

## **MEMORANDUM**

**To:** CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

**CTC Meeting:** March 25, 2020

**From:** STEVEN KECK, Chief Financial Officer

**Reference Number:** 2.4a.(2), Action Item

**Prepared By:** Mark Phelan, Chief (Acting)  
Division of Right of Way and Land Surveys

**Subject:** **RESOLUTION OF NECESSITY – WRITTEN APPEARANCE**

### **ISSUE:**

Should the California Transportation Commission (Commission) adopt Resolution of Necessity (Resolution) C-21842, for the parcel whose owners are contesting the declared findings of the California Department of Transportation (Department) under Section 1245.230 of the Code of Civil Procedure?

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a Resolution, stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure, which are:

1. The public interest and necessity require the proposed project.
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property is necessary for the proposed project.
4. An offer to acquire the property in accordance with Government Code Section 7267.2 has been made to the owner of record.

In this case, the property owners are contesting the Resolution and have requested a written appearance before the Commission. At the request of the property owners, objections to the Resolution have been submitted in writing to be made part of the official record of the Commission meeting, in lieu of a personal appearance before the Commission. The property owners' objections are included as Attachment A. The Department's responses to the property owners' objections are contained in Attachment B.

*“Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California’s economy and livability”*

**RECOMMENDATION:**

The Department recommends the Commission adopt Resolution C-21842 summarized on the following page. This Resolution is for a transportation project on Interstate 5 in District 12, in Orange County.

**BACKGROUND:**

Discussions have taken place with the owners, who have been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which they may subsequently be entitled. Adoption of this Resolution will not interrupt the Department's efforts to secure an equitable settlement. In accordance with statutory requirements, the owners have been advised that the Department is requesting the Resolution at the Commission's March 25-26, 2020 meeting. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-21842 - AG-LO Oakbrook Owner LLC, a Delaware limited liability company

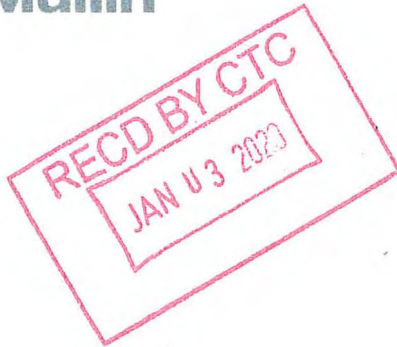
12-Ora-5-PM 18-18.1 - Parcel 202088-1, 2, 3, 4, 5, 6, 7, 8, 9, 10 - EA 0K0239.

Right of Way Certification Date: 03/26/20; Ready to List Date: 03/30/20. Freeway - add one lane in each direction between Alicia Parkway and El Toro Road, extend the 2nd High Occupancy Vehicle lane in both directions to Alicia Parkway and add auxiliary lanes where needed. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for construction purposes, permanent easements for maintenance access purposes, permanent easements for maintenance access and utility purposes to be conveyed to Santa Margarita Water District and Southern California Edison Company, and underlying fee. Located in the city of Laguna Hills at 24422 Avenida De La Carlota. Assessor's Parcel Number 620-492-01.

Attachments:

- Attachment A - Property Owners' letter to the Commission dated January 3, 2020
- Attachment B - Department Response dated February 13, 2020
- Attachment C - Fact Sheet
- Exhibit A - Parcel Maps
- Exhibit B - Resolution of Necessity C-21842

# ATTACHMENT A



January 3, 2020

Via Email

714.424.2846 direct  
soconnor@sheppardmullin.com

File Number: 25WR-289079

Ricky Rodriguez, Office Chief  
Office of Right of Way and RW Eng.  
Department of Transportation  
1750 E. 4<sup>th</sup> Street, Suite 100  
Santa Ana, CA 92705

Alicia Ng, Right of Way Agent  
California Transportation Commission  
P.O. Box 942873, Mail Station 52  
Sacramento, CA 94273-0001

*Forwarded to:  
Right of way  
1/6/20  
Copied to  
Terry Anderson*

Re: AG-LO Oakbrook Owner, LLC – Objection to Resolution of Necessity  
24422 Avenida De La Carlota, Laguna Hills, California (the "Subject Property")

Dear Mr. Rodriguez & Ms. Ng:

We have received notice of the California Transportation Commission's ("CTC") intent to adopt a resolution of necessity authorizing the taking of certain portions of the Subject Property by condemnation for Caltrans' Project. Based upon this notice, the CTC's hearing is scheduled for January 29 and 30, 2020 in Sacramento, California. No time was specified in the notice.

The purpose of this letter is to provide written objection on behalf of AG-LO Oakbrook Owner, LLC ("AG-LO Oakbrook") to the adoption of the resolution of necessity in lieu of (or in addition to) personally appearing at the hearing. Accordingly, whether or not we appear at the hearing, we request that this letter be included as part of the formal record on that agenda item.

AG-LO Oakbrook objects to the adoption of the resolution of necessity on each of the following specific grounds:

**1. Caltrans' Proposed Project Is Not Planned Or Located In The Manner That Will Be Most Compatible With The Greatest Public Good and The Least Private Injury.**

One of the necessity components that must be analyzed when considering the adoption of a resolution to authorize the taking of private property is whether the proposed project for which the property is sought to be taken is planned or located in a manner that is most compatible with the greatest public good and causes the least private injury. (Code Civ. Proc., § 1240.030, subd. (b).) In the absence of substantial evidence supporting the CTC's determination as to the planning and location of the proposed project, the resolution of necessity is invalid.

In this case, the Project as proposed takes over one half acre of property in fee, and takes numerous other property interests including permanent easements and temporary construction easements with a duration of 51 months. The Subject Property is used as an office building and has enjoyed high occupancy due to its convenient location, freeway proximity and convenient parking. But the Project will cause considerable disruption to the Subject Property

# SheppardMullin

California Department of Transportation  
January 3, 2020  
Page 2

and its tenants. In particular, the relocation of a water pipe will cause the parking lot to be torn up making access to the parking spaces difficult. Further, parking spaces will be lost on both a temporary and a permanent basis. The Project could have been designed in a manner less disruptive to the Subject Property and its tenants. For example, the waterpipe could have been relocated to an area that would not have resulted in the severe impact to the parking lot. The Project therefore violates the "least private injury" requirement.

Stated somewhat differently, the CTC may very well be able to satisfy the requirement that the Project is planned in the manner that is most compatible with the greatest public good and causes the least private injury *if* the Project is redesigned in a manner that would not be as impactful to the Subject Property and its parking lot. However, if the CTC plans to take to proceed with the Project as proposed, as is contemplated with the current resolution of necessity, the CTC cannot establish the required "greatest public good and least private injury" prong.

## **2. The Caltrans Failed To Extend A Legitimate Precondemnation Offer Pursuant To Government Code Section 7267.2.**

Government Code section 7267.2 requires that Caltrans make a legitimate offer of just compensation based upon an approved appraisal prior to initiating condemnation proceedings. A written statement and summary basis for the offer must include sufficient details to indicate clearly the basis for the offer. (Gov. Code, § 7267.2, subd. (b).)

Caltrans' precondemnation offer is invalid insofar as it was based on an artificially low valuation of the property interest being acquired. More problematic is that Caltrans has offered nothing to AG-LO Oakbrook for severance damages, or damage to the remaining property. It seems obvious that the property remaining after Caltrans acquires the property interests for the Project will be less valuable. It seems equally obvious that the severe disruption to the Subject Property will inconvenience the tenants and likely result in lower tenant occupancy. Yet Caltrans has offered nothing to AG-LO Oakbrook for severance damages.

## **3. The Hearing On The Proposed Resolution of Necessity Is Inappropriate Because Caltrans Is Already Irrevocably Committed To Adopting The Resolution Of Necessity.**

AG-LO Oakbrook is concerned that no meaningful consideration of its objections and concerns will take place at the hearing of the resolution of necessity concerning the proposed Project given that Caltrans appears to have already committed itself to acquiring the Subject Property.

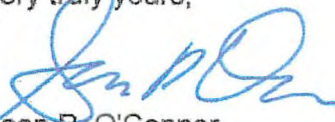
Redevelopment Agency v. Norm's Slauon (1991) 173 Cal.App.3d 1121, addressed such a situation. In that case, the Redevelopment Agency of the City of Huntington Park brought an action in eminent domain to take a major portion of a restaurant's parking lot. The redevelopment agency's attempt to take the property in question was preceded by an agreement between the agency and a developer by which the agency agreed to acquire the

property for transfer to the developer and the developer would build a condominium project thereon. The Court of Appeal started its analysis with an explanation of the purpose of a hearing on a resolution of necessity: "Implicit in this requirement of a hearing and the adoption of a resolution of necessity is the concept that, in arriving at its decision to take, the Agency engage in a good faith and judicious consideration of the pros and cons of the issue and that the decision be buttressed by substantial evidence of the existence of the three basic requirements set forth in Code of Civil Procedure, section 1240.030." Id. at pp. 1124-25. In affirming the trial court's determination that the agency had no right to take the property, the court concluded that: "[i]t seems clear that the hearing which led to the adoption of the resolution of necessity was a sham and the Agency's policy-making board simply 'rubber stamped' a predetermined result." Id. at p. 1127. The Court also stated that: "By the time the agency actually conducted a hearing to determine the 'necessity' for taking the property in question, it had, by virtue of its contract with the developer and issuance of revenue bonds, irrevocably committed itself to take the property in question, regardless of any evidence that might be presented at the hearing." Id.

The concerns raised by the court in Norm's Slauson apply with equal vigor here as Caltrans/the CTC has irrevocably committed to acquire the Subject Property as part of the Project. Accordingly, AG-LO Oakbrook is concerned that despite what objections or evidence may be presented at the January 29 and 30, 2029 hearing on the resolution of necessity for the proposed Project, the hearing will be nothing more than a procedural technicality due to the fact that Caltrans/the CTC has irrevocably committed itself to take the Subject Property.

Based upon the foregoing objections, AG-LO Oakbrook respectfully requests that the CTC not adopt the resolution. If the CTC has any questions or comments concerning the content of this letter, please contact me.

Very truly yours,



Sean P. O'Connor

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

# ATTACHMENT B

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 12  
1750 EAST 4<sup>TH</sup> STREET, SUITE 100  
SANTA ANA, CA 92705  
PHONE (657) 328-6000  
FAX (657) 328-6522  
TTY 711  
[www.dot.ca.gov/caltrans-near-me/district12](http://www.dot.ca.gov/caltrans-near-me/district12)



Making Conservation  
a California Way of Life.

February 13, 2020

Mr. Sean P. O'Connor  
Sheppard Mullin Richter & Hampton LLP  
650 Town Center Drive, 10<sup>th</sup> Floor  
Costa Mesa, CA 92626-1993

12-ORA-5-PM 18-18.1  
E.A.: 0K023\_ (1214000100)  
Parcel No.: 202088-1 thru -10  
Grantor: AG-LO Oakbrook Owner,  
LLC, a Delaware limited  
liability company

Dear Mr. O'Connor:

The California Department of Transportation (Caltrans) has received and reviewed your letter dated January 3, 2020, in which you raise certain objections to the proposed adoption of a resolution of necessity by the California Transportation Commission (CTC). The proposed resolution would affect property owned by your client, AG-LO Oakbrook Owner, LLC (AG-LO Oakbrook).

This letter represents Caltrans response to the objections you have raised. For convenience, each of your objections will be addressed in the order in which you originally raised them.

No. 1 – Objection to Project based on Plan and Location.

Your objection is based on the assertion that Caltrans did not meet its obligation to plan and locate the project in a manner that is most compatible with the greatest public good and least private injury. We respectfully disagree with this objection.

This project is being undertaken to improve traffic operations between Alicia Parkway and El Toro Road. The Consultant engineers have designed this project in the most efficient manner possible. Caltrans provided AG-LO Oakbrook with a copy of the appraisal report detailing the impacts and compensation for the acquisition and was included in the offer made. The appraisal report indicates that during the relocation of the 42" Santa Margarita Water District ("SMDW")



Mr. Sean P. O'Connor  
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Page 2

pipeline (planned to take place before construction of the Project), the SMWD Utility Easement ("UE") and Temporary Construction Easement ("TCE") will impact the boundaries of the existing rear (northerly) drive aisle and temporary loss of 15 parking spaces (at different locations each day) over the maximum actual construction period of 12 weeks. Impacts to parking spaces are on a temporary basis only during the relocation of the 42" SMWD pipeline and there are no permanent impacts to parking spaces due to this relocation. Additionally, there are no temporary or permanent impacts to the parking spaces due to the Project, which is planned to take place after the relocation is complete.

The TCEs have a duration of 51 months from October 30, 2019 through January 31, 2024 due to the requirement in 49 CFR 24.102 (j) that payment is made before taking possession. Thus, the appraisal provides compensation for the TCEs starting from the date real property interest is secured, or are being secured so Caltrans can certify that the Project is ready for advertising, until the end of construction.

The letter states, "The Project could have been designed in a manner less disruptive to the Subject Property and its tenants", Caltrans had coordinated with the utility owners and evaluated the easement requirements from all parties involved to arrive at the determination that these utilities require non-overlapping exclusive easements through the area of this parcel to facilitate the relocation construction and future maintenance post- construction. Reducing the widening on the Southbound I-5 mainline would not avoid the need to relocate these utilities since the reduced widening would still be in conflict with the existing location of these utilities. Furthermore, reducing the widening on the southbound side of the Interstate-5 ("I-5") would require increasing the widening on the northbound side of the I-5, which would impact the Southern California Edison Company ("SCE") Substation and the El Toro Water District Maintenance Facility to the northeast. Bridger Road that is immediately adjacent to the Northbound I-5 mainline would need to be completely realigned from the cul-de-sac to Silverbay Drive, affecting twenty-five (25) residential properties and one (1) commercial property.

In conclusion, and understanding the impact of other options, Caltrans maintains it has planned and located the project in a manner that is most compatible with the greatest public good and least private injury.

Mr. Sean P. O'Connor  
February 13, 2020  
Page 3

No. 2 – Objection to Precondemnation Offer Pursuant to Government Code Section 7267.2.

You have objected to Caltrans precondemnation offer of just compensation because the amount offered did not include severance damages or damages to the remaining property. You state that it is improper. Caltrans respectfully disagrees with your objection.

Caltrans provided AG-LO Oakbrook with a copy of the appraisal report and appraisal summary statement detailing the compensation, interests required, improvements, and damages, if any. Caltrans' offer was sent to you and your client via e-mail pursuant to your request. Caltrans' offer letter dated September 26, 2019 explained to AG-LO Oakbrook the proposed requirements and the reason required. AG-LO Oakbrook was also informed of the proposed acquisition requirements and the reasons required during a meeting with Caltrans District staff on October 10, 2019. The proposed fee requirements and one of the TCEs are needed for the widening activities of the I-5 freeway and for part of the Los Alisos bridge abutment construction. The MAE and UE are replacements for currently existing easements owned by SMWD and SCE, and for Caltrans maintenance to access the adjacent freeway right-of-way and signs in the project's after-condition. Specifically, the UE, MAE, and TCE for SMWD are required to construct a new 42" water pipeline and designed to be located in the boundaries of the existing rear drive aisle. The UE for SCE is required for installation of SCE electrical pole lines.

Therefore, because there are no permanent acquisitions which would "sever" any remainder; because the utility relocations are replacements in kind; and because the property will be placed into the same condition as currently exists, the appraiser did not believe severance damages were warranted in this situation. While your client may disagree, that is clearly an issue of compensation and is not a matter which will be before the CTC at the hearing. Additionally, Caltrans provided AG-LO Oakbrook with information in Caltrans' offer that pursuant to the Code of Civil Procedure Section 1263.025, if AG-LO Oakbrook elects to obtain an independent appraisal, Caltrans will pay for the actual reasonable costs up to five thousand dollars (\$5,000). Caltrans also provided AG-LO Oakbrook with the Goodwill Information Sheet and Notification of Right to Claim Loss of Business Goodwill Package, which informs the business owner of its right to submit a claim for loss of goodwill when a business has been affected by a Caltrans project.

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Page 4

We recognize that there will be a debate in the eminent domain litigation about the extent and cost with reference to compensation. However, the debate is best reserved for the court system, not this proceeding before the Commission.

No. 3 - Objection to The Hearing On The Proposed Resolution of Necessity Is Inappropriate Because Caltrans Is Already Irrevocably Committed To Adopting The Resolution Of Necessity.

Caltrans is requesting to obtain the Resolution of Necessity at the March 2020 California Transportation Commission Meeting. As you know, before Caltrans condemns private property, the CTC, which is separate and distinct from Caltrans, must first adopt a Resolution of Necessity pursuant to Section 1245.230 of the Code of Civil Procedure (CCP). CCP Section 1245.235(a) states that "The governing body of the public entity may adopt a resolution of necessity only after the governing body has given each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear and be heard on matters referred to in Section 1240.030."

Although Caltrans intends to request the CTC adopt the Resolution of Necessity, the CTC has the final discretion as to whether they will do so. I hope we can move forward with our negotiations to reach a settlement in the near future. If you have any questions, please contact the Acquisition Agent, Alicia Ng at (657) 328-6584.

Sincerely,



Benjamin D. Martin, Ed. D  
Acting Office Chief, District 12  
Office of Right of Way & R/W Engineering

# ATTACHMENT C

## Resolution of Necessity Appearance Fact Sheet

<b>PROJECT DATA</b>	12-ORA-5-PM 17.1/18.9 Project ID: 1214000100 (EA 0K0239) (Segment 3)
<u>Location:</u>	In Orange county, in the cities of Lake Forest, Laguna Hills, and Mission Viejo on Interstate 5 (I-5) from Alicia Parkway to El Toro Road
<u>Limits:</u>	From Post Mile 17.1 to Post Mile 18.9
<u>Cost:</u>	Programmed Construction Cost: \$176,111,000 (Capital) Current right of way cost estimate: \$22,000,000 (Capital)
<u>Funding Source:</u>	Regional Surface Transportation Program, Orange County Renewed Measure M, Senate Bill 1, Highway Improvement Program, Surface Transportation Block Grant
<u>Number of Lanes:</u>	Existing: Northbound I-5: Five General Purpose Lanes, One High Occupancy Vehicle (HOV) Lane Southbound I-5: Four General Purpose Lanes, One HOV lane Proposed: Add one general purpose lane in each direction
<u>Proposed Major features:</u>	<ol style="list-style-type: none"><li>1) Increase capacity and operations between Alicia Parkway and El Toro Road</li><li>2) Improve merging/diverging from freeway ramps and improve ramp intersections where needed</li><li>3) Improve existing auxiliary lanes and add auxiliary lanes where needed to improve weaving operations</li><li>4) Add one general purpose lane in each direction</li><li>5) Extend the 2<sup>nd</sup> HOV lane from Alicia Parkway to El Toro Road</li><li>5) Re-establish existing auxiliary lanes</li><li>6) Modify on- and off-ramps</li></ol>
<u>Traffic:</u>	Existing (2011): Average Daily Traffic (ADT) = 323,000 to 365,000 Proposed (2045): ADT = 400,000 to 457,000

**PARCEL DATA**

Property Owner: AG-LO Oakbrook Owner, LLC, a Delaware limited liability company

Parcel Location: 24422 Avenida De La Carlota, in the city of Laguna Hills

Present Use: Professional and medical office building

Area of Property: 271,706 Square Feet (SF)

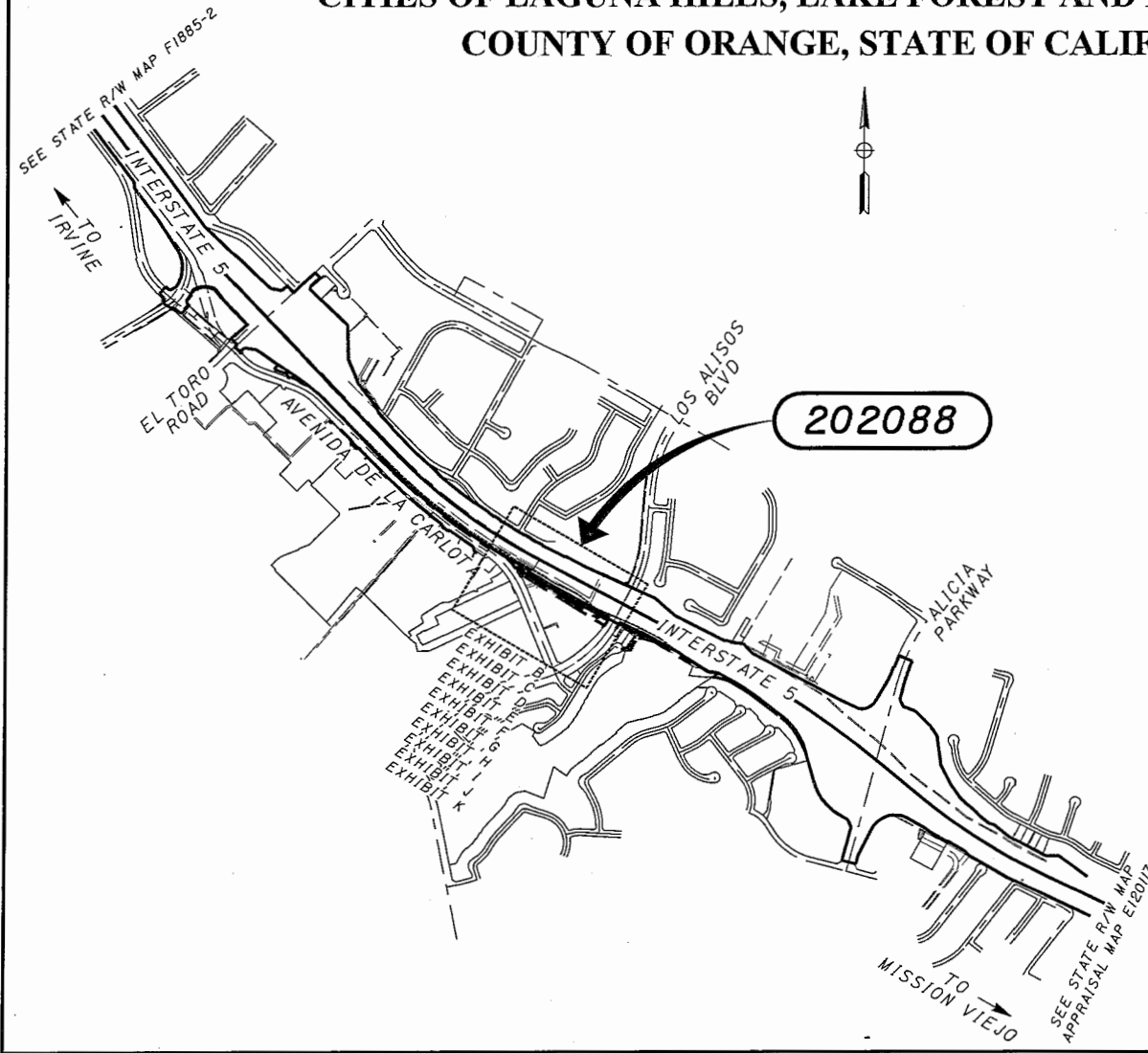
Area Required:

- Parcel 202088-1: 24,756 SF - Fee
- Parcel 202088-2: 74 SF - Fee to be conveyed to the City of Laguna Hills
- Parcel 202088-3: 18,064 SF - Maintenance Access Easement (MAE)
- Parcel 202088-4: 2,951 SF - MAE
- Parcel 202088-5: 24,284 SF - Utility Easement (UE) to be conveyed to Santa Margarita Water District
- Parcel 202088-6: 386 SF - MAE
- Parcel 202088-7: 24,575 SF - UE to be conveyed to Southern California Edison Company
- Parcel 202088-8: 23,293 SF - Temporary Construction Easement (TCE)
- Parcel 202088-9: 28,797 SF - TCE
- Parcel 202088-10: 2,155 SF - Underlying Fee

# EXHIBIT A

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

# INTERSTATE 5 WIDENING PROJECT CITIES OF LAGUNA HILLS, LAKE FOREST AND MISSION VIEJO COUNTY OF ORANGE, STATE OF CALIFORNIA



STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 12 R/W ENGINEERING

**RIGHT OF WAY  
RESOLUTION OF NECESSITY  
EXHIBIT "A"**

Map of Parcel 202088 located on Avenida De La Carlota

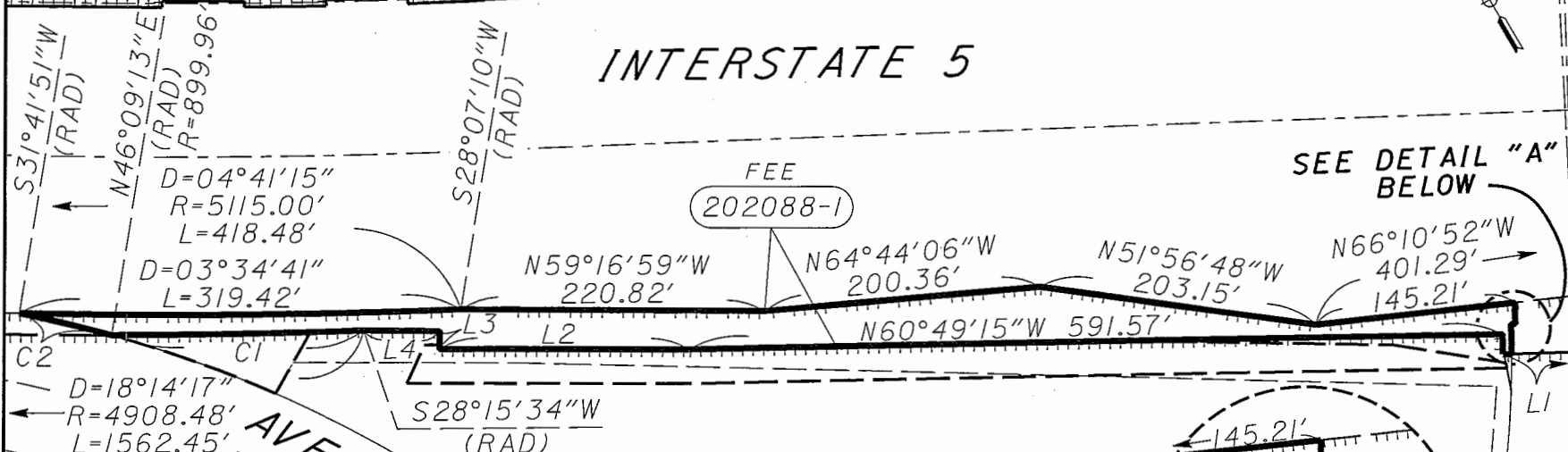
0      750      1500      3000  
FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18-18.1	1	11



NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

# INTERSTATE 5



SEE DETAIL "A" BELOW

FEE  
202088-1

D=04°41'15"  
R=5115.00'  
L=418.48'  
D=03°34'41"  
L=319.42'

N59°16'59"W  
220.82'

N64°44'06"W  
200.36'

N51°56'48"W  
203.15'

N66°10'52"W  
401.29'  
145.21'

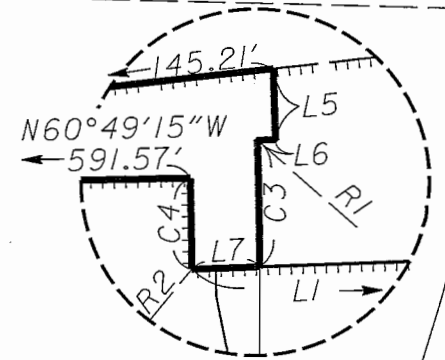
N60°49'15"W 591.57'

S28°15'34"W  
(RAD)

D=18°14'17"  
R=4908.48'  
L=1562.45'

AVENIDA DE LA CARLOTA  
50'-50'

PARCEL 2  
P.M.B. 65/44-45



DETAIL "A"  
NOT TO SCALE

### RADIAL DATA:

NO.	BEARING
R1	S6°55'16"E
R2	S60°37'37"E

### CURVE DATA:

NO.	DELTA	RADIUS	LENGTH
C1	02°07'39"	4908.48'	182.27'
C2	04°21'54"	899.96'	68.56'
C3	01°40'03"	760.30'	22.13'
C4	00°51'36"	997.00'	14.96'

### LINE DATA:

NO.	BEARING	LENGTH
L1	N61°44'37"W	106.02'
L2	N59°29'42"W	181.19'
L3	N30°30'18"E	13.09'
L4	N58°59'44"W	55.27'
L5	S28°04'44"W	15.59'
L6	N6°55'16"W	3.00'
L7	N61°44'37"W	6.42'

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 12 R/W ENGINEERING

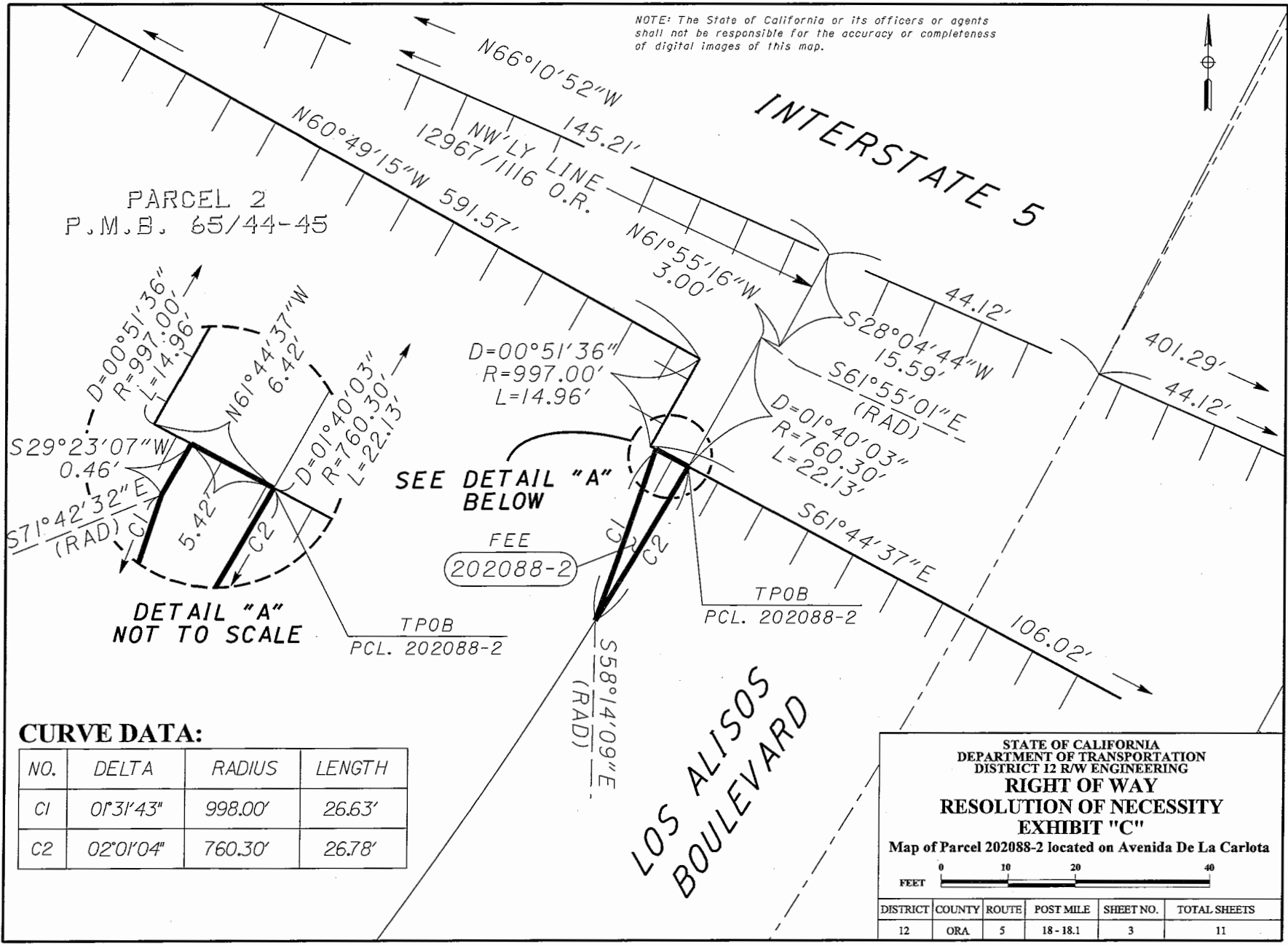
**RIGHT OF WAY  
RESOLUTION OF NECESSITY  
EXHIBIT "B"**

Map of Parcel 202088-1 located on Avenida De La Carlota

0 60 120 240  
FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18-18.1	2	11

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



PARCEL 2  
P.M.B. 65/44-45

INTERSTATE 5

LOS ALISOS  
BOULEVARD

SEE DETAIL "A"  
BELOW

FEE  
202088-2

DETAIL "A"  
NOT TO SCALE

**CURVE DATA:**

NO.	DELTA	RADIUS	LENGTH
C1	0°31'43"	998.00'	26.63'
C2	02°01'04"	760.30'	26.78'

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 12 R/W ENGINEERING

**RIGHT OF WAY  
RESOLUTION OF NECESSITY  
EXHIBIT "C"**

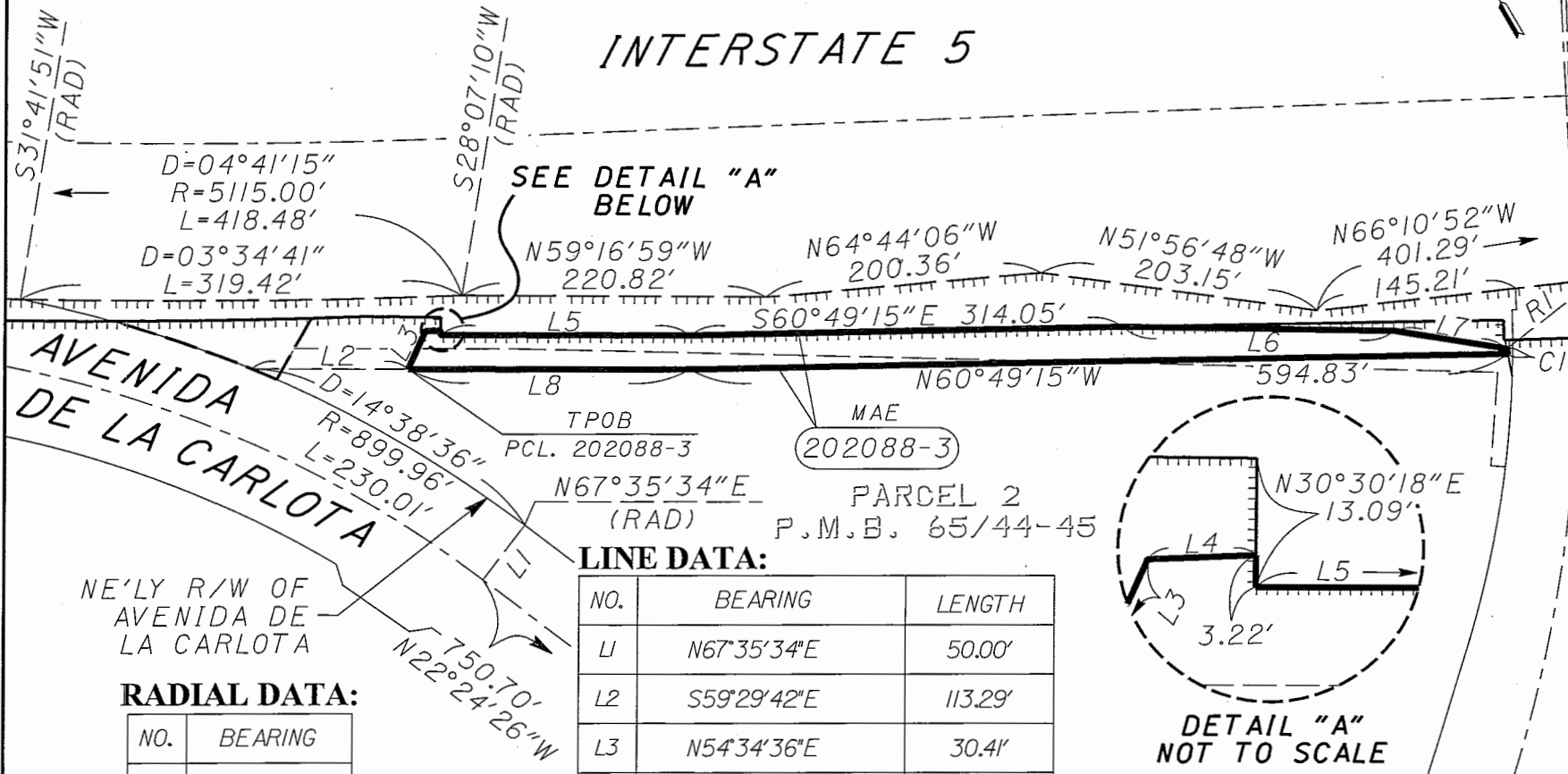
Map of Parcel 202088-2 located on Avenida De La Carlota

0 10 20 40  
FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18-18.1	3	11

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

# INTERSTATE 5



SEE DETAIL "A" BELOW

D=04°41'15"  
R=5115.00'  
L=418.48'  
D=03°34'41"  
L=319.42'

N59°16'59"W  
220.82'

N64°44'06"W  
200.36'

N51°56'48"W  
203.15'

N66°10'52"W  
401.29'  
145.21'

L5 S60°49'15"E 314.05'

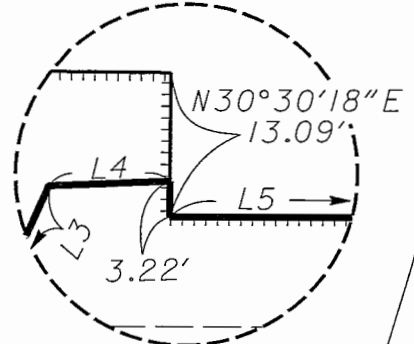
N60°49'15"W 594.83'

AVENIDA DE LA CARLOTA  
D=14°38'36"  
R=899.96'  
L=230.01'

TPOB  
PCL. 202088-3

MAE  
202088-3

N67°35'34"E  
(RAD)  
PARCEL 2  
P.M.B. 65/44-45



DETAIL "A"  
NOT TO SCALE

NE'LY R/W OF AVENIDA DE LA CARLOTA

**RADIAL DATA:**

NO.	BEARING
RI	S71°22'32"E

**CURVE DATA:**

NO.	DELTA	RADIUS	LENGTH
CI	00°13'36"	998.00'	3.95'

**LINE DATA:**

NO.	BEARING	LENGTH
L1	N67°35'34"E	50.00'
L2	S59°29'42"E	113.29'
L3	N54°34'36"E	30.41'
L4	S61°53'07"E	10.97'
L5	S59°29'42"E	181.19'
L6	S58°53'03"E	198.42'
L7	S50°46'34"E	82.62'
L8	N59°29'42"W	204.73'

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 12 R/W ENGINEERING

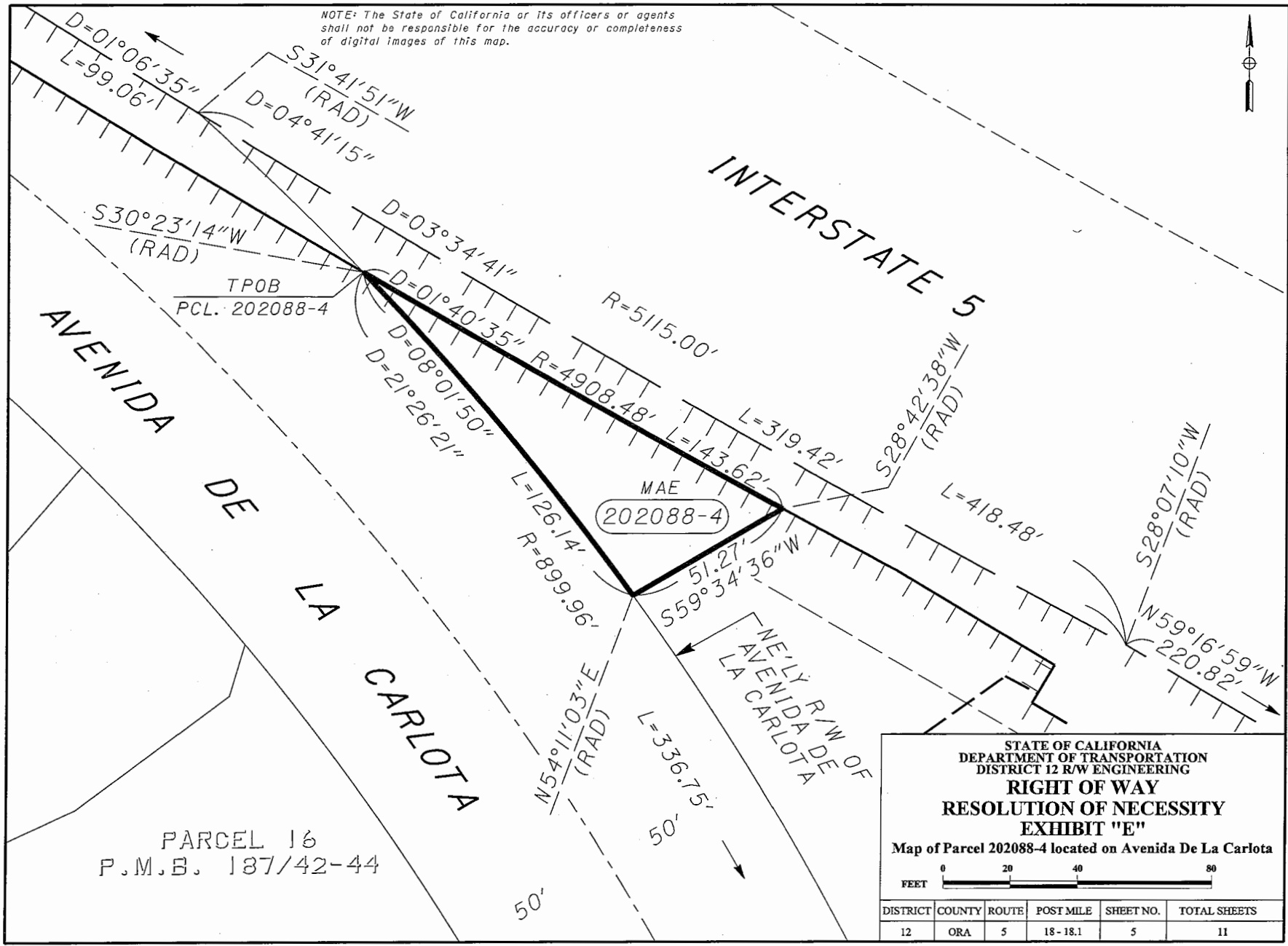
**RIGHT OF WAY  
RESOLUTION OF NECESSITY  
EXHIBIT "D"**

Map of Parcel 202088-3 located on Avenida De La Carlota

0 60 120 240  
FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18-18.1	4	11

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



PARCEL 16  
P.M.B. 187/42-44

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 12 R/W ENGINEERING

**RIGHT OF WAY  
RESOLUTION OF NECESSITY  
EXHIBIT "E"**

Map of Parcel 202088-4 located on Avenida De La Carlota

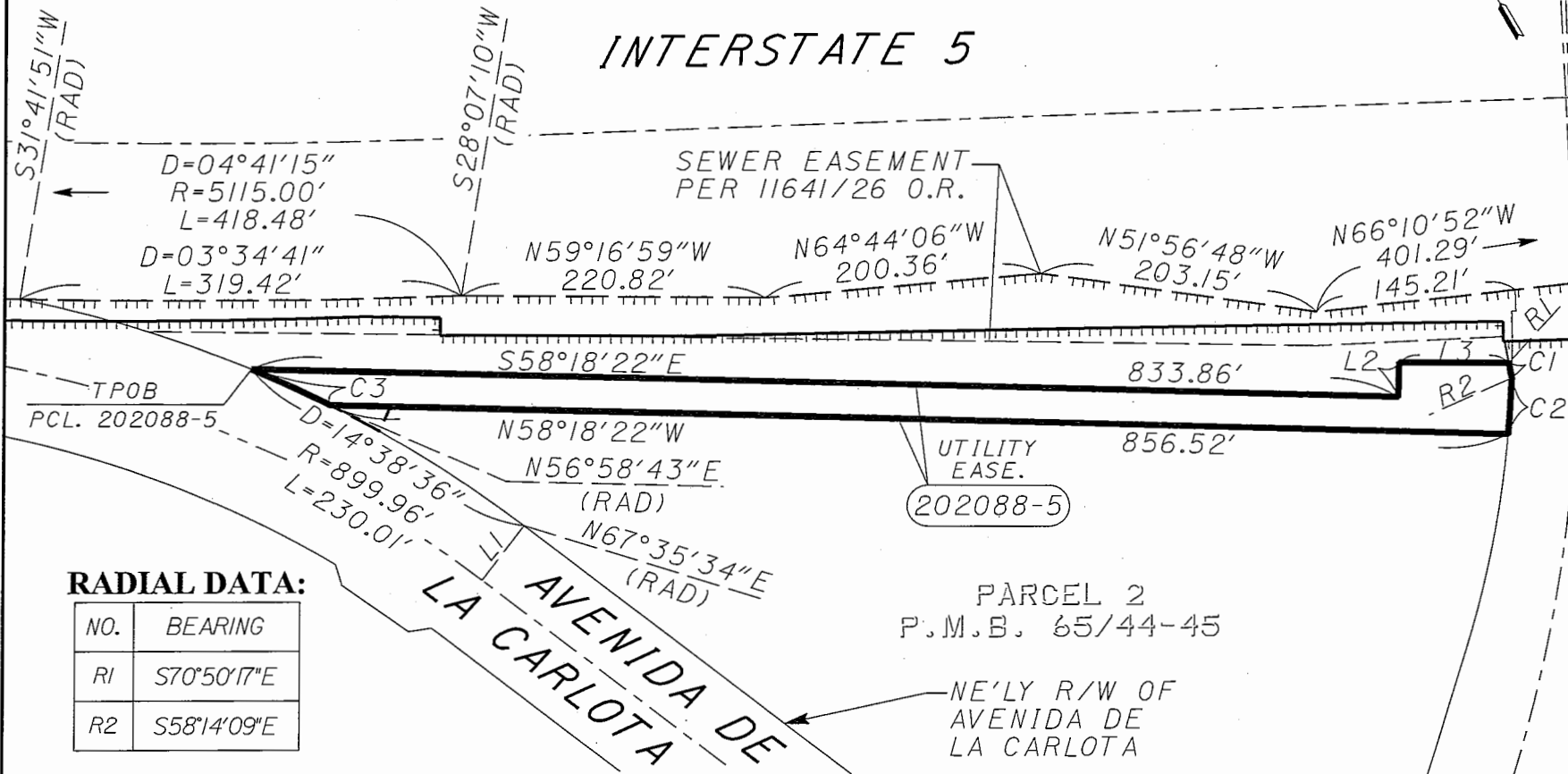
FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18 - 18.1	5	11

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



# INTERSTATE 5



**RADIAL DATA:**

NO.	BEARING
RI	S70°50'17\"E
R2	S58°14'09\"E

**CURVE DATA:**

NO.	DELTA	RADIUS	LENGTH
C1	00°39'29\"	998.00'	11.46'
C2	03°06'27\"	760.30'	41.24'
C3	04°01'47\"	899.96'	63.29'

**LINE DATA:**

NO.	BEARING	LENGTH
L1	N67°35'34\"E	50.00'
L2	N31°41'38\"E	25.44'
L3	S59°43'44\"E	79.56'

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 12 R/W ENGINEERING

**RIGHT OF WAY  
RESOLUTION OF NECESSITY  
EXHIBIT "F"**

Map of Parcel 202088-5 located on Avenida De La Carlota

FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18-18.1	6	11

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.



TPOB  
PCL. 202088-6

AVENIDA DE LA CARLOTA

$N56^{\circ}58'43''E$   
(RAD)

$S58^{\circ}18'22''E$   
43.59'  
D=10°47'09"  
D=02°33'45"  
L=40.25'

MAE  
202088-6

$N59^{\circ}32'28''E$   
(RAD)

R=899.96'

$S54^{\circ}34'36''W$   
19.54'

SEWER EASEMENT  
PER 11641/26 O.R.

$N58^{\circ}59'44''W$  55.27'  
D=04°41'15"  
R=5115.00'  
L=418.48'

$N30^{\circ}30'18''E$   
13.09'

$N59^{\circ}29'42''W$   
181.19'

NE'LY R/W OF  
AVENIDA DE  
LA CARLOTA

50'

50'

L=169.41'

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 12 R/W ENGINEERING  
**RIGHT OF WAY**  
**RESOLUTION OF NECESSITY**  
**EXHIBIT "G"**  
Map of Parcel 202088-6 located on Avenida De La Carlota

0 10 20 40  
FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18-18.1	7	11

**CURVE DATA:**

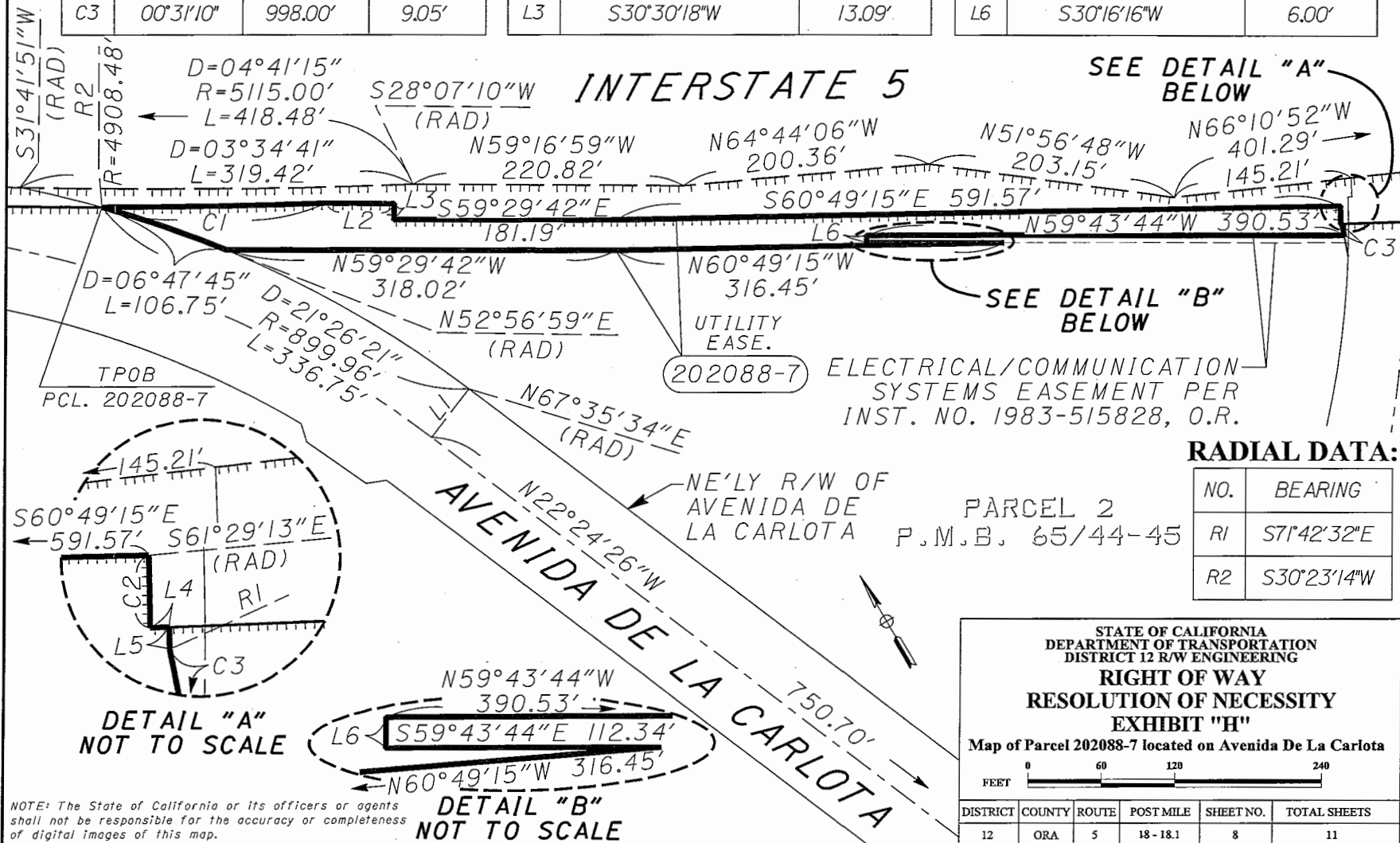
NO.	DELTA	RADIUS	LENGTH
C1	02°07'39"	4908.48'	182.27'
C2	00°51'36"	997.00'	14.96'
C3	00°31'10"	998.00'	9.05'

**LINE DATA:**

NO.	BEARING	LENGTH
L1	N67°35'34"E	50.00'
L2	S58°59'44"E	55.27'
L3	S30°30'18"W	13.09'

**LINE DATA:**

NO.	BEARING	LENGTH
L4	S61°44'37"E	1.00'
L5	S29°23'07"W	0.46'
L6	S30°16'16"W	6.00'



**RADIAL DATA:**

NO.	BEARING
R1	S71°42'32"E
R2	S30°23'14"W

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISTRICT 12 R/W ENGINEERING

**RIGHT OF WAY  
RESOLUTION OF NECESSITY  
EXHIBIT "H"**

Map of Parcel 202088-7 located on Avenida De La Carlota

0 60 120 240  
FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18-18.1	8	11

**CURVE DATA:**

NO.	DELTA	RADIUS	LENGTH
C1	04°59'58"	760.30'	66.34'
C2	01°31'43"	998.00'	26.63'

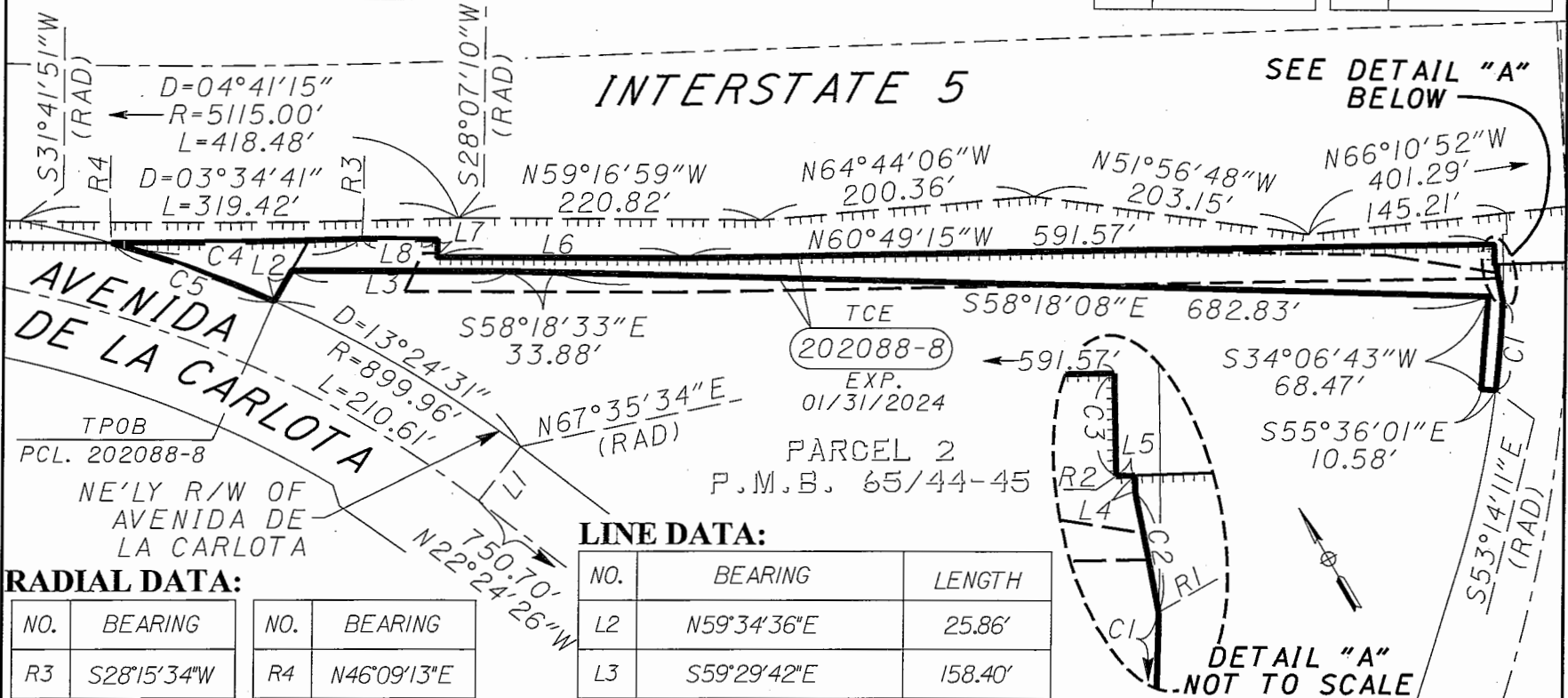
**LINE DATA:**

NO.	BEARING	LENGTH
L1	N67°35'34"E	50.00'

NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

**RADIAL DATA:**

NO.	BEARING	NO.	BEARING
RI	S70°10'48"E	R2	S60°37'37"E



**RADIAL DATA:**

NO.	BEARING	NO.	BEARING
R3	S28°15'34"W	R4	N46°09'13"E

**CURVE DATA:**

NO.	DELTA	RADIUS	LENGTH
C3	00°51'36"	997.00'	14.96'
C4	02°07'39"	4908.48'	182.27'
C5	08°01'50"	899.96'	126.14'

**LINE DATA:**

NO.	BEARING	LENGTH
L2	N59°34'36"E	25.86'
L3	S59°29'42"E	158.40'
L4	N29°23'07"E	0.46'
L5	N61°44'37"W	1.00'
L6	N59°29'42"W	181.19'
L7	N30°30'18"E	13.09'
L8	N58°59'44"W	55.27'

STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 DISTRICT 12 R/W ENGINEERING

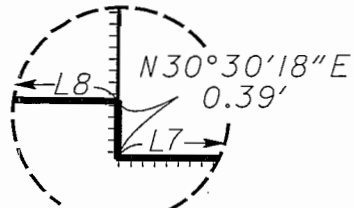
**RIGHT OF WAY  
 RESOLUTION OF NECESSITY  
 EXHIBIT "I"**

Map of Parcel 202088-8 located on Avenida De La Carlota

0 60 120 240  
 FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18-18.1	9	11





**LINE DATA:**

NO.	BEARING	LENGTH
L1	N67°35'34"E	50.00'
L2	N31°41'38"E	25.44'

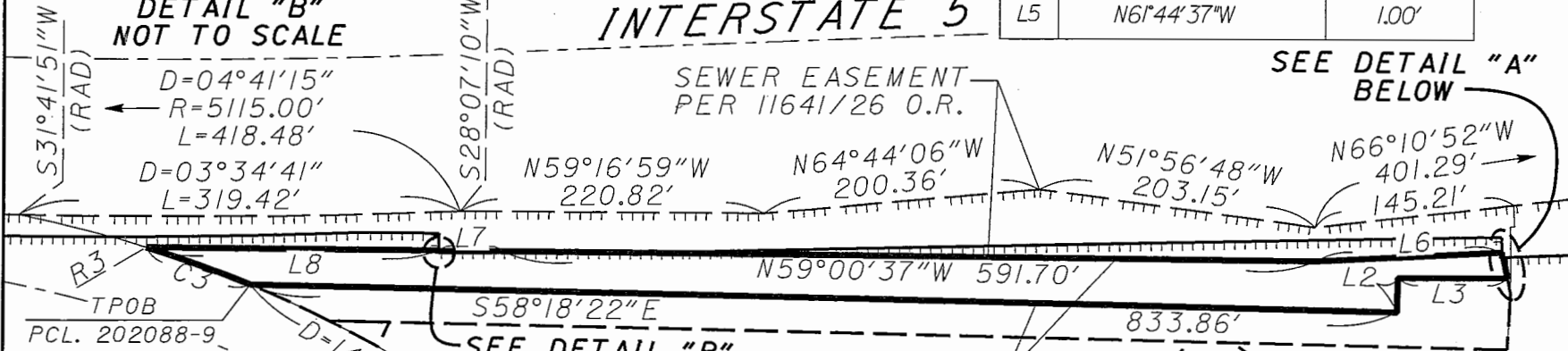
**LINE DATA:**

NO.	BEARING	LENGTH
L3	S59°43'44"E	79.56'
L4	N29°23'07"E	0.46'
L5	N61°44'37"W	1.00'

**INTERSTATE 5**

SEWER EASEMENT PER 11641/26 O.R.

SEE DETAIL "A" BELOW



**RADIAL DATA:**

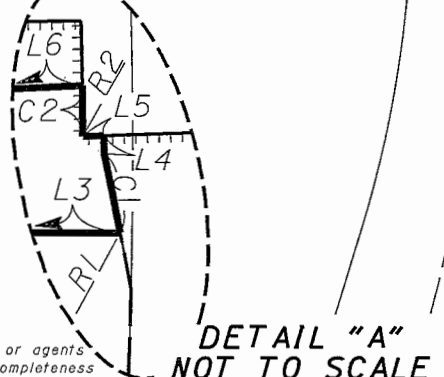
NO.	BEARING
R1	S70°50'17"E
R2	S60°37'37"E
R3	N47°51'49"E

**CURVE DATA:**

NO.	DELTA	RADIUS	LENGTH
C1	00°52'14"	998.00'	15.16'
C2	00°12'48"	997.00'	3.71'
C3	05°05'07"	899.96'	79.88'

**LINE DATA:**

NO.	BEARING	LENGTH
L6	N62°38'59"W	135.26'
L7	N59°29'42"W	46.19'
L8	N59°00'37"W	211.75'



NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 DISTRICT 12 R/W ENGINEERING  
**RIGHT OF WAY  
 RESOLUTION OF NECESSITY  
 EXHIBIT "J"**  
 Map of Parcel 202088-9 located on Avenida De La Carlota

0 60 120 240  
 FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18-18.1	10	11

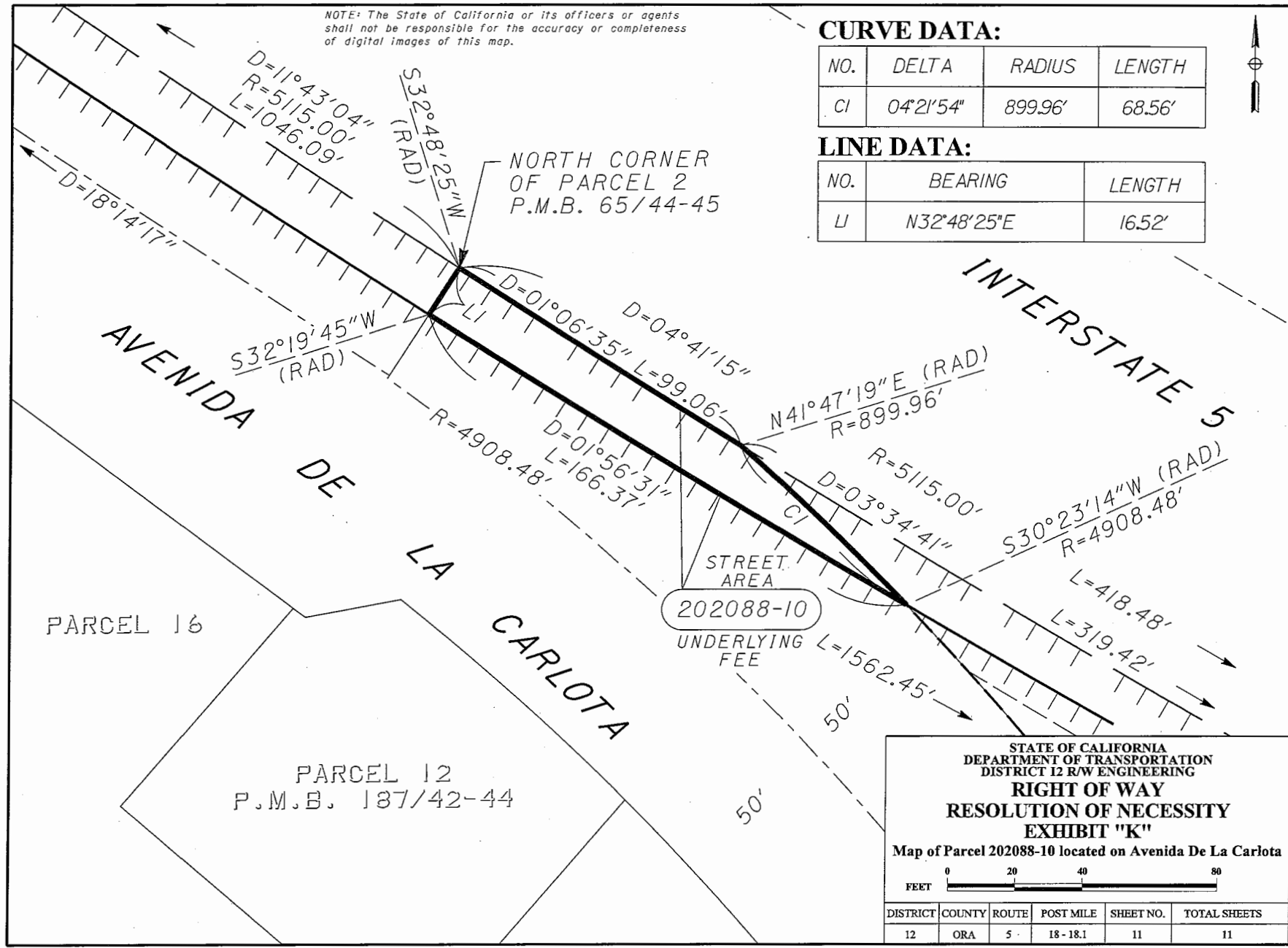
NOTE: The State of California or its officers or agents shall not be responsible for the accuracy or completeness of digital images of this map.

**CURVE DATA:**

NO.	DELTA	RADIUS	LENGTH
CI	04°21'54"	899.96'	68.56'

**LINE DATA:**

NO.	BEARING	LENGTH
U	N32°48'25"E	16.52'



STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 DISTRICT 12 R/W ENGINEERING

**RIGHT OF WAY  
 RESOLUTION OF NECESSITY  
 EXHIBIT "K"**

Map of Parcel 202088-10 located on Avenida De La Carlota

0 20 40 80  
 FEET

DISTRICT	COUNTY	ROUTE	POST MILE	SHEET NO.	TOTAL SHEETS
12	ORA	5	18 - 18.1	11	11

# EXHIBIT B

1 **TRANSPORTATION COMMISSION**  
2 **RESOLUTION NO.**

3 **C-21842**

4 **CALIFORNIA TRANSPORTATION COMMISSION**  
5 **RESOLUTION OF NECESSITY**  
6 **TO ACQUIRE CERTAIN REAL PROPERTY**  
7 **OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN**  
8 **HIGHWAY 12-Ora-5-PM 18-18.1 PARCEL 202088-1, 2, 3, 4, 5, 6, 7, 8, 9, 10**  
9 **OWNER: AG-LO Oakbrook Owner LLC, a Delaware limited liability company**

10 Resolved by the California Transportation Commission after notice (and hearing)  
11 pursuant to Code of Civil Procedure Section 1245.235 that it finds and determines and  
12 hereby declares that:

13 The hereinafter described real property is necessary for State Highway purposes  
14 and is to be acquired by eminent domain pursuant to Streets and Highways Code Section  
15 102, and Code of Civil Procedure Section 1240.320 in that a portion of the property is being  
16 acquired for conveyance to Santa Margarita Water District and Southern California Edison  
17 Company for maintenance access and utility purposes, Code of Civil Procedure Section  
18 1240.510 in that the property being acquired is for a compatible use; and Code of Civil  
19 Procedure Section 1240.610 in that the property is required for a more necessary public  
20 use;

21 The public interest and necessity require the proposed public project, namely a State  
22 highway;

23 The proposed project is planned and located in the manner that will be most  
24 compatible with the greatest public good and the least private injury;

**APPROVED AS TO FORM AND PROCEDURE**

**APPROVAL RECOMMENDED**

\_\_\_\_\_  
**Attorney, Department of Transportation**

\_\_\_\_\_  
**DIVISION OF RIGHT OF WAY**

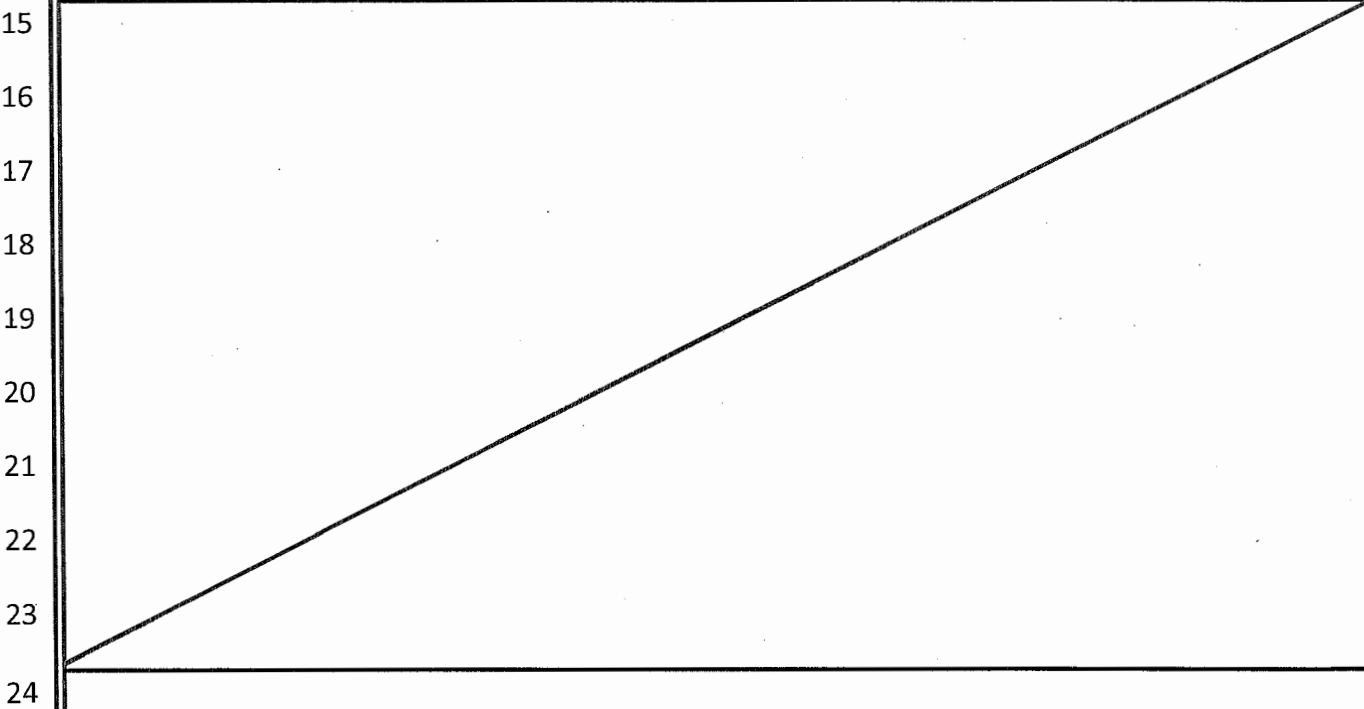
1 The property sought to be acquired and described by this resolution is necessary for  
2 the public project;

3 The offer required by Section 7267.2 of the Government Code has been made to the  
4 owner or owners of record; and be it further

5 RESOLVED by this Commission that the Department of Transportation be and said  
6 Department is hereby authorized and empowered;

7 To acquire, in the name of the People of the State of California, in fee simple  
8 absolute, unless a lesser estate is hereinafter expressly described, the said hereinafter  
9 described real property, or interests in real property, by condemnation proceeding or  
10 proceedings in accordance with the provisions of the Streets and Highways Code, Code of  
11 Civil Procedure and of the Constitution of California relating to eminent domain;

12 The real property or interests in real property, which the Department of  
13 Transportation is by this resolution authorized to acquire, is situated in the County of  
14 Orange, State of California, Highway 12-Ora-5 and described as follows:



## Legal Description

### PARCEL 202088-1 Fee

For freeway purposes, that portion of Parcel 2, in the City of Laguna Hills, County of Orange, State of California, as per the map filed in Book 65, Pages 44 and 45 of Parcel Maps, in the office of the County Recorder of said County, lying northeasterly of the following described line:

**Beginning** at a point in that certain course described as having a bearing of South 52°11'29" East and a length of 342.40 feet in the southwesterly line of the land described in the Grant Deed to the State of California recorded July 28, 1972 in Book 10248, Page 189, Official Records of said County, the bearing of said course being South 52°11'14" East for purposes of this description, said point hereinafter referred to as **Point "A"** and lying North 52°11'14" West 305.99 feet from the southeasterly terminus thereof;

thence leaving said course North 61°00'20" West 23.43 feet;

thence North 54°58'36" West 14.01 feet;

thence North 55°44'53" West 82.70 feet to a point hereinafter referred to as **Point "B"** being in that course in the southwesterly line of the land described in the deed to the State of California recorded July 28, 1972 in Book 10248 Page 193, Official Records of said County having a bearing and distance of South 58°38'34" East 305.21 feet;

thence along said course North 58°38'19" West 16.07 feet to a point hereinafter referred to as **Point "C"** and the beginning of a non-tangent curve concave southwesterly having a radius of 7865.19 feet, a radial line to said beginning bears North 29°56'42" East;

thence leaving said course and traveling northwesterly along said curve 90.56 feet through a central angle of 00°39'35";

thence non-tangent to said curve North 61°28'23" West 85.42 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 7864.52 feet, a radial line to said beginning bears North 28°39'47" East;

thence northwesterly along said curve 50.52 feet through a central angle of 00°22'05" to a point hereinafter referred to as **Point "D"** being in that course in the southwesterly line of the land described as Parcel 4A of the Final Order of Condemnation recorded February 15, 1968 in Book 8519, Page 571, Official Records of said County having a bearing and distance of South 83°12'19" East 106.03 feet;

thence along said southwesterly line the following three courses:

- 1) North 83°12'04" West 72.11 feet;
- 2) North 57°53'26" West 249.09 feet;

3) thence North  $53^{\circ}14'59''$  West 59.63 feet to a point hereinafter referred to as **Point "E"**;

thence leaving said southwesterly line North  $61^{\circ}44'37''$  West 142.48 feet;

thence North  $62^{\circ}14'20''$  West 158.61 feet;

thence North  $64^{\circ}47'11''$  West 249.34 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 1103.00 feet a radial line to said beginning bears South  $61^{\circ}30'28''$  East;

thence southwesterly along said curve 14.89 feet through a central angle of  $00^{\circ}46'25''$ ;  
thence non-tangent to said curve North  $61^{\circ}44'37''$  West 106.02 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 997.00 feet, a radial line to said beginning bears South  $60^{\circ}37'37''$  East;

thence northeasterly along said curve 14.96 feet through a central angle of  $00^{\circ}51'36''$ ;

thence non-tangent to said curve North  $60^{\circ}49'15''$  West 591.57 feet;

thence North  $59^{\circ}29'42''$  West 181.19 feet;

thence North  $30^{\circ}30'18''$  East 13.09 feet;

thence North  $58^{\circ}59'44''$  West 55.27 feet to the beginning of a non-tangent curve concave northeasterly having a radius of 4908.48 feet, a radial line to said beginning bears South  $28^{\circ}15'34''$  West;

thence northwesterly along said curve 1562.45 feet through a central angle of  $18^{\circ}14'17''$ ;

thence North  $43^{\circ}30'08''$  West 487.81 feet;

thence North  $44^{\circ}38'53''$  West 199.67 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 2978.52 feet, a radial line to said beginning bears North  $43^{\circ}26'17''$  East;

thence northwesterly along said curve 55.18 feet through a central angle of  $01^{\circ}03'41''$  to a point hereinafter referred to as **Point "F"** being in the northeasterly line of Parcel 10 of the Relinquishment of Highway Right of Way in the County of Orange, Road 07-ORA-5-8.0/19.6, Request No. 723 recorded March 31, 1970 in Book 9252, Page 373, Official Records of said County having a bearing and distance of South  $50^{\circ}53'33''$  East 199.94 feet as delineated and shaded on maps recorded October 20, 1969 in State Highway Map Book No. 7, Pages 14 to 29 inclusive, Records of Orange County;

thence along said course North  $49^{\circ}16'35''$  West 87.98 feet to a point hereinafter referred to as **Point "G"** and the beginning of a non-tangent curve concave southwesterly having a radius of 2978.52 feet, a radial line to said beginning bears North  $36^{\circ}51'26''$  East;

thence leaving said course and traveling northwesterly along said curve 86.30 feet through a central angle of  $01^{\circ}39'36''$  to the beginning of a non-tangent curve concave southwesterly having a radius of 2971.52 feet, a radial line to said beginning bears North  $39^{\circ}01'31''$  East;

thence northwesterly along said curve 9.42 feet through a central angle of  $00^{\circ}10'54''$  to a point hereinafter referred to as **Point "H"** being in that course in the northeasterly line of the land described as Parcel 2 of the Director's Deed recorded June 6, 1968 in Book 8622, Page 943, of Official Records of said County having a bearing and distance of South  $55^{\circ}51'04''$  East 538.78 feet, said **Point "H"** being South  $55^{\circ}51'07''$  East 474.50 feet along said course from the northwesterly terminus thereof.

Less and excepting that portion of said Parcel 2 lying within the existing right of way of Avenida De La Carlota as described in that certain Easement Deed recorded December 18, 1978 in Book 12967, Page 1116, of Official Records of said County.

Lands abutting the freeway shall have no right or easement of access thereto.



**PARCEL 202088-2 Fee**

For freeway purposes, that portion of Parcel 2, in the City of Laguna Hills, County of Orange, State of California, as per the map filed in Book 65, Pages 44 and 45 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

**Commencing** at the northwesterly terminus of that course in the northeasterly line of said Parcel 2 having a bearing and distance of North 66°10'20" West 401.12 feet, the bearing of said course being South 66°10'52" East for purposes of this description;

thence along said northeasterly line South 66°10'52" East 145.21 feet to the northwesterly line of Los Alisos Boulevard as described in Easement Deed recorded December 18, 1978, in Book 12967, Page 1116 of Official Records of said County;

thence along said northwesterly line the following three courses:

1. South 28°04'44" West 15.59 feet;
2. North 61°55'16" West 3.00 feet to a curve concave northwesterly having a radius of 760.30 feet, a radial line to said curve bears South 61°55'01" East;
3. southwesterly 22.13 feet along said curve through a central angle of 01°40'03" to the **True Point of Beginning**;

thence leaving said northwesterly line North 61°44'37" West 5.42 feet;

thence South 29°23'07" West 0.46 feet to a non-tangent curve concave northwesterly having a radius of 998.00 feet, a radial line to said curve bears South 71°42'32" East;

thence southwesterly 26.63 feet along said curve through a central angle of 01°31'43" feet to said northwesterly line being a curve concave northwesterly having a radius of 760.30 feet, a radial line to said curve bears South 58°14'09" East;

thence northeasterly 26.78 feet along said curve and said northwesterly line through a central angle of 02°01'04" to the **True Point of Beginning**.

Lands abutting the freeway shall have no right or easement of access thereto.

**PARCEL 202088-3 Maintenance Access Easement**

For maintenance access purposes, that portion of Parcel 2, in the City of Laguna Hills, County of Orange, State of California, as per the map filed in Book 65, Pages 44 and 45 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

**Commencing** at the centerline intersection of Avenida De La Carlota, having a 50-foot northeasterly half width, and Los Alisos Boulevard as described in the Easement Deed recorded December 18, 1978, in Book 12967, Page 1116 of Official Records of said County;

thence North 22°24'26" West 750.70 feet along the centerline of said Avenida De La Carlota;

thence leaving said centerline North 67°35'34" East 50.00 feet to a non-tangent curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 67°35'34" East, said curve being in the northeasterly right-of-way line of said Avenida De La Carlota;

thence northwesterly 230.01 feet along said curve and right-of-way line through a central angle of 14°38'36";

thence leaving said right-of-way line South 59°29'42" East 113.29 feet to the general southeasterly line of the land described in the Easement Deed recorded February 25, 1994, Instrument No. 1994-0139269 of Official Records of said County and the **True Point of Beginning**;

thence along said southeasterly line North 54°34'36" East 30.41 feet;

thence leaving said southeasterly line South 61°53'07" East 10.97 feet;

thence South 30°30'18" West 3.22 feet;

thence South 59°29'42" East 181.19 feet;

thence South 60°49'15" East 314.05 feet to the southwesterly line of the land described in the Easement Deed to the State of California recorded February 25, 1994 as Instrument No. 94-0139269 of Official Records;

thence along said southwesterly line the following two courses:

- 1) South 58°53'03" East 198.42 feet;
- 2) South 50°46'34" East 82.62 feet to a curve concave northwesterly having a radius of 998.00 feet, a radial line to said curve bears South 71°22'32" East;

thence southwesterly 3.95 feet along said curve through a central angle of  $00^{\circ}13'36''$ ;

thence North  $60^{\circ}49'15''$  West 594.83 feet; thence North  $59^{\circ}29'42''$  West 204.73 feet to said southeasterly line and the **True Point of Beginning**.

**PARCEL 202088-4 Maintenance Access Easement**

For maintenance access purposes, that portion of Parcel 2, in the City of Laguna Hills, County of Orange, State of California, as per the map filed in Book 65, Pages 44 and 45 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

**Commencing** at the centerline intersection of Avenida De La Carlota, having a 50-foot northeasterly half width, and Los Alisos Boulevard as described in the Easement Deed recorded December 18, 1978, in Book 12967, Page 1116 of Official Records of said County;

thence North 22°24'26" West 750.70 feet along the centerline of said Avenida De La Carlota;

thence leaving said centerline North 67°35'34" East 50.00 feet to a non-tangent curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 67°35'34" East, said curve being in the northeasterly right-of-way line of said Avenida De La Carlota;

thence northwesterly 336.75 feet along said curve and right-of-way line through a central angle of 21°26'21" to a non-tangent curve concave northeasterly having a radius of 4908.48 feet, a radial line to said curve bears South 30°23'14" West and the **True Point of Beginning**;

thence southeasterly 143.62 feet along said curve through a central angle of 01°40'35" to the general northwesterly line of the land described in the Easement Deed recorded February 25, 1994 as Instrument No. 1994-0139269 of Official Records of said County;

thence along said northwesterly line South 59°34'36" West 51.27 feet to said northeasterly line of said Avenida De La Carlota being a curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 54°11'03" East, thence northwesterly 126.14 feet along said curve and said northeasterly line through a central angle of 08°01'50" to the **True Point of Beginning**.

**PARCEL 202088-5 Utility Easement**

An easement for utility purposes, that portion of Parcel 2, in the City of Laguna Hills, County of Orange, State of California, as per the map filed in Book 65, Pages 44 and 45 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

**Commencing** at the centerline intersection of Avenida De La Carlota, having a 50-foot northeasterly half width, and Los Alisos Boulevard as described in the Easement Deed recorded December 18, 1978, in Book 12967, Page 1116 of Official Records of said County;

thence North 22°24'26" West 750.70 feet along the centerline of said Avenida De La Carlota;

thence leaving said centerline North 67°35'34" East 50.00 feet to a non-tangent curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 67°35'34" East, said curve being in the northeasterly right-of-way line of said Avenida De La Carlota;

thence northwesterly 230.01 feet along said curve and right-of-way line through a central angle of 14°38'36" to the **True Point of Beginning**;

thence leaving said northeasterly line South 58°18'22" East 833.86 feet;

thence North 31°41'38" East 25.44 feet;

thence South 59°43'44" East 79.56 feet to a non-tangent curve concave northwesterly having a radius of 998.00 feet, a radial line to said curve bears South 70°50'17" East;

thence southwesterly 11.46 feet along said curve through a central angle of 00°39'29" to the southeasterly line of said Parcel 2 being a curve concave northwesterly having a radius of 760.30 feet, a radial line to said curve bears South 58°14'09" East;

thence southwesterly 41.24 feet along said curve and said southeasterly line through a central angle of 03°06'27";

thence non-tangent to said curve North 58°18'22" West 856.52 feet to said northeasterly line being a curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 56°58'43" East;

thence northwesterly 63.29 feet along said curve and said northeasterly line through a central angle of 04°01'47" to the **True Point of Beginning**.

**PARCEL 202088-6 Maintenance Access Easement**

For maintenance access purposes, that portion of Parcel 2, in the City of Laguna Hills, County of Orange, State of California, as per the map filed in Book 65, Pages 44 and 45 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

**Commencing** at the centerline intersection of Avenida De La Carlota, having a 50-foot northeasterly half width, and Los Alisos Boulevard as described in the Easement Deed recorded December 18, 1978, in Book 12967, Page 1116 of Official Records of said County;

thence North 22°24'26" West 750.70 feet along the centerline of said Avenida De La Carlota;

thence leaving said centerline North 67°35'34" East 50.00 feet to a non-tangent curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 67°35'34" East, said curve being in the northeasterly right-of-way line of said Avenida De La Carlota;

thence northwesterly 169.41 feet along said curve and right-of-way line through a central angle of 10°47'09" to the **True Point of Beginning**;

thence leaving said northeasterly line of Avenida De La Carlota South 58°18'22" East 43.59 feet;

thence South 54°34'36" West 19.54 feet to said northeasterly line being a curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 59°32'28" East;

thence northwesterly 40.25 feet along said curve and said northeasterly line through a central angle of 02°33'45" to the **True Point of Beginning**.

**PARCEL 202088-7 Utility Easement**

An easement for utility purposes, that portion of Parcel 2, in the City of Laguna Hills, County of Orange, State of California, as per the map filed in Book 65, Pages 44 and 45 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

**Commencing** at the centerline intersection of Avenida De La Carlota, having a 50-foot northeasterly half width, and Los Alisos Boulevard as described in the Easement Deed recorded December 18, 1978, in Book 12967, Page 1116 of Official Records of said County;

thence North 22°24'26" West 750.70 feet along the centerline of said Avenida De La Carlota;

thence leaving said centerline North 67°35'34" East 50.00 feet to a non-tangent curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 67°35'34" East, said curve being in the northeasterly right-of-way line of Avenida De La Carlota;

thence northwesterly 336.75 feet along said curve and right-of-way line through a central angle of 21°26'21" to a non-tangent curve concave northeasterly having a radius of 4908.48 feet, a radial line to said curve bears South 30°23'14" West, and the **True Point of Beginning**;

thence southeasterly 182.27 feet along said curve through a central angle of 02°07'39";

thence non-tangent to said curve South 58°59'44" East 55.27 feet;

thence South 30°30'18" West 13.09 feet;

thence South 59°29'42" East 181.19 feet;

thence South 60°49'15" East 591.57 feet to a non-tangent curve concave northwesterly having a radius of 997.00 feet, a radial line to said curve bears South 61°29'13" East;

thence southwesterly 14.96 feet along said curve through a central angle of 00°51'36";

thence non-tangent to said curve South 61°44'37" East 1.00 feet;

thence South 29°23'07" West 0.46 feet to a non-tangent curve concave northwesterly having a radius of 998.00 feet, a radial line to said curve bears South 71°42'32" East; thence southwesterly 9.05 feet along said curve through a central angle of 00°31'10" to the northeasterly line of the land described in the Grant of Easement to Southern California Edison Company recorded November 8, 1983 as Instrument No. 83-515828 of Official Records of said County;

thence along the northeasterly, northwesterly and southeasterly lines of said Grant of Easement the following three courses:

1. North 59°43'44" West 390.53 feet;
2. South 30°16'16" West 6.00 feet;
3. South 59°43'44" East 112.34 feet;

thence leaving said southeasterly line North 60°49'15" West 316.45 feet;

thence North 59°29'42" West 318.02 feet to said northeasterly line of Avenida De La Carlota being a curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 52°56'59" East;

thence northwesterly 106.75 feet along said curve and said northeasterly line through a central angle of 06°47'45" to the **True Point of Beginning**.



**PARCEL 202088-8 Temporary Construction Easement**

An easement for temporary construction purposes, that portion of Parcel 2, in the City of Laguna Hills, County of Orange, State of California, as per the map filed in Book 65, Pages 44 and 45 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

**Commencing** at the centerline intersection of Avenida De La Carlota, having a 50-foot northeasterly half width, and Los Alisos Boulevard as described in the Easement Deed recorded December 18, 1978, in Book 12967, Page 1116 of Official Records of said County;

thence North 22°24'26" West 750.70 feet along the centerline of said Avenida De La Carlota;

thence leaving said centerline North 67°35'34" East 50.00 feet to a non-tangent curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 67°35'34" East, said curve being in the northeasterly right-of-way line of Avenida De La Carlota;

thence northwesterly 210.61 feet along said curve and right-of-way line through a central angle of 13°24'31" to the **True Point of Beginning**;

thence leaving said northeasterly right-of-way line North 59°34'36" East 25.86 feet;

thence South 59°29'42" East 158.40 feet;

thence South 58°18'33" East 33.88 feet;

thence South 58°18'08" East 682.83 feet;

thence South 34°06'43" West 68.47 feet;

thence South 55°36'01" East 10.58 feet to the southeasterly line of said Parcel 2 being a curve concave northwesterly having a radius of 760.30 feet, a radial line to said curve bears South 53°14'11" East;

thence northeasterly 66.34 feet along said curve and said southeasterly line through a central angle of 04°59'58" to a non-tangent curve concave northwesterly having a radius of 998.00 feet, a radial line to said curve bears South 70°10'48" East;

thence northeasterly 26.63 feet along said curve through a central angle of 01°31'43";

thence non-tangent to said curve North 29°23'07" East 0.46 feet;

thence North 61°44'37" West 1.00 foot to a non-tangent curve concave northwesterly having a radius of 997.00 feet, a radial line to said curve bears South 60°37'37" East; thence northeasterly 14.96 feet along said curve through a central angle of 00°51'36";

thence non-tangent to said curve North 60°49'15"West 591.57 feet;

thence North 59°29'42" West 181.19 feet;

thence North 30°30'18" East 13.09 feet;

thence North 58°59'44" West 55.27 feet to a non-tangent curve concave northeasterly having a radius of 4908.48 feet, a radial line to said curve bears South 28°15'34" West;

thence northwesterly 182.27 feet along said curve through a central angle of 02°07'39" to a non-tangent curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 46°09'13 East, said curve being said northeasterly right-of-way line;

thence southeasterly 126.14 feet along said curve and right-of-way line through a central angle of 08°01'50" to the **True Point of Beginning**.

Rights to the above described temporary easement shall cease and terminate on January 31, 2024. The rights may also be terminated prior to the above date by STATE upon notice to OWNER.

**PARCEL 202088-9 Temporary Construction Easement**

An easement for temporary construction purposes, that portion of Parcel 2, in the City of Laguna Hills, County of Orange, State of California, as per the map filed in Book 65, Pages 44 and 45 of Parcel Maps, in the office of the County Recorder of said County, described as follows:

**Commencing** at the centerline intersection of Avenida De La Carlota, having a 50-foot northeasterly half width, and Los Alisos Boulevard as described in the Easement Deed recorded December 18, 1978, in Book 12967, Page 1116 of Official Records of said County;

thence North 22°24'26" West 750.70 feet along the centerline of said Avenida De La Carlota;

thence leaving said centerline North 67°35'34" East 50.00 feet to a non-tangent curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears North 67°35'34" East, said curve being in the northeasterly right-of-way line of said Avenida De La Carlota;

thence northwesterly 230.01 feet along said curve and right-of-way line through a central angle of 14°38'36" to the **True Point of Beginning**;

thence leaving said northeasterly line South 58°18'22" East 833.86 feet;

thence North 31°41'38" East 25.44 feet;

thence South 59°43'44" East 79.56 feet to a non-tangent curve concave northwesterly having a radius of 998.00 feet, a radial line to said curve bears South 70°50'17" East;

thence northeasterly 15.16 feet along said curve through a central angle of 00°52'14";

thence non-tangent to said curve North 29°23'07" East 0.46 feet;

thence North 61°44'37" West 1.00 feet to a non-tangent curve concave northwesterly having a radius of 997.00 feet, a radial line to said curve bears South 60°37'37" East;

thence northeasterly 3.71 feet along said curve through a central angle of 00°12'48" to the southwesterly line of the land described in the Grant of Easement to the Santa Margarita Water District recorded February 5, 1976 in Book 11641, Page 26 of Official Records, in the office of the County Recorder of said County;

thence along said southwesterly line the following five courses:

- 1) North 62°38'59" West 135.26 feet;
- 2) North 59°00'37" West 591.70 feet;
- 3) North 59°29'42" West 46.19 feet;
- 4) North 30°30'18" East 0.39 feet;
- 5) North 59°00'37" West 211.75 feet to a non-tangent curve concave southwesterly having a radius of 899.96 feet, a radial line to said curve bears

North 47°51'49" East, said curve being the said northeasterly right-of-way line;

thence southeasterly 79.88 feet along said curve and right-of-way line through a central angle of 05°05'07" to the **True Point of Beginning**.

Rights to the above described temporary easement shall cease and terminate on January 31, 2024. The rights may also be terminated prior to the above date by STATE upon notice to OWNER.

**PARCEL 202088-10 Street Area/Underlying Fee**

For freeway purposes, that portion of Parcel 2, in the City of Laguna Hills, County of Orange, State of California, as per the map filed in Book 65, Pages 44 and 45 of Parcel Maps, in the office of the County Recorder of said County, lying within the existing right of way of Avenida De La Carlota as described in that certain Easement Deed recorded December 18, 1978 in Book 12967, Page 1116, of Official Records of said County, lying northeasterly of the following described line:

**Beginning** at a point in that certain course described as having a bearing of South 52°11'29" East and a length of 342.40 feet in the southwesterly line of the land described in the Grant Deed to the State of California recorded July 28, 1972 in Book 10248, Page 189, Official Records of said County, the bearing of said course being South 52°11'14" East for purposes of this description, said point hereinafter referred to as **Point "A"** and lying North 52°11'14" West 305.99 feet from the southeasterly terminus thereof;

thence leaving said course North 61°00'20" West 23.43 feet;

thence North 54°58'36" West 14.01 feet;

thence North 55°44'53" West 82.70 feet to a point hereinafter referred to as **Point "B"** being in that course in the southwesterly line of the land described in the deed to the State of California recorded July 28, 1972 in Book 10248 Page 193, Official Records of said County having a bearing and distance of South 58°38'34" East 305.21 feet;

thence along said course North 58°38'19" West 16.07 feet to a point hereinafter referred to as **Point "C"** and the beginning of a non-tangent curve concave southwesterly having a radius of 7865.19 feet, a radial line to said beginning bears North 29°56'42" East;

thence leaving said course and traveling northwesterly along said curve 90.56 feet through a central angle of 00°39'35";

thence non-tangent to said curve North 61°28'23" West 85.42 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 7864.52 feet, a radial line to said beginning bears North 28°39'47" East;

thence northwesterly along said curve 50.52 feet through a central angle of 00°22'05" to a point hereinafter referred to as **Point "D"** being in that course in the southwesterly line of the land described as Parcel 4A of the Final Order of Condemnation recorded February 15, 1968 in Book 8519, Page 571, Official Records of said County having a bearing and distance of South 83°12'19" East 106.03 feet;

thence along said southwesterly line the following three courses:

- 1) North 83°12'04" West 72.11 feet;
- 2) North 57°53'26" West 249.09 feet;
- 3) thence North 53°14'59" West 59.63 feet to a point hereinafter referred to as **Point "E"**;

thence leaving said southwesterly line North 61°44'37" West 142.48 feet;

thence North 62°14'20" West 158.61 feet;

thence North 64°47'11" West 249.34 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 1103.00 feet a radial line to said beginning bears South 61°30'28" East;

thence southwesterly along said curve 14.89 feet through a central angle of 00°46'25";

thence non-tangent to said curve North 61°44'37" West 106.02 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 997.00 feet, a radial line to said beginning bears South 60°37'37" East;

thence northeasterly along said curve 14.96 feet through a central angle of 00°51'36";

thence non-tangent to said curve North 60°49'15" West 591.57 feet;

thence North 59°29'42" West 181.19 feet;

thence North 30°30'18" East 13.09 feet;

thence North 58°59'44" West 55.27 feet to the beginning of a non-tangent curve concave northeasterly having a radius of 4908.48 feet, a radial line to said beginning bears South 28°15'34" West;

thence northwesterly along said curve 1562.45 feet through a central angle of 18°14'17";

thence North 43°30'08" West 487.81 feet;

thence North 44°38'53" West 199.67 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 2978.52 feet, a radial line to said beginning bears North 43°26'17" East;

thence northwesterly along said curve 55.18 feet through a central angle of 01°03'41" to a point hereinafter referred to as **Point "F"** being in the northeasterly line of Parcel 10 of the Relinquishment of Highway Right of Way in the County of Orange, Road 07-ORA-5-8.0/19.6, Request No. 723 recorded March 31, 1970 in Book 9252, Page 373, Official Records of said County having a bearing and distance of South 50°53'33" East 199.94 feet as delineated and shaded on maps recorded October 20, 1969 in State Highway Map Book No. 7, Pages 14 to 29 inclusive, Records of Orange County;

thence along said course North 49°16'35" West 87.98 feet to a point hereinafter referred to as **Point "G"** and the beginning of a non-tangent curve concave southwesterly having a radius of 2978.52 feet, a radial line to said beginning bears North 36°51'26" East;

thence leaving said course and traveling northwesterly along said curve 86.30 feet through a central angle of 01°39'36" to the beginning of a non-tangent curve concave southwesterly having a radius of 2971.52 feet, a radial line to said beginning bears North 39°01'31" East;

thence northwesterly along said curve 9.42 feet through a central angle of 00°10'54" to a point hereinafter referred to as **Point "H"** being in that course in the northeasterly line of the land described as Parcel 2 of the Director's Deed recorded June 6, 1968 in Book 8622, Page 943, of Official Records of said County having a bearing and distance of

South 55°51'04" East 538.78 feet, said **Point "H"** being South 55°51'07" East 474.50 feet along said course from the northwesterly terminus thereof.

Lands abutting the freeway shall have no right or easement of access thereto.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System of 1983, Zone VI, based on the North American Datum of 1983 Epoch 1991.35 as locally adjusted by the Orange County Surveyor. The distances shown herein are grid distances. Ground distances may be obtained by dividing grid distances by the combination factor of 0.99995203.