

November 23, 2021

File Number: 78EJ-333994

**By LACouncilComment.com**

Los Angeles City Council  
Public Works Committee  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, California 90012

Re: Street Vacation at 9277 Thrush Way  
CF-16-0566 (Public Works Agenda Item No. 4)

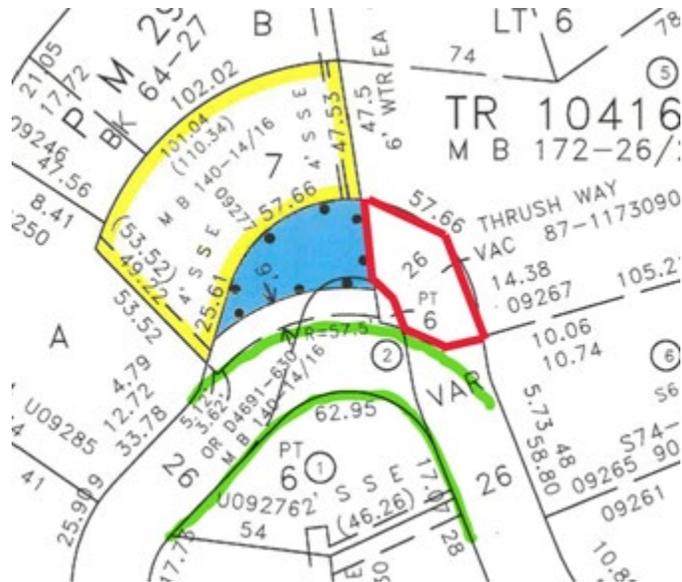
Chairman Blumenfield and Honorable Councilmembers:

Our firm represents 5B Enterprises, LLC (the "Owner") regarding the proposed street vacation at 9277 Thrush Way (the "Property"). The City has repeatedly determined that the paper segment of Thrush Way has no utility and the City Council has previously determined multiple times that the vacation is appropriate. We respectfully request that you recommended that the City Council approve the street vacation, as there is no legal or practical reason to deny it.

**I. 1987 Adjacent Street Vacation**

A nearly identical street vacation was approved by Council in 1987 for the adjacent property at 9267 Thrush Way. The street vacation was completed under VAC 87-1173090. Here, the City Council found that the area to be vacated was "unnecessary for present or prospective public street purposes." See Resolution to Vacate attached as Exhibit A. Below (at the top of the next page) is an image depicting Thrush Way with the area of the 1987 street vacation outlined in red, while the requested vacation area at issue here is shaded in blue. The existing Thrush Way street alignment is outlined in green.

As you can see, the existing alignment is more gradual than the originally proposed paper street alignment. This more gradual alignment was subsequently constructed and is the specific reason why the Bureau of Engineering ("BOE") and the City Council found the requested vacation area to be unnecessary for public street purposes. The existing street alignment and adjacent property can be seen in Exhibit B. The current request merits the same consideration and conclusion.



## II. 2004 BOE Recommendation and 2005 City Council Approval

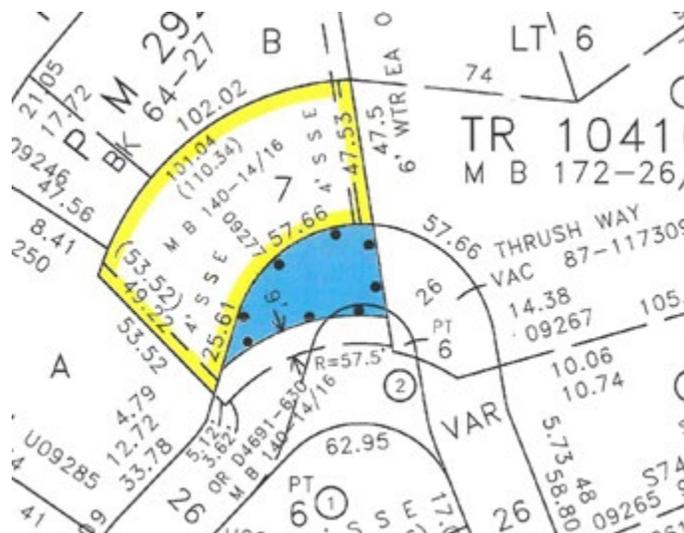
Almost 17 years ago, on December 17, 2004, the Public Works Committee approved the recommendations of the City Engineer for the requested street vacation to construct a single-family home at 9277 Thrush Way. The City Engineer found that the vacation was warranted and that "the vacation area is not needed for nonmotorized transportation or for vehicular circulation or access. Further, the vacation area is not necessary for present or prospective public use." See [Exhibit C](#) at page 2. The findings of the City Engineer mirror the findings made to justify the 1987 vacation for the adjacent property. Below is a figure from the Public Works Report indicating that the vacation approval in 2005 is for the same area being requested today.



On January 12, 2005, the City Council unanimously adopted the findings and report of the Public Works Committee and approved the associated CEQA categorical exemption. At the time of Council approval, the applicant had 180 days to comply with all conditions to issue the Resolution to Vacate. For unknown reasons, the applicant did not comply with the conditions within the requisite time limit and the vacation proceedings automatically terminated.

### III. 2016 BOE Recommendation / 2020 Recorded Easement

On February 23, 2015, a new application was submitted to the City requesting the same street vacation. On May 25, 2016, the City Council initiated street vacation proceedings. On August 19, 2016, the City Engineer issued a report to the Public Works and Gang Reduction Committee for VAC-E1401267. 2016 BOE Report attached as Exhibit D. The City Engineer's Report, in identical fashion to the 2005 report, concluded that the vacation could be approved since the area to be vacated (1) is unnecessary for present or prospective public use, (2) is not needed for vehicular access or circulation and (3) is not needed for non-motorized transportation purposes. The requested vacation area is indicated in blue in the below image.

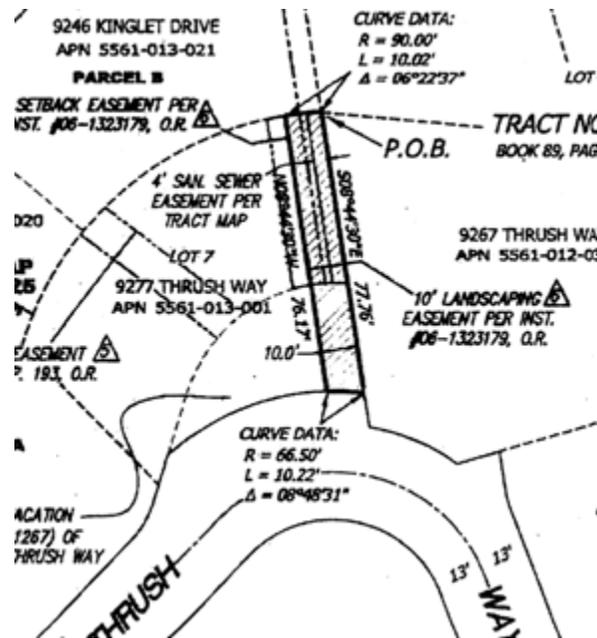


The City Council declined at the time to take action on the 2015 vacation request due to opposition from the homeowners at 9246 Kinglet Drive, who were concerned that the vacation could impact their ability to secure an easement from our client for sewer and drainage. The neighbor's primary concern was that while an existing easement was recorded from the 9246 Kinglet Drive property to the Thrush Way paper segment, that easement did not extend to the built Thrush Way.

This was a manipulation of the street vacation process since the street vacation would not change the fact that its existing easement did not extend to Thrush Way. In any event, the City addressed and resolved this concern. The 2016 BOE recommendation report explicitly states that, as a condition of approval of the street vacation, a four-foot-wide sanitary sewer easement be reserved from the vacation area along the easterly boundary of the area. See Exhibit D at page 3.

**In fact, the Owner has already exceeded that requirement.** On February 14, 2020, the applicant recorded an easement for a 10-foot-wide strip within the vacation area. 2020 Easement Deed attached as Exhibit E. The easement area is depicted in the image below. This recorded easement fully addressed the neighbor's concerns and the street vacation will not, and could not, have any impact on the recorded easement.

Therefore, based on the repeated and consistent City Engineer recommendations, the City Council's two prior street vacation approvals and the recordation of the 2020 easement, there is no credible reason why the City Council should not expeditiously proceed with consideration and approval of the requested street vacation.



#### IV. Letter from Council District 4

On November 18, 2021, Councilmember Nithya Raman submitted a letter to the Council File opposing the street vacation request. The letter indicates the reason for the Councilmember's opposition is solely based on the intermittent use of the area proposed to be vacated during the construction process. However, this is irrelevant to the legal findings that the City Council must make to approve the requested street vacation. In fact, the Councilmember's letter acknowledges that the City Council previously made all of the required findings in 2005, and that the circumstances have not changed.

The required findings for vacation are as follows:

1. That the vacation is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.

2. That there is a public benefit to the street vacation.
3. That in conformance with Section 556 of the City Charter, the City Council makes the finding that the vacation is in substantial conformance with the purposes, intent and provisions of the General Plan.
4. That, in conformance with Section 892 of the California Streets and Highways Code, the City Council determines that the vacation area is not necessary for non-motorized transportation facilities.
5. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determine that the vacation area is not necessary for present or prospective public use.

The 2016 BOE Report in Exhibit D explains why each of these findings can and should be made here, just as the City Council previously made them in 1987 and 2005.

Moreover, while intermittent activity has occurred in the vacation area for access and staging to construct the single-family home on the Property, the impact has been overstated. This temporary use did not affect traffic because the vacation area is unused right-of-way that is not part of Thrush Way, as can be seen in Exhibit B. Furthermore, the Owner has been processing this street vacation request for years in order to bring the current work in the area into compliance with all City requirements. To suggest, as the Councilmember does, that the reason the current request should be rejected is because the Owner has not already secured a street vacation or other revocable permit simply begs the question. The sole purpose of the current request is to remedy this exact concern.

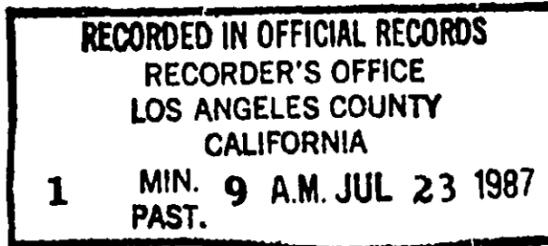
On behalf of the Owner, we respectfully request that the Public Works Committee recommend approval of the requested street vacation to the City Council.

Very truly yours,

Jack H. Rubens  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

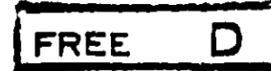
# **EXHIBIT A**

The City of Los Angeles



87-1173090

DELIVER TO  
CITY CLERK'S MAIL BOX



RESOLUTION TO VACATE NO. 87-01636  
California Streets and Highways  
Code Section 8334(a)

*R/W 44000-1242*

Vacation of an excess portion of the northerly side of Thrush Way located approximately 800 feet westerly of Doheny Drive measured along the alignment of Thrush Way.

The Council of the City of Los Angeles hereby finds and determines that the excess portion of the northerly side of Thrush Way located approximately 800 feet westerly of Doheny Drive measured along the alignment of Thrush Way; and is unnecessary for present or prospective public street purposes; and

That the public interest, convenience and necessity require the summary vacation of said public street pursuant to Section 8334(a) of the California Streets and Highway Code.

The City Council hereby elects to proceed under this provision of said Code Section; and hereby resolves that the said public street be and the same is vacated; and

The particular portion of the public street area which is to be vacated is described herein as follows:

That portion of Thrush Way, 26 feet wide, as shown on the map of Tract No. 9970, as per map recorded in Book 140, pages 14 to 16, inclusive, of Maps, in the office of the County Recorder of Los Angeles County, and on the map of Tract No. 10416, as per map recorded in book 172, Pages 26, 27 and 28 of Maps, in the office of said County Recorder, and that portion of Thrush Way within Lot 6, said Tract No. 9970, acquired by Judgment and Final Order of Condemnation for public street purposes, recorded in Book D4691, page 630 of Official Records, in the office of said County Recorder, bounded and described as follows:

Beginning at the southeasterly corner of Lot 7 of said Tract No. 9970, said southeasterly corner being a point in a curve concave to the South and having a radius of 43.00 feet, being the northerly curved line of Thrush Way shown on said maps; thence southeasterly along said curve, through a central angle of 76°49'50", an arc distance of 57.66 feet to the southerly terminus of said curve; thence tangent to said curve along the easterly line of said Thrush Way, S 9°24'10" E 10.06 feet; thence

S 74°08'24" W 14.38 feet to a point in a curve concave to the South and having a radius of 61 feet, a radial line from said point bears S 32°45'39" W; thence northwesterly along said last mentioned curve through a central angle of 21°28'14", an arc distance of 22.86 feet to the southerly prolongation of the easterly line of said Lot 7; thence northerly along said southerly prolongation a distance of 41.70 feet to the point of beginning.

The City Clerk shall certify this resolution and affix the City seal, and shall transmit a sealed copy of this resolution to the City Engineer for recordation in the office of the County Recorder of Los Angeles County.

IT IS THEREFORE RESOLVED that from and after the recordation of this resolution, the public street area described herein is vacated.

I certify that the foregoing resolution was adopted by the Council of the City of Los Angeles at its meeting of **JUL 08 1987**, by a majority vote of all its members.

ELIAS MARTINEZ, City Clerk

Approved as to Form and Legality  
JAMES HAHN, City Attorney

By *Claine Fisher*  
Deputy  
**JUL 08 1987**

By *Patricia V. Tubert* **JUN 11 1987**  
Deputy Date  
**PATRICIA V. TUBERT**  
Council File No. 81-4946

Description Approved  
Robert S. Horil City Engineer  
By *David R. Rapp*  
**JUN - 4 1987**

I HEREBY certify that the foregoing resolution was adopted by the Council of the City of Los Angeles at its meeting held

**JUL 08 1987**

ELIAS MARTINEZ, City Clerk  
By *Claine Fisher*



87-1173090

## **EXHIBIT B**

**Exhibit B**

**Property Existing Street Alignment**



## **EXHIBIT C**

FRANK T. MARTINEZ  
City Clerk

KAREN E. KALFAYAN  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

04-0835

CD 5

January 13, 2005

Councilmember Weiss  
Board of Public Works  
Bureau of Engineering,  
Land Development Group  
cc: Real Estate Division  
Bureau of Street Services  
Bureau of Street Lighting  
Department of Transportation  
Fire Department  
Planning Department

CITY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1133  
Fax: (213) 978-1040

HELEN GINSBURG  
Chief, Council and Public Services Division

GLM Associates  
Attn: Pam Ball  
23679 Calabasas Road, PMB 753  
Calabasas, CA 91302

William E. Boehringer II  
3535 E. Coast Highway, #307  
Corona Del Mar, CA 92625

Harold Lapesarde  
2528 W. Martin Luther King Jr. Blvd.  
Los Angeles, CA 90008

RE: VACATING THRUSH WAY (WESTERLY HALF OF THE NORTHERLY SIDE) APPROXIMATELY  
175 FEET NORTHEASTERLY OF MAGNETIC TERRACE

At the meeting of the Council held January 12, 2005, the following action  
was taken:

Attached report adopted.....	_____	X
Findings adopted.....	_____	X
Mayor concurred.....	_____	
FORTHWITH.....	_____	
Mayor approved.....	_____	
Motion adopted to approve attached report recommendation(s)....	_____	
Motion adopted to approve communication recommendation(s).....	_____	
To the Mayor FORTHWITH.....	_____	
Categorical exemption approved.....	_____	X

*Frank T. Martinez*

City Clerk  
SOS

PLACE IN FILES

JAN 25 2005

DEPUTY

*[Signature]*

steno\040835a

*[Signature]* 80 1/24/05



24

TO THE COUNCIL OF THE CITY OF LOS ANGELES

Your PUBLIC WORKS Committee

reports as follows:

Public Comments: Yes No  
XXX    

CATEGORICAL EXEMPTION and PUBLIC WORKS COMMITTEE REPORT relative to vacating Thrush Way (westerly half of the northerly side) approximately 175 feet northeasterly of Magnetic Terrace.

Recommendations for Council action:

1. FIND that the vacation is categorically exempt from the California Environmental Quality Act of 1970 pursuant to Article VII, Class 5(3) of the City of Los Angeles Environmental Guidelines.
2. ADOPT the FINDINGS of the City Engineer dated June 4, 2004, as the findings of the City Council.
3. ADOPT the accompanying City Engineer report dated June 4, 2004.

Fiscal Impact Statement: The City Engineer reports that the petitioner has paid a fee of \$6,540 for the investigation of this vacation request pursuant to Section 7.42 of the Los Angeles Administrative Code (LAAC). Any deficit fee to recover the cost pursuant to Section 7.44 of the LAAC may be required of the petitioner. Maintenance of the public easement by City of Los Angeles forces will be eliminated.

SUMMARY

The City Engineer reports that the purpose of the vacation request is to consolidate the vacation area with the adjoining property for a proposed single-family residence. The City Engineer determined that the vacation area is not needed for the use of pedestrians, bicyclists, or equestrians. The City Engineer also reported that the vacation area is not needed for nonmotorized transportation or for vehicular circulation or access. Further, the vacation area is not necessary for present or prospective public use.

At a special meeting held on December 17, 2004, the Public Works Committee approved the recommendations of the City Engineer as contained in this Council file. This matter is now submitted to Council for its consideration.

Respectfully submitted,  
PUBLIC WORKS COMMITTEE



FINDINGS & REPT.

**ADOPTED**

JAN 12 2005

**LOS ANGELES CITY COUNCIL**

CAT EXEMPT APPROVED

MEMBER  
SMITH  
LABONGE  
PERRY

VOTE  
YES  
YES  
ABSENT

SG  
1/6/05  
CD 5  
#040835.wpd

## **EXHIBIT D**

Office of the City Engineer

Los Angeles, California

To the Public Works and Gang Reduction Committee

Of the Honorable Council

Of the City of Los Angeles

August 19, 2016

Honorable Members:

C. D. No. 4

SUBJECT:

VACATION REQUEST - VAC- E1401267 - Council File No. 16-0566 - Thrush Way  
(Westerly half of Northerly side) approximately 175 feet Northeasterly of Magnetic  
Terrace

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RECOMMENDATIONS:

- A. That street vacation proceedings pursuant to the Public Streets, Highways and Service Easements Vacation Law be instituted for the vacation of the public right-of-way indicated below and shown colored blue on the attached Exhibit " A":

Portion of Thrush Way approximately 175 feet northeasterly of Magnetic Terrace adjoining Lot 7 of Tract No. 9970 in excess of a 22-foot wide half public street right of way

- B. That the Council find that the vacation is exempt from the California Environmental Quality Act of 1970, pursuant to Article III, Class 5(3) of the City's Environmental Guidelines.
- C. That the City Council find that there is a public benefit to this street vacation. Upon vacation of the street, the City is relieved of its ongoing obligation to maintain the street. In addition, the City is relieved of any potential liability that might result from continued ownership of the involved street easements.
- D. That, in conformance with Section 556 of the City Charter, the Council make the finding that the vacation is in substantial conformance with the purposes, intent and provisions of the General Plan.

- E. That, in conformance with Section 892 of the California Streets and Highways Code, the Council determine that the vacation area is not necessary for non-motorized transportation facilities.
- F. That, in conformance with Section 8324 of the California Streets and Highways Code, the Council determine that the vacation area is not necessary for present or prospective public use.
- G. That the Council adopt the City Engineer's report with the conditions contained therein.
- H. That the City Clerk schedule the vacation for public hearing at least 30 days after the Public Works and Gang Reduction Committee approval based on the Rule 16 motion adopted by City Council on May 25, 2016, so the City Clerk and Bureau of Engineering can process the Public Notification pursuant to Section 8324 of the California Streets and Highways Code.

FISCAL IMPACT STATEMENT:

The petitioner has paid a fee of \$14,980.00 for the investigation of this request pursuant to Section 7.42 of the Administrative Code. Any deficit fee to recover the cost pursuant to Section 7.44 of the Administrative Code will be required of the petitioner.

Maintenance of the public easement by City forces will be eliminated.

NOTIFICATION:

That notification of the time and place of the Public Works Committee and the City Council meetings to consider this request be sent to:

1. Randall Akers  
19425 Soledad Canyon Road,  
Santa Clarita, CA 91351
2. 5B Enterprises, LLC  
Attn: William and Sam Batal  
6822 Bonnie Dr,  
Huntington Beach, CA 92647
3. Yves and Murry Mieszala  
9246 Kinglet Dr,  
Los Angeles, CA 90069
4. Howard and Lana Russeck  
9267 Thrush Way,  
Los Angeles, CA 90069

5. Kyle Lapesarde  
2528 W. Martin Luther King Jr. Blvd  
Los Angeles, CA 90008

CONDITIONS:

The Conditions specified in this report are established as the requirements to be complied with by the petitioner for this vacation. Vacation proceedings in which the conditions have not been completed within 2 years of the Council's action on the City Engineer's report shall be terminated, with no further Council action.

1. That any fee deficit under Work Order E1401267 be paid.
2. That a suitable map, approved by the Central District Engineering office, delineating the limits, including bearings and distances, of the area to be vacated be submitted to the Land Development and GIS Division prior to the preparation of the Resolution to Vacate.
3. That a suitable legal description describing the area being vacated and all easements to be reserved, including copies of all necessary supporting documentation, be submitted to the Land Development and GIS Division of the Bureau of Engineering prior to preparation of the Resolution to Vacate.
4. That a title report indicating the vestee of the underlying fee title interest in the area to be vacated be submitted to the City Engineer.
5. That the following improvements be constructed adjoining the petitioner's property in a manner satisfactory to the City Engineer:

Repair and/or replace all broken/off-grade/missing concrete curb and gutter along Thrush Way.
6. That arrangements be made with all utilities agencies maintaining facilities in the area including but not limited to the Southern California Gas Company and Department of Water and Power for the removal of affected facilities or the providing of easements or rights for the protection of affected facilities to remain in place.
7. That a 4-foot wide sanitary sewer easement be reserved from the vacation area along the easterly boundary.
8. That any fee interest of the area being vacated which may be vested in the City of Los Angeles be acquired.
9. That upon the reviews of the title report identifying the underlying fee title interest of the vacation area, an agreement be recorded satisfactory to the Bureau

of Engineering to hold the adjoining parcel of land, and its adjoining portion of the area to be vacated under the same ownership, as one parcel to preclude the creation of substandard or landlocked parcels. This is to remain effective until such time as a new subdivision map is recorded over said area, a parcel map exemption is permitted or until released by the authority of the City of Los Angeles.

TRANSMITTAL:

Application dated December 18, 2014, from Randall Akers, representatives of 5B Enterprises, LLC.

DISCUSSION:

Request: The petitioner, Randall Akers, representing the owner of the property shown outlined in yellow on Exhibit "A", is requesting the vacation of the public street area shown colored blue. The Applicant has stated that the purpose of the vacation is incorporate unused area into adjoining single family dwelling building site.

This vacation procedure is being processed under procedures established by Council File No. 01-1459 adopted by the Los Angeles City Council on March 5, 2002.

Resolution to Vacate: The Resolution to Vacate will be recorded upon compliance with the conditions established for this vacation.

Previous Council Action:

The City Council on January 12, 2005, conditionally adopted the City Engineer's report dated June 4, 2004, under Council File 04-0835 to vacate the same area. Since the previous petitioner failed to complete all conditions of the vacation within the time limit, the vacation request expired. On February 23, 2015, the petitioner submitted a new application. The City Council on May 25, 2016 under Council File No. 16-0566, adopted a new Rule 16 Motion initiating street vacation proceedings.

Zoning and Land Use: The properties adjoining to the proposed vacation areas are zoned RE11-1 and are either developed with the single-family dwellings or are undeveloped hillside properties.

Description of Area to be Vacated: The area sought to be vacated is a variable width portion of the northerly side of Thrush Way adjoining Lot 7, Tract No.9970. This portion of Thrush Way lies along a steep hillside terrain and was a portion of a hairpin curve which was eliminated through a condemnation action by the City. A portion of Thrush Way adjoining Lot 6, Tract No. 10416 was vacated previously by Document No. 87-1173090.

Adjoining Street: Thrush Way, a local hillside street dedicated 26 feet wide, is improved with a 20-foot wide roadway and concrete curbs.

Surrounding Properties: The owners of lots adjoining the vacation area have been notified of the proposed vacation.

Effects of Vacation on Circulation and Access: The proposed vacation of that portion of the northerly side of Thrush Way adjoining Lot 7, Tract No. 9970 should have no adverse effect on circulation and access since the proposed vacation area is excess right of way.

The street is also not needed for the use of pedestrians, bicyclists or equestrians.

Objections to the vacation: There were no objections to the vacation submitted for this project.

However, a letter dated April 3, 2015, has been received from Yves and Murry Mieszala, the owners of the northerly adjacent property, regarding their property's future sewer connection through the 4-foot existing sewer easement on Thrush Way. Reservation of a 4-foot sewer easement along the easterly portion of the vacation would be required as a condition of the vacation.

Reversionary Interest: No determination of the underlying fee interest of the vacation area has been made as to title or reversionary interest.

Dedications and Improvements: There are no dedications required. However, it will be necessary that the petitioner provide for the improvements as outlined in the conditions of this report.

Sewers and Storm Drains: There is no existing sewer or storm drain facilities within the area proposed to be vacated. However, there are existing sewer easements along the easterly and the southwesterly boundaries of the property. Reserving appropriate public sewer easement over the vacation area will be required.

Public Utilities: Southern California Gas Company maintains facilities in the area proposed to be vacated.

Tract Map: Since the necessary improvements can be constructed under separate permit processes, the requirement for the recordation of a new tract map could be waived. However, it will be necessary that the petitioner record an agreement satisfactory to the Bureau of Engineering to hold the adjoining parcel of land under the one ownership, and its adjoining portion of the area to be vacated, as one parcel to preclude the creation of substandard or landlocked parcels. This is to remain effective until such time as a new subdivision map is recorded over the area, a parcel map exemption is permitted or until released by authority of the City of Los Angeles.

City Department of Transportation: The Department of Transportation did not respond to the Bureau of Engineering's referral letter dated February 25, 2015.

City Fire Department: The Fire Department did not respond to the Bureau of Engineering's referral letter dated February 25, 2016.

Department of City Planning: The Department of City Planning did not respond to the Bureau of Engineering's referral letter dated February 25, 2015.

Conclusion: The vacation of the public street area as shown colored blue on attached Exhibit "A" could be conditionally approved based upon the following:

1. It is unnecessary for present or prospective public use.
2. It is not needed for vehicular circulation or access.
3. It is not needed for non-motorized transportation purposes.

Report prepared by:

Respectfully submitted,

LAND DEVELOPMENT & GIS DIVISION



Edmond Yew, Manager  
Land Development and GIS Division  
Bureau of Engineering

Danny Ho  
Civil Engineering Associate III  
(213) 202-3489

EY/ DW/ tc/dh  
Q:\LANDDEV\STREET VACATIONS\E1401200-E1401299\E1401267\VAC  
E1401267Report.doc

## **EXHIBIT E**

RECORDING REQUESTED BY:

*YVES MIESZALA*  
WHEN RECORDED MAIL TO:

Yves Mieszala  
9246 Kinglet Dr.  
Los Angeles, California 90069

ESCROW NO:  
TITLE ORDER NO:



SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: APN: 5561-013-001

DOCUMENTARY TRANSFER TAX \$ 0

**EASEMENT DEED**

SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX. FIRM NAME

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, 5B Enterprises, LLC, a California limited liability company ("Grantor") hereby grants to Yves Mieszala, trustee of the 9246 Kinglet Drive Trust dated November 17, 2004 ("Grantee" and owner of the Dominant Tenement property described hereinbelow) an easement for sewer, drainage and incidental purposes, including reasonable access to the Servient Tenement property described hereinbelow to install, maintain and repair a city-permitted sewer line and drainage from the Dominant Tenement property, through the Servient Tenement property, to a city-permitted connection point. The Dominant Tenement property shall install, maintain and repair such sewer or drainage connection in good working order and be responsible for any costs associated therewith over the following described real property: that certain real property in the City of Los Angeles, County of Los Angeles, State of California, commonly known as 9277 Thrush Way, bearing APN 5561-013-001, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, hereinafter described as the "Servient Tenement;"

Said easement is appurtenant to and for the benefit of the following described property: that certain real property in the City of Los Angeles, County of Los Angeles, State of California, commonly known as 9246 Kinglet Drive, bearing APN 5561-013-020 and 5561-013-021, more particularly described in Exhibit B, attached hereto and incorporated herein by this reference, and adjacent to the Servient Tenement, hereinafter described as the "Dominant Tenement." This appurtenant easement is described as a portion of the Servient Tenement and more specifically described in Exhibit C attached hereto and incorporated herein.

Nothing herein shall impact Grantor's ability to build on Grantor's property, including this easement area, as it pertains to the ongoing construction (as of January 2020) of a single-family residence and abutting landscape according to plans approved by the City of Los Angeles; and so long as it does not preclude Grantee's ability to install a sewer line and drainage in the easement area."

This appurtenant easement shall run with the lands described above and for the sole benefit of the Dominant Tenement and shall bind the heirs, successors and assigns of the above named Grantor and Grantee, and the County Recorder is hereby instructed to index this Easement Deed in the grantor/grantee index under the names of the respective parties.

*[Signature]*  
YVES MIESZALA, TRUSTEE OF THE 9246 KINGLET DRIVE TRUST DATED NOVEMBER 17, 2004

02/14/2020  
DATE

*[Signature]*  
5B ENTERPRISES, LLC, a California limited liability company

02.09.2020  
DATE

By: *Romi Batal, Manager*  
easement deed - GTR Edits 12.30.19 (Rev. 4/86)

INITIALS: *RB* *AF*

# Exhibit C

## DESCRIPTION

A STRIP OF LAND BEING THE EASTERLY 10.00 FEET OF LOT 7 OF TRACT NO. 9970, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS RECORDED IN BOOK 140, PAGES 14 THROUGH 16 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THE EASTERLY 10.00 FEET OF THE CITY OF LOS ANGELES STREET VACATION (VAC-E1401267) OF A PORTION OF THRUSH WAY, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF SAID LOT 7 OF TRACT NO. 9970; THENCE ALONG THE EASTERLY LINE OF SAID LOT 7,

1ST) SOUTH  $08^{\circ}44'30''$  EAST, 77.76 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF THRUSH WAY AT A POINT IN A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 66.50 FEET AND CENTRAL ANGLE OF  $08^{\circ}48'31''$ , A RADIAL LINE TO SAID POINT BEARS NORTH  $07^{\circ}24'10''$  EAST; THENCE,

2ND) WESTERLY ALONG SAID RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 10.22 FEET; THENCE LEAVING SAID CURVE OF THE RIGHT-OF-WAY LINE ON A NON-TANGENT LINE PARALLEL WITH AND A PERPENDICULAR DISTANCE OF 10.00 FEET WEST OF SAID EAST LINE OF LOT 7,

3RD) NORTH  $08^{\circ}44'30''$  WEST, 76.17 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID LOT 7 AT A POINT IN A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 90.00 FEET AND CENTRAL ANGLE OF  $06^{\circ}22'37''$ , A RADIAL LINE TO SAID POINT BEARS NORTH  $09^{\circ}08'31''$  WEST; THENCE,

4TH) EASTERLY ALONG SAID CURVE OF THE NORTHERLY LINE OF LOT 7, AN ARC DISTANCE OF 10.02 FEET TO THE SAID POINT OF BEGINNING.

ALL AS SHOWN ON EXHIBIT 'B' AND BY REFERENCE HEREIN, MADE A PART.



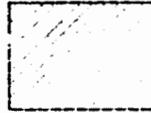
DATED: 11/18/2019

JOB NO.: 19-5160

NOTE: SEE ATTACHED EXHIBIT "B" FOR SKETCH OF DESCRIPTION

RB AFT  
P. 9 of 11

# Exhibit C



EASEMENT AREA  
769 SQ. FT

SCALE: 1" = 40'

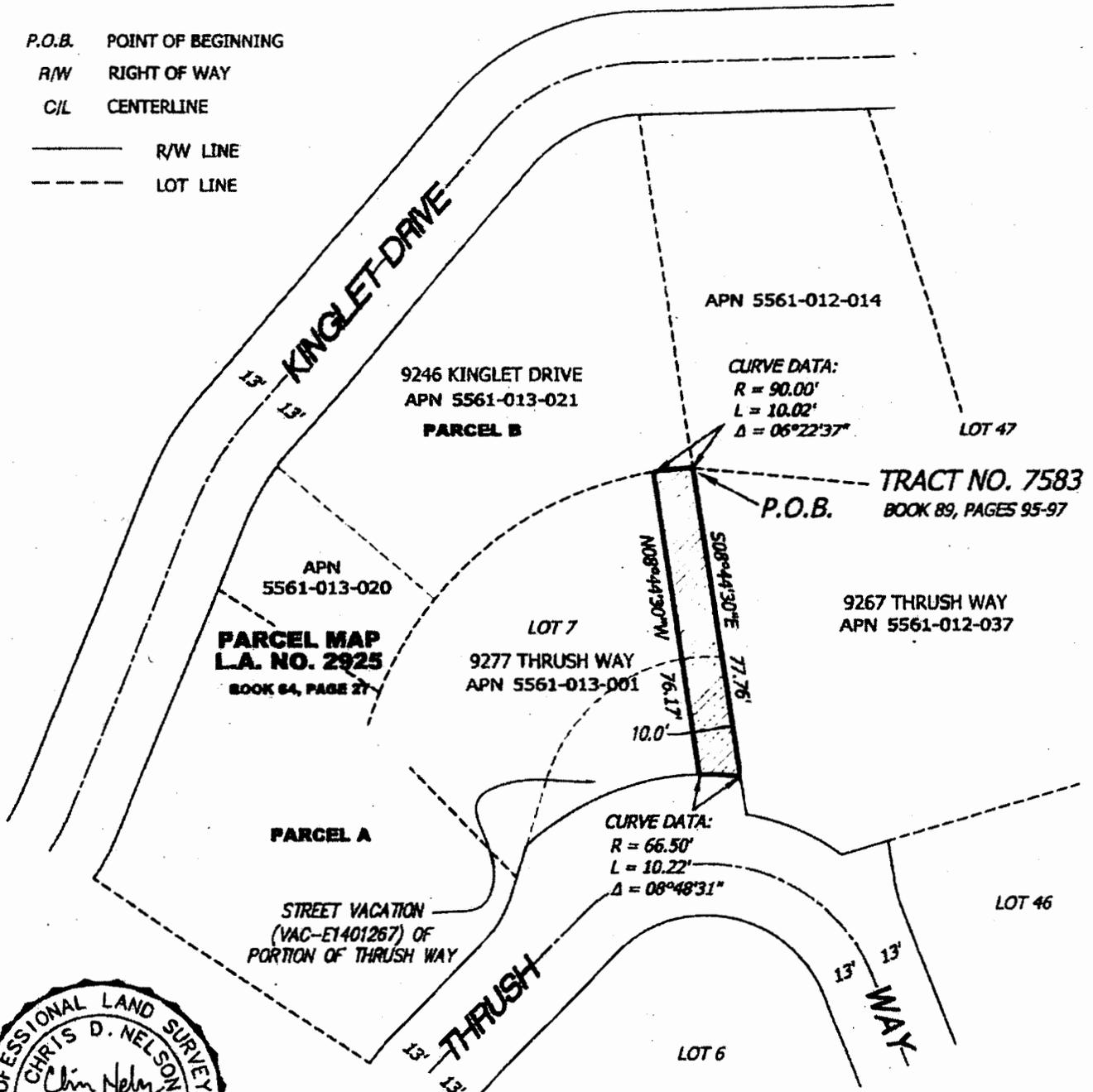
P.O.B. POINT OF BEGINNING

R/W RIGHT OF WAY

C/L CENTERLINE

—— R/W LINE

- - - - LOT LINE



DATED: 11/22/2019

JOB NO.: 19-5160

TRACT NO. 9970  
BOOK 140, PAGES 14-16

NOTE: SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

*RB AP*

# EXHIBIT OF EASEMENTS

PER EQUITY TITLE PRELIMINARY TITLE REPORT NO. 3910119-07641



## Exhibit C



PROPOSED EASEMENT  
AREA 769 SQ. FT

SCALE: 1" = 40'



EXCEPTION NO. PER EQUITY  
TITLE P.T.R. NO. 3910119-07641,  
DATED 10-30-2019

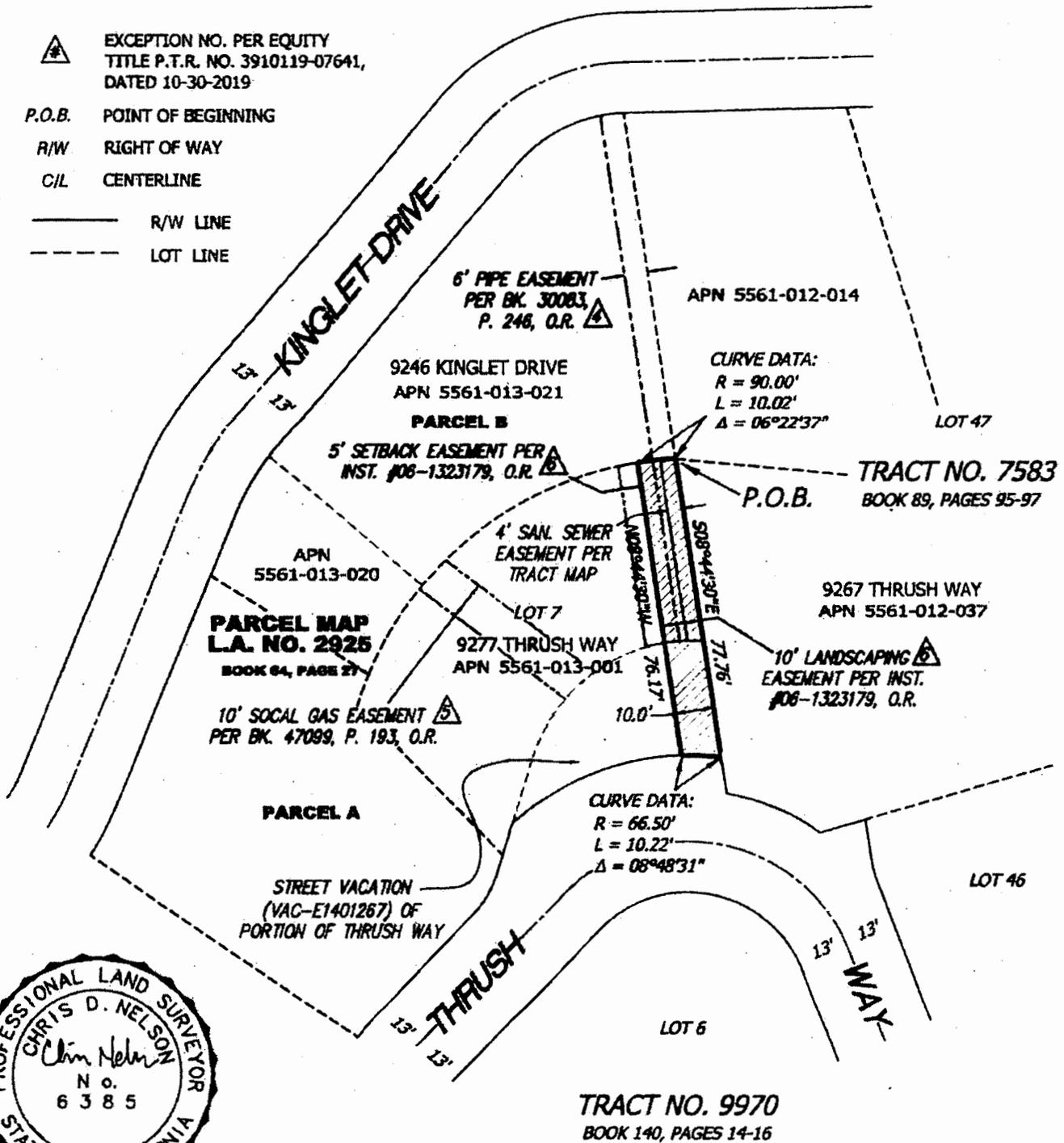
P.O.B. POINT OF BEGINNING

R/W RIGHT OF WAY

C/L CENTERLINE

—— R/W LINE

- - - - LOT LINE



DATED: 11/25/2019

JOB NO.: 19-5160

RB AH