#### **RESOLUTION NO. 2021-034**

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION BY EMINENT DOMAIN OF INTERESTS IN CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING CONDEMNATION OF PORTIONS OF ASSESSOR PARCEL NOS. 427-261-09 and 427-261-10.

**WHEREAS**, the Orange County Transportation Authority (the "Authority") is undertaking the State Route 55 ("SR-55") Improvement Project between Interstate 405 and Interstate 5, 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 travel and high occupancy vehicle (HOV) lanes in each direction; 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, portions of the real property located at 17792 Cowan, #A and #B, in the City of Irvine, California ("Subject Property"), are required for the Project. The specific portions of the Subject Property required for the Project are a partial fee acquisition as described and depicted in Exhibit "A" attached hereto (Parcel 103697-1), a permanent utility easement as described and depicted in Exhibit "B" attached hereto (Parcel 103697-2), a permanent utility easement as described and depicted in Exhibit "C" attached hereto (Parcel 103697-3), a temporary construction easement as described and depicted in Exhibit "D" attached hereto (Parcel 103697-4), a temporary construction easement as described and depicted in Exhibit "E" attached hereto (Parcel 103697-5), a temporary construction easement as described and depicted in Exhibit "F" attached hereto (Parcel 103697-6), and a temporary construction easement as described and depicted in Exhibit "G" attached hereto (Parcel 103697-7) (collectively, "Property Interests"); and

- **WHEREAS,** if such access currently exists, reasonable vehicular and pedestrian access to and from the Subject Property will be maintained at all times; and
- **WHEREAS,** the Authority communicated an offer of compensation to the owner or owners of record for the acquisition of the Property Interests; and
- **WHEREAS,** in accordance with section 1245.235 of the California Code of Civil Procedure, on March 26, 2021, 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 Irvine 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 April 26, 2021, at 9:00 a.m. 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 a reasonable opportunity to be heard; and
  - WHEREAS, said hearing has been held by the Authority's Board of Directors; and
- **WHEREAS,** the Authority may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.
- **NOW, THEREFORE, BE IT RESOLVED**, by at least a two-thirds vote of the Authority's Board of Directors under Code of Civil Procedure sections 1240.030 and 1245.230, the Authority does hereby find and determine as follows:
- <u>Section 1.</u> <u>Incorporation of Findings and Recitals</u>. The above findings and recitals are true and correct and are incorporated herein in full by this reference.
- <u>Section 2.</u> <u>Compliance with California Code of Civil Procedure</u>. There has been compliance by the Authority with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 3. Public Use. The public use for which the Property Interests 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 travel and high occupancy vehicle (HOV) lanes in each direction; and
- (b) The public interest and necessity require the acquisition by eminent domain proceedings of the Property Interests.
- <u>Section 5.</u> <u>Description of Property Interests</u>. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "A" through "G" attached hereto and incorporated herein by reference.
- <u>Section 6.</u> <u>Findings</u>. The Authority hereby finds, determines, and declares each of the following:
  - (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The Property Interests sought to be acquired are necessary for the proposed Project; and
- (d) The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.
- Section 7. Existing Public Use(s). Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that any of the Property Interests are already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property Interests, or any portion thereof, are 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 Property Interests, or any portion thereof, are already devoted.
- <u>Section 8.</u> <u>Acquisition of Substitute Property</u>. To the extent portions of the real property to be acquired for the Project are currently devoted to or held for some public use, the Authority intends to acquire substitute property pursuant to California Code of Civil Procedure

sections 1240.320 and 1240.330. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the Project. The substitute property may be conveyed by the Authority to the owner(s) of the necessary property.

<u>Section 9.</u> <u>Authority to Exercise Eminent Domain.</u> The Authority is hereby authorized and empowered to acquire the Property Interests, including the improvements thereon, if any, by eminent domain for the proposed Project.

Section 10. 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 11. Effect	tive Date.	This Resolution	of Necessity sha	all take effect upon
adoption.				
PASSED, APPROVED, an	d ADOPTED	on this	day of	, 2021.
ANDREW DO, CHAIRMA	ΔN	_		
ORANGE COUNTY TRANSPORTATION AUT	THORITY			
APPROVED AS TO FORM	<b>1</b> 1:			
JAMES M. DONICH		_		
GENERAL COUNSEL				

ATTEST:	
	of Directors of the Orange County Transportation g Resolution No. 2021-034, by the following votes:
AYES:	
NOES:	
ABSENT:	
	ANDRA WEST
	ANDREA WEST
	INTERIM CLERK OF THE BOARD

# EXHIBIT "A"

## EXHIBIT "A" LEGAL DESCRIPTION

Parcel 103697-1: FEE

Those portions of Parcels 12 and 13, in the City of Irvine, County of Orange, State of California, as shown on a map filed in Book 106, Pages 47 through 50 of Parcel Maps, in the office of the County Recorder of said County, lying northerly and northwesterly of the following described line:

COMMENCING at the southeasterly terminus of that certain course shown as having a bearing of North 49°22'22" West and a length of 300.10 feet on the southwesterly line of said Parcel 13; thence along said certain course North 49°21'45" West, 294.90 feet to the POINT OF BEGINNING; thence leaving said certain course North 42°13'25" East, 33.78 feet; thence South 47°46'35" East, 2.83 feet; thence North 42°13'25" East, 3.00 feet; thence North 47°46'35" West, 2.83 feet; thence North 42°13'25" East, 38.70 feet; thence North 87°13'25" East, 2.71 feet; thence North 42°13'25" East, 5.28 feet; thence North 02°46'35" West, 2.71 feet; thence North 42°13'25" East, 155.16 feet; thence South 47°46'35" East, 2.83 feet; thence North 42°13'25" East, 3.00 feet; thence North 47°46'35" West, 2.83 feet; thence North 42°13'25" East, 18.19 feet to the beginning of a curve, concave southerly and having a radius of 224.83 feet; thence easterly 161.84 feet along said curve through a central angle of 41°14'34"; thence nontangent from said curve South 38°39'34" East, 6.50 feet; thence North 88°44'34" East, 32.95 feet; thence North 34°29'59" East, 4.51 feet; thence South 89°11'25" East, 11.01 feet; thence North 45°48'35" East, 2.71 feet; thence South 89°11'25" East, 19.23 feet; thence North 00°48'35" East, 0.17 feet to the northerly line of said Parcel 12.

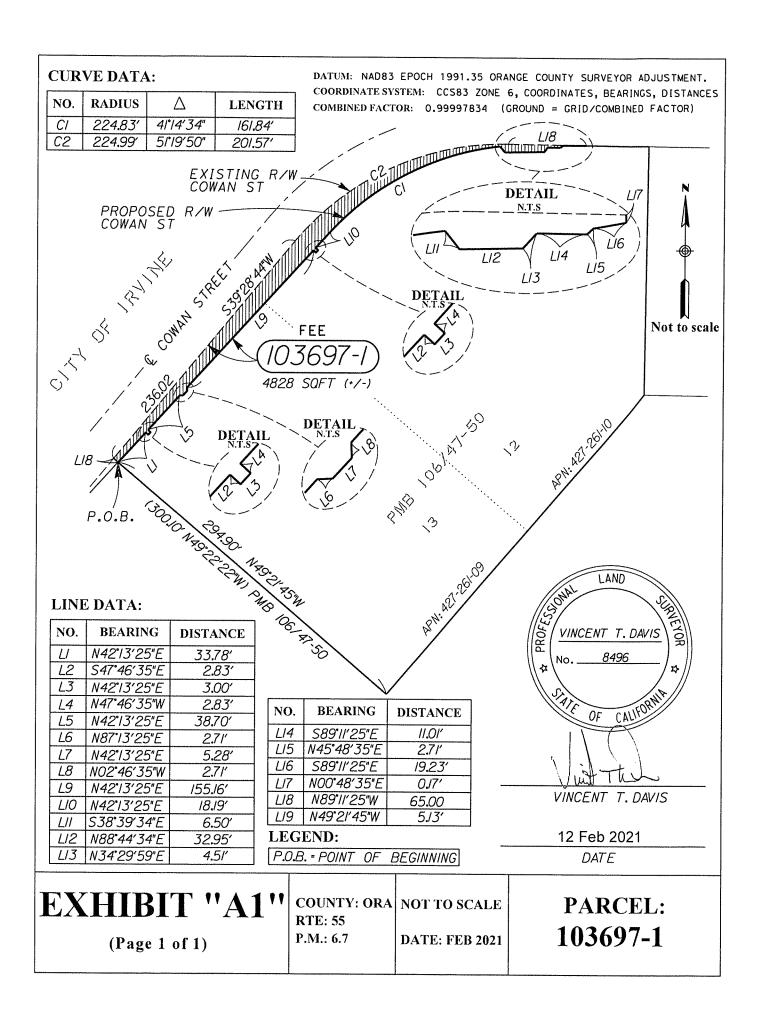
The bearings shown herein are based on the California Coordinate System of 1983, Zone VI, North American Datum of 1983 (1991.35 epoch). The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997834.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature:

Vincent T. Davie

Date: 03 Mar 2021



# EXHIBIT "B"

#### EXHIBIT "B" LEGAL DESCRIPTION SERIAL NO. 72743A APN: 427-261-09

Parcel 103697-2: SCE EASEMENT

That portion of Parcel 13, in the City of Irvine, County of Orange, State of California, as shown on a map filed in Book 106, Pages 47 through 50 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

COMMENCING at the southeasterly terminus of that certain course shown as having a bearing of North 49°22'22" West and a length of 300.10 feet on the southwesterly line of said Parcel 13; thence along said certain course North 49°21'45" West, 294.90 feet; thence leaving said certain course North 42°13'25" East, 141.49 feet to the POINT OF BEGINNING; thence continuing North 42°13'25" East, 30.54 feet; thence South 49°21'45" East 12.83 feet; thence South 42°13'12" West 14.02 feet; thence North 47°46'48" West 5.78 feet; thence South 64°54'14" West 18.29 feet to the POINT OF BEGINNING.

The above described parcel contains a grid area of 237 square feet or 0.0054 acres, more or less.

The bearings shown herein are based on the California Coordinate System of 1983, Zone VI, North American Datum of 1983 (1991.35 epoch).

The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997834.

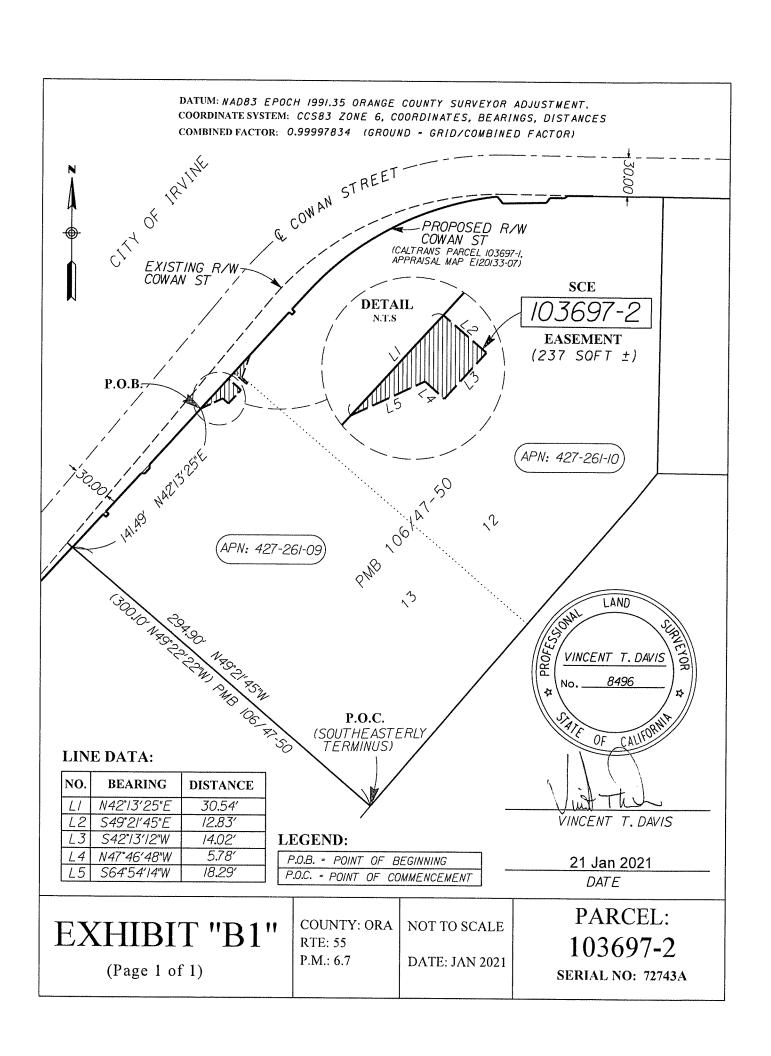
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

No. 8496

Signature: \_\_\_

Vincent T. Davis, PLS

Date: 21 Jan 2021



# EXHIBIT "C"

# EXHIBIT "C" LEGAL DESCRIPTION SERIAL NO. 72745A

APN's: 427-261-09 & 427-261-10

Parcel 103697-3: SCE EASEMENT

Those portions of Parcels 12 and 13, in the City of Irvine, County of Orange, State of California, as shown on a map filed in Book 106, Pages 47 through 50 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

COMMENCING at the southeasterly terminus of that certain course shown as having a bearing of North 49°22'22" West and a length of 300.10 feet on the southwesterly line of said Parcel 13; thence along said certain course North 49°21'45" West, 294.90 feet; thence leaving said certain course North 42°13'25" East, 178.03 feet to the POINT OF BEGINNING; thence continuing North 42°13'25" East, 18.77 feet; thence South 19°50'22"West 18.57 feet; thence South 47°46'48" East 5.76 feet; thence South 42°13'12" West 1.24 feet; thence North 49°21'45" West 12.83 feet to the POINT OF BEGINNING.

The above described parcel contains a grid area of 79 square feet or 0.0018 acres, more or less.

The bearings shown herein are based on the California Coordinate System of 1983, Zone VI, North American Datum of 1983 (1991.35 epoch).

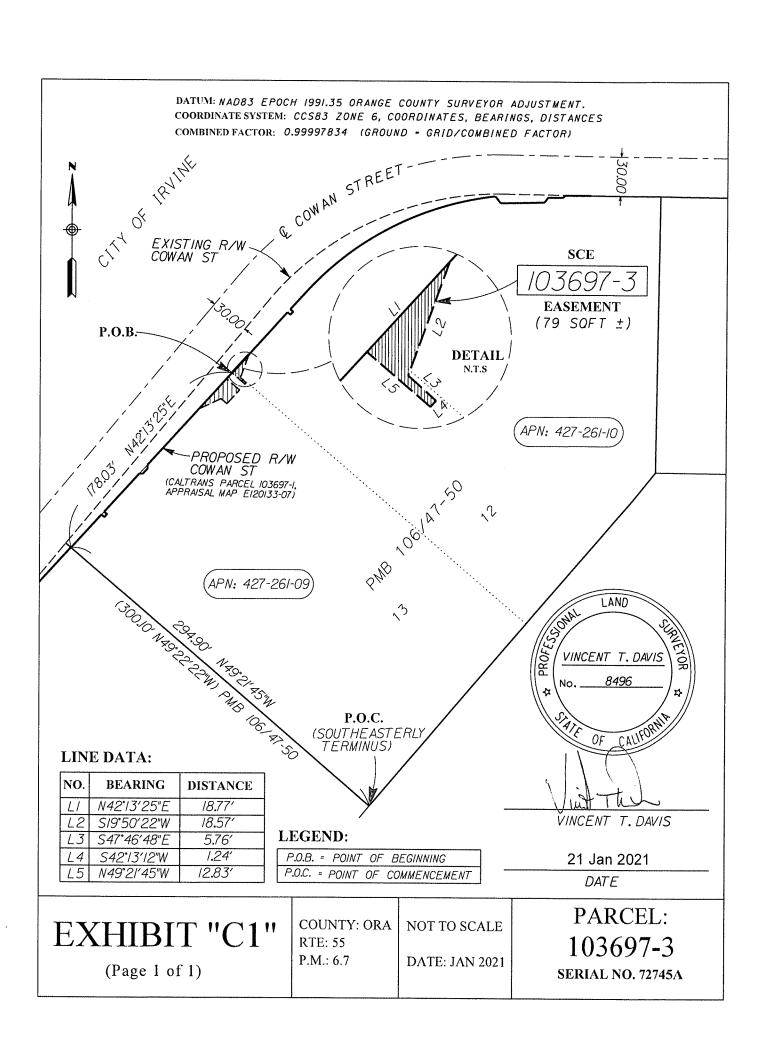
The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99997834.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature:

Vincent T. Davis, PLS

Date: 21 Jan 2021



# EXHIBIT "D"

## TEMPORARY CONSTRUCTION EASEMENT ATTACHMENT TO LEGAL DESCRIPTION

Assessor Parcel No.: 427-261-09 Caltrans Parcel No.: 103697-4

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 SR 55 Improvement Project. The TCE shall be for a period of sixty (60) months, a portion of which shall be exclusive (subject to the Rights and Limitations of Use and Occupancy set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of six (6) consecutive months within the sixty (60) 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 of Use and Occupancy set forth below. OCTA's use and occupancy of the TCE during the remaining fifty-four (54) 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.
- Access to the TCE area by OCTA shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any and all improvements so removed shall be included in the compensation paid by OCTA for this TCE.
- The perimeter fence along the TCE will be protected in place.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials, 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.

### EXHIBIT "D1"

#### LEGAL DESCRIPTION

#### CALTRANS PARCEL NO. 103697-4

#### TEMPORARY CONSTRUCTION EASEMENT TO S.C.E.

APN 427-261-09

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 84-0617, IN THE CITY OF IRVINE, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 201, PAGES 25 AND 26, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE B.C. OF COWAN, 52.00 FEET WIDE, SAID POINT BEING THE NORTHEASTERLY TERMINUS OF THAT COURSE DESCRIBED AS "N 39°27'36" E, 647.31" AS SHOWN ON THE MAP FILED IN BOOK 106, PAGES 47 THROUGH 50, OF PARCEL MAPS.

THENCE ALONG SAID CENTERLINE OF COWAN SOUTH 39°28'44" WEST, 291.35 FEET;

THENCE LEAVING SAID CENTERLINE OF COWAN SOUTH 50°31'16" EAST, 25.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID COWAN;

THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE SOUTH 49°23'22" EAST, 2.31 FEET;

THENCE NORTH 42°13'25" EAST, 55.34 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 1;

THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 49°21'45" EAST, 0.17 FEET;

THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 42°13'25" EAST, 33.78 FEET;

THENCE SOUTH 47°46'35" EAST, 2.83 FEET;

THENCE NORTH 42°13'25" EAST, 3.00 FEET:

THENCE NORTH 47°46'35" WEST, 2.83 FEET;

THENCE NORTH 42°13'25" EAST, 38.70 FEET:

THENCE NORTH 87°13'25" EAST, 2.71 FEET;

THENCE NORTH 42°13'25" EAST, 5.28 FEET;

THENCE NORTH 02°46'35" WEST, 2.71 FEET;

THENCE NORTH 42°13'25" EAST, 49.11 FEET TO THE TRUE POINT OF BEGINNING:

THENCE CONTINUING NORTH 42°13'25" EAST, 7.78 FEET:

THENCE NORTH 64°54'14" EAST, 18.29 FEET;

THENCE SOUTH 47°46'48" EAST, 5.78 FEET;

THENCE NORTH 42°13'12" EAST, 14.02 FEET;

THENCE SOUTH 49°21'45" EAST, 2.81 FEET;

THENCE SOUTH 39°28'44" WEST, 19.12 FEET;

THENCE NORTH 47°46'48" WEST, 8.34 FEET TO A LINE THAT BEARS NORTH 64°54'14" EAST FROM THE TRUE POINT OF BEGINNING:

THENCE ALONG SAID LINE SOUTH 64°54'14" WEST, 21.30 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A GRID AREA 148 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE VI, NAD 83 (1991.35 EPOCH OCS ADJUSTMENT), ALL DISTANCES SHOWN ARE GRID, TO OBTAIN GROUND DISTANCES DIVIDE BY 0.99997834.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "D2", ATTACHED HERETO AND MADE A PART HEREOF.

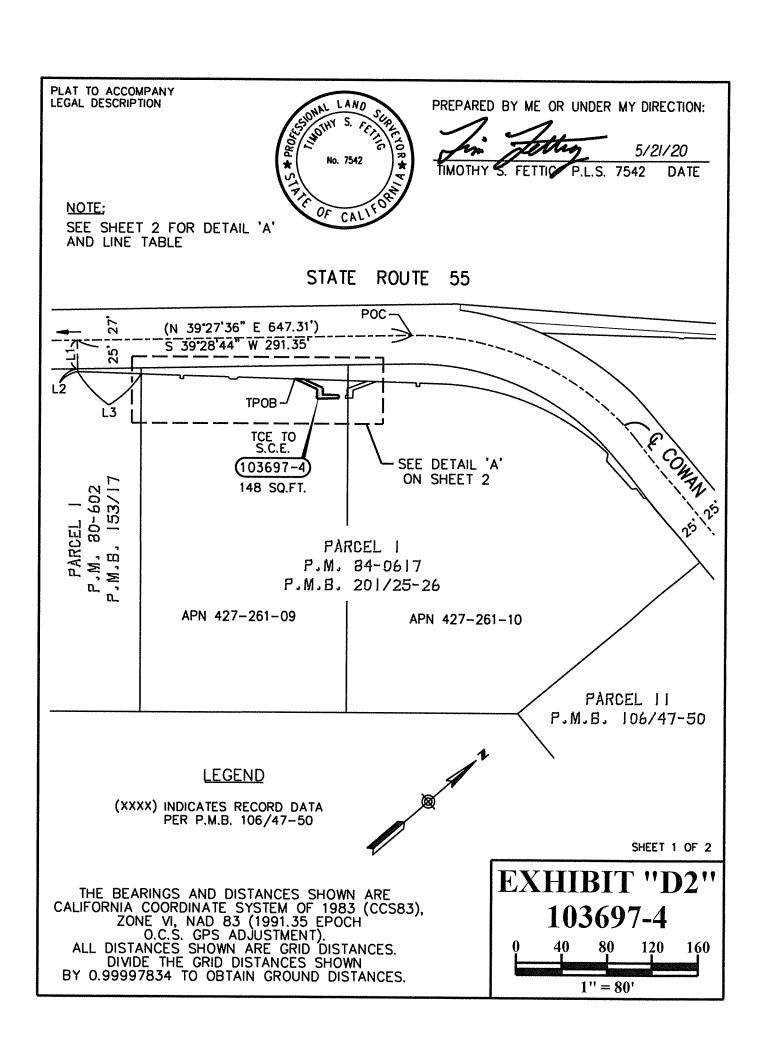
THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

TIMOTHY S. FETTIG P.L.S. 7542

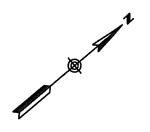
5/21/20 DATE

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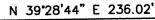
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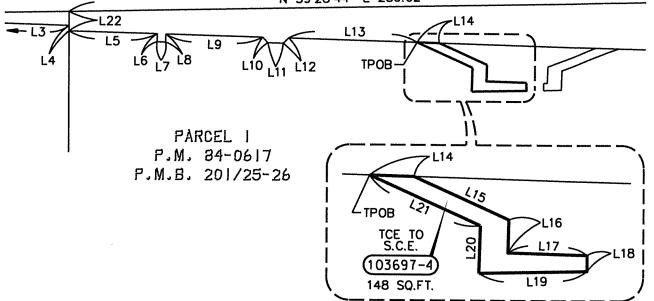






### **COWAN**





LINE TABLE			
NO.	BEARING	LENGTH	
L1	S 50'31'16" E	25.00'	
L2	S 49"23"22" E	2.31'	
L3	N 42"13'25" E	55,34	
L4	S 49'21'45" E	0.17'	
L5	N 42°13'25" E	33.78'	
L6	S 47°46'35" E	2.83'	
L7	N 42°13'25" E	3.00'	
L8	N 47°46'35" W	2.83'	
L9	N 42"13"25" E	38.70'	
L10	N 87°13'25" E	2.71'	
L11	N 42°13'25" E	5.28'	

	LINE TABLE con't.		
NO.	BEARING	LENGTH	
L12	N 02°46'35" W	2.71'	
L13	N 42°13'25" E	49,11'	
L14	N 42°13'25" E	7.78'	
L15	N 64°54'14" E	18.29'	
L16	S 47°46'48" E	5.78'	
L17	N 42°13'12" E	14.02'	
L18	S 49°21'45" E	2.81'	
L19	S 39'28'44" W	19.12'	
L20	N 47'46'48" W	8.34	
L21	S 64'54'14" W	21.30'	
L22	N 49°21'45" W	5.13'	

SHEET 2 OF 2

EXHIBIT "D2" 103697-4

# EXHIBIT "E"

## TEMPORARY CONSTRUCTION EASEMENT ATTACHMENT TO LEGAL DESCRIPTION

Assessor Parcel No.: 427-261-09 and 427-261-10 Caltrans Parcel No.: 103697-5

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "E1" and depicted in Exhibit "E2" 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 SR 55 Improvement Project. The TCE shall be for a period of sixty (60) months, a portion of which shall be exclusive (subject to the Rights and Limitations of Use and Occupancy set forth below) and a portion of which shall be non-exclusive. Specifically, the actual physical construction activities within the TCE area shall be limited to a period of six (6) consecutive months within the sixty (60) 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 of Use and Occupancy set forth below. OCTA's use and occupancy of the TCE during the remaining fifty-four (54) 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.
- Access to the TCE area by OCTA shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any and all improvements so removed shall be included in the compensation paid by OCTA for this TCE.
- The perimeter fence along the TCE will be protected in place.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials, 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.

### **EXHIBIT "E1"**

#### LEGAL DESCRIPTION

#### CALTRANS PARCEL NO. 103697-5

#### TEMPORARY CONSTRUCTION EASEMENT TO S.C.E.

APN 427-261-09 APN 427-261-10

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 84-0617, IN THE CITY OF IRVINE, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 201, PAGES 25 AND 26, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE B.C. OF COWAN, 52.00 FEET WIDE, SAID POINT BEING THE NORTHEASTERLY TERMINUS OF THAT COURSE DESCRIBED AS "N 39°27'36" E, 647.31" AS SHOWN ON THE MAP FILED IN BOOK 106, PAGES 47 THROUGH 50, OF PARCEL MAPS,

THENCE ALONG SAID CENTERLINE OF COWAN SOUTH 39°28'44" WEST, 291.35 FEET;

THENCE LEAVING SAID CENTERLINE OF COWAN SOUTH 50°31'16" EAST, 25.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID COWAN:

THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE SOUTH 49°23'22" EAST, 2.31 FEET:

THENCE NORTH 42°13'25" EAST, 55.34 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 1;

THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 49°21'45" EAST, 0.17 FEET;

THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 42°13'25" EAST, 33.78 FEET;

THENCE SOUTH 47°46'35" EAST, 2.83 FEET;

THENCE NORTH 42°13'25" EAST, 3.00 FEET;

THENCE NORTH 47°46'35" WEST, 2.83 FEET:

THENCE NORTH 42°13'25" EAST, 38.70 FEET;

THENCE NORTH 87°13'25" EAST, 2.71 FEET;

THENCE NORTH 42°13'25" EAST, 5.28 FEET;

THENCE NORTH 02°46'35" WEST, 2.71 FEET;

THENCE NORTH 42°13'25" EAST, 112.21 FEET TO THE TRUE POINT OF BEGINNING:

THENCE CONTINUING NORTH 42°13'25" EAST, 7.88 FEET;

THENCE SOUTH 19°50'22" WEST, 21.68 FEET;

THENCE SOUTH 47°46'48" EAST, 6.80 FEET;

THENCE SOUTH 39°28'44" WEST, 6.18 FEET;

THENCE NORTH 49°21'45" WEST, 2.52 FEET;

THENCE NORTH 42°13'12" EAST, 1.24 FEET;

THENCE NORTH 47°46'48" WEST, 5.76 FEET TO A LINE THAT BEARS SOUTH 19°50'22" WEST FROM THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID LINE NORTH 19°50'22" EAST, 18.57 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A GRID AREA 101 SQUARE FEET OR 0.002 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE VI, NAD 83 (1991.35 EPOCH OCS ADJUSTMENT), ALL DISTANCES SHOWN ARE GRID, TO OBTAIN GROUND DISTANCES DIVIDE BY 0.99997834.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "E2", ATTACHED HERETO AND MADE A PART HEREOF.

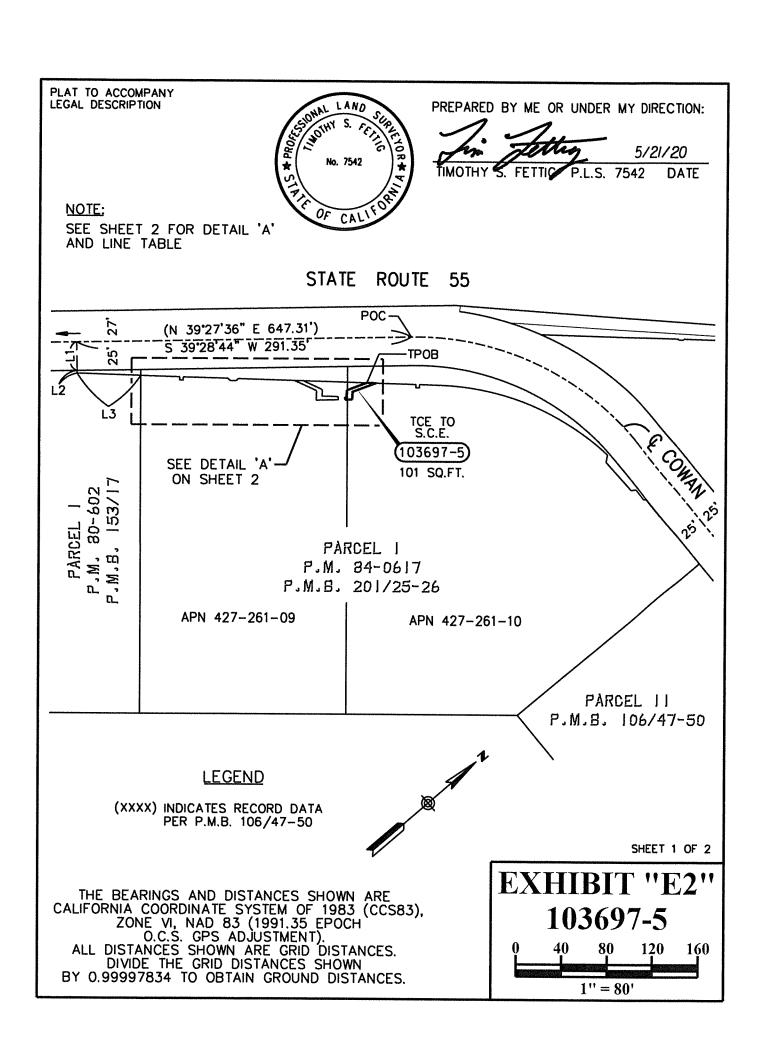
THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

TIMOTHY S. FETTIG P.L.S. 7542

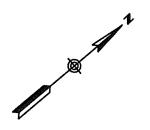
5/21/20 DATE

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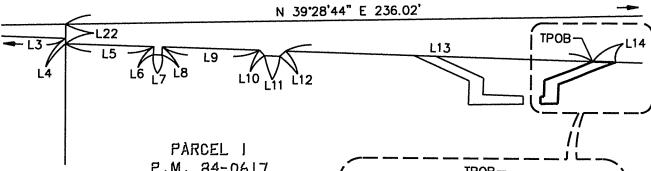
No. 7542



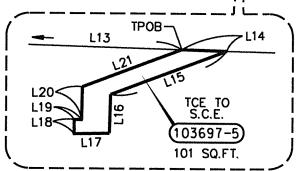




### **COWAN**



P.M. 84-0617 P.M.B. 201/25-26



LINE TABLE			
NO.	BEARING	LENGTH	
L1	S 50'31'16" E	25.00'	
L2	S 49°23'22" E	2.31'	
L3	N 42°13'25" E	55.34	
<u>L4</u>	S 49°21'45" E	0.17'	
L5	N 42°13'25" E	33.78	
L6	S 47'46'35" E	2.83'	
L7	N 42°13'25" E	3.00'	
L8	N 47*46'35" W	2.83'	
L9	N 42"13'25" E	38.70'	
L10	N 8713'25" E	2.71	
L11	N 42"13"25" E	5.28'	

	LINE TABLE con't.			
NO.	BEARING	LENGTH		
L12	N 02'46'35" W	2.71'		
L13	N 42"13'25" E	112.21		
L14	N 42'13'25" E	7.88'		
L15	S 19'50'22" W	21.68'		
L16	S 47'46'48" E	6.80'		
L17	S 39'28'44" W	6.18'		
L18	N 49°21'45" W	2.52'		
L19	N 42°13'12" E	1,24		
L20	N 47°46'48" W	5.76'		
L21	N 19*50'22" E	18.57		
L22	N 49°21'45" W	5.13'		

SHEET 2 OF 2

EXHIBIT "E2" 103697-5

# EXHIBIT "F"

## TEMPORARY CONSTRUCTION EASEMENT ATTACHMENT TO LEGAL DESCRIPTION

Assessor Parcel No.: 427-261-09 Caltrans Parcel No.: 103697-6

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "F1" and depicted in Exhibit "F2" attached hereto, subject to the Rights and Limitations set forth herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the SR 55 Improvement Project. The TCE shall be for a period of sixty (60) months, a portion of which shall be exclusive (subject to the Rights and Limitations of Use and Occupancy 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 twelve (12) consecutive months within the sixty (60) 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 of Use and Occupancy set forth below. OCTA's use and occupancy of the TCE during the remaining forty-eight (48) 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.
- Access to the TCE area by OCTA shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any and all improvements so removed shall be included in the compensation paid by OCTA for this TCE.
- The perimeter fence along the TCE will be protected in place.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials, 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.

### **EXHIBIT "F1"**

#### **LEGAL DESCRIPTION**

#### CALTRANS PARCEL NO. 103697-6

#### **TEMPORARY CONSTRUCTION EASEMENT**

APN 427-261-09

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 84-0617, IN THE CITY OF IRVINE, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 201, PAGES 25 AND 26, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE B.C. OF COWAN, 52.00 FEET WIDE, SAID POINT BEING THE NORTHEASTERLY TERMINUS OF THAT COURSE DESCRIBED AS "N 39°27'36" E, 647.31" AS SHOWN ON THE MAP FILED IN BOOK 106, PAGES 47 THROUGH 50, OF PARCEL MAPS,

THENCE ALONG SAID CENTERLINE OF COWAN SOUTH 39°28'44" WEST, 291.35 FEET;

THENCE LEAVING SAID CENTERLINE OF COWAN SOUTH 50°31'16" EAST, 25.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID COWAN;

THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE SOUTH 49°23'22" EAST, 2.31 FEET;

THENCE NORTH 42°13'25" EAST, 55.34 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 1;

THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 49°21'45" EAST, 0.17 FEET TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 42°13'25" EAST, 33.78 FEET;

THENCE SOUTH 47°46'35" EAST, 2.83 FEET:

THENCE NORTH 42°13'25" EAST, 3.00 FEET;

THENCE NORTH 47°46'35" WEST, 2.83 FEET:

THENCE NORTH 42°13'25" EAST, 38.70 FEET;

THENCE NORTH 87°13'25" EAST, 2.71 FEET;

THENCE NORTH 42°13'25" EAST, 5.28 FEET;

THENCE NORTH 02°46'35" WEST, 2.71 FEET;

THENCE NORTH 42°13'25" EAST, 76.16 FEET;

THENCE SOUTH 47°46'48" EAST, 16.20 FEET;

THENCE SOUTH 39°28'44" WEST, 160.27 FEET TO SAID SOUTHWESTERLY LINE;

THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 49°21'45" WEST, 23.88 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A GRID AREA 3,193 SQUARE FEET OR 0.073 ACRES, MORE OR LESS.

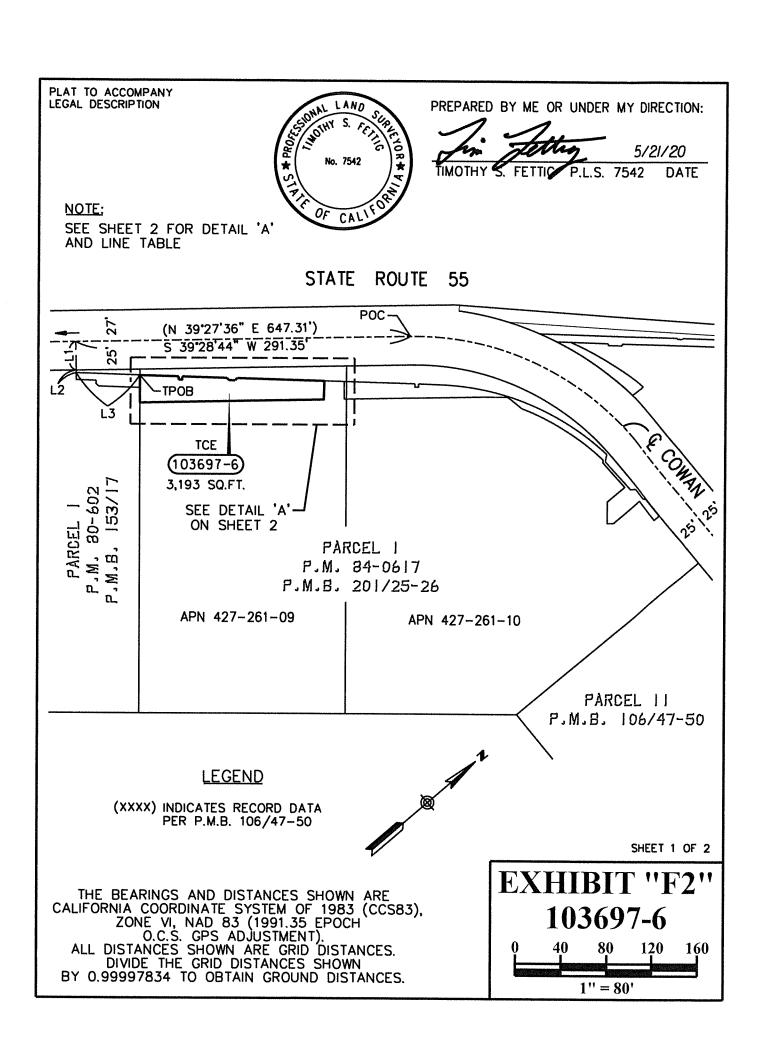
THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE VI, NAD 83 (1991.35 EPOCH OCS ADJUSTMENT), ALL DISTANCES SHOWN ARE GRID, TO OBTAIN GROUND DISTANCES DIVIDE BY 0.99997834.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "F2", ATTACHED HERETO AND MADE A PART HEREOF.

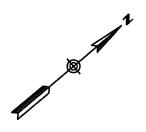
THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

TIMOTHY S. FETTIG P.L.S. 7542

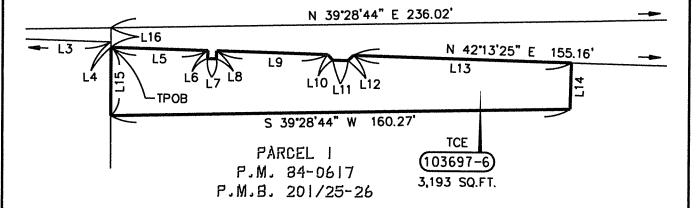
5/21/20 DATE







### **COWAN**



APN 427-261-09

LINE TABLE			
NO.	BEARING	LENGTH	
L1	S 50'31'16" E	25.00'	
L2	S 49°23'22" E	2.31'	
L3	N 42'13'25" E	55.34'	
L4	S 49'21'45" E	0.17	
L5	N 42"13"25" E	33,78	
L6	S 47*46'35" E	2.83'	
L7	N 42'13'25" E	3.00'	
L8	N 47°46'35" W	2.83'	
L9	N 4213'25" E	38.70'	
L10	N 87°13'25" E	2.71	
L11	N 42"13'25" E	5.28'	
L12	N 02'46'35" W	2.71'	
L13	N 42°13'25" E	76.16'	
L14	S 47'46'48" E	16.20	
L15	N 49*21'45" W	23.88'	
L16	S 49°21'45" E	5.13'	

SHEET 2 OF 2

EXHIBIT "F2" 103697-6

# EXHIBIT "G"

## TEMPORARY CONSTRUCTION EASEMENT ATTACHMENT TO LEGAL DESCRIPTION

Assessor Parcel Nos.: 427-261-09 and 427-261-10 Caltrans Parcel No.: 103697-7

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "G1" and depicted in Exhibit "G2" attached hereto, subject to the Rights and Limitations set forth herein ("TCE"). The TCE shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors and assigns (collectively, "OCTA") in connection with the construction of the SR 55 Improvement Project. The TCE shall be for a period of sixty (60) months, a portion of which shall be exclusive (subject to the Rights and Limitations of Use and Occupancy 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 twelve (12) consecutive months within the sixty (60) 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 of Use and Occupancy set forth below. OCTA's use and occupancy of the TCE during the remaining forty-eight (48) 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 a portion of the TCE area.
- Reasonable pedestrian and vehicular access to the property shall be maintained at all times.
- Access to the TCE area by OCTA shall be from the public right of way.
- Improvements within the TCE area will be removed as needed by OCTA to allow for construction activities. Any and all improvements so removed shall be included in the compensation paid by OCTA for this TCE.
- The perimeter fence along the TCE will be protected in place.
- Prior to the termination of the Construction Period, OCTA will remove from the TCE area all construction equipment and materials, any temporary improvements, and all construction-related debris. The TCE area will be graded and compacted. Functionally equivalent pavement material will be installed by OCTA to restore the TCE area to a similar condition that existed prior to commencement of the construction activities.

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

### EXHIBIT "G1"

#### LEGAL DESCRIPTION

#### CALTRANS PARCEL NO. 103697-7

#### **TEMPORARY CONSTRUCTION EASEMENT**

APN 427-261-09 APN 427-261-10

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 84-0617, IN THE CITY OF IRVINE, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 201, PAGES 25 AND 26, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE B.C. OF COWAN, 52.00 FEET WIDE, SAID POINT BEING THE NORTHEASTERLY TERMINUS OF THAT COURSE DESCRIBED AS "N 39°27'36" E, 647.31" AS SHOWN ON THE MAP FILED IN BOOK 106, PAGES 47 THROUGH 50, OF PARCEL MAPS.

THENCE ALONG SAID CENTERLINE OF COWAN SOUTH 39°28'44" WEST, 291.35 FEET;

THENCE LEAVING SAID CENTERLINE OF COWAN SOUTH 50°31'16" EAST, 25.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID COWAN:

THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE SOUTH 49°23'22" EAST, 2.31 FEET;

THENCE NORTH 42°13'25" EAST, 55.34 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 1;

THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 49°21'45" EAST, 0.17 FEET;

THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 42°13'25" EAST, 33.78 FEET;

THENCE SOUTH 47°46'35" EAST, 2.83 FEET:

THENCE NORTH 42°13'25" EAST, 3.00 FEET;

THENCE NORTH 47°46'35" WEST, 2.83 FEET;

THENCE NORTH 42°13'25" EAST, 38.70 FEET;

THENCE NORTH 87°13'25" EAST, 2.71 FEET;

THENCE NORTH 42°13'25" EAST, 5.28 FEET:

THENCE NORTH 02°46'35" WEST, 2.71 FEET;

THENCE NORTH 42°13'25" EAST, 93.44 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 42°13'25" EAST, 61.72 FEET; THENCE SOUTH 47°46'35" EAST, 2.83 FEET; THENCE NORTH 42°13'25" EAST, 3.00 FEET; THENCE NORTH 47°46'35" WEST, 2.83 FEET; THENCE NORTH 42°13'25" EAST, 18.19 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 224.83 FEET: THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41°14'34" AN ARC LENGTH OF 161.84 FEET; THENCE NON-TANGENT TO SAID CURVE SOUTH 38°39'34" EAST, 6.50 FEET: THENCE NORTH 88°44'34" EAST, 32.95 FEET; THENCE NORTH 34°29'59" EAST, 4.51 FEET; THENCE SOUTH 89°11'25" EAST, 11.01 FEET; THENCE NORTH 45°48'35" EAST, 2.71 FEET; THENCE SOUTH 89°11'25" EAST, 19.23 FEET; THENCE SOUTH 00°48'35" WEST, 5.83 FEET; THENCE NORTH 89°11'25" WEST, 21.85 FEET; THENCE SOUTH 00°19'53" EAST, 30.02 FEET: THENCE SOUTH 40°39'36" WEST, 5.44 FEET; THENCE NORTH 49°15'43" WEST, 18.88 FEET; THENCE NORTH 00°11'29" WEST, 19.81 FEET; THENCE SOUTH 88°44'34" WEST, 28.75 FEET; THENCE NORTH 38°39'34" WEST, 2.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 219.00 FEET, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS NORTH 06°11'33" WEST: THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°06'14" AN ARC LENGTH OF 84.49 FEET; THENCE NON-TANGENT TO SAID CURVE SOUTH 78°43'59" WEST, 15.98 FEET;

THENCE SOUTH 40°28'35" WEST, 20.38 FEET:

THENCE SOUTH 39°28'44" WEST, 122.44 FEET TO A LINE THAT BEARS SOUTH 49°21'45" EAST FROM THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID LINE NORTH 49°21'45" WEST, 15.35 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A GRID AREA 2,840 SQUARE FEET OR 0.065 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE VI, NAD 83 (1991.35 EPOCH OCS ADJUSTMENT), ALL DISTANCES SHOWN ARE GRID, TO OBTAIN GROUND DISTANCES DIVIDE BY 0.99997834.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "G2", ATTACHED HERETO AND MADE A PART HEREOF.

THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

TIMOTHY S. FETTIG P.L.S. 7542

5/21/20 DATE

No. 7542

