

RESOLUTION NO. 2021-036

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. 430-031-03 and 430-031-09.

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 1717 E. Dyer Road and 2626 Pullman Street, in the City of Santa Ana, California ("Subject Property"), are required for the Project. The specific portions of the Subject Property required for the Project are a three partial fee acquisitions as collectively described and depicted in Exhibit "A" attached hereto (Parcel Nos. 103715-1, 103715-2 and 103715-3), a temporary construction easement as described and depicted in Exhibit "B" attached hereto (Parcel 103715-4), a temporary construction easement as described and depicted in Exhibit "C" attached hereto (Parcel 103715-5), a temporary construction easement as described and depicted in Exhibit "D" attached hereto (Parcel 103715-6), and a permanent utility easement as described and depicted in Exhibit "E" attached hereto (Parcel 103715-7) (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 Santa Ana 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:

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 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.

Section 5. Description of Property Interests. The Property Interests sought to be acquired are more particularly described and depicted in Exhibits "A" through "E" 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 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.

Section 8. Acquisition of Substitute Property. 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.

Section 9. Authority to Exercise Eminent Domain. 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. Effective Date. This Resolution of Necessity shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this _____ day of _____, 2021.

ANDREW DO, CHAIRMAN
ORANGE COUNTY
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Andrea West, Interim Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2021-036, by the following votes:

AYES:

NOES:

ABSENT:

ANDREA WEST
INTERIM CLERK OF THE BOARD

EXHIBIT "A"

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 103715-1: FEE

That portion of Parcel 2, in the City of Santa Ana, County of Orange, State of California, as shown on a map filed in Book 61, Page 22 of Parcel Maps, in the office of the County Recorder of said County, lying northwesterly of the following described line:

COMMENCING at the northeasterly terminus of that certain course shown on said map as having a bearing of North 36°20'54" East and a length of 861.86 feet on the northwesterly line of said Parcel 2; thence along said northwesterly line, South 36°22'15" West 69.87 feet to the **POINT OF BEGINNING**; thence leaving said northwesterly line the following courses;

- 1) North 39°30'13" East 19.29 feet; thence,
- 2) North 39°49'52" East 127.33 feet; thence,
- 3) South 50°10'08" East 2.50 feet; thence,
- 4) North 39°49'52" East 5.00 feet; thence,
- 5) North 50°10'08" West 2.50 feet; thence,
- 6) North 39°49'52" East 175.20 feet; thence,
- 7) South 50°10'08" East 2.00 feet; thence,
- 8) North 39°06'18" East 5.00 feet; thence,
- 9) North 50°10'08" West 1.94 feet; thence,
- 10) North 39°49'52" East 144.50 feet to the northeasterly line of said Parcel 2.

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.

Parcel 103715-2: FEE

That portion of Parcel 2, in the City of Santa Ana, County of Orange, State of California, as shown on a map filed in Book 61, Page 22 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

COMMENCING at the northeasterly terminus of that certain course shown on said map as having a bearing of North 36°20'54" East and a length of 861.86 feet on the northwesterly line of said Parcel 2; thence along said northwesterly line,

South 36°22'15" West 98.29 feet to the **POINT OF BEGINNING**; thence leaving said northwesterly line, South 50°29'47" East 0.95 feet; thence South 39°30'13" West 5.00 feet; thence North 50°29'47" West 0.67 feet to said northwesterly line; thence along said northwesterly line, North 36°22'15" East 5.01 feet to the **POINT OF BEGINNING**.

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.

Parcel 103715-3: FEE

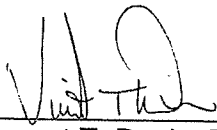
That portion of Parcel 2, in the City of Santa Ana, County of Orange, State of California, as shown on a map filed in Book 69, Page 26 of Parcel Maps, in the office of the County Recorder of said County, lying southerly of the following described line:

COMMENCING at the northerly terminus of that certain course shown as having a bearing of North 22°53'30" West and a length of 196.09 feet on the westerly line of said Parcel 2; thence along said westerly line, South 22°53'37" East 173.89 feet to the **POINT OF BEGINNING**; thence leaving said westerly line, South 88°08'24" East 38.43 feet to the beginning of a tangent curve, concave southerly and having a radius of 129.17 feet; thence easterly, 50.36 feet along said curve through a central angle of 22°20'23" to the beginning of a reverse curve, concave northerly and having a radius of 109.79 feet, a radial bearing to beginning of said curve bears South 24°12'00" West; thence easterly, 43.02 feet along said curve through a central angle of 22°26'59" to the southerly line of said Parcel 2.

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.

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: 09 Mar 2021



DATUM: NAD83 EPOCH 1991.35 ORANGE COUNTY SURVEYOR ADJUSTMENT.
 COORDINATE SYSTEM: CCS83 ZONE 6, COORDINATES, BEARINGS, DISTANCES
 COMBINED FACTOR: 0.99997834 (GROUND = GRID/COMBINED FACTOR)

LEGEND:

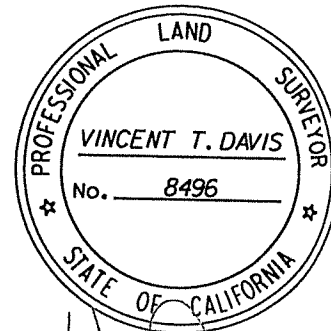
	ACCESS PROHIBITED
P.O.B.	POINT OF BEGINNING
CL	CENTERLINE
(R)	RADIAL
N.T.S.	NOT TO SCALE

CURVE DATA:

NO.	RADIUS	Δ	LENGTH
C1	129.17'	22°20'23"	50.36'
C2	109.79'	22°26'59"	43.02'

LINE DATA:

NO.	BEARING	DISTANCE
L1	S36°22'15"W	69.87'
L2	N39°30'13"E	19.29'
L3	N39°49'52"E	127.33'
L4	S50°10'08"E	2.50'
L5	N39°49'52"E	5.00'
L6	N50°10'08"W	2.50'
L7	N39°49'52"E	175.20'
L8	S50°10'08"E	2.00'
L9	N39°06'18"E	5.00'
L10	N50°10'08"W	1.94'
L11	N39°49'52"E	144.50'
L12	S49°23'50"E	9.26'
L13	S39°06'18"W	406.74'
L14	S36°22'15"W	98.29'
L15	S50°29'47"E	0.95'
L16	S39°30'13"W	5.00'
L17	N50°29'47"W	0.67'
L18	N36°22'15"E	5.01'
L19	S22°53'37"E	173.89'
L20	S88°08'24"E	38.43'
L21	N88°15'00"W	121.09'
L22	N22°53'37"W	20.00'



Vincent T. Davis

VINCENT T. DAVIS

09 Mar 2021

DATE

EXHIBIT "A1"

(Page 2 of 2)

COUNTY: ORA
 RTE: 55
 P.M.: 7.9 - 8.1

NOT TO SCALE
 DATE: MAR 2021

PARCELS:
103715-1, -2 & -3
 APN's: 430-031-03 &
 430-031-09

EXHIBIT "B"

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel No.: 430-031-03

Caltrans Parcel No.: 103715-4

This temporary construction easement shall be in, on, over, under, and across that certain real property described in Exhibit "B1" and depicted in Exhibit "B2" 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 twenty-four (24) 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 thirty-six (36) 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.
- 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 "B1"
LEGAL DESCRIPTION

CALTRANS PARCEL NO. 103715-4

TEMPORARY CONSTRUCTION EASEMENT

APN 430-031-03

THAT PORTION OF PARCEL 2, IN THE CITY OF SANTA ANA, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 61, PAGE 22, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE E.C. OF PULLMAN STREET, 60.00 FEET WIDE, SAID POINT BEING THE SOUTHWESTERLY TERMINUS OF THAT COURSE DESCRIBED AS "N 39°06'25" E, 400.00'" AS SHOWN ON SAID PARCEL MAP;

THENCE ALONG SAID CENTERLINE OF PULLMAN STREET NORTH 39°06'18" EAST, 251.30 FEET;

THENCE LEAVING SAID CENTERLINE OF PULLMAN STREET NORTH 50°53'42" WEST, 30.00 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID PULLMAN STREET;

THENCE NORTH 39°06'18" EAST, 5.00 FEET ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID PULLMAN STREET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE NORTH 50°10'08" WEST, 1.94 FEET;

THENCE NORTH 39°49'52" EAST, 144.50 FEET;

THENCE SOUTH 49°23'50" EAST, 0.11 FEET TO SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID PULLMAN STREET;

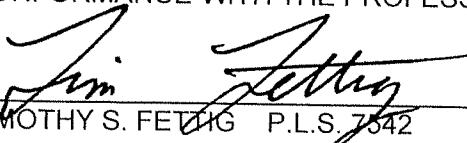
THENCE SOUTH 39°06'18" WEST, 144.51 FEET ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE TO THE **TRUE POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL 103712-4 CONTAINS A TOTAL 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 "B2", 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. FETTING P.L.S. 7542

12/16/19

DATE



PLAT TO ACCOMPANY
LEGAL DESCRIPTION



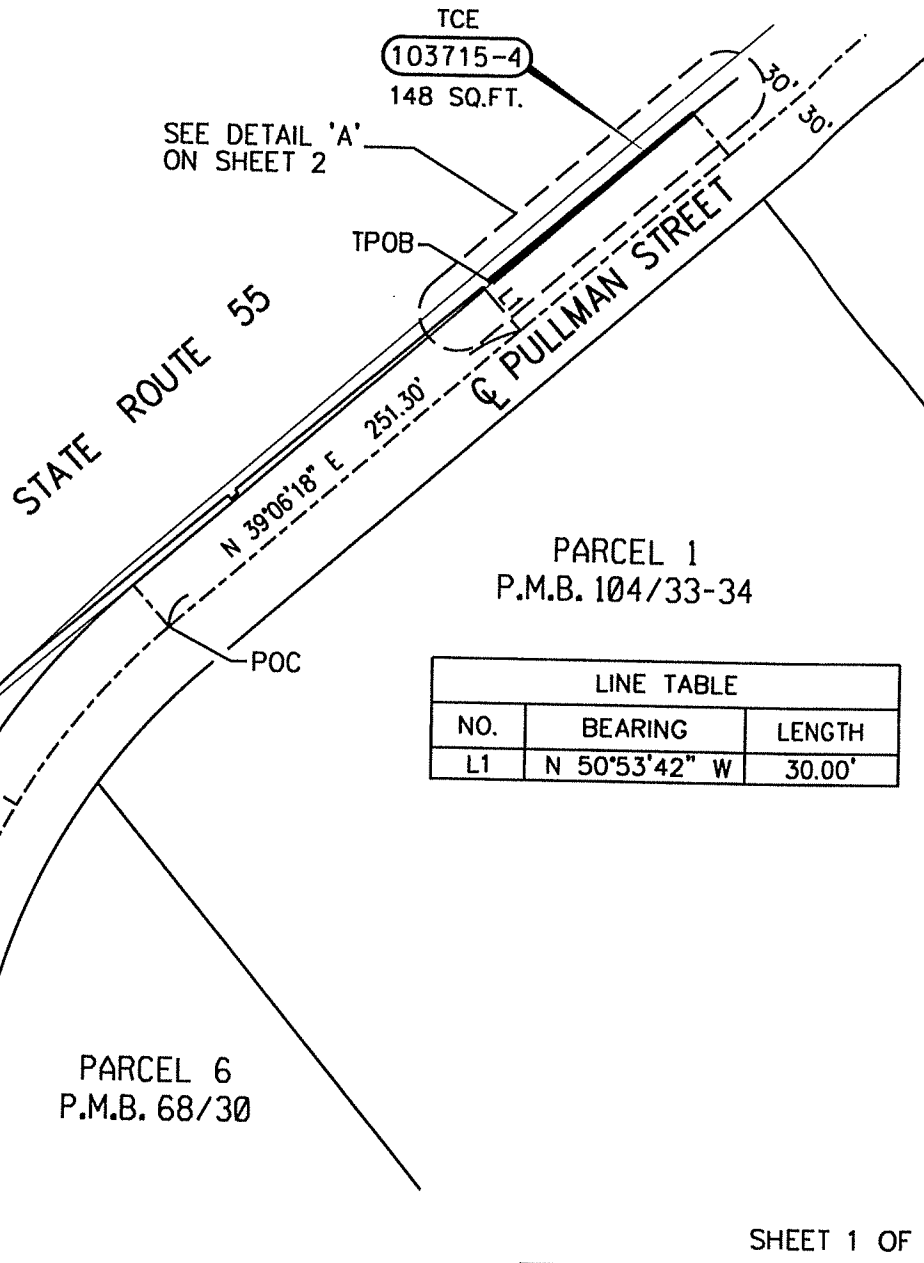
PREPARED BY ME OR UNDER MY DIRECTION:

Tim Fetting
TIMOTHY S. FETTING

12/16/19

P.L.S. 7542 DATE

SEE SHEET 2



LINE TABLE		
NO.	BEARING	LENGTH
L1	N 50°53'42" W	30.00'

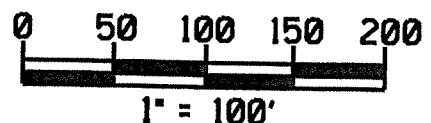
SHEET 1 OF 2

THE BEARINGS AND DISTANCES SHOWN ARE
CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83),
ZONE VI, NAD 83 (1991.35 EPOCH
O.C.S. GPS ADJUSTMENT).

ALL DISTANCES SHOWN ARE GRID DISTANCES.
DIVIDE THE GRID DISTANCES SHOWN
BY 0.99997834 TO OBTAIN GROUND DISTANCES.

EXHIBIT "B2"

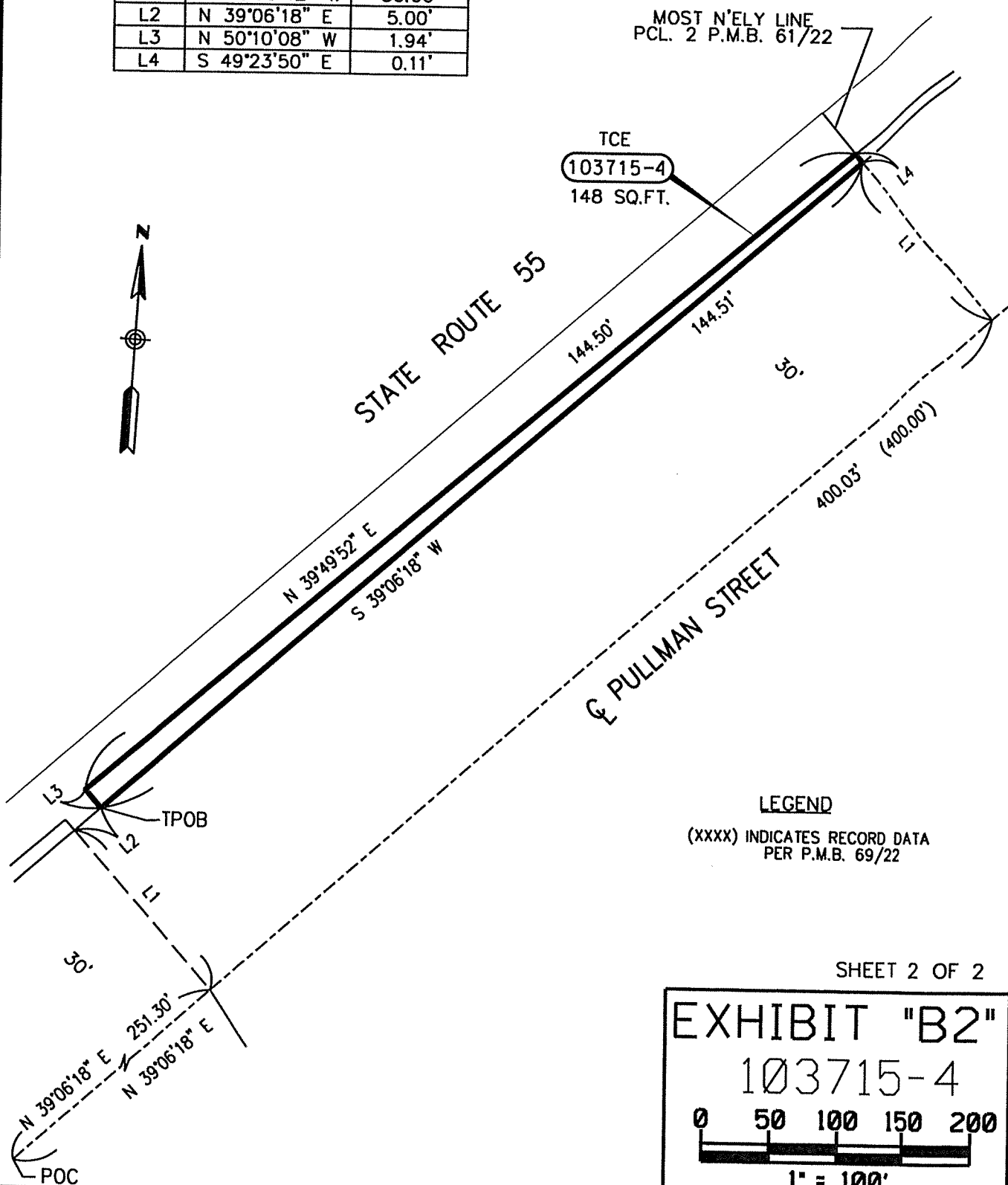
103715-4



PLAT TO ACCOMPANY
LEGAL DESCRIPTION

DETAIL 'A'
N.T.S.

LINE TABLE		
NO.	BEARING	LENGTH
L1	N 50°53'42" W	30.00'
L2	N 39°06'18" E	5.00'
L3	N 50°10'08" W	1.94'
L4	S 49°23'50" E	0.11'



LEGEND

(XXXX) INDICATES RECORD DATA
PER P.M.B. 69/22

SHEET 2 OF 2

EXHIBIT "B2"

103715-4

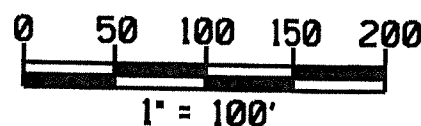


EXHIBIT "C"

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel No.: 430-031-03

Caltrans Parcel No.: 103715-5

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 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 twenty-four (24) 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 thirty-six (36) 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.
- 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 "C1"
LEGAL DESCRIPTION

CALTRANS PARCEL NO. 103715-5

TEMPORARY CONSTRUCTION EASEMENT

APN 430-031-03

THAT PORTION OF PARCEL 2, IN THE CITY OF SANTA ANA, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 61, PAGE 22, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE E.C. OF PULLMAN STREET, 60.00 FEET WIDE, SAID POINT BEING THE SOUTHWESTERLY TERMINUS OF THAT COURSE DESCRIBED AS "N 39°06'25" E, 400.00'" AS SHOWN ON SAID PARCEL MAP;

THENCE ALONG SAID CENTERLINE OF PULLMAN STREET NORTH 39°06'18" EAST, 251.30 FEET;

THENCE LEAVING SAID CENTERLINE OF PULLMAN STREET NORTH 50°53'42" WEST, 30.00 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID PULLMAN STREET, SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE NORTH 50°10'08" WEST, 2.00 FEET;

THENCE SOUTH 39°49'52" WEST, 175.20 FEET;

THENCE SOUTH 50°10'08" EAST, 2.50 FEET;

THENCE SOUTH 39°49'52" WEST, 5.00 FEET;

THENCE NORTH 50°10'08" WEST, 2.50 FEET;

THENCE SOUTH 39°49'52" WEST 127.33 FEET;

THENCE SOUTH 39°30'13" WEST 19.29 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL 2;

THENCE SOUTH 36°22'15" WEST 28.42 FEET ALONG SAID NORTHWESTERLY LINE;

THENCE LEAVING SAID NORTHWESTERLY LINE SOUTH 50°29'47" EAST 0.95 FEET;

THENCE SOUTH 39°30'13" WEST 5.00 FEET;

THENCE NORTH 50°29'47" WEST 0.67 FEET TO SAID NORTHWESTERLY LINE OF SAID PARCEL 2;

THENCE SOUTH 36°22'15" WEST 58.06 FEET ALONG SAID NORTHWESTERLY LINE;

THENCE LEAVING SAID NORTHWESTERLY LINE NORTH 39°30'13" EAST 110.63 FEET;

THENCE NORTH 39°49'52" EAST, 71.02 FEET TO SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID PULLMAN STREET,

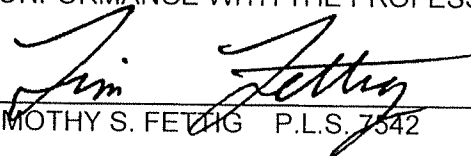
THENCE NORTH 39°06'18" EAST 236.52 FEET ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID PULLMAN STREET TO THE **TRUE POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL 103715-5 CONTAINS A TOTAL GRID AREA 1,491 SQUARE FEET OR 0.034 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 "C2", 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. FETTING P.L.S. 7542

9/25/20
DATE



PLAT TO ACCOMPANY
LEGAL DESCRIPTION



PREPARED BY ME OR UNDER MY DIRECTION:

Tim Fetting
TIMOTHY S. FETTING P.L.S. 7542

9/25/20

DATE



STATE ROUTE 55

TPOB

TCE
103715-5
1,491 SQ.FT.

SEE DETAIL 'A'
ON SHEET 2

N 39°06'18" E 251.30'
(N 39°06'25" E

POC

PARCEL 1
P.M.B. 104/33-34

LINE TABLE		
NO.	BEARING	LENGTH
L1	N 50°53'42" W	30.00'

PARCEL 2
P.M.B. 61/22
APN 430-031-03

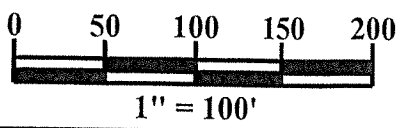
PARCEL 6
P.M.B. 68/30

SHEET 1 OF 2

THE BEARINGS AND DISTANCES SHOWN ARE
CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83),
ZONE VI, NAD 83 (1991.35 EPOCH
O.C.S. GPS ADJUSTMENT).
ALL DISTANCES SHOWN ARE GRID DISTANCES.
DIVIDE THE GRID DISTANCES SHOWN
BY 0.99997834 TO OBTAIN GROUND DISTANCES.

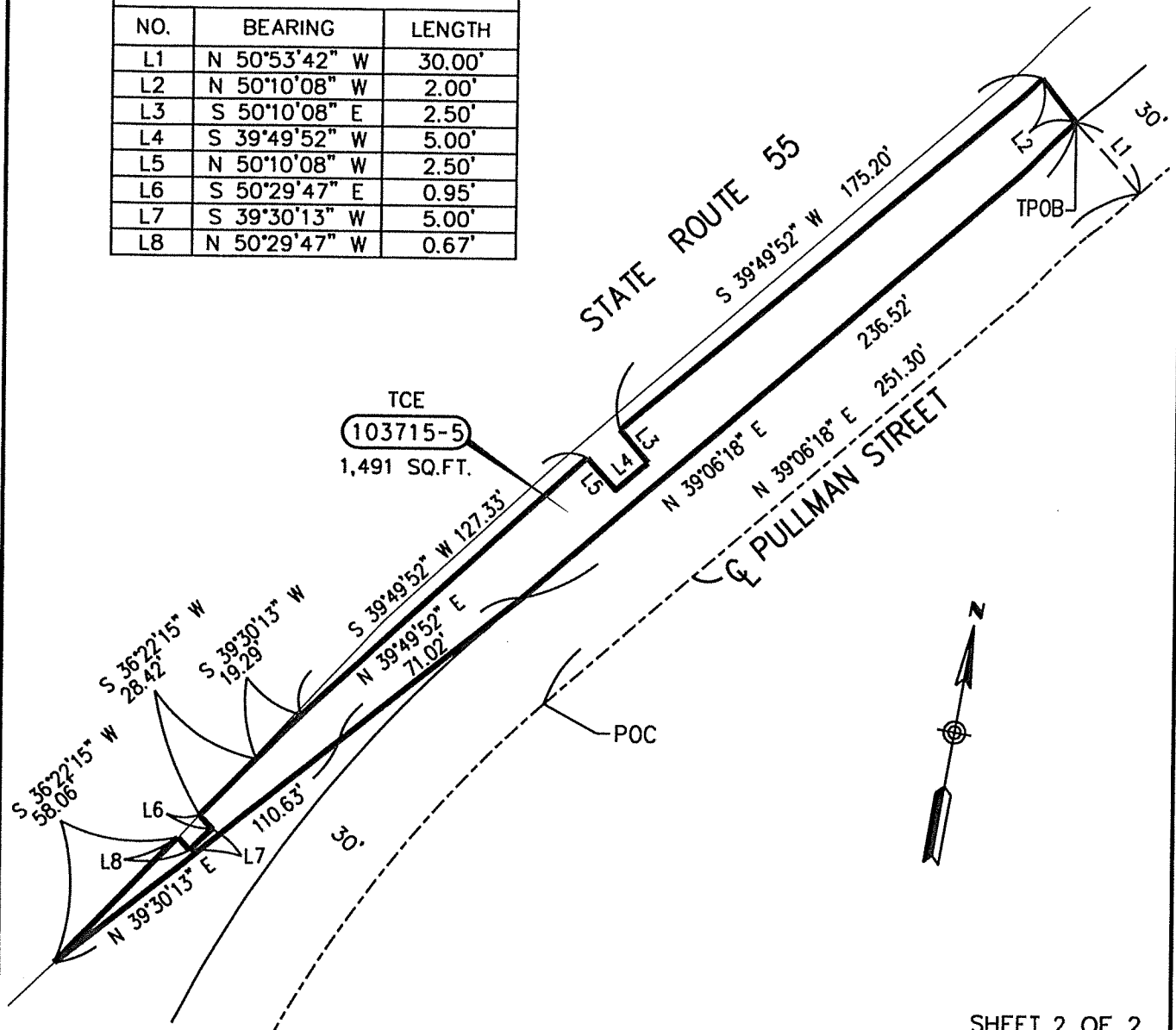
EXHIBIT "C2"

103715-5



DETAIL 'A'
N.T.S.

LINE TABLE		
NO.	BEARING	LENGTH
L1	N 50°53'42" W	30.00'
L2	N 50°10'08" W	2.00'
L3	S 50°10'08" E	2.50'
L4	S 39°49'52" W	5.00'
L5	N 50°10'08" W	2.50'
L6	S 50°29'47" E	0.95'
L7	S 39°30'13" W	5.00'
L8	N 50°29'47" W	0.67'



SHEET 2 OF 2

EXHIBIT "C2"

103715-5

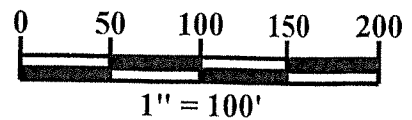


EXHIBIT "D"

**TEMPORARY CONSTRUCTION EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION**

Assessor Parcel No.: 430-031-09

Caltrans Parcel No.: 103715-6

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 eighteen (18) 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-two (42) months of the TCE period will be non-exclusive.

Rights and Limitations of Use and Occupancy of TCE:

- OCTA shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days' written notice as to when the Construction Period will commence.
- During the Construction Period, OCTA 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.
- Light standard to 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 "D1"
LEGAL DESCRIPTION

CALTRANS PARCEL NO. 103715-6

TEMPORARY CONSTRUCTION EASEMENT

APN 430-031-09

THAT PORTION OF PARCEL 2, IN THE CITY OF SANTA ANA, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 69, PAGE 26, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF DYER ROAD, 104.00 FEET WIDE, AND PULLMAN STREET, 68.00 FEET WIDE, SAID POINT BEING ON A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1,199.97 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 06°22'14" EAST;

THENCE WESTERLY ALONG SAID CENTERLINE OF DYER ROAD AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°37'14", AN ARC LENGTH OF 96.77 FEET;

THENCE CONTINUING ALONG SAID CENTERLINE OF DYER ROAD NORTH 88°15'00" WEST, 287.15 FEET;

THENCE LEAVING SAID CENTERLINE OF DYER ROAD NORTH 01°45'00" EAST, 52.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DYER ROAD, SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 88°15'00" WEST, 5.00 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 109.78 FEET;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE 43.02 FEET WESTERLY AND NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°27'00" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 129.17 FEET;

THENCE NORTHWESTERLY AND WESTERLY 50.36 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°20'24";

THENCE NORTH 88°08'24" WEST, 38.43 FEET TO THE SOUTHWESTERLY LINE OF SAID PARCEL 2;

THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 22°53'37" WEST, 5.51 FEET;

THENCE LEAVING SAID SOUTHWESTERLY LINE SOUTH 88°08'24" EAST, 40.73 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 134.17 FEET;

THENCE EASTERLY AND SOUTHEASTERLY 52.31 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°20'24" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 104.78 FEET;

THENCE SOUTHEASTERLY AND EASTERLY 41.06 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°27'00";

THENCE SOUTH 88°15'00" EAST, 5.00 FEET TO A LINE THAT BEARS NORTH 01°46'00" EAST FROM THE TRUE POINT OF BEGINNING;

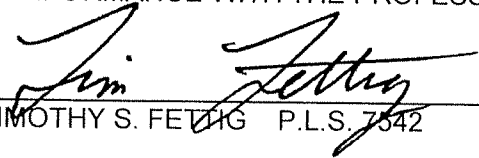
THENCE ALONG SAID LINE SOUTH 01°46'00" WEST, 5.00 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL 103715-6 CONTAINS A GRID AREA 690 SQUARE FEET OR 0.016 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. FETTING P.L.S. 7542

9/25/20

DATE



PLAT TO ACCOMPANY
LEGAL DESCRIPTION

NOTE:

SEE SHEET 2 FOR LINE
AND CURVE TABLES



PREPARED BY ME OR UNDER MY DIRECTION:

Tim Fetting
TIMOTHY S. FETTING

9/25/20

P.L.S. 7542 DATE

STATE ROUTE 55

PARCEL 2
P.M.B. 69/26
APN 430-031-09

SEE DETAIL 'A'
ON SHEET 2

TCE

103715-6
690 SQ.FT.

TPOB

PARCEL 1
P.M.B. 69/26

N 88°15'00" W 287.15'
D YER ROAD

PARCEL 2
P.M.B. 61/22
APN 430-031-03

PULLMAN STREET

N 06°22'14" E
RAD.

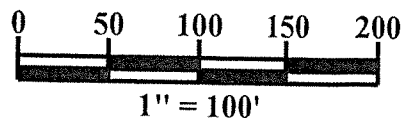
SHEET 1 OF 2

THE BEARINGS AND DISTANCES SHOWN ARE
CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83),
ZONE VI, NAD 83 (1991.35 EPOCH
O.C.S. GPS ADJUSTMENT).

ALL DISTANCES SHOWN ARE GRID DISTANCES.
DIVIDE THE GRID DISTANCES SHOWN
BY 0.99997834 TO OBTAIN GROUND DISTANCES.

EXHIBIT "D2"

103715-6

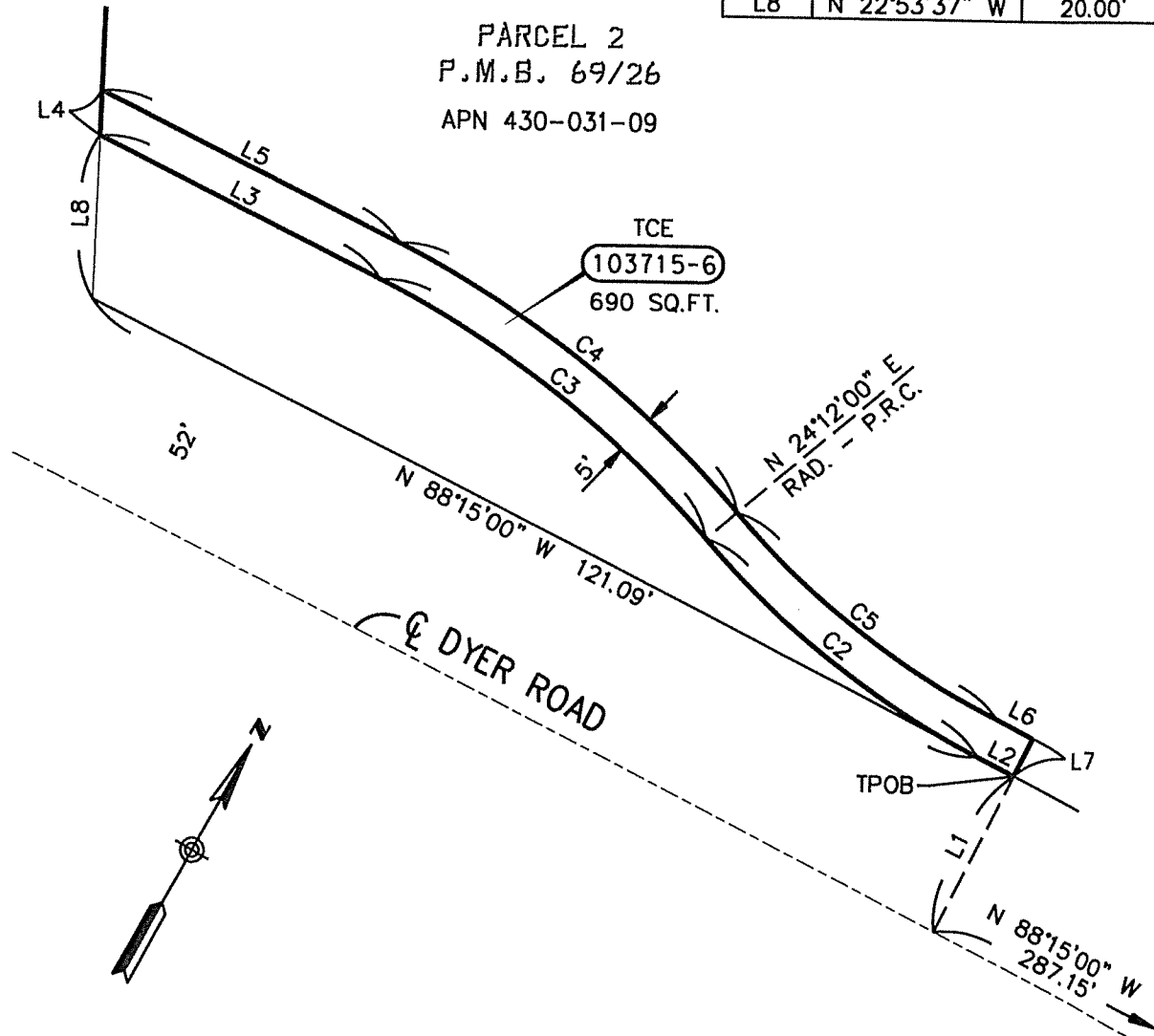


DETAIL 'A'

N.T.S.

CURVE TABLE			
NO.	DELTA	RADIUS	LENGTH
C1	04°37'14"	1199.97'	96.77'
C2	22°27'00"	109.78'	43.02'
C3	22°20'24"	129.17'	50.36'
C4	22°20'24"	134.17'	52.31'
C5	22°27'00"	104.78'	41.06'

LINE TABLE		
NO.	BEARING	LENGTH
L1	N 01°45'00" E	52.00'
L2	N 88°15'00" W	5.00'
L3	N 88°08'24" W	38.43'
L4	N 22°53'37" W	5.51'
L5	S 88°08'24" E	40.73'
L6	S 88°15'00" E	5.00'
L7	S 01°46'00" W	5.00'
L8	N 22°53'37" W	20.00'



SHEET 2 OF 2

EXHIBIT "D2"
103715-6

EXHIBIT "E"

PERMANENT UTILITY EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Parcel No.: 103715-7

This permanent utility easement shall be in, under, on, over, along, and across the real property described in Exhibit "E1" and depicted in Exhibit "E2" attached hereto, subject to the rights and limitations described herein ("Utility Easement"). The Utility Easement shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, "Easement Holder") to construct, operate, use, maintain, alter, add to, reconstruct, enlarge, repair, renew, replace, inspect, improve, interconnect, relocate, and/or remove, at any time and from time to time, electrical underground systems and communication systems, hereinafter referred to as "systems," consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads, and other appurtenant fixtures and equipment necessary or useful for conveying electric energy to be used for light, heat, power, and for transmitting intelligence by electrical means and/or other purposes, including the right of ingress and egress as herein described, in, under, on, over, along, and across the strip of land described in Exhibit "E1" and depicted in Exhibit "E2" attached hereto ("Easement Area").

Easement Holder shall have free access to said systems placed within the Easement Area and every part thereof at all times over and along the strip of land described and depicted in Exhibits "E1" and "E2," respectively, for the purpose of exercising the rights herein described. Easement Holder shall have the right to keep the Easement Area free from brush or any accumulation of flammable material.

The owner and occupant of the real property subject to the Utility Easement shall not construct any permanent improvements within the Easement Area that would impede Easement Holder's rights as defined herein. The owner and occupant of the real property subject to the Utility Easement will have the right to use the surface of the Easement Area for all uses not inconsistent with the rights described herein, provided, however, that the exercise of such rights does not interfere with or endanger, in the opinion of Easement Holder, the operation or maintenance of the systems installed within the Utility Easement, or Easement Holder's ready access to said systems, or the exercise of any of the rights herein granted to Easement Holder.

The Utility Easement shall be subject to any and all existing easements and rights of way of record along, over, across, or under the Easement Area. No other easement or easements shall be granted on, under, over, or within the Easement Area without Easement Holder's previous written consent.

The rights and obligations of Easement Holder and the owner of the real property subject to the Utility Easement shall run with the land and be binding upon and/or inure to the benefit of their respective heirs, successors, and assigns.

Easement Holder expressly reserves the right to convey, transfer, or assign the Utility Easement subject to the same rights and limitations described herein.

EXHIBIT "E1"
LEGAL DESCRIPTION

Parcel 103715-7: UTILITY EASEMENT - SCE

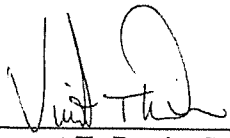
That portion of Parcel 2, in the City of Santa Ana, County of Orange, State of California, as shown on a map filed in Book 61, Page 22 of Parcel Maps, in the Office of the County Recorder of said County, described as follows:

COMMENCING at the northeasterly terminus of that certain course shown as having a bearing of North 36°20'54" East and a length of 861.86 feet on the northwesterly line of said Parcel 2; thence along said certain course, South 36°22'15" West, 124.67 feet to the **POINT OF BEGINNING**; thence leaving said certain course, North 39°34'26" East, 203.78 feet; thence North 39°49'48" East, 138.48 feet to the westerly line of Pullman Street, 60.00 feet wide, as shown on said Parcel Map; thence along said westerly line South 39°06'18" West, 212.03 feet to the beginning of curve, concave southeasterly and having a radius of 429.99 feet; thence southwesterly 132.49 feet along said curve through a central angle of 17°39'14"; thence leaving said curve, North 50°25'34" West, 23.67 feet to the **POINT OF BEGINNING**.

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.

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: 24 Sep 2020

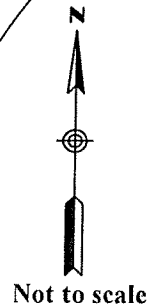


DATUM: NAD83 EPOCH 1991.35 ORANGE COUNTY SURVEYOR ADJUSTMENT.
 COORDINATE SYSTEM: CCS83 ZONE 6, COORDINATES, BEARINGS, DISTANCES
 COMBINED FACTOR: 0.99997834 (GROUND - GRID/COMBINED FACTOR)

CITY OF SANTA ANA
 STATE ROUTE 55
 COSTA MESA FREEWAY

PROPOSED R/W
 (CALTRANS PARCEL 103715-1,
 APPRAISAL MAP E120133-18)

SUPERSEDED
 R/W
 (CALTRANS PARCEL 103715-1,
 APPRAISAL MAP E120133-18)



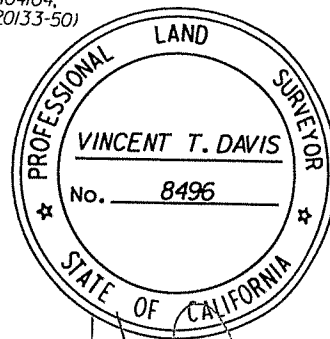
UTILITY
 EASEMENT
 TO SCE

103715-7
 (1519 SQFT)

LEGEND:

	ACCESS PROHIBITED
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

(PROPOSED UTILITY EASEMENT
 CALTRANS PARCEL 104104,
 APPRAISAL MAP E120133-50)



VINCENT T. DAVIS

28 Dec 2020

DATE

EXISTING R/W

PMB 61/22
 N36°20'54"E
 (861.86'
 PARCEL 2

EASTERLY LINE
 SCE EASEMENT
 (1113/54 O.R.)

PULLMAN

EXHIBIT "E2"

(Page 1 of 1)

COUNTY: ORA
 RTE: 55
 P.M.: 8.1

NOT TO SCALE
 DATE: DEC 2020

PARCEL:
 103715-7
 APN: 430-031-03