

ORDINANCE NO. _____

An ordinance finding that the public interest and necessity require the acquisition by eminent domain of a portion of the property located at 1071 West Arbor Vitae Street, Inglewood, California 90301 and bearing Assessor's Parcel Number 4126-016-010, as more particularly described in Exhibit C 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. 27438 (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 interest in real property to be acquired consists of a permanent street easement over a portion of the property as set forth in Exhibit C. The interest in real property to be acquired is referred to as the "Subject Property." The Subject Property is located within the City of Inglewood, 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. LAWA has the power to acquire the Subject Property pursuant to Code of Civil Procedure Sections 1240.050 and 1240.125 because it is being acquired for airport purposes and the Subject Property is necessary and essential to the Project.
- f. 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 acquisition of the Subject Property 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 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 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 C

**RECORDING REQUESTED BY and
WHEN RECORDED MAIL TO:**

Los Angeles World Airports
Commercial Development Department
1 World Way
Post Office Box 92216
Los Angeles, CA 90009-2216
Attention: Deputy Executive Director

(Space above for County Recorder's Use Only)

Portion(s) APN(s): 4126-016-010

EXEMPT FROM RECORDING FEES PER GOVT. CODE §27383
EXEMPT FROM DOCUMENTARY TRANSFER TAX PER REV. & TAX CODE §11922

EASEMENT DEED

Grant of Permanent Street Easement

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, 1071 AV LLC, a Delaware Limited Liability Company ("**Grantor**") does hereby GRANT and CONVEY to the City of Los Angeles, a municipal corporation, acting by order of and through its Board of Airport Commissioners ("**Grantee**"), and its successors and assigns, a permanent easement and right-of-way for public street and incidents and appurtenances thereto ("**Street Easement**"), over, above, on, under, in, within, across, along, around, about and through that certain portion of Grantor's real property located in the City of Inglewood, County of Los Angeles, State of California, more particularly described in the legal description attached hereto as EXHIBIT "C1" and depicted or illustrated on the map or drawing attached hereto as EXHIBIT "C2" and incorporated herein by reference ("**Easement Area**").

Within the Easement Area, the easement rights granted in, under and pursuant to this instrument shall also include the right to use the Street Easement to construct, use, install, maintain, repair, replace, improve, alter, relocate, and inspect curbs (including without limitation curb returns and curb ramps), gutters, sidewalks, bike paths, crosswalks, storm drains as well as other drainage facilities, utilities, street lighting, traffic signals, striping and other street and/or roadway improvements, as well as appurtenances thereto. The purpose of the Street Easement includes, without limitation, constructing, upgrading, replacing, maintaining repairing and operating streets or roadways known as Arbor Vitae Street and Isis Avenue and does not include any modifications to existing building walls, foundations, or doorways as they exist at the date of recordation of this Easement Deed. Grantee is prohibited from constructing any new walls, structures or other improvements within the limits of the Easement Area.

The easement rights granted in, under and pursuant to this instrument and the rights of Grantee in, under and pursuant to this instrument shall include without limitation the right to reasonably access the Easement Area for all purposes associated with the Street Easement.

Grantee shall have the right to remove all improvements located within the Easement Area, including, but not limited to, trees, bushes, shrubs, brush and other flora, plants, and vegetation as well as hardscape, landscape and other structures and improvements.

Grantee shall have the right to transfer, assign and/or convey the Street Easement, including, without limitation, any interest therein and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies.

The covenants contained in this instrument, including, without limitation, any restrictions set forth above, shall run with the land.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on the date set forth below

Dated: _____

GRANTOR:

1071 AV LLC, A Delaware Limited Liability
Company

By: _____

Name: _____

Title: _____

EXHIBIT "C1"

Legal Description of Street Easement
[APN(s): 4126-016-010]

[attached behind this page]

EXHIBIT "C1"
LEGAL DESCRIPTION
PERMANENT STREET EASEMENT

THAT PORTION OF LOT 75 ON A MAP IN THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 36, PAGE 3 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING (POC) AT THE INTERSECTION OF ISIS AVENUE AND ARBOR VITAE STREET AS SHOWN ON PARCEL MAP NO. 66370 AS PER MAP FILED IN BOOK 366 OF PARCEL MAPS, PAGES 10 THROUGH 13, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE ALONG SAID ARBOR VITAE STREET CENTERLINE SOUTH $89^{\circ}59'50''$ EAST, A DISTANCE OF 60.09 FEET;

THENCE DEPARTING SAID ARBOR VITAE STREET CENTERLINE NORTH, $0^{\circ}00'10''$ EAST, A DISTANCE OF 33.00 FEET TO A POINT ON THE NORTH LINE OF ARBOR VITAE STREET AS SHOWN ON SAID PARCEL MAP, SAID POINT ALSO BEING TO THE **TRUE POINT OF BEGINNING (TPOB)**;

THENCE CONTINUING NORTH $0^{\circ}00'10''$ EAST, A DISTANCE OF 1.66 FEET;

THENCE NORTH $89^{\circ}48'47''$ WEST, A DISTANCE OF 19.93 FEET;

THENCE NORTH $45^{\circ}55'11''$ WEST, A DISTANCE OF 9.79 FEET

THENCE NORTH $89^{\circ}57'18''$ WEST, A DISTANCE OF 0.10 FEET TO A POINT ON THE EAST LINE OF SAID ISIS AVENUE;

THENCE ALONG SAID EAST LINE OF ISIS AVENUE SOUTH $0^{\circ}02'42''$ WEST, A DISTANCE OF 8.41 FEET TO THE INTERSECTION OF SAID EAST LINE OF ISIS AVENUE WITH SAID NORTH LINE OF ARBOR VITAE STREET;

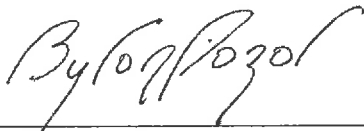
THENCE ALONG SAID NORTH LINE OF ARBOR VITAE STREET SOUTH $89^{\circ}59'50''$ EAST, A DISTANCE OF 27.07 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.002 ACRES OR 69 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 "C2" AND BY THIS REFERENCE MADE PART HEREOF.

PREPARED UNDER MY SUPERVISION:



BYRON J. CAZAR, P.L.S.
P.L.S. 9337, EXP. 03-31-23

6-30-2021
DATE



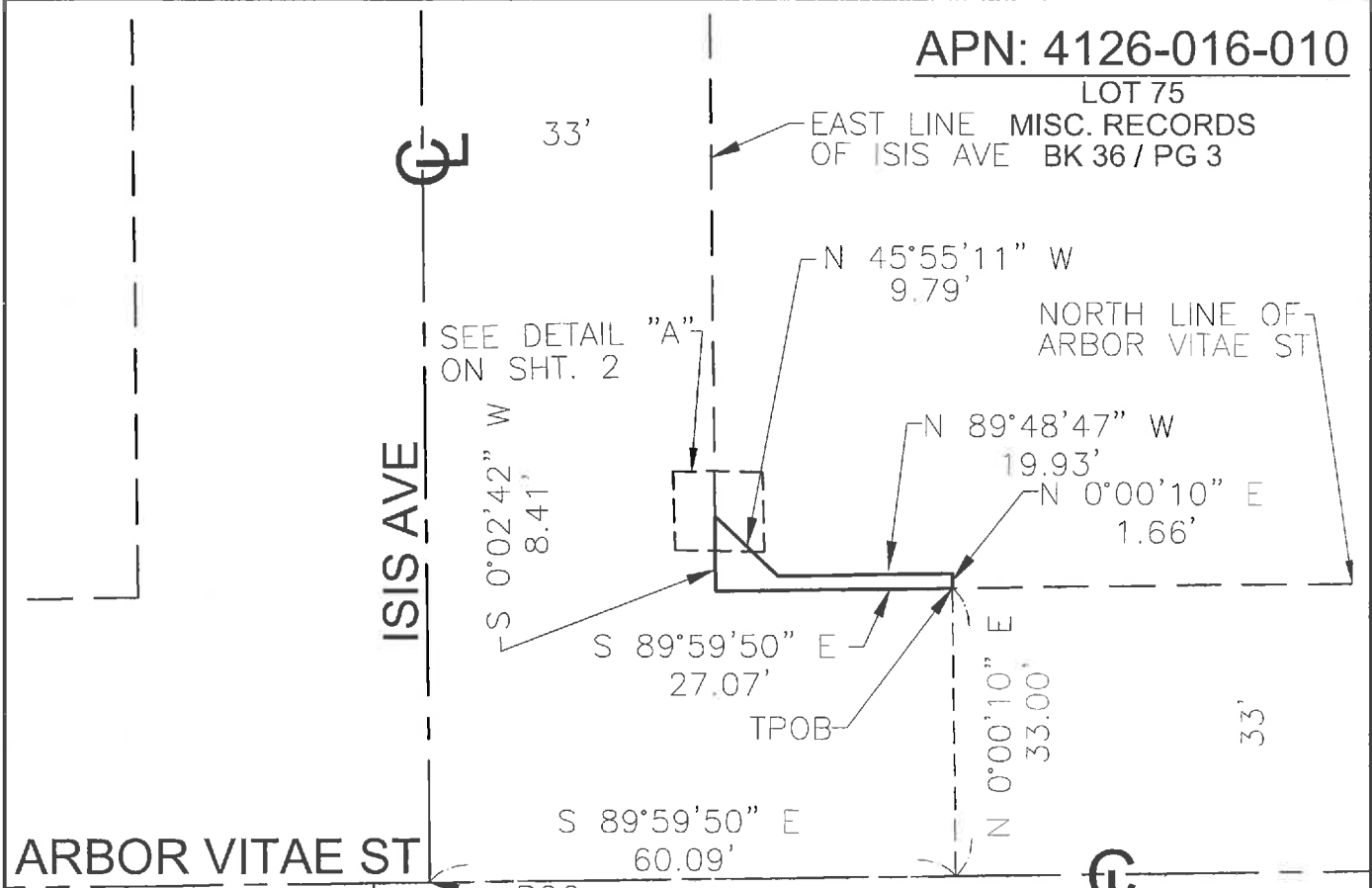
EXHIBIT "C2"

Map of Street Easement
[APN(s): 4126-016-010]

[attached behind this page]

EXHIBIT C2

PARCEL #	TYPE OF INTEREST	AREA	APN
4-108	PERMANENT STREET EASEMENT	69 SF	4126-016-010



ARBOR VITAE ST

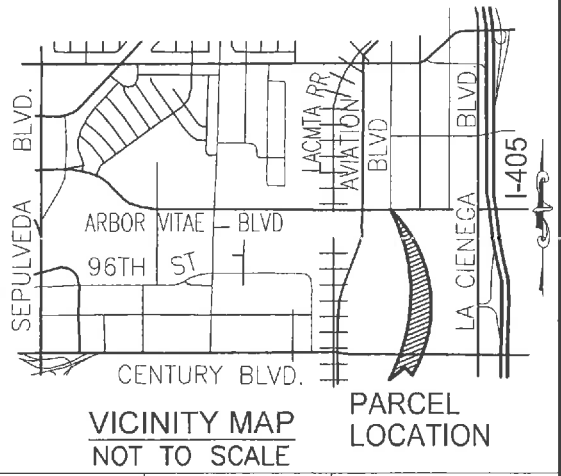
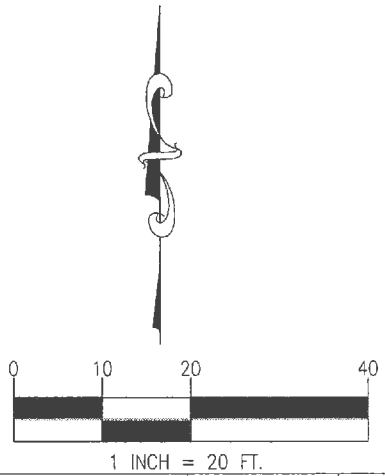
POC
INTERSECTION OF
ARBOR VITAE ST
WITH ISIS AVE

LEGEND	
	LIMITS OF DESCRIPTION
	EXISTING RIGHT OF WAY
	EASEMENT AS NOTED
	TIE LINE
	EXISTING PROPERTY LINE

NOTES

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

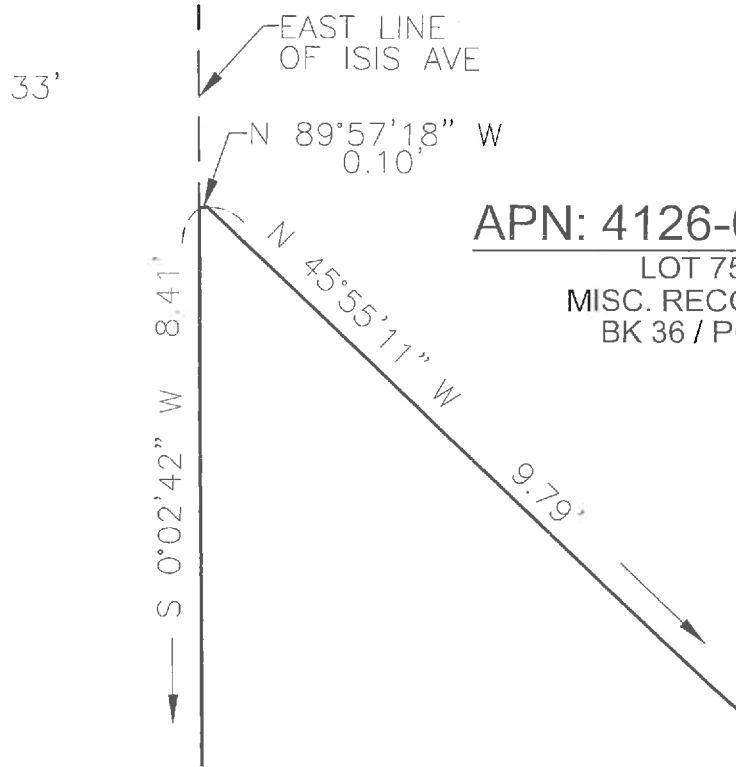


 MARK THOMAS	DATE	REV. #	PREPARED BY	SHEET NO.	TOTAL SHEETS
	6-30-2021	0	SYS	1	2


EXHIBIT C2

PARCEL #	TYPE OF INTEREST	AREA	APN
4-108	PERMANENT STREET EASEMENT	69 SF	4126-016-010

ISIS AVE



DETAIL "A"
N.T.S.

 MARK THOMAS	DATE	REV. #	PREPARED BY	SHEET NO.	TOTAL SHEETS
	6-30-2021	0	°SYS	2	2

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 2/23/22

File No. _____

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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 _____

Approved _____