

ORDINANCE NO. ~~186523~~ _____

An ordinance finding that the public interest and necessity require the acquisition by eminent domain of a portion of the property located at 5928 West 96th Street Los Angeles, California 90045-5217 and bearing Assessor's Parcel Number 4124-029-040, as more particularly described in Exhibits A and B attached hereto.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The City Council of the City of Los Angeles hereby approves, ratifies and makes the findings and authorizations set forth in Resolution No. 26922 (Resolution) adopted by the Board of Airport Commissioners (the Board) of Los Angeles World Airports (LAWA).

Sec. 2. The City Council finds and determines that:

- a. LAWA is a proprietary department of the City of Los Angeles, a charter city and municipal corporation.
- b. The interests in real property to be acquired consist of: (a) the fee simple interest in the property described and depicted on Exhibit A; and (b) an abutter's right of access to public roadways in the property described and depicted on Exhibit B, but expressly not including rights of view, light, air, or any other abutter's rights apart from access. Collectively, all interests in real property to be acquired are referred to as the "Subject Property." The Subject Property is located within the City of Los Angeles, County of Los Angeles, State of California.
- c. The public use for which the Subject Property is being acquired is the Landside Access Modernization Program, a public project designed to improve and modernize access to the Los Angeles International Airport (Project).
- d. Pursuant to Code of Civil Procedure Sections 1240.610 and 1240.510, to the extent that the Subject Property is already devoted to a public use, the use to which the Subject Property is to be acquired under the Resolution is a more necessary public use than the use to which the Subject Property is already devoted; or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property is already devoted.
- e. The notice of intention to approve the Resolution was given by first class mail to the persons whose property is to be acquired by eminent domain in accordance with Code of Civil Procedure Section 1245.235, and a hearing was conducted by the City Council on the matters contained herein.

Sec. 3. The City Council further finds and determines that:

- a. The environmental impacts of the Project were evaluated in the previously adopted LAMP EIR, ENV-2016-3391-EIR. The LAMP EIR was adopted by the Board on March 2, 2017 (Resolution No. 26185), and certified and adopted by the Los Angeles City Council on June 7, 2017. The acquisition of the Subject Property is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines. It is also within the scope of the certified LAMP EIR and does not include any changes to the Project that would require further review under CEQA pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.
- b. The taking of the Subject Property is authorized by, *inter alia*, Section 19, Article I of the California Constitution; Sections 37350.5 and 40404(f) of the California Government Code; Public Utilities Code Section 21661.6; the Los Angeles City Charter Section 632(c); California Code of Civil Procedure Section 1230.010, et seq.; and all other applicable law as set forth herein.

Sec. 4. The City Council further finds and determines that:

- a. The public interest and necessity require the Project.
- b. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- c. The Subject Property sought to be acquired by eminent domain and described in the Resolution is necessary for the proposed Project.
- d. The offer required by Government Code Section 7267.2(a), together with the accompanying statement and summary of the basis for the amount established as just compensation, was actually made to the owners and was in a form and contained all of the factual information required by Government Code Section 7267.2(a).
- e. The requisite environmental review of the Project and the acquisition of the Subject Property have been completed in accordance with CEQA.

Sec. 5. The City Council approves the Resolution and the exercise of eminent domain by LAWA in accordance with Charter Section 632(c).

Sec. 6. The City Attorney is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Subject Property by eminent domain, subject to approval by the Board when required. The City Attorney is also authorized to seek and obtain an Order for

Prejudgment of Possession of the Subject Property in accordance with eminent domain law. The City Attorney may enter into Stipulated Orders for Prejudgment Possession and Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. The City Attorney is further authorized to correct any errors or agree to make any non-material changes to the legal description of the Subject Property that are deemed necessary for the conduct of condemnation action or other proceedings or transactions required to acquire the Subject Property. The City Attorney is further authorized, subject to approval by the Board when required, to compromise and settle such eminent domain proceedings, if such negotiated settlement can be reached, and in that event, take all necessary action to complete the acquisition, including entering into stipulations as to the judgment and other matters, and to cause all such payments to be made.

Sec. 7. The Chief Financial Officer of LAWA, upon proper certification and instruction from the Chief Executive Officer and City Attorney, is authorized and directed to draw demands in the amounts necessary to make deposits of just compensation with the California State Treasurer's Office in connection with the eminent domain proceedings and/or pay the purchase price for the acquisition of the Subject Property through negotiated settlement or court judgment.

Exhibit A

EXHIBIT "A1"
LEGAL DESCRIPTION
FEE INTEREST

THOSE PORTIONS OF LOTS 175 THROUGH 180, INCLUSIVE, OF TRACT NUMBER 13711, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 276, PAGES 48 THROUGH 50, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID PORTION IS ALSO LYING ENTIRELY WITHIN THE SOUTH HALF OF 96TH STREET AS SHOWN ON SAID TRACT NUMBER 13711, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING (POB) AT THE INTERSECTION OF THE WEST LINE OF SAID LOT 175 WITH THE SOUTH LINE OF 96TH STREET.

THENCE ALONG THE SOUTH LINE OF SAID 96TH STREET, SOUTH 89°49'12" EAST 49.14 FEET TO A POINT ON THE NORTH LINE OF THAT PORTION OF 96TH STREET AS VACATED BY THE CITY OF LOS ANGELES PER RESOLUTION TO VACATE NUMBER 88-01574 AS DESCRIBED IN INSTRUMENT NUMBER 92-2102193, RECORDED NOVEMBER 12, 1992, SAID POINT IS ALSO THE WESTERLY TERMINUS OF THAT CERTAIN CURVE DESCRIBED IN SAID INSTRUMENT HAVING A RADIUS OF 779.96 FEET, CENTRAL ANGLE OF 20°28'38", AND AN ARC LENGTH OF 278.75 FEET.

THENCE ALONG THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET, SAID NORTH LINE IS ALSO A CURVE CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°56'34", AN ARC LENGTH OF 217.03 FEET TO THE **POINT OF TERMINATION (POT)**, SAID POINT IS ALSO THE INTERSECTION OF THE CENTERLINE OF 96TH STREET AS SHOWN ON SAID TRACT NUMBER 13711 WITH THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET, A RADIAL THROUGH SAID POINT BEARS SOUTH 15°45'46" EAST;

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF AN INTERMODAL TRANSIT FACILITY MEANS OF PRIVATE INGRESS/EGRESS AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE THE ABUTTER'S RIGHT OF ACCESS, APPURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID PRIVATE INGRESS/EGRESS.

CONTAINING 0.128 ACRES OR 5,576 SQUARE FEET, MORE OR LESS.

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), 2010.00 EPOCH, ZONE 5. THE DISTANCES SHOWN HEREIN ARE GRID DISTANCES. GROUND DISTANCES MAY BE OBTAINED BY DIVIDING GRID DISTANCES BY THE COMBINATION FACTOR OF 1.00001967.

SEE PLAT ATTACHED HERETO AS EXHIBIT "A2" AND BY THIS REFERENCE MADE PART HEREOF.

PREPARED UNDER MY SUPERVISION:





JOSHUA D. COSPER, P.L.S.
P.L.S. 8774, EXP. 12-31-20

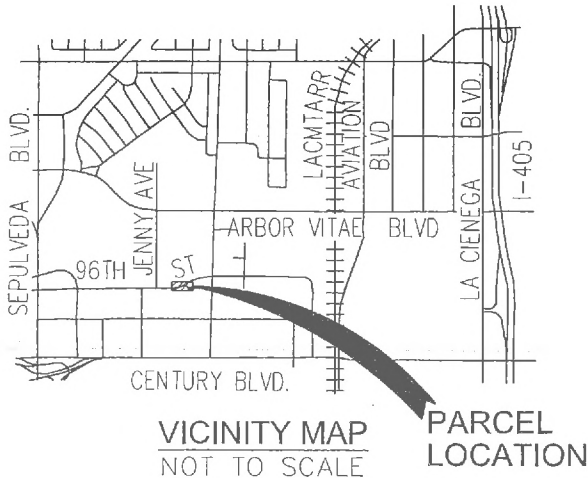
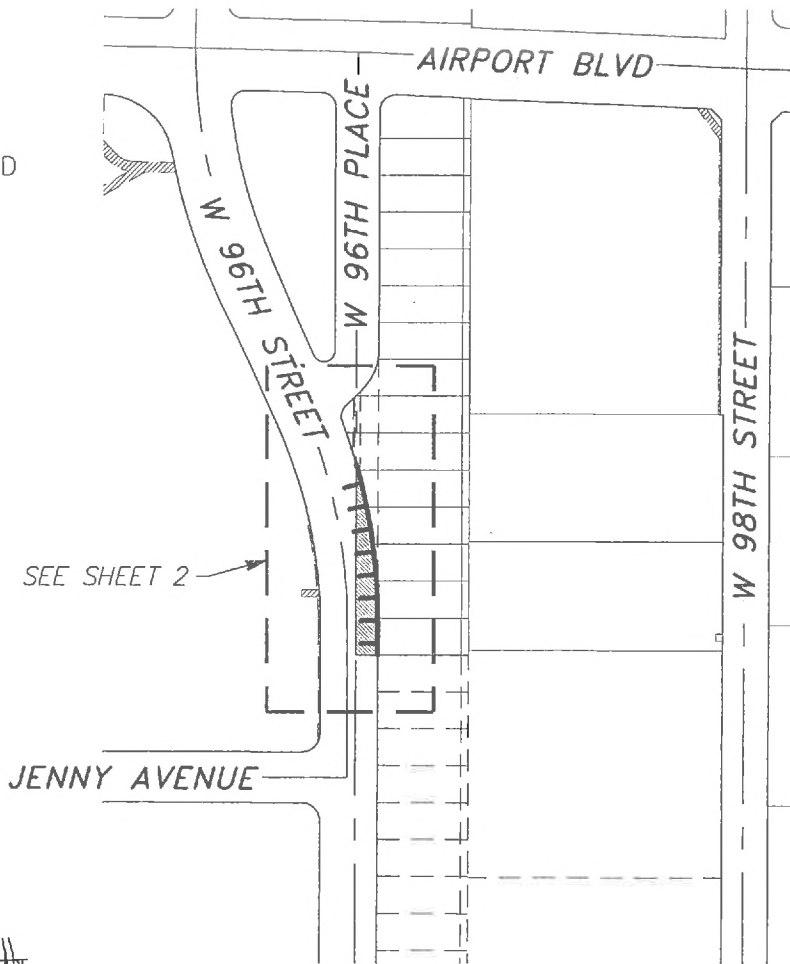
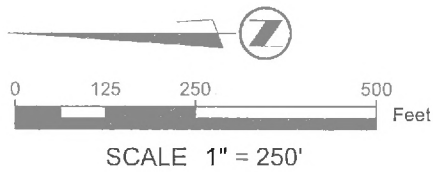
11-18-19
DATE



SECTION 31,
T2S, R14W S.B.M.

LEGEND

- POC POINT OF COMMENCEMENT
- TPOB POINT OF BEGINNING
- POT POINT OF TERMINATION
-  PARCEL TO BE TRANSFERRED
-  ACCESS RESTRICTED



THE BASIS OF BEARINGS FOR THIS SURVEY IS
CCS83, ZONE 5 (2010.00)

DISTANCES SHOWN HEREIN ARE GRID
DISTANCES. GROUND DISTANCES MAYBE
OBTAINED BY DIVIDING GRID DISTANCES BY
THE COMBINATION FACTOR OF 1.00001967

SHEET 1 OF 2



MARK THOMAS

Scale: 1" = 250'
Date Sept., 2019
Drawn By BJC
Checked By JDC

Exhibit A2
R/W Acquisition & Access Denial
APN 4124-029-012, -032 to -037
Plat to Accompany Legal Description
In the City of Los Angeles
Los Angeles County, California

VAR. WIDTH SEWER ESMT.
PER INST. 92-102193

RESOLUTION TO VACATE
No. 88-01574
PER INST. 92-21002193

LOT 181
APN: 4124-029-037

LOT 180
APN: 4124-029-036

CL OF 96TH STREET
PER TRACT 13711
LOT 179
APN: 4124-029-035

**TRACT 13711 MB
276/48-50**
LOT 178
APN: 4124-029-034

LOT 177
APN: 4124-029-033

LOT 176
APN: 4124-029-032

S89°49'12"E
49.14'
S. LINE OF 96TH STREET
LOT 175
APN: 4124-029-012

POB
INT. OF S. LINE OF 96TH
& W. LINE OF LOT 175

WEST LINE
OF LOT 175
SHEET 2 OF 2

- ① STREET R/W
PER MB
1026/85-88
- ② STREET R/W
PER MB
276/48-50

N'LY LINE OF 96TH
STREET VACATION
PER INST. No.
92-2102193

10' WIDE SEWER
ESMT. PER MB
1026/85-88

3' WIDE PUE.
PER MB
1026/85-88

CENTERLINE OF 96TH
STREET (NOW 96TH
PLACE) AS SHOWN
ON TRACT 13711



SCALE 1" = 50'



MARK THOMAS

Scale: 1" = 50'
Date Sept., 2019
Drawn By BJC
Checked By JDC

Exhibit A2
R/W Acquisition & Access Denial
APN 4124-029-012, -032 to -037
Plat to Accompany Legal Description
In the City of Los Angeles
Los Angeles County, California

W 96TH STREET

MB 1026/85-88

POT
(R)

S15°45'46"E

VARIES

①

33.00'

L=278.75'
Δ=20°28'38"
L=217.03'
Δ=15°56'34"
R=779.96'

60.00'

②

Exhibit B

EXHIBIT "B1"
LEGAL DESCRIPTION
ABUTTER'S RIGHT OF ACCESS

FOR THE PURPOSE OF AN INTERMODAL TRANSIT FACILITY MEANS OF PRIVATE INGRESS/EGRESS, THE RELEASE AND RELINQUISHMENT OF THE ABUTTER'S RIGHT OF ACCESS, APPURTENANT TO THE PORTION OF REAL PROPERTY LOCATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS DESCRIBED IN THE GRANT DEED TO THE MIRKIN PARTNERSHIP, RECORDED MARCH 9, 1988 AS INSTRUMENT NUMBER 88-322643, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY IN AND TO SAID INTERMODAL TRANSIT FACILITY MEANS OF PRIVATE INGRESS/EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED LINE:

COMMENCING (POC) AT THE INTERSECTION OF THE WEST LINE OF LOT 175 OF TRACT NUMBER 13711, AS PER MAP RECORDED IN BOOK 276, PAGES 48 THROUGH 50, INCLUSIVE, OF MAPS, WITH THE SOUTH LINE OF 96TH STREET, BOTH SHOWN ON SAID TRACT NUMBER 13711.

THENCE ALONG THE SOUTH LINE OF SAID 96TH STREET, SOUTH 89°49'12" EAST 49.14 FEET TO A POINT ON THE NORTH LINE OF THAT PORTION OF 96TH STREET AS VACATED BY THE CITY OF LOS ANGELES PER RESOLUTION TO VACATE NUMBER 88-01574 AS DESCRIBED IN INSTRUMENT NUMBER 92-2102193, RECORDED NOVEMBER 12, 1992, SAID POINT IS ALSO THE WESTERLY TERMINUS OF THAT CERTAIN CURVE DESCRIBED IN SAID INSTRUMENT HAVING A RADIUS OF 779.96 FEET, CENTRAL ANGLE OF 20°28'38", AND AN ARC LENGTH OF 278.75 FEET.

THENCE ALONG THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET, SAID NORTH LINE IS ALSO A CURVE CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°56'34", AN ARC LENGTH OF 217.03 FEET TO THE **TRUE POINT OF BEGINNING (TPOB)**, SAID POINT IS ALSO THE INTERSECTION OF THE CENTERLINE OF 96TH STREET AS SHOWN ON SAID TRACT NUMBER 13711 WITH THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET.

THENCE CONTINUING ALONG SAID NORTH LINE OF THE VACATED PORTION OF 96TH STREET, THROUGH A CENTRAL ANGLE OF 4°32'01", AN ARC LENGTH OF 61.72 FEET TO THE **POINT OF TERMINATION (POT)**, SAID POINT IS ALSO THE EASTERLY TERMINUS OF SAID CERTAIN CURVE HAVING A RADIUS OF 779.96 FEET, CENTRAL ANGLE OF 20°28'38", AND AN ARC LENGTH OF 278.75 FEET, A RADIAL THROUGH SAID POINT BEARS SOUTH 20°17'46" EAST;

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), 2010.00 EPOCH, ZONE 5. THE DISTANCES SHOWN HEREIN ARE GRID DISTANCES. GROUND DISTANCES MAY BE OBTAINED BY DIVIDING GRID DISTANCES BY THE COMBINATION FACTOR OF 1.00001967.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B2" AND BY THIS REFERENCE MADE PART HEREOF.

PREPARED UNDER MY SUPERVISION:





JOSHUA D. COSPER, P.L.S.
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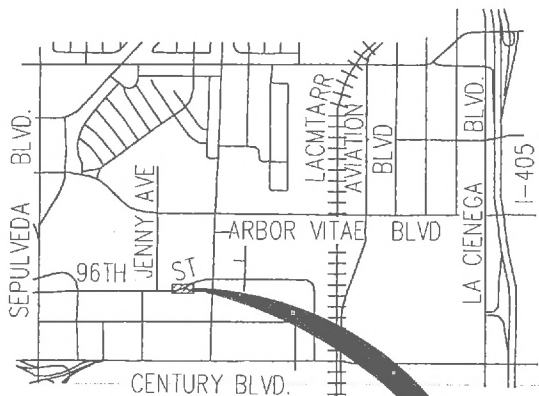
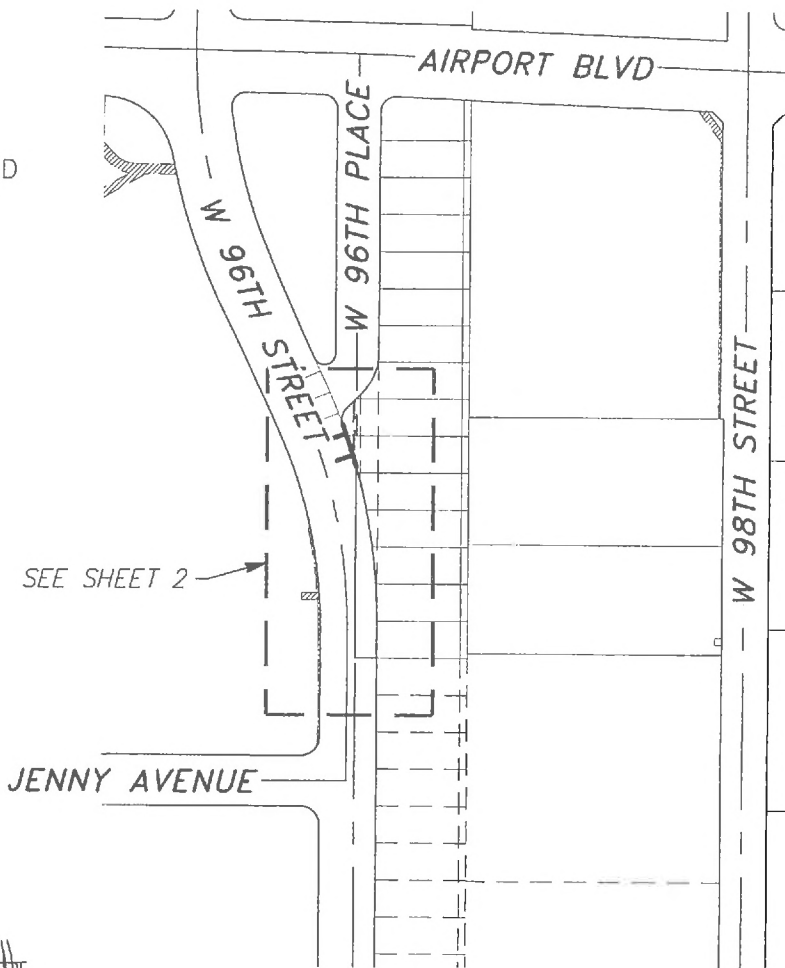
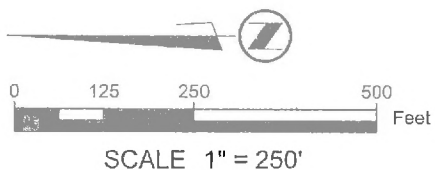
11-18-19
DATE



SECTION 31,
T2S, R14W S.B.M.

LEGEND

- POC POINT OF COMMENCEMENT
- TPOB POINT OF BEGINNING
- POT POINT OF TERMINATION
-  PARCEL TO BE TRANSFERRED
-  ACCESS RESTRICTED



VICINITY MAP
NOT TO SCALE

PARCEL
LOCATION

THE BASIS OF BEARINGS FOR THIS SURVEY IS
CCS83, ZONE 5 (2010.00)

DISTANCES SHOWN HEREIN ARE GRID
DISTANCES. GROUND DISTANCES MAYBE
OBTAINED BY DIVIDING GRID DISTANCES BY
THE COMBINATION FACTOR OF 1.00001967

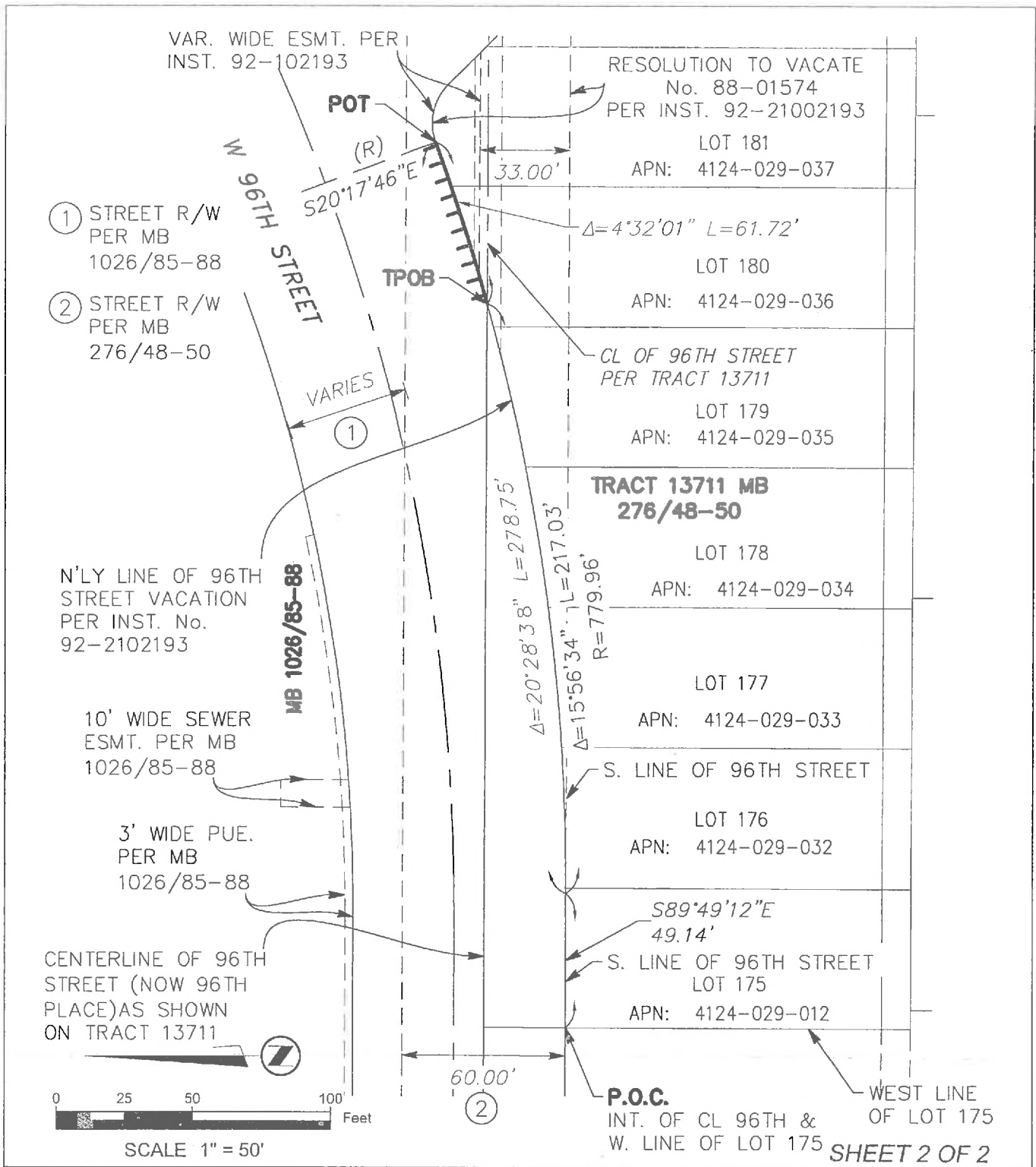
SHEET 1 OF 2



MARK THOMAS

Scale: 1" = 250'
Date Sept., 2019
Drawn By BJC
Checked By JDC

Exhibit B2
Access Denial
APN 4124-029-037 & -038
Plat to Accompany Legal Description
In the City of Los Angeles
Los Angeles County, California



MARK THOMAS

Scale: 1" = 50'
 Date Sept., 2019
 Drawn By BJC
 Checked By JDC

Exhibit B2
Access Denial
 APN 4124-029-037 & -038
 Plat to Accompany Legal Description
 In the City of Los Angeles
 Los Angeles County, California

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
CYNTHIA ALEXANDER
Deputy City Attorney

Date 1/9/20

File No. _____


M:\Proprietary_OCC\Airport\CYNTHIA ALEXANDER\Eminent Domain Budget Ordinance (final).docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all its members.

CITY CLERK

MAYOR

 _____

 _____

Ordinance Passed 02/04/2020

Approved 02/18/2020

Published Date: 02/24/2020
Ordinance Effective Date: 03/26/2020
Council File No.: 20-0028