

## RESOLUTION NO. 18-0048

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL DECLARING THAT A PERMANENT HIGHWAY MAINTENANCE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT OVER PORTIONS OF THE REAL PROPERTY LOCATED AT 3500 N. SEPULVEDA BOULEVARD IN THE CITY OF MANHATTAN BEACH, FURTHER IDENTIFIED AS LOS ANGELES COUNTY TAX ASSESSOR'S PARCEL NUMBER 4138-020-014 ARE NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF, IN CONNECTION WITH THE SEPULVEDA BRIDGE WIDENING PROJECT

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City of Manhattan Beach is a municipal corporation in the County of Los Angeles, State of California.

SECTION 2. The real property interest described in Section 3 of this Resolution is to be taken for a public use, namely for public streets, highways and related purposes and all purposes necessary and convenient thereto, in connection with the Sepulveda Bridge Widening Project ("Project"), pursuant to the authority conferred upon the City of Manhattan Beach to acquire real property by eminent domain by California Constitution, Article 1, Section 19, California Government Code Sections 37350, 37350.5, 37351, 40401, 40404, and 65080 California Code of Civil Procedure Sections 1230.010 *et seq.* (Eminent Domain Law), including, but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120 and 1245.250 and other provisions of law..

SECTION 3. The City seeks to acquire a 978 square foot permanent Highway Maintenance Easement and a 1,744 square foot Temporary Construction Easement for a term of eighteen months, over portions of the real property located at 3500 N. Sepulveda Boulevard in the City of Manhattan Beach, and further identified as Los Angeles County Tax Assessor Parcel Number 4138-020-014 ("Subject Property Interests") for public use, namely road widening and other associated improvement purposes and all uses necessary or convenient thereto. The legal descriptions of the Subject Property Interests are attached as Exhibits "A" and "C" to this Resolution. The Subject Property Interests are depicted on the diagrams attached as Exhibits "B" and "D" to this Resolution. The above-referenced exhibits are incorporated herein by this reference. The Subject Property Interests are required for the construction of the Project, which is a public use.

SECTION 4. The Proposed Project is a segment of Sepulveda Boulevard between 33rd Street and Rosecrans Avenue in the City of Manhattan Beach. The Proposed Project includes widening the Sepulveda Bridge by approximately 29 feet on the eastern side to add a fourth 12-foot northbound lane. The

additional lane would begin just north of 33rd Street where a merging lane currently exists between the outside through lane and the sidewalk. The new lane would continue north from 33rd Street to approximately 295 feet south of Rosecrans Avenue where the lane would merge into an existing fourth lane. South of 33rd Street, the existing northbound right-turn-only lane that begins approximately 318 feet south of the intersection would be restriped as a through lane.

The widened bridge would provide a shoulder varying from two to eight feet on the east side of the bridge, and the existing non-standard sidewalks would be widened to a standard width of six feet. In one location within the project area, the existing 5-foot sidewalk would be narrowed to approximately four feet because of the roadway's proximity to the adjacent building southeast of the bridge. In addition, an existing 11-foot northbound through lane would be widened to the standard width of 12 feet. Therefore, the widened bridge would provide two 12-foot and two 10-foot northbound through lanes. In the southbound direction, the existing lanes would remain the same as existing conditions, with one 11-foot and two 10-foot through lanes.

Seismic retrofits of the existing bridge would also be completed. Landscaping would be provided in the project area, mostly for the purpose of slope stabilization. The non-standard bridge railings in both northbound and southbound directions would be upgraded to a standard concrete barrier.

The Proposed Project is needed to improve the operation and traffic flow within the Proposed Project area and to implement the planned roadway improvements. Sepulveda Boulevard is a north-south arterial highway. The existing bridge carries three northbound and southbound through lanes, while the roadway segments immediately north and south of the bridge carry four northbound and three southbound through lanes. This creates an operational bottleneck in the northbound direction that would be corrected by the addition of a fourth northbound lane on the bridge.

In 2012, the average daily traffic within the Project area was approximately 71,000 vehicles. The volume-to-capacity ratio ("V/C") was 1.263 in 2012. A V/C ratio over 1 is considered an indication of severe congestion. In 2012, the segment of Sepulveda Boulevard within the Proposed Project area was operating at a level of service ("LOS") of F, which means that the roadway demand is higher than the capacity and there is frequent congestion. The addition of a northbound lane would increase capacity and relieve congestion within the Proposed Project area.

The Proposed Project will help achieve the General Plan's goal of having this important north-south arterial highway built out to its ultimate width and thereby relieving the existing bottleneck at this location. The Proposed Project is necessary to meet the goals and policies of the Mobility/Circulation Element of the City's General Plan. Further, the Proposed Project will ensure that vehicles

are able to circulate in a safe and efficient manner, including emergency vehicles vital to the public health and safety.

SECTION 5. As a proposed discretionary action by a local agency, the Proposed Project is subject to review of its environmental effects. Accordingly, the environmental effects of the Proposed Project were studied and analyzed pursuant to the National Environmental Policy Act ("NEPA"), the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*), and the CEQA Guidelines (14 Cal. Code Regs. § 15000 *et seq.*).

The Proposed Project, which is part of a larger project covering the length of Sepulveda Boulevard from Grand Avenue to Marine Avenue in the cities of El Segundo and Manhattan Beach, was approved by the City Council on February 24, 1988 when it certified the Environmental Assessment/Finding of No Significant Impact ("EA/FONSI") prepared for the Proposed Project, and then again when environmental re-validations were completed on June 1, 2004 and May 5, 2014 in compliance with both NEPA and CEQA. The notices of certification were published and disseminated to the public and appropriate agencies.

The reassessment dated May 2014 evaluated potential environmental impacts in the following topical areas:

- Air Quality and Climate Change
- Biological Resources
- Cultural Resources
- Environmental Justice
- Noise and Vibration
- Parks and Recreational Facilities
- Right of Way Acquisition
- Traffic and Transportation
- Utilities/Emergency Services
- Visual/Aesthetics

The reassessment concluded that with the implementation of avoidance and minimization measures included in the Environmental Reevaluation, potential impacts resulting from the project would be avoided or substantially minimized, and the project would not result in significant or adverse direct, indirect, or cumulative environmental impacts. Thus, it was concluded that no mitigation measures were required.

SECTION 6. Pursuant to California Government Code Section 7262 *et seq.*, the City obtained a fair market value appraisal of the Subject Property Interests that used a date of value of August 1, 2015. The City set just compensation in accordance with the appraised fair market value and on October 15, 2015 and November 9, 2015 extended a written offer to the record owners seeking to purchase the Subject Property Interests pursuant to Government Code Section 7267.2. The City's offer letters included an informational pamphlet describing the eminent domain process and the owners' rights. The City further offered to pay the record owners the reasonable costs, up to \$5,000.00, for an independent appraisal of the Subject Property Interests pursuant to Code of Civil Procedure Section 1263.025.

SECTION 7. On May 7, 2018 the City provided written notice to the record owners of the City Council's intent to consider the adoption of the proposed Resolution of Necessity at its June 5, 2018 meeting as required by Code of Civil Procedure Section 1245.235.

SECTION 8. Based on the evidence presented at the hearing regarding the adoption of the Resolution of Necessity, including the Agenda Report and the documents referenced therein, the City Council hereby finds and determines that:

- A. The public interest and necessity require the Project;
- B. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- C. The Subject Property Interests described in Exhibits "A" and "C" hereto and depicted on Exhibits "B" and "D" hereto are necessary for the Project; and
- D. The City made the offer required by Section 7267.2 of the Government Code to the owner of record.

SECTION 9. The findings and declarations contained in this Resolution are based on the record before the City Council on June 5, 2018, including the Agenda Report dated June 5, 2018 and all documents referenced therein, all of which are incorporated herein by this reference. These documents include the Environmental Assessment/Finding of No Significant Impact, the environmental re-validations completed on June 1, 2004 and May 5, 2014, the plans for the Project, the offer letters sent to the owners of record pursuant to Government Code Section 7267.2, the notice to the owners of record pursuant to Code of Civil Procedure Section 1245.235 of the City's intent to consider the adoption of the Resolution of Necessity, and all the file documents relating to the Project. The findings and declarations in this Resolution are also based on any testimony, records and documents produced at the hearing, all of which are incorporated herein by this reference.

SECTION 10. The City Council of the City of Manhattan Beach hereby authorize

and direct the law firm of Richards, Watson & Gershon, to take all steps necessary to commence and prosecute legal proceedings in a court of competent jurisdiction to acquire by eminent domain the Subject Property Interests legally described in Exhibits "A" and "C" and depicted on Exhibits "B" and "D" to this Resolution.

SECTION 11. The City of Manhattan Beach hereby authorizes the City Manager to execute all necessary documents in connection with the eminent domain proceeding.

SECTION 12. This Resolution shall take effect upon adoption.

The City Clerk shall certify to the passage and adoption of this resolution.

ADOPTED on June 5, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

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AMY HOWORTH  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk

**PERMANENT HIGHWAY  
MAINTENANCE EASEMENT**

**LEGAL DESCRIPTION AND PLAT MAP**

**APN: 0438-020-014**

*[SEE THE FOLLOWING PAGES]*

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL A – (MAINTENANCE EASEMENT)**

THAT PORTION OF PARCEL 12 OF PARCEL MAP NO. 12219, IN THE CITY OF MANHATTAN BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 122 PAGES 33 THROUGH 35, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 12, SAID POINT BEING ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 5,679.65 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 38°58'55" WEST;

THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL 12 AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°08'37", AN ARC LENGTH OF 14.24 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID NORTHERLY LINE SOUTH 05°35'25" EAST, 27.89 FEET;

THENCE SOUTH 00°15'39" EAST, 120.51 FEET;

THENCE SOUTH 04°27'18" EAST, 24.57 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 12;

THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°52'41" EAST, 9.86 FEET;

THENCE LEAVING SAID SOUTHERLY LINE NORTH 00°05'02" EAST, 10.60 FEET;

THENCE NORTH 89°54'58" WEST, 6.48 FEET;

THENCE NORTH 00°04'27" EAST, 118.67 FEET;

THENCE NORTH 05°35'57" WEST, 47.05 FEET TO SAID NORTHERLY LINE AND SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 5,679.65 FEET, A RADIAL LINE TO SAID POINT ON CURVE BEARS NORTH 38°47'06" WEST;

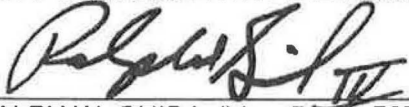
THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°03'12", AN ARC LENGTH OF 5.29 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 978 SQUARE FEET, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE V, NAD 83, ALL DISTANCES SHOWN ARE GROUND DISTANCES.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", 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.



RALPH W. GUIDA, IV, P.L.S. 7076

7/29/15

DATE





# Exhibit "B"

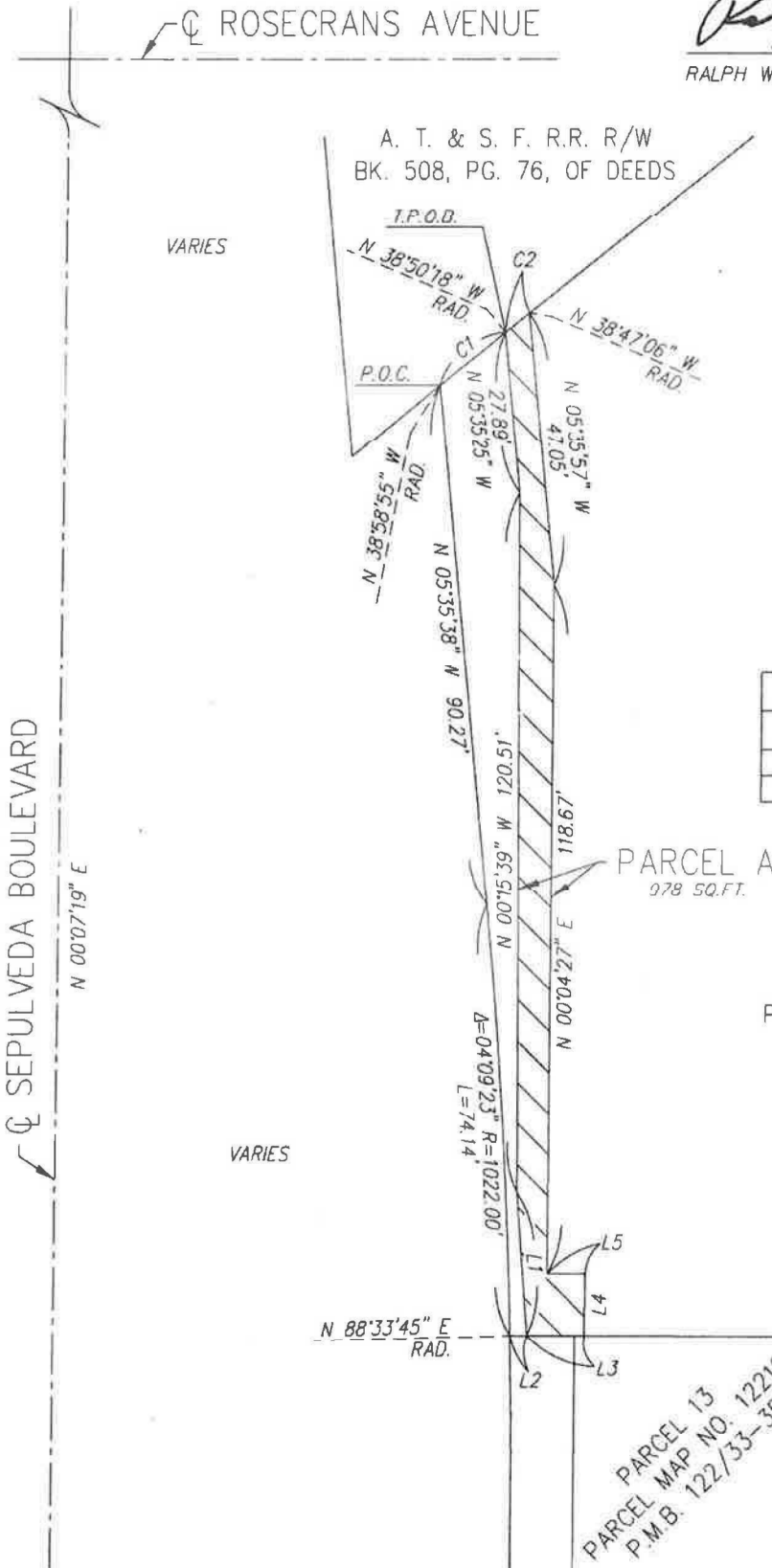
PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

PREPARED BY ME OR UNDER MY DIRECTION:

*Ralph W. Guida, IV*  
RALPH W. GUIDA, IV P.L.S. 7076

7/29/15

DATE



LINE TABLE		
NO.	BEARING	LENGTH
L1	N 04°27'18" W	24.57'
L2	N 89°52'41" W	2.90'
L3	N 89°52'41" W	9.86'
L4	N 00°05'02" E	10.60'
L5	N 89°54'58" W	6.48'

CURVE TABLE			
NO.	DELTA	RADIUS	LENGTH
C1	00°08'37"	5679.65'	14.24'
C2	00°03'12"	5679.65'	5.29'

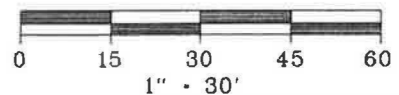
PARCEL 12  
PARCEL MAP NO. 12219  
P.M.B. 122/33-35



SHEET 1 OF 1

PARCEL 13  
PARCEL MAP NO. 12219  
P.M.B. 122/33-35

EXHIBIT "B"  
3500 SEPULVEDA



MAINTENANCE EASEMENT

**TEMPORARY CONSTRUCTION EASEMENT**  
**LEGAL DESCRIPTION AND PLAT MAP**  
**APN: 0438-020-014**

*[SEE THE FOLLOWING PAGES]*

## EXHIBIT "C"

### LEGAL DESCRIPTION

#### PARCEL A – (TEMPORARY CONSTRUCTION EASEMENT)

THAT PORTION OF PARCEL 12 OF PARCEL MAP NO. 12219, IN THE CITY OF MANHATTAN BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 122, PAGES 33 THROUGH 35, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 12, SAID POINT BEING ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 5,679.65 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 38°58'55" WEST;

THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL 12 AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°08'37", AN ARC LENGTH OF 14.24 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID NORTHERLY LINE SOUTH 05°35'25" EAST, 27.89 FEET;

THENCE SOUTH 00°15'39" EAST, 120.51 FEET;

THENCE SOUTH 04°27'18" EAST, 24.57 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 12;

THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°52'41" EAST, 9.86 FEET;

THENCE LEAVING SAID SOUTHERLY LINE NORTH 00°05'02" EAST, 10.60 FEET;

THENCE NORTH 89°54'58" WEST, 6.48 FEET;

THENCE NORTH 00°04'27" EAST, 118.63 FEET;

THENCE NORTH 51°07'04" EAST, 19.44 FEET;

THENCE NORTH 05°30'30" WEST, 47.06 FEET TO SAID NORTHERLY LINE AND SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 5,679.65 FEET, A RADIAL LINE TO SAID POINT ON CURVE BEARS NORTH 38°35'18" WEST;


THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°15'00" AN ARC LENGTH OF 24.78 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1,744 SQUARE FEET OR 0.040 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE V, NAD 83, ALL DISTANCES SHOWN ARE GROUND DISTANCES.

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RALPH W. GUIDA, IV, P.L.S. 7076

7/29/15  
DATE

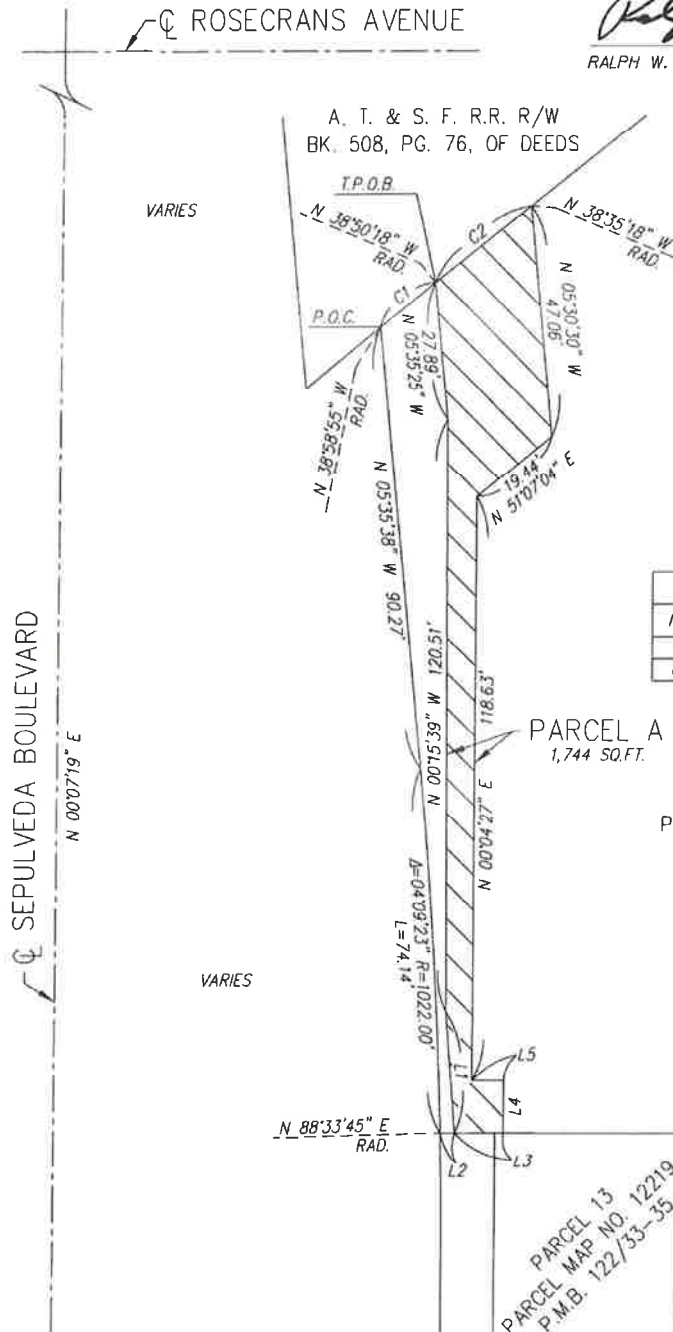


PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

PREPARED BY ME OR UNDER MY DIRECTION:

*Ralph W. Guida, IV*  
RALPH W. GUIDA, IV P.L.S., 7076

7/29/15  
DATE



LINE TABLE		
NO.	BEARING	LENGTH
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L5	N 89°54'58" W	6.48'

CURVE TABLE			
NO.	DELTA	RADIUS	LENGTH
C1	00°08'37"	5679.65'	14.24'
C2	00°15'00"	5679.65'	24.78'

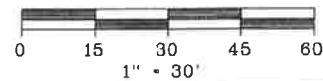
PARCEL A  
1,744 SQ. FT.

PARCEL 12  
PARCEL MAP NO. 12219  
P.M.B. 122/33-35



SHEET 1 OF 1

**EXHIBIT "C"**  
**3500 SEPULVEDA**



TEMPORARY CONSTRUCTION EASEMENT

Date: 07/29/2015

Parcel name: Temporary Construction Easement

North:	1786282.0314	East:	6441533.2191
Curve Length:	14.24'	Radius:	5679.65'
Delta:	00°08'37"	Tangent:	7.12'
Chord:	14.22'	Course:	N 51°05'24" E
Course In:	S 38°58'55" E	Course Out:	N 38°50'18" W
RP North:	1781866.9882	East:	6445106.1476
End North:	1786290.9731	East:	6441544.2966
Line Course:	S 05°35'25" E	Length:	27.89'
North:	1786263.2157	East:	6441547.0135
Line Course:	S 00°15'39" E	Length:	120.51'
North:	1786142.7069	East:	6441547.5621
Line Course:	S 04°27'18" E	Length:	24.57'
North:	1786118.2112	East:	6441549.4706
Line Course:	S 89°52'41" E	Length:	9.86'
North:	1786118.1899	East:	6441559.3306
Line Course:	N 00°05'02" E	Length:	10.60'
North:	1786128.7899	East:	6441559.3461
Line Course:	N 89°54'58" W	Length:	6.48'
North:	1786128.7993	East:	6441552.8661
Line Course:	N 00°04'27" E	Length:	118.63'
North:	1786247.4292	East:	6441553.0197
Line Course:	N 51°07'04" E	Length:	19.44'
North:	1786259.6321	East:	6441568.1525
Line Course:	N 05°30'30" W	Length:	47.06'
North:	1786306.4748	East:	6441563.6352
Curve Length:	24.78'	Radius:	5679.65'
Delta:	00°15'00"	Tangent:	12.39'
Chord:	24.79'	Course:	S 51°17'12" W
Course In:	S 38°35'18" E	Course Out:	N 38°50'18" W
RP North:	1781866.9907	East:	6445106.1490
End North:	1786290.9755	East:	6441544.2981
Curve Length:	14.24'	Radius:	5679.65'
Delta:	00°08'37"	Tangent:	7.12'
Chord:	14.22'	Course:	S 51°05'24" W
Course In:	S 38°50'18" E	Course Out:	N 38°58'55" W
RP North:	1781866.9907	East:	6445106.1490
End North:	1786282.0339	East:	6441533.2206

Perimeter: 438.27' Area: 1,744 SF 0.040 Acres

Mapcheck Closure: (Using courses, radii, and deltas)  
Error Closure: 0.0028 Course: S 30°45'10" W  
Error North: 0.00244 East: 0.00145  
Precision = 1 : 154,489

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

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RALPH W. GUIDA, IV, P.L.S. 7076

7/29/15

DATE



# Exhibit "D"

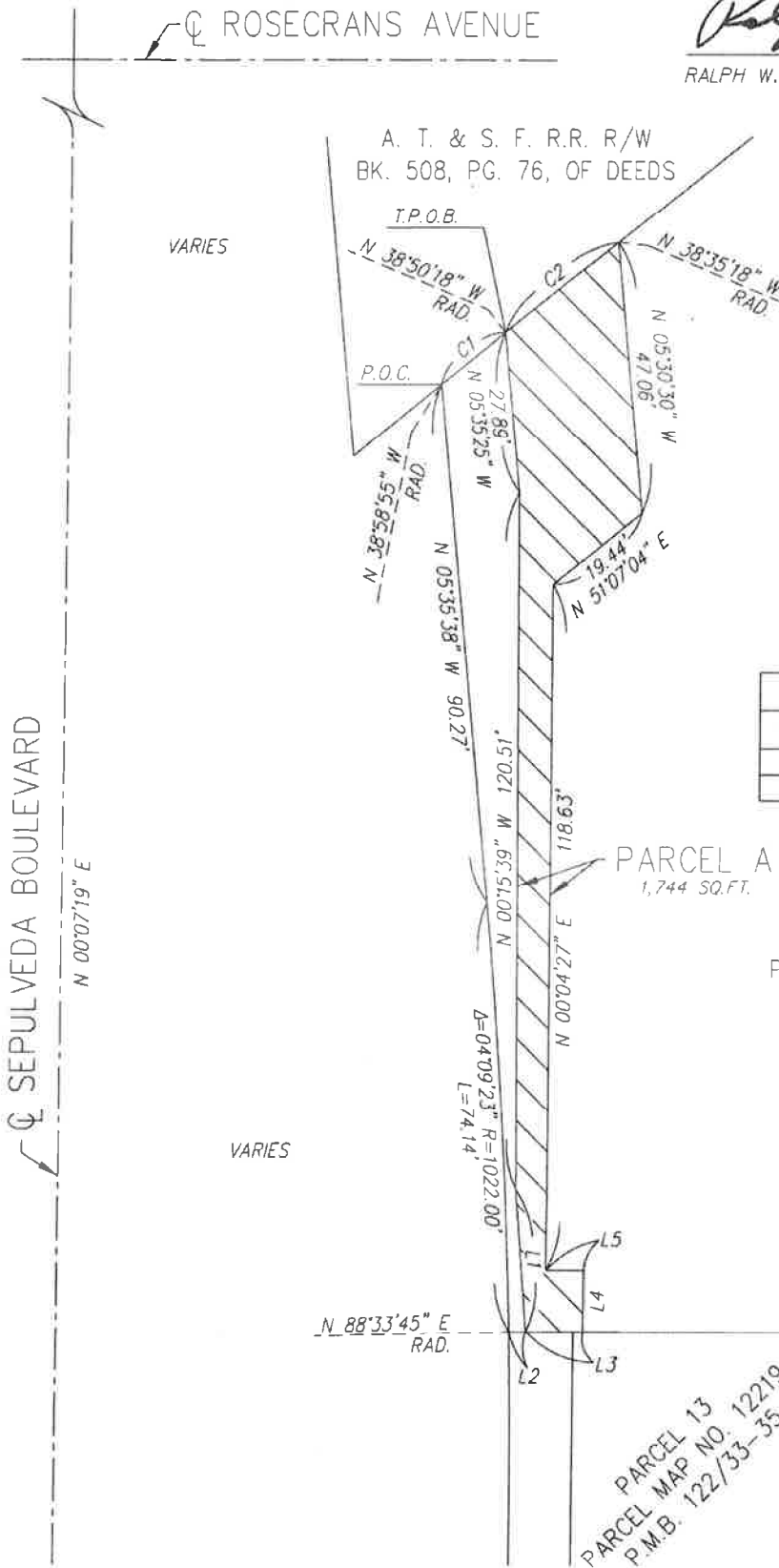
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LEGAL DESCRIPTION

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7/29/15

DATE



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SHEET 1 OF 1

EXHIBIT "B"  
3500 SEPULVEDA

