepared under the direction of

5

6

7

Kriss Larson

Kriss A. Larson, PLS 6179

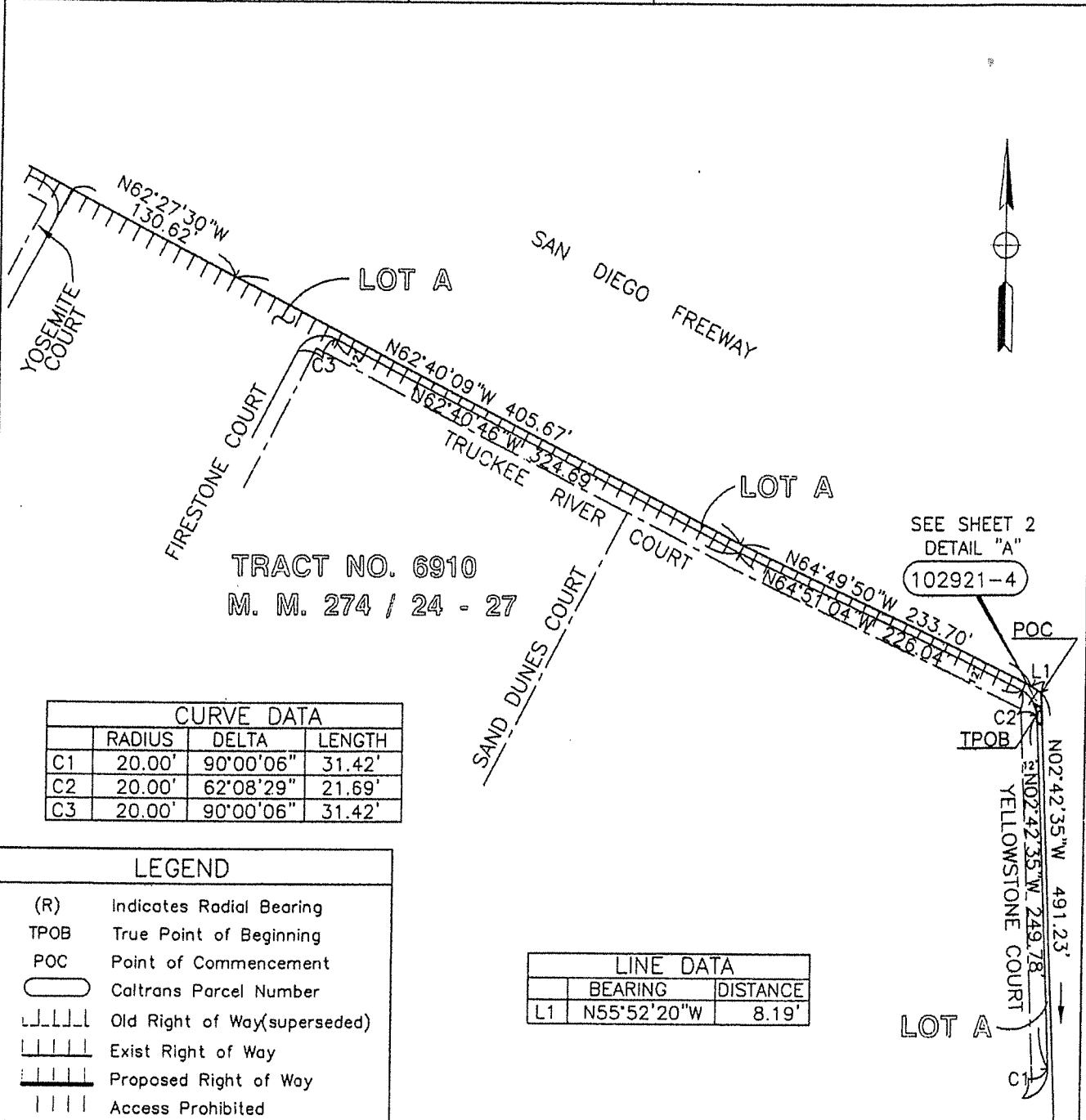
8-1-16

Date



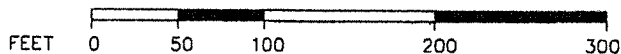
# EXHIBIT D2

PARCEL#	TITLE	AREA	APN
102921-4	TCE	45 SF	156-213-40



## 102921-4

TEMPORARY CONSTRUCTION EASEMENT

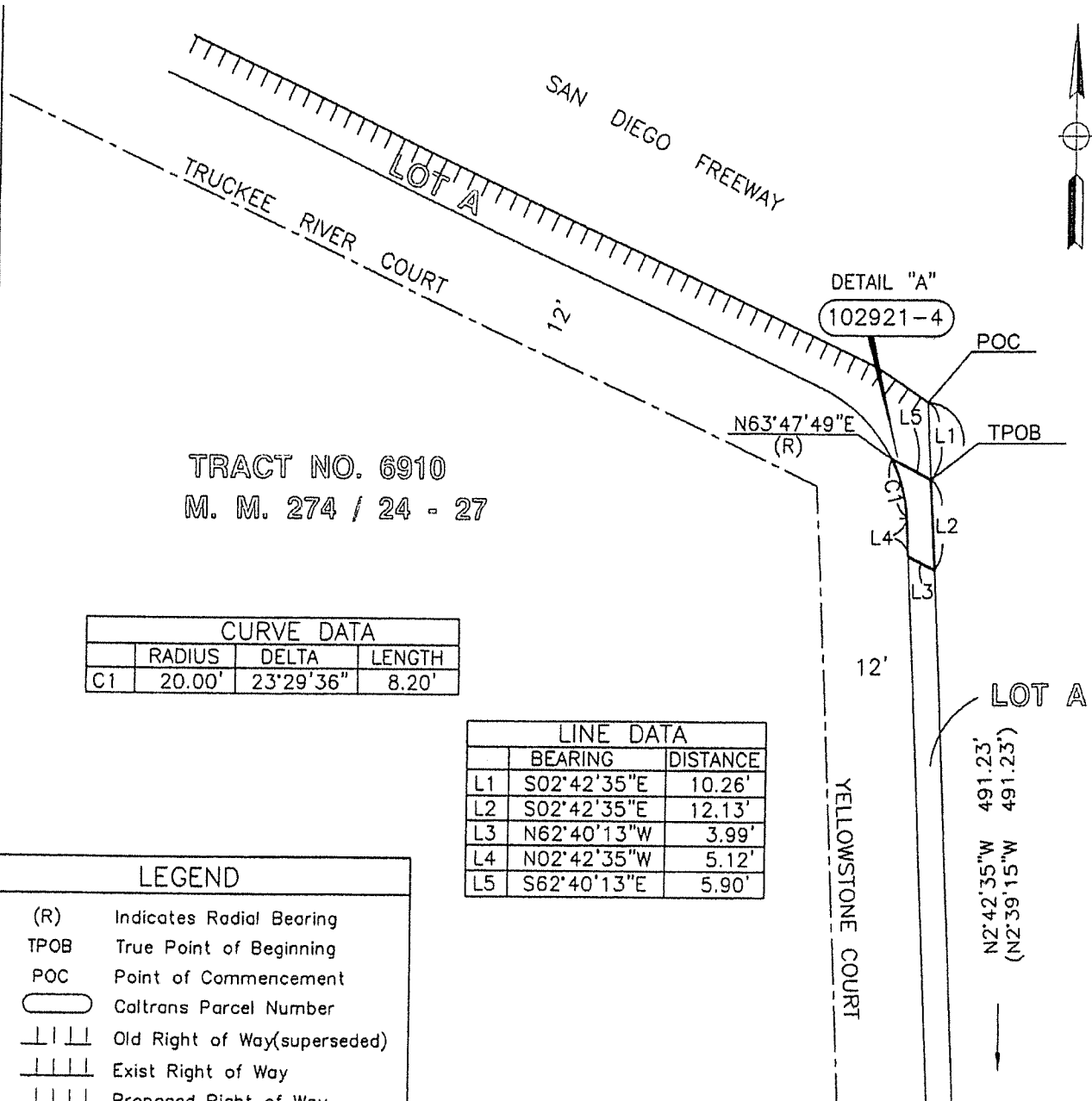


PREPARED BY:  
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15031 PARKWAY LOOP, SUITE B  
TUSTIN, CA 92780-6527  
(714)918-6266

DATE: 7-29-16		REV.:	EA: <u>XXXXX</u>	FA#: <u>          </u>	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORA	405	13.20	1	2

# EXHIBIT D2

PARCEL#	TITLE	AREA	APN
102921-4	TCE	45 SF	156-213-40



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

CURVE DATA			
	RADIUS	DELTA	LENGTH
C1	20.00'	23°29'36"	8.20'

LINE DATA		
	BEARING	DISTANCE
L1	S02°42'35"E	10.26'
L2	S02°42'35"E	12.13'
L3	N62°40'13"W	3.99'
L4	N02°42'35"W	5.12'
L5	S62°40'13"E	5.90'

## LEGEND

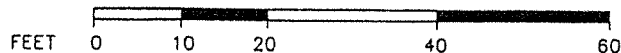
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102921-4

TEMPORARY CONSTRUCTION EASEMENT



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DATE: 7-29-16	REV.:	EA: XXXXX	FA#:			
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
12	ORA	405	13.20	2	2	