

RESOLUTION NO. 2025-083

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. 360-071-41, 360-071-44, AND 360-071-24.

WHEREAS, the Orange County Transportation Authority (the "Authority") is undertaking the State Route (SR) 91 Segment No. 2 Improvement Project (the "Project"); and

WHEREAS, the Project is intended to increase freeway capacity, improve traffic and interchange operations, and enhance road safety through SR-91 freeway mainline widening, primarily in the eastbound directions, and modifications to various interchanges, connectors, ramps, and intersections; 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 3200 E. Frontera Street in the City of Anaheim, California (Assessor Parcel Nos. 360-071-41, 360-071-44, and 360-071-24) (the "Subject Property") are required for the Project. The specific portions of the Subject Property required for the Project are a permanent highway easement as legally described and depicted in Exhibit "A" attached hereto (Parcel 104171-1) and a sewer easement as legally described and depicted in Exhibit "B" attached hereto (Parcel 104171-3) (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 15, 2025, 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 Anaheim 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 November 24, 2025, at 9:30 am at 550 South Main Street, Orange, California and gave to each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll 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 California 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 increase freeway capacity, improve traffic and interchange operations, and enhance road safety; 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" and "B" 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 California 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 that 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. 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 certain of the Property Interests, in whole or in part, as substitute property

pursuant to California Code of Civil Procedure sections 1240.320 and 1240.330, as the case may be. The requirements of said Code sections have been satisfied and the acquisition of said substitute property is necessary for the purposes specified in said Code sections and 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 _____, 2025.

DOUG CHAFFEE, CHAIR
ORANGE COUNTY
TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:

JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Andrea West, Clerk of the Board of Directors of the Orange County Transportation Authority,
do hereby certify the foregoing Resolution No. 2025-083, by the following votes:

AYES:

NOES:

ABSENT:

ANDREA WEST
CLERK OF THE BOARD

EXHIBIT "A"

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 104171-1: HIGHWAY EASEMENT

An easement for highway purposes, in and to those portions of Lots 16 through 20 of Orange Grove Acres No. 2, in the City of Anaheim, County of Orange, State of California as shown on a map recorded in Book 7, Page 36 of Miscellaneous Maps in the office of the County Recorder of said County, lying northerly of the following described line:

COMMENCING at a point on the westerly line of Caltrans Parcel C724 as described in a Grant Deed to the State of California recorded August 15, 1966 in Book 8018 Page 712 Official Records of said County, said point being the southeasterly terminus of that particular course described as South 02°49'48" East 12.32 feet; thence continuing along the southeasterly prolongation of said westerly line South 02°35'48" East 11.73 feet to the **POINT OF BEGINNING**; thence leaving said prolongation, North 74°08'49" East 1154.35 feet to the southeasterly line of said Caltrans Parcel C724.

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

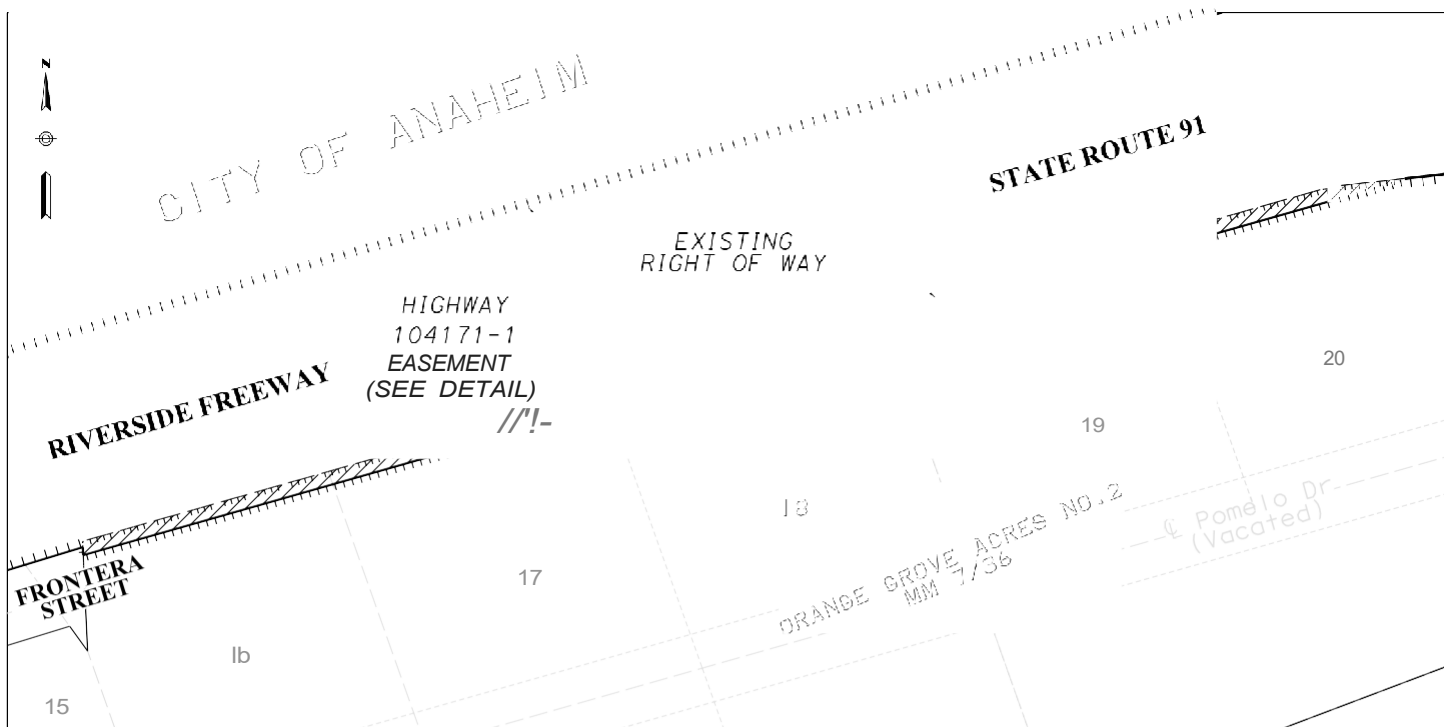
The bearings and distances used in the above description are on the California Coordinate System of 1983 (1991.35 epoch), Zone 6. Divide the above distances by 0.99998850 to obtain ground level distances.

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

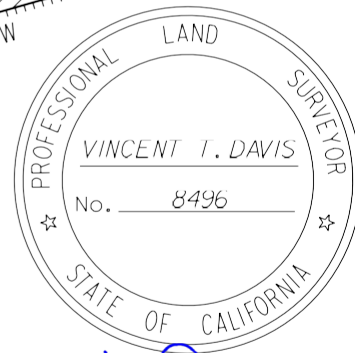
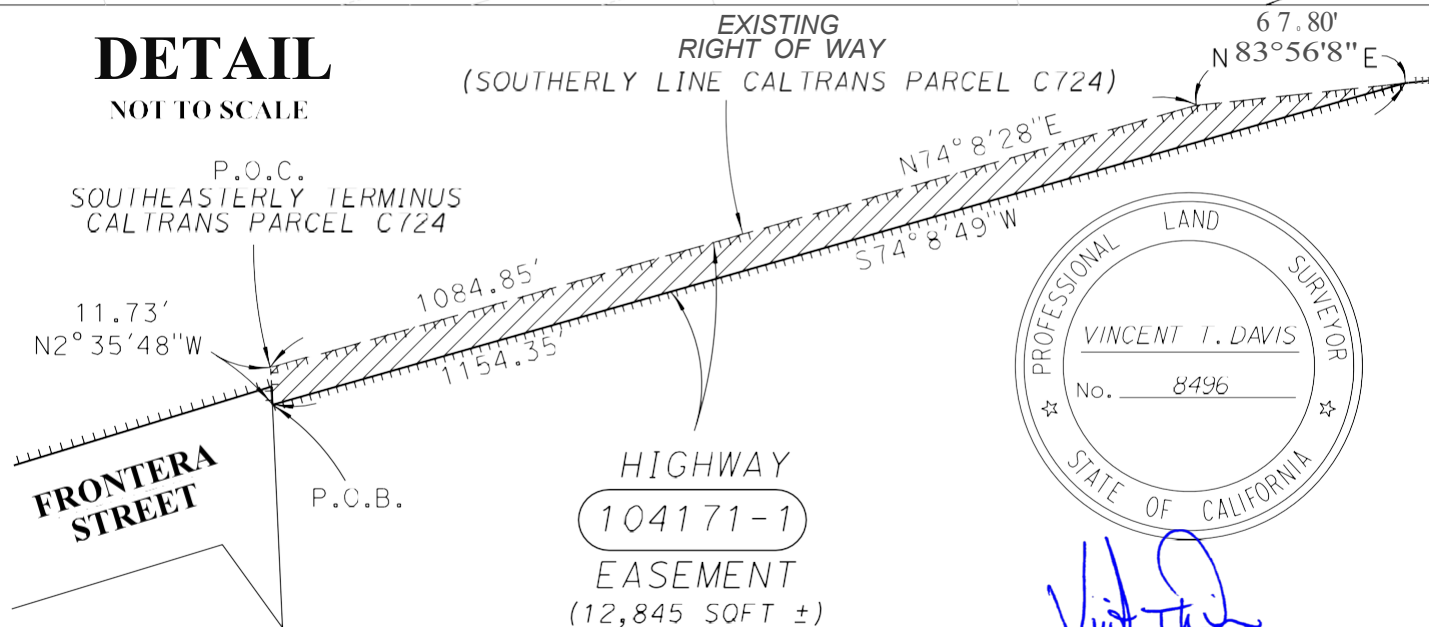
Date: 25 July 2024





DETAIL

NOT TO SCALE



Vincent T. Davis

VINCENT T. DAVIS

13 Aug 2025

DATE

LEGEND:

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT

DATUM: NAD83 EPOCH 1991.35 ORANGE COUNTY SURVEYOR ADJUSTMENT
COORDINATES SYSTEM: CCS83 ZONE 6, COORDINATES, BEARINGS, DISTANCES
COMBINED FACTOR: 0.99998850 (GROUND = GRID/COMBINED FACTOR)

EXHIBIT "B"

(NOT TO SCALE)

STATE OF CALIFORNIA
CALIFORNIA TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

DISTRICT: 12 RTE: 91
COUNTY: ORA P.M.: 7.8

DATE: AUG2025

PARCEL:
104171-1

EXHIBIT "B"

**SEWER EASEMENT
ATTACHMENT TO LEGAL DESCRIPTION
Assessor Parcel Nos. 360-071-41, 360-071-44, 360-071-24
Caltrans Parcel No. 104171-3**

This Sewer Easement shall be in, on, over, under, along, and across that certain real property described and depicted in Exhibits “A” and “B” attached hereto, subject to the rights and limitations described herein (“Easement Area”). The Sewer Easement shall be used by the Orange County Transportation Authority and its employees, agents, representatives, contractors, successors, and assigns (collectively, “Easement Holder”) to install, inspect, construct, reconstruct, repair, enlarge, lay, alter, observe, operate, patrol, relocate, remove, replace, and maintain a sewer line and related appurtenances in, on, over, under, upon, along, and across the Easement Area, together with all rights of ingress and egress thereto, including the right to enter on the Easement Area with such vehicles, machinery, and equipment as may be necessary or convenient to the construction, reconstruction, installation, replacement, reconfiguration, operation, maintenance, repair, relocation, removal, inspection, observation, and study of said facilities, equipment, and appurtenances (“Easement Holder Allowed Uses”).

The owner and occupant of the real property subject to the Sewer Easement shall have the right to any uses of the Easement Area that do not directly or indirectly interfere with or endanger Easement Holder’s exercise of the rights described herein, including without limitation the right to pave the Easement Area and to use the Easement Area for pedestrian and automobile access, parking purposes, equipment and material storage, and agricultural or landscaping purposes excepting vegetation that endangers the integrity of the sewer line (“Property Owner Allowed Uses”); provided, however, that Easement Holder shall have the right to direct the owner and occupants of the real property subject to the Sewer Easement to clear and keep clear from the Easement Area any Property Owner Allowed Uses that interfere with Easement Holder’s use of the Sewer Easement. The owner and occupant of the real property subject to the Sewer Easement shall not construct, nor permit others to construct, any improvement(s) that conflict with Easement Holder’s ability to use the Sewer Easement. Except as otherwise provided herein, Easement Holder has the right to prevent any activity on or use of the Easement Area that (a) is inconsistent with the purpose of this Sewer Easement; (b) interferes with or is harmful to Easement Holder’s rights herein; or (c) interferes with or is harmful to Easement Holder’s facilities, equipment, and related appurtenances. The owner and occupant of the real property subject to the Sewer Easement agrees not to use or allow the use of the Easement Area in such a way as to impede, harm, or interfere with (a) Easement Holder’s right as defined herein; or (b) Easement Holder’s facilities, equipment, and related appurtenances. The Easement Holder will backfill to grade and pay the reasonable cost of removal, repair, or restoration of grass or asphalt only within the Easement Area affected by work performed by Easement Holder in furtherance of the rights granted herein.

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 Sewer 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 Sewer Easement subject to the same rights and limitations described herein.

EXHIBIT "A"
LEGAL DESCRIPTION

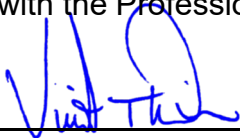
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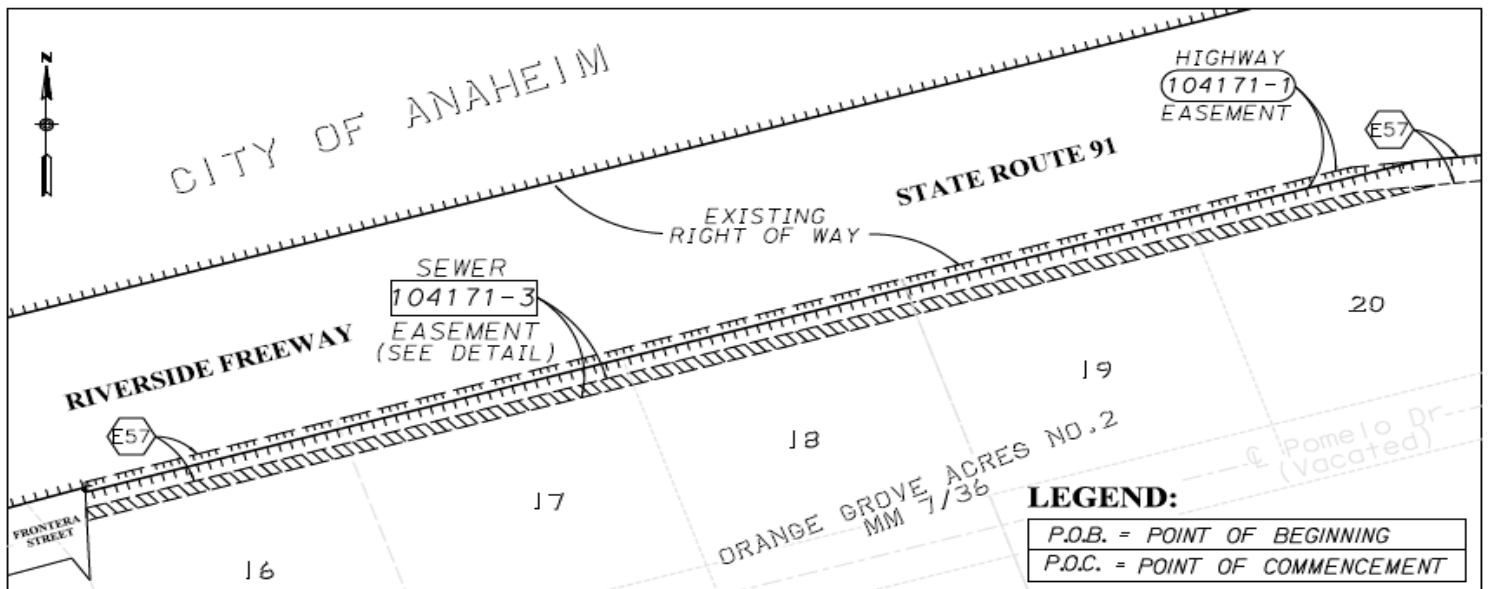
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Signature: 
Vincent T. Davis, PLS

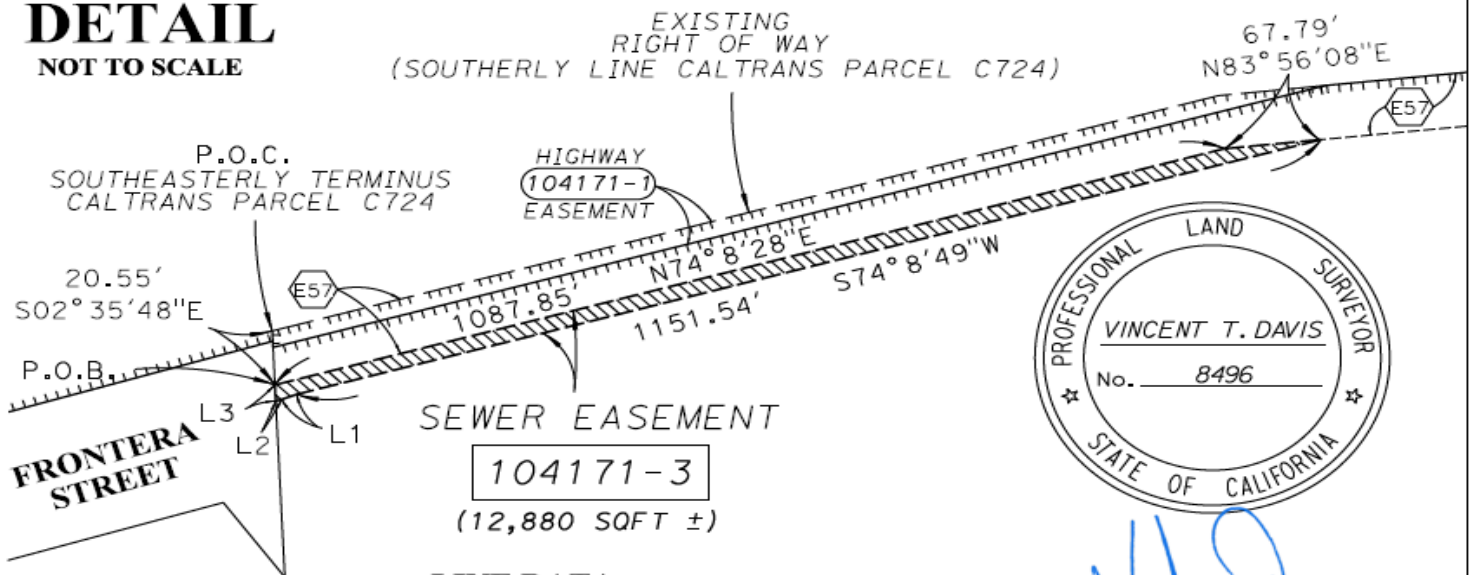
Date: 25 July 2024





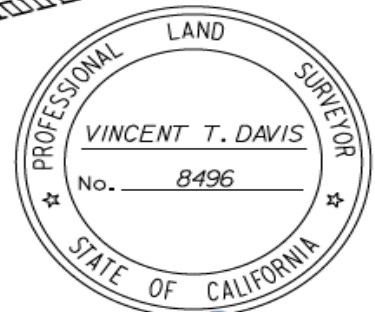
DETAIL

NOT TO SCALE



EASEMENT NOTES:

E57 = EASEMENT TO THE CITY OF ANAHEIM FOR SEWER PURPOSES (PARCELS 1 & 2) 86-266761 O.R.



VINCENT T. DAVIS

18 Aug 2025

DATE

DATUM: NAD83 EPOCH 1991.35 ORANGE COUNTY SURVEYOR ADJUSTMENT
COORDINATE SYSTEM: CCS83 ZONE 6, COORDINATES, BEARINGS, DISTANCES
COMBINED FACTOR: 0.99998850 (GROUND = GRID/COMBINED FACTOR)

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STATE OF CALIFORNIA
 CALIFORNIA TRANSPORTATION AGENCY
 DEPARTMENT OF TRANSPORTATION

DISTRICT: 12 RTE: 91
 COUNTY: ORA P.M.: 7.8

DATE: AUG 2025

PARCEL:
104171-3