

RESOLUTION NO. 2018-165

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. 107-232-05.

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 16585 Magnolia Street, in the City of Westminster, California (the “Subject Property”) are required for the Project. The specific portions of the Subject Property required for the Project include that portion of the leasehold interest encumbering the fee as legally described and depicted in Exhibit “1” hereto, respectively, the right to place and maintain permanent wall footings within the area legally described and depicted in Exhibit “2” hereto, respectively, an exclusive temporary right to use the area legally described and depicted in Exhibit “3” hereto, respectively (subject to the rights and limitations set forth in the document titled: “Exclusive Temporary Construction Easement Attachment to Legal Description” included therein), and a non-exclusive temporary right to use

the area legally described and depicted in Exhibit “4” hereto, respectively (subject to the rights and limitations set forth in the document titled: “Non-Exclusive TCE Attachment to Legal Description” included therein (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 October 26, 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 October 26, 2018 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 December 10, 2018 at 9:00 a.m. at 550 South Main Street, Orange, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

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

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

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

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

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

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

Section 4. Necessity.

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

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

Section 5. Description of Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "1" through "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 the Property Interests described and depicted in Exhibits "1" through "4" 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. 2018-165, by the following votes:

AYES:

NOES:

ABSENT:

LAURENA WEINERT
CLERK OF THE BOARD

Exhibit 1

PSOMAS

EXHIBIT 'A1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103026-1

Fee

APN 107-232-05

In the City of Westminster, County of Orange, State of California, being a portion of the lands described in that certain Memorandum of Lease recorded April 24, 1978 in Book 12645, Page 1810 of Official Records in the office of the County Recorder of said County, described as follows:

Parcel 1

Beginning at the east one-quarter corner of Section 24, Township 5 South, Range 11 West, Rancho Las Bolsas Chica as shown on a map filed in Book 44, Page 21 of Parcel Maps in the office of said County Recorder; thence South 00°19'29" West 352.18 feet (352.17 feet per said Lease) along the easterly line of said section, being also the centerline of Magnolia Street; thence leaving said easterly line, North 89°40'31" West 55.00 feet to the westerly line of Magnolia Street and the most northerly corner of said lands; thence along said westerly line of Magnolia Street, South 00°19'29" West 89.66 feet to the **True Point of Beginning**; thence continuing along said westerly line South 00°19'29" West 73.21 feet to a non-tangent curve concave easterly having a radius of 5039.98 feet, a radial line to said curve bears South 88°58'11" West; thence leaving said westerly line and northerly 73.21 feet along said curve through a central angle of 00°49'56"; thence North 89°48'07" East 1.20 feet to said westerly line and the **True Point of Beginning**.

PSOMAS

Parcel 2

Beginning at the east one-quarter corner of Section 24, Township 5 South, Range 11 West, Rancho Las Bolsas Chica as shown on a map filed in Book 44, Page 21 of Parcel Maps in the office of said County Recorder; thence South $00^{\circ}19'29''$ West 352.18 feet (352.17 feet per said Lease) along the easterly line of said section, being also the centerline of Magnolia Street; thence leaving said easterly line, North $89^{\circ}40'31''$ West 55.00 feet to the westerly line of Magnolia Street and the most northerly corner of said lands; thence along said westerly line of Magnolia Street, South $00^{\circ}19'29''$ West 479.16 feet to the **True Point of Beginning**; thence continuing along said westerly line South $00^{\circ}19'29''$ West 3.63 feet to the southern most corner of said lands; thence northwesterly along the southwesterly line described in said lands the following two (2) courses:

- 1) North $62^{\circ}47'26''$ West 47.09 feet; thence
- 2) North $44^{\circ}02'05''$ West 448.15 feet;

thence leaving said southwesterly line North $45^{\circ}37'30''$ East 0.51 feet to a non-tangent curve concave northeasterly having a radius of 22783.50 feet, a radial line to said curve bears South $45^{\circ}37'30''$ West; thence southeasterly 306.10 feet along said curve through a central angle of $00^{\circ}46'11''$ feet to a compound curve concave northeasterly having a radius of 3477.50 feet; thence southeasterly 35.85 feet along said curve through a central angle of $00^{\circ}35'26''$ feet to a non-tangent curve concave northeasterly having a radius of 2454.74 feet, a radial line to said curve bears South $43^{\circ}40'20''$ West; thence southeasterly 60.68 feet along said curve through a central angle of $01^{\circ}24'59''$; thence South $50^{\circ}03'26''$ East 88.12 feet to said westerly line of Magnolia Street and the **True Point of Beginning**.

Containing 2121 square feet.

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

PSOMAS

See Exhibit 'A2' 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

JAN. 9, 2018

Date

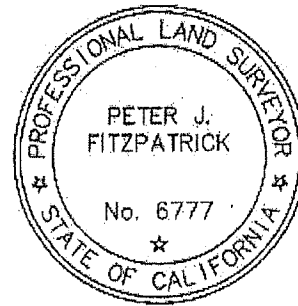


EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103026-1	FEE	2121 SF	107-232-05

LINE DATA	
L1-S00°19'29"W	89.66'
L2-N89°48'07"E	1.20'
L3-S00°19'29"W	73.21'

PARCEL 1
PMB 44/21
APN 107-232-03

HEIL AVENUE

E 1/4 COR
SEC. 24,
T.5S., R.11W.
RANCHO LAS
BOLSAS CHICA

POB

MAGNOLIA STREET

N 89° 40' 31" W
55.00'

S39°26'11"E(R)

440
TPOB
PARCEL 1

APN 107-232-05

SEE DETAIL 'A'
BELOW

MEMORANDUM OF LEASE
RECORDED 04-24-1978
BK. 12645 PG. 1810, O.R.

103026-1




SEE DETAIL "B" ON
SEE SHEET 2 -

EXISTING
R/W

CURVE DATA			
	DELTA	RADIUS	LENGTH
CI	00°49'56"	5039.98'	73.21'

() = RECORD DATA PER BK. 12642, PG. 1810 O.R.

LEGEND

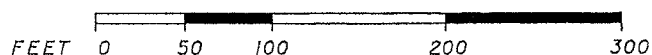
(R)	Indicates Radial Bearing
TPOB	True Point of Beginning
PQB	Point of Beginning
	Title to State
	Access Prohibited
	Access Prohibited (Superceded)

NOTES

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

103026-1

FEE

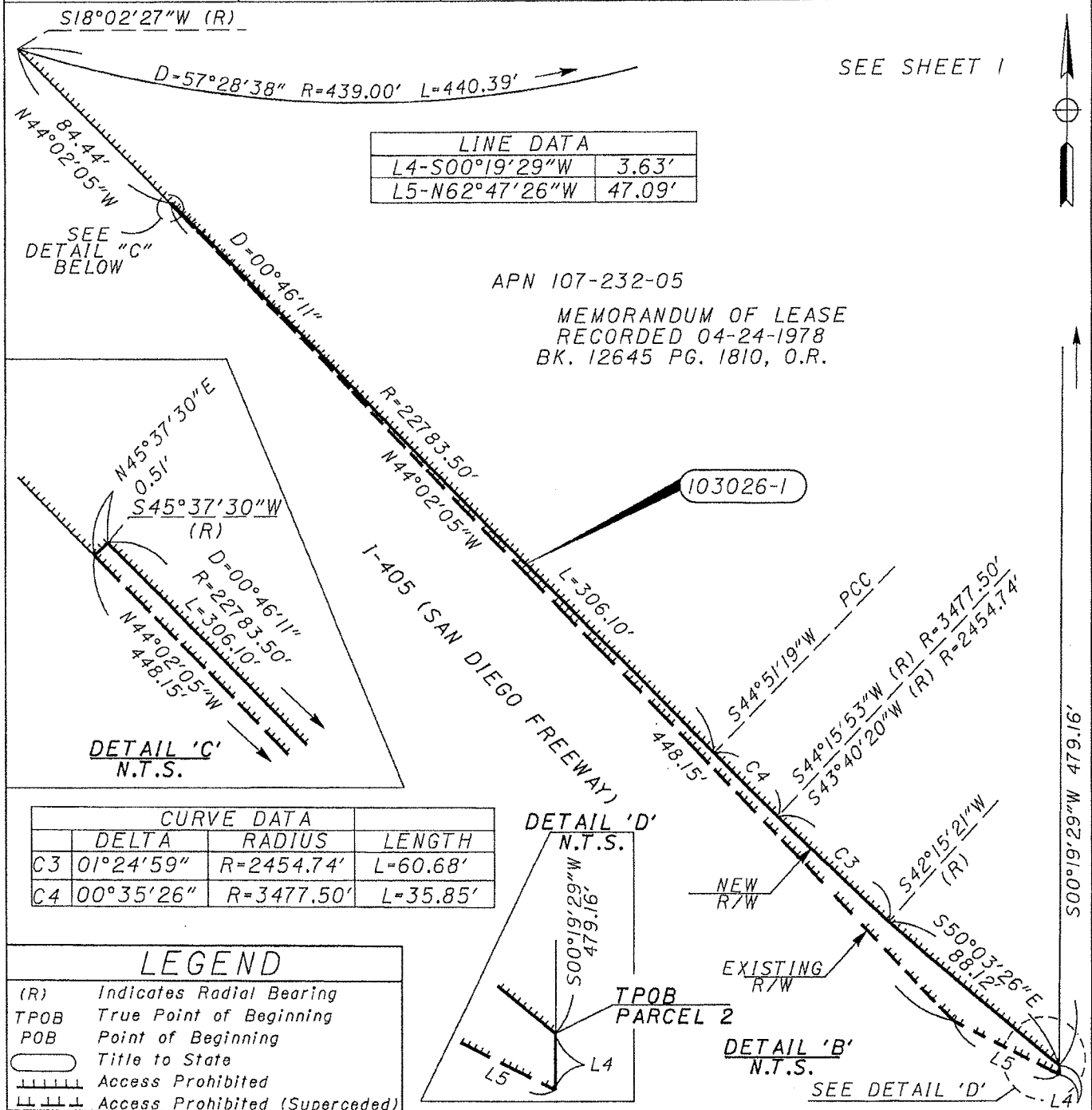


PREPARED BY:
PSOMAS
3 Hutton Centre Drive, Ste. 200
Santa Ana, California 92707
(714)751-7373 / (714)545-8883 (Fax)

DATE: 04-18-2017		REV: 01-09-2018		EA:	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.29	1	2

EXHIBIT A2

PARCEL#	TITLE	AREA	APN
103026-1	FEE	2121 SF	107-232-05



CURVE DATA			
	DELTA	RADIUS	LENGTH
C3	01°24'59"	R=2454.74'	L=60.68'
C4	00°35'26"	R=3477.50'	L=35.85'

LEGEND

(R)	Indicates Radial Bearing
TPQB	True Point of Beginning
POB	Point of Beginning
	Title to State
	Access Prohibited
	Access Prohibited (Superceded)

NOTES

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DATE: 04-18-2017		REV: 01-09-2018		EA:	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.29	2	2

Exhibit 2

**PERMANENT FOOTING EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

APN: 107-232-05

CPN: 103026-2

This non-exclusive permanent 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 replace any existing pavement material in kind, 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.

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EXHIBIT 'B1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103026-2

PFE

APN 107-232-05

In the City of Westminster, County of Orange, State of California, being a portion of the lands described in that certain Memorandum of Lease recorded April 24, 1978 in Book 12645, Page 1810 of Official Records in the office of the County Recorder of said County, described as follows:

Beginning at the east one-quarter corner of Section 24, Township 5 South, Range 11 West, Rancho Las Bolsas Chica as shown on a map filed in Book 44, Page 21 of Parcel Maps in the office of said County Recorder; thence South 00°19'29" West 352.18 feet (352.17 feet per said Lease) along the easterly line of said section being also the centerline of Magnolia Street; thence leaving said easterly line, North 89°40'31" West 55.00 feet to the westerly line of Magnolia Street and the most northerly corner of said lands; thence along said westerly line of Magnolia Street, South 00°19'29" West 89.66 feet; thence leaving said westerly line South 89°48'07" West 1.20 feet to the **True Point of Beginning**; thence South 89°48'07" West 5.50 feet to a non-tangent curve concave easterly having a radius of 5045.48 feet, a radial line to said curve bears South 89°48'07" West; thence southerly 155.69 feet along said curve through a central angle of 01°46'05" to a reverse curve concave westerly having a radius of 5562.52 feet, a radial line to said curve bears South 88°02'02" West; thence southerly 90.32 feet along said curve through a central angle of 00°55'49" feet to said westerly line of Magnolia Street; thence North 00°19'29" East 172.76 feet along said westerly line to a non-tangent curve concave easterly having a radius of 5039.98 feet, a radial line to said curve bears South 88°58'11" West; thence leaving said westerly line northerly 73.21 feet along said curve through a central angle of 00°49'56" feet to the **True Point of Beginning**.

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Containing 876 square feet.

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

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

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

Peter J. Fitzpatrick

Peter J. Fitzpatrick, PLS 6777

Jan 9, 2018

Date

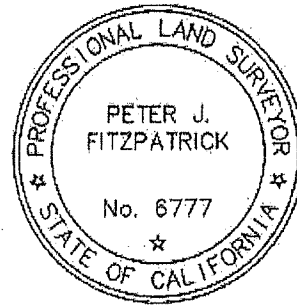
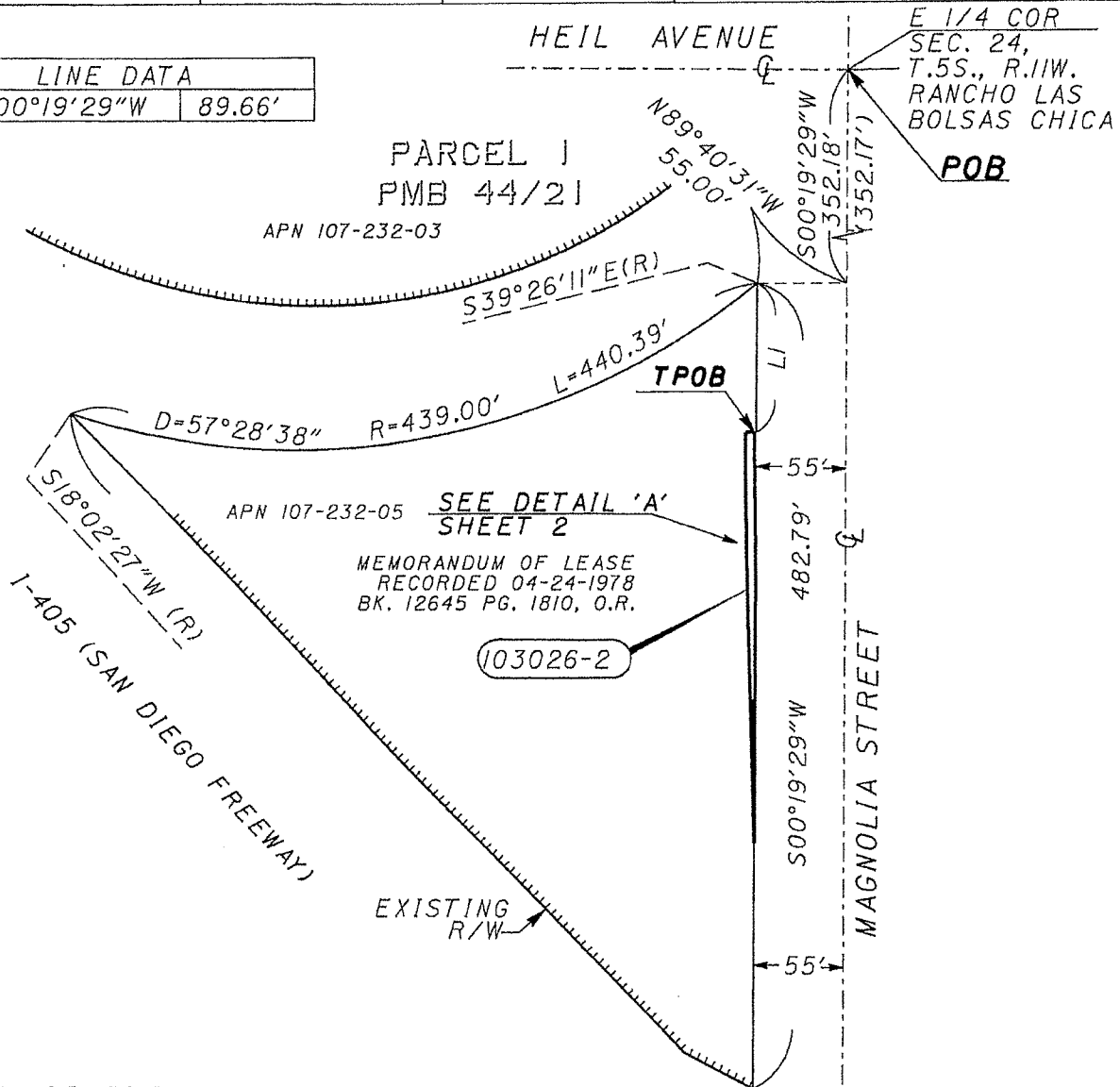


EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103026-2	PFE	876 SF	107-232-05

LINE DATA	
LI-S00°19'29"W	89.66'



() = RECORD DATA PER BK. 12642, PG. 1810 O.R.

LEGEND

(R) Indicates Radial Bearing
TPOB True Point of Beginning
POB Point of Beginning
Title to State
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.

103026-2

PFE

FEET 0 50 100 200 300

PREPARED BY:

PSOMAS

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

DATE: 04-18-2017

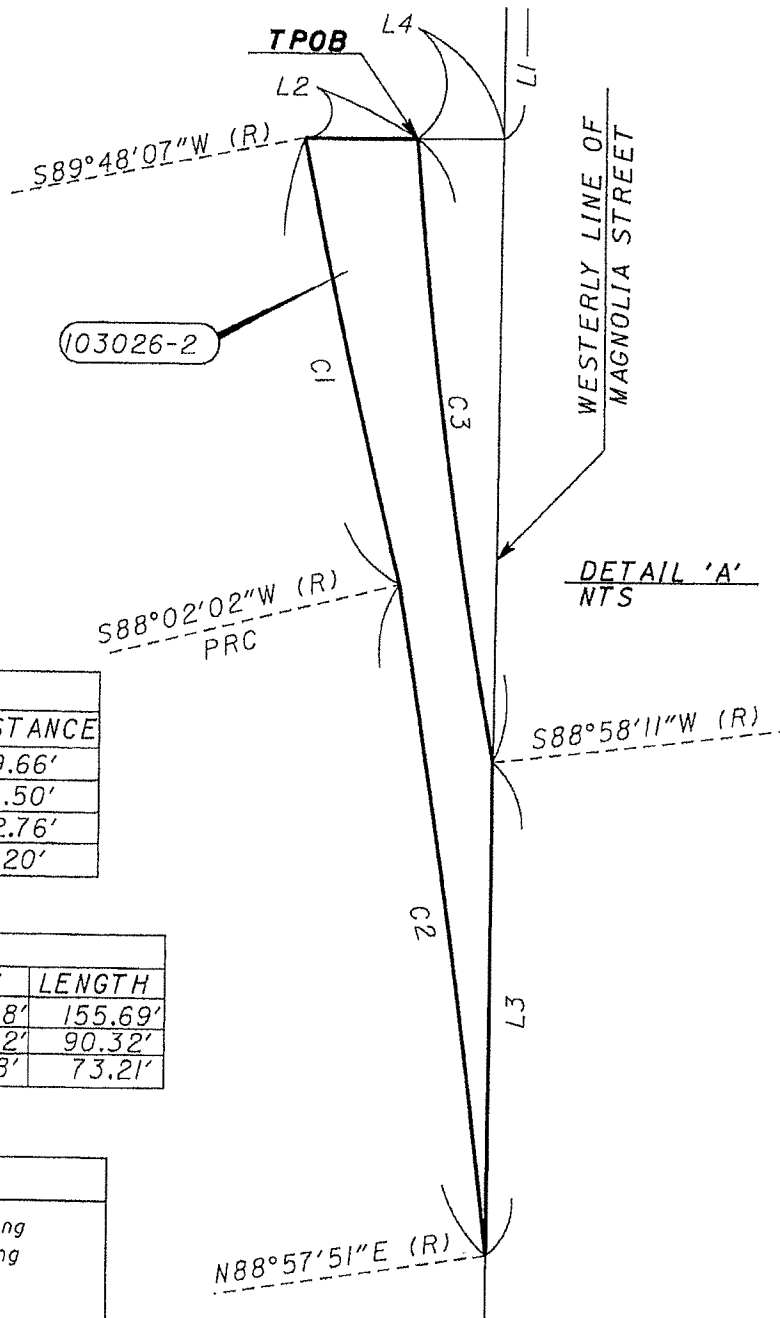
REV.: 01-08-2018 EA:

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.29	1	2

EXHIBIT B2

PARCEL#	TITLE	AREA	APN
103026-2	PFE	876 SF	107-232-05



LINE DATA	
BEARING	DISTANCE
L1-S00°19'29"W	89.66'
L2-S89°48'07"W	5.50'
L3-N00°19'29"E	172.76'
L4-S89°48'07"W	1.20'

CURVE DATA			
	DELTA	RADIUS	LENGTH
C1	01°46'05"	5045.48'	155.69'
C2	00°55'49"	5562.52'	90.32'
C3	01°49'56"	5039.98'	73.21'

LEGEND

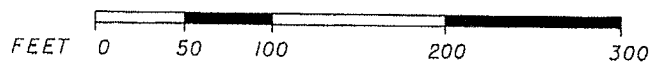
(R) Indicates Radial Bearing
 TPOB True Point of Beginning
 POB Point of Beginning
 Title to State
 Access Prohibited

NOTES

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

103026-2

PFE



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 Santa Ana, California 92707
 (714) 751-7373 / (714) 545-8883 (Fax)

DATE: 04-18-2017		REV: 01-08-2018		EA:	FA#:
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.29	2	2

Exhibit 3

**EXCLUSIVE TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel No.: 107-232-05

Caltrans Parcel No.: 103026-3

This Exclusive Temporary Construction Easement ("Exclusive TCE") 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. The Exclusive 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 Exclusive 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 Exclusive TCE area shall be limited to a period of forty-two (42) consecutive months within the forty-eight (48) month Exclusive TCE period (the "Construction Period"). During the Construction Period, OCTA's use and occupancy of the Exclusive TCE will be exclusive, subject to the rights and limitations set forth below. OCTA's use and occupancy of the Exclusive TCE during the remaining six (6) months of the Exclusive TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of Exclusive TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this Exclusive 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 Exclusive TCE area, provided however, no fence will be placed around or across any driveway within the Exclusive TCE area.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the Exclusive 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 Exclusive 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 Exclusive TCE.
- The following improvements within the Exclusive TCE area will be protected in place:
 - Building with the exception of the building overhangs within the Exclusive TCE limits, which will be cut and refaced.
- Prior to the termination of the Construction Period, OCTA will remove from the Exclusive TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The Exclusive 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 TFLA subject to the same rights and limitations described herein.

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EXHIBIT 'C1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103026-3

Exclusive Temporary Construction Easement

APN 107-232-05

In the City of Westminster, County of Orange, State of California, being a portion of the lands described in that certain Memorandum of Lease recorded April 24, 1978 in Book 12645, Page 1810 of Official Records in the office of the County Recorder of said County, described as follows:

Beginning at the east one-quarter corner of Section 24, Township 5 South, Range 11 West, Rancho Las Bolsas Chica as shown on a map filed in Book 44, Page 21 of Parcel Maps in the office of said County Recorder; thence South 00°19'29" West 352.18 feet (352.17 feet per said Lease) along the easterly line of said section being also the centerline of Magnolia Street; thence leaving said easterly line, North 89°40'31" West 55.00 feet to the westerly line of Magnolia Street and the most northerly corner of said lands; thence along said westerly line of Magnolia Street South 00°19'29" West 135.51 feet; thence North 89°40'31" West 6.07 feet to the **True Point of Beginning** and a non-tangent curve concave easterly having a radius of 5045.48 feet, a radial line to said curve bears South 89°48'07" West; thence southerly 109.90 feet along said curve through a central angle of 01°14'53" to a reverse curve concave westerly having a radius of 5562.52 feet; thence southerly 90.32 feet along said curve through a central angle of 00°55'49" to a point on said westerly line; thence non-tangent to said curve South 00°19'29" West 143.53 feet along said westerly line; thence leaving said westerly line North 50°03'26" West 88.12 feet to a non-tangent curve concave northeasterly having a radius of 2454.74 feet, a radial line to said curve bears South 42°15'21" West; thence northwesterly 60.68 feet along said curve through a central angle of 01°24'59" to a non-tangent curve 3477.50 feet concave northeasterly a radial line to said curve bears South 44°15'53" West; thence northwesterly 35.85 feet along said curve through a central

PSOMAS

1 angle of $00^{\circ}35'26''$ feet to a compound curve concave northeasterly having a radius of
2 22783.50 feet; thence northwesterly 306.10 feet along said curve through a central angle
3 of $00^{\circ}46'11''$; thence non-tangent to said curve South $45^{\circ}37'32''$ West 0.51 feet to the
4 southerly line of said Memorandum of Lease; thence North $44^{\circ}02'05''$ West 84.44 feet
5 along said southerly line to a non-tangent curve concave northerly having a radius of
6 439.00 feet, a radial line to said curve bears South $18^{\circ}02'27''$ West also being the
7 northerly line of said Memorandum of Lease; thence easterly 317.75 feet along said curve
8 and said northerly line through a central angle of $41^{\circ}28'16''$; thence
9 non-tangent to said curve South $00^{\circ}19'31''$ East 7.60 feet to a non-tangent curve concave
10 northerly having a radius of 446.00 feet, a radial line to said curve bears
11 South $23^{\circ}02'50''$ East; thence westerly 266.66 feet along said curve through a central
12 angle of $34^{\circ}15'24''$; thence non-tangent to said curve South $46^{\circ}13'13''$ West
13 16.13 feet to a non-tangent curve concave northeasterly having a radius of 22778.50 feet,
14 a radial line to said curve bears South $45^{\circ}42'54''$ West; thence southeasterly 341.84 feet
15 along said curve through a central angle of $00^{\circ}51'35''$ feet to a compound curve concave
16 northeasterly having a radius of 3472.50 feet; thence southeasterly 35.80 feet along said
17 curve through a central angle of $00^{\circ}35'26''$ feet to a non-tangent curve concave
18 northeasterly having a radius of 2449.74 feet, a radial line to said curve bears
19 South $43^{\circ}40'16''$ West; thence southeasterly 60.51 feet along said curve through a central
20 angle of $01^{\circ}24'55''$; thence non-tangent to said curve South $50^{\circ}03'26''$ East 70.80 feet;
21 thence North $00^{\circ}19'29''$ East 225.11 feet; thence North $85^{\circ}06'32''$ West 11.36 feet; thence
22 North $04^{\circ}53'28''$ East 103.43 feet; thence South $87^{\circ}41'22''$ East 7.02 feet to the **True**
23 **Point of Beginning.**

24
25 Containing 8621 square feet.

26
27 The distances shown herein are grid distances. Ground distances may be obtained by
28 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 Jan. 10, 2018

5 Date



EXHIBIT C2

PARCEL#	TITLE	AREA	APN
103026-3	EXCLUSIVE TCE	8621 SF	107-232-05

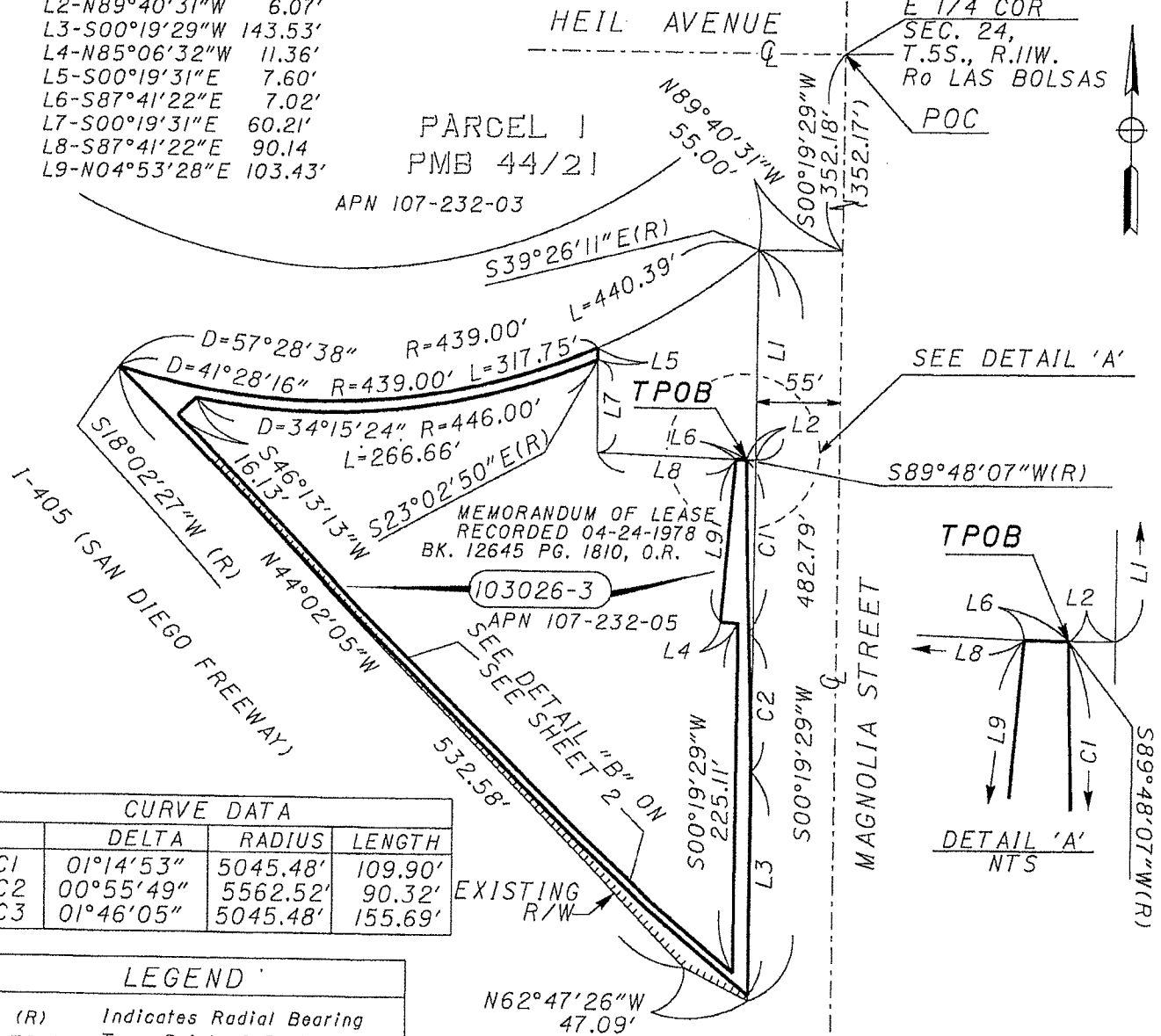
LINE DATA

L1-S00°19'29"W 135.51'
 L2-N89°40'31"W 6.07'
 L3-S00°19'29"W 143.53'
 L4-N85°06'32"W 11.36'
 L5-S00°19'31"E 7.60'
 L6-S87°41'22"E 7.02'
 L7-S00°19'31"E 60.21'
 L8-S87°41'22"E 90.14'
 L9-N04°53'28"E 103.43'

PARCEL 1
 PMB 44/21

APN 107-232-03

E 1/4 COR
 SEC. 24,
 T.5S., R.11W.
 R0 LAS BOLSAS
 POC



CURVE DATA

	DELTA	RADIUS	LENGTH
C1	01°14'53"	5045.48'	109.90'
C2	00°55'49"	5562.52'	90.32'
C3	01°46'05"	5045.48'	155.69'

LEGEND

(R) Indicates Radial Bearing
 TPOB True Point of Beginning
 POB Point of Beginning
 Title to State
 Access Prohibited

NOTES

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

() = RECORD DATA PER BK. 12642, PG. 1810 O.R.

103026-3

EXCLUSIVE TCE

FEET 0 50 100 200 300

PREPARED BY:

PSOMAS

3 Hutton Centre Drive, Ste. 200
 Santa Ana, California 92707
 (714) 751-7373 / (714) 454-8883 (Fax)

DATE: 04-18-2017

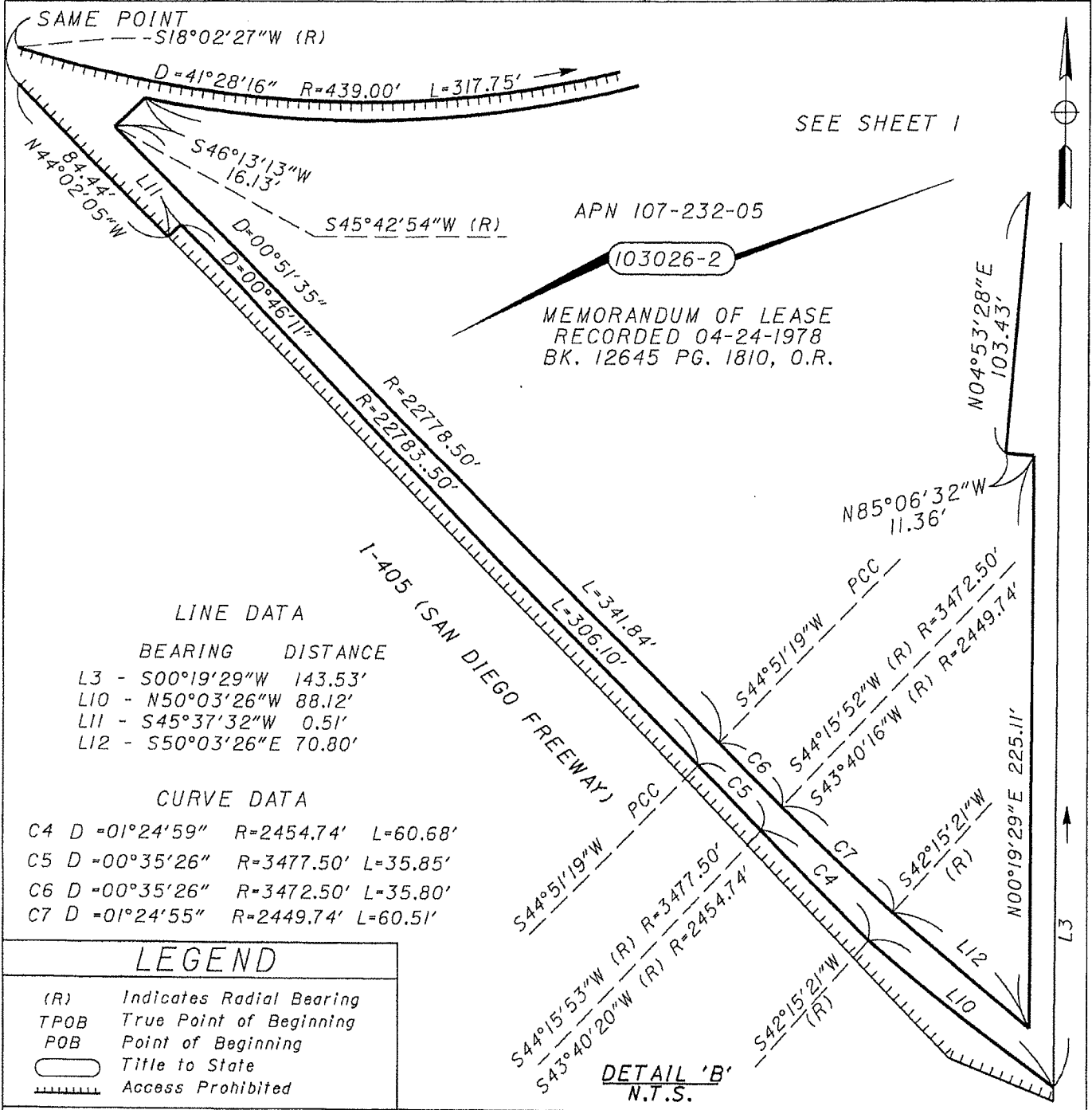
REV.: 01-08-2018 EA:

FA#:

DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
12	ORANGE	405	15.29	1	2

EXHIBIT C2

PARCEL#	TITLE	AREA	APN
103026-3	EXCLUSIVE TCE	8621	107-232-05



103026-3

EXCLUSIVE TCE

DETAIL SHEET - NOT TO SCALE

PREPARED BY:	DATE: 04-18-2017	REV: 01-02-2018	EA:	FA#:
PSOMAS	DISTRICT	COUNTY	ROUTE	SHEET PM
3 Hutton Centre Drive, Ste. 200 Santa Ana, California 92707 (714)751-7373 / (714)545-8883 (Fax)	12	ORANGE	405	15.29
				SHEET NO.
				2
				TOTAL SHEETS
				2

Exhibit 4

**NON-EXCLUSIVE TCE
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel No.: 107-232-05
Caltrans Parcel No.: 103026-4**

This Non-Exclusive Temporary Construction Easement ("Non-Exclusive TCE") 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. The Non-Exclusive 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 Non-Exclusive TCE shall be for a period of forty-eight (48) months.

Rights and Limitations of Use and Occupancy of Non-Exclusive TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this Non-Exclusive 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 Non-Exclusive TCE area, provided however, no fence will be placed around or across any driveway within the Non-Exclusive TCE area.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Driveway shall remain open to vehicles during business hours.
- Access to the Non-Exclusive 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 Non-Exclusive 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 Non-Exclusive TCE.
- Prior to the termination of the Construction Period, OCTA will remove from the Non-Exclusive TCE area all construction equipment and materials including, without limitation, any temporary fence, any temporary improvements, and all construction-related debris. The Non-Exclusive 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 Non-Exclusive TCE subject to the same rights and limitations described herein.

PSOMAS

EXHIBIT 'D1'

LEGAL DESCRIPTION

Caltrans Parcel No. 103026-4

Non-Exclusive Temporary Construction Easement

APN 107-232-05

In the City of Westminster, County of Orange, State of California, being a portion of the lands described in that certain Memorandum of Lease recorded April 24, 1978 in Book 12645, Page 1810 of Official Records in the office of the County Recorder of said County, described as follows:

Beginning at the east one-quarter corner of Section 24, Township 5 South, Range 11 West, Rancho Las Bolsas Chica as shown on a map filed in Book 44, Page 21 of Parcel Maps in the office of said County Recorder; thence South 00°19'29" West 352.18 feet (352.17 feet per said Lease) along the easterly line of said section being also the centerline of Magnolia Street; thence leaving said easterly line, North 89°40'31" West 55.00 feet to the westerly line of Magnolia Street and the most northerly corner of said lands also being the **True Point of Beginning**; thence South 00°19'29" West 89.66 feet along said westerly line; thence leaving said westerly line South 89°48'07" West 6.70 feet to a non-tangent curve concave easterly having a radius of 5045.48 feet, a radial line to said curve bears South 89°48'07" West; thence southerly 45.79 feet along said curve through a central angle of 00°31'12"; thence non-tangent to said curve North 87°41'20" West 97.15 feet; thence North 00°19'31" West 67.81 feet to the northerly line of said Memorandum of Lease and to a non-tangent curve concave northwesterly having a radius of 439.00 feet, a radial line to said curve bears South 23°25'49" East; thence along said northerly line northeasterly 122.64 feet along said curve through a central angle of 16°00'22" feet to the **True Point of Beginning**.

PSOMAS

Containing 9906 square feet.

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

Jan. 9, 2018

Date

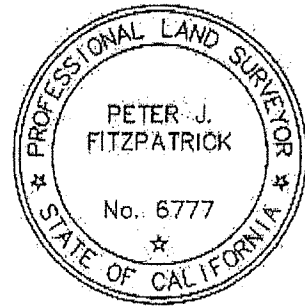
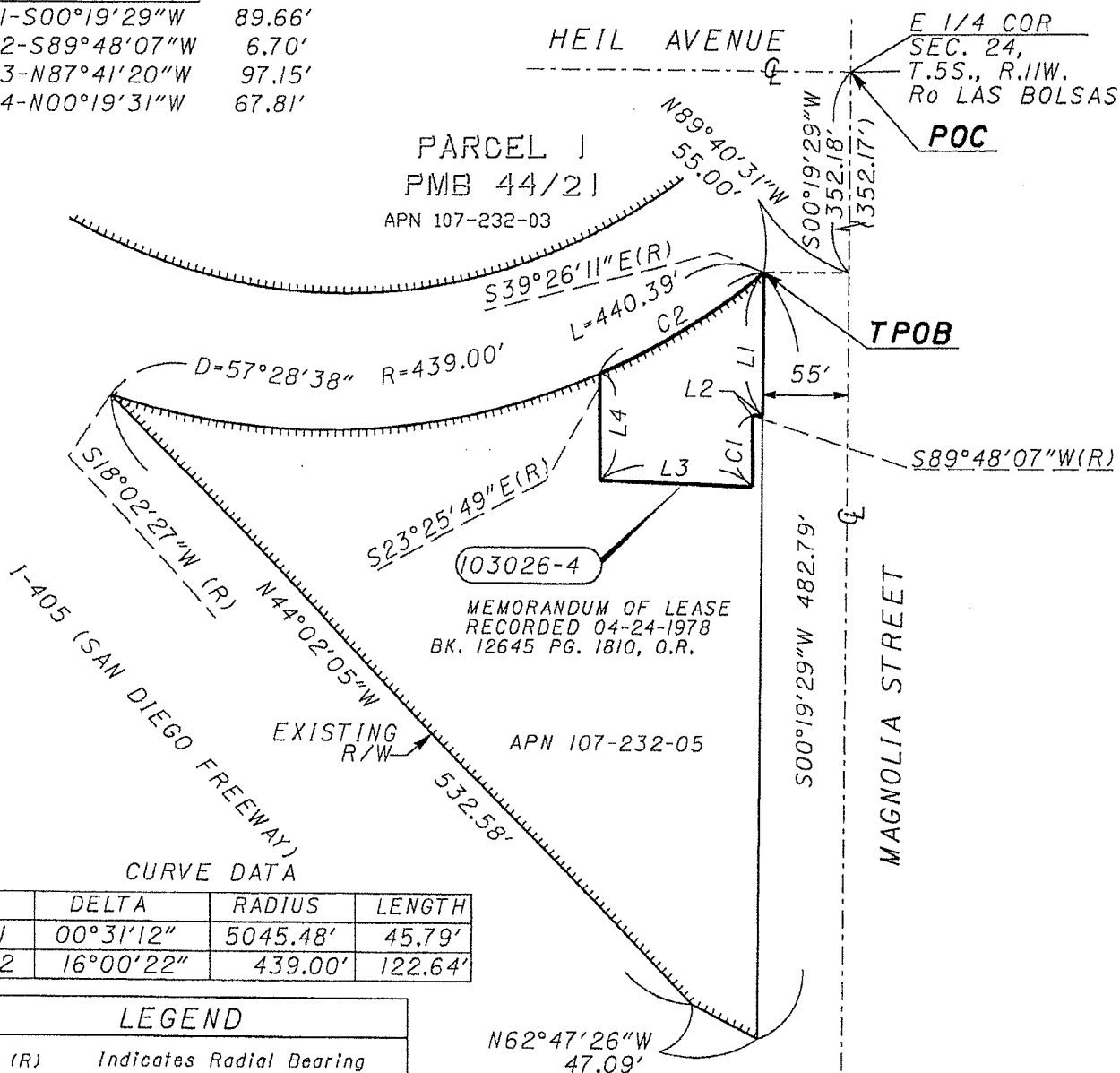


EXHIBIT D2

PARCEL#	TITLE	AREA	APN
103026-4	NON-EXCLUSIVE TCE	9906 SF	107-232-05

LINE DATA

L1-S00°19'29"W	89.66'
L2-S89°48'07"W	6.70'
L3-N87°41'20"W	97.15'
L4-N00°19'31"W	67.81'



CURVE DATA

	DELTA	RADIUS	LENGTH
C1	00°31'12"	5045.48'	45.79'
C2	16°00'22"	439.00'	122.64'

LEGEND

- (R) Indicates Radial Bearing
- TPOB True Point of Beginning
- POB Point of Beginning
- Title to State
- Access Prohibited

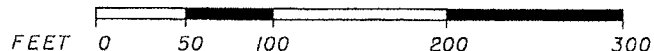
NOTES

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

() = RECORD DATA PER BK. 12642, PG. 1810 O.R.

103026-4

NON-EXCLUSIVE TCE



PREPARED BY:

PSOMAS

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

DATE: 04-18-2017

REV.: 01-08-2018 EA:

FA#:

DISTRICT

COUNTY

ROUTE

SHEET PM

SHEET NO.

TOTAL SHEETS

12

ORANGE

405

15.29

1

1