

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 18-19, 2021

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.4a.(1), Action Item

Prepared By: Kimberly Ellis Erickson, Chief
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-22042, 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.

RECOMMENDATION:

The Department recommends the Commission adopt Resolution C-22042 summarized on the following pages. This Resolution is for a transportation project on State Route 138 in District 7, in Los Angeles 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 August 2021 meeting. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-22042 - IN-N-Out Burger, a California corporation, as to an undivided 1/3rd interest, and Gaby Hanna Jabbour, a married man as his sole and separate property, as to an undivided 2/3 interest 07-LA-138-PM 43.8 - Parcel 81408-1 - EA 352109.

Right of Way Certification Date: 05/02/22; Ready to List Date: 06/01/22; Project Report Date: 10/31/19; Environmental Document Date: 03/12/19; Certificate of Sufficiency Signed: 08/19/20; First Written Offer Made: 11/18/20. Conventional highway - install new traffic system and Americans with Disabilities (ADA) compliant curb ramps. Authorizes condemnation of a temporary easement for construction purposes. Located in the city of Palmdale on the south side of East Palmdale Boulevard State Route (SR) 138, east of Division Street, and west of 3rd Street East. Assessor's Parcel Number 3009-005-032.

The public interest and necessity require the proposed project.

SR 138 is a major State Highway with high traffic volumes at the project location – the intersection of East Palmdale Boulevard and 2nd Street East in the City of Palmdale. The intersection lacks a crosswalk across East Palmdale Boulevard to meet the pedestrian demands from an elementary school situated nearby and the commercial businesses in the area. The 2016 Pedestrian Safety Improvement Monitoring Program identified the project location as a high collision concentration location, citing a pattern of vehicular and pedestrian accidents occurring at the project location. The proposed project will provide the necessary right of way for both vehicles and pedestrians, enhance the flow of traffic, and will provide the most appropriate countermeasure to reduce the number and severity of vehicular and pedestrian conflicts.

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

A Categorical Exemption/Categorical Exclusion Determination pursuant to the California Environmental Quality Act and National Environmental Policy act was completed in March 2019 for this project. This included studies of impacts to air quality, cultural resources, noise, stormwater, initial site assessment for hazardous waste, and traffic management strategies.

A no-build alternative was considered but this alternative will not address the current needs and deficiencies. The chosen alternative, installing the traffic signal system, will address the current needs and deficiencies and will improve pedestrian safety and operations at the project location. Access to local businesses through the life of the project was considered, and it was concluded that there will always be access to the local businesses with construction work having minimal impacts on these businesses.

The property rights to be condemned are necessary for the proposed project.

The Owner's property is located within the project limits adjacent to SR 138. This project requires a temporary construction easement within a portion of the owner's property for safety and implementation and adherence to the current ADA standards. The proposed project cannot be constructed without acquiring this property right. The property is necessary as part of the larger project in order to install a new traffic signal system at the intersection of Palmdale Boulevard and 2nd Street East, and specifically to bring their driveway and sidewalk up to ADA standards.

An offer to purchase in accordance with Government Code Section 7267.2 has been made to the owners of record.

A staff appraisal that established just compensation was approved on October 28, 2020. On November 18, 2020, the offer of just compensation was mailed to the property owners per the property owners' requests. All negotiations have taken place via phone and email due to the COVID-19 pandemic. One of the two property owners (Gaby Hanna Jabbour) has signed the Right of Way Contract with the Department. However, negotiations for an amicable settlement with the other property owner (In-N-Out Burger) are currently at an impasse.

Attachments:

Attachment A - Property Owners' letter to the Commission dated May 20, 2021

Attachment B - Department Response dated June 23, 2021

Attachment C - Fact Sheet

Exhibit A - Parcel Maps

Exhibit B - Resolution of Necessity C-22042

ATTACHMENT A

13502 Hamburger Lane
Baldwin Park, California 91706-5885
(626) 813-8200



The Best Enterprise
Is A Free Enterprise®

May 20, 2021

VIA OVERNIGHT MAIL

Executive Director
California Transportation Commission
P.O. Box 942873
Mail Station 52
Sacramento, CA 94273-0001

Reference: In-N-Out Burgers
Project # 0718000213
Parcels 81408-1 and 81474-1



*Forwarded to:
Right of Way
5/21/21*

*Copied to:
Tim Sabelman*

OBJECTIONS TO RESOLUTION OF NECESSITY
(Hearing – June 23, 2021 and June 24, 2021 via webinar)

To the California Transportation Commission (the “Commission”):

In-N-Out Burgers, a California corporation (“In-N-Out”), owns the real property and operates the business located at 142 E. Palmdale Blvd., Palmdale CA 93550 (the “Store Parcel”) and is a joint owner of the real property adjacent to the Store Parcel identified as APN #3009-005-032 (collectively, the “Subject Property”). In-N-Out hereby objects to the proposed Resolution of Necessity (the “Resolution”) for the acquisition of a temporary construction easement over the Subject Property in connection with the proposed State of California, Department of Transportation (“Caltrans”) highway improvement project of E. Palmdale Road (the “Proposed Project”) on the grounds that the offer made to In-N-Out fails to comply with California Code of Civil Procedure section 1245.230(c)(4) and that the 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, as required under California Code of Civil Procedure sections 1240.030 and 1245.230(c)(2).

The California Transportation Commission Notice of Intention to Adopt Resolution of Necessity (“Notice”) seeks authorization for the use of a portion of the Subject Property through the eminent domain process. Based upon this Notice, the hearing by the Commission on the Resolution is set for June 23, 2021 and June 24, 2021. The primary purpose of this letter is to provide written objections to the adoption of the Resolution. We request that this letter be included as part of the formal record on this agenda item.

Section 1240.030 of the California Code of Civil Procedures provides specific requirements for the acquisition of property for a proposed public project.

The power of eminent domain may be exercised to acquire property for a particular use only if all of the following are established: (a) the public interest and necessity require the project; (b) the project is planned or located in a manner that will be most compatible with the greatest public good and *the least private injury*; and (c) the property sought to be acquired is necessary for the project.

(Code Civ. Proc., § 1240.030 (a)-(c); emphasis added.)

The Commission may exercise its power of eminent domain only if it has adopted a resolution of necessity that meets the requirements of Code of Civil Procedure sections 1245.210, et seq. (See Code Civ. Proc., § 1240.040.) Consistent with section 1240.030, section 1245.230 provides, in pertinent part, as follows:

In addition to the other requirements imposed by law, the resolution of necessity shall contain all of the following:

...

(c) a declaration that the governing body of the public entity has found and determined each of the following:

...

(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*.

...

(4) That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

(Code Civ. Proc., § 1245.230 (c)(2),(4); emphasis added.)

As a threshold matter, the Proposed Project violates California Code of Civil Procedure section 1245.230(c)(4) as the Government Code offer is based on a factually incorrect hypothetical that the Subject Property is vacant land when, in fact, the Subject Property is entitled and fully improved as an operational business. The appraisal's reliance on four sales of vacant land, three of which are not even improved, to value a fully improved parcel with an operational business is improper and should be revised with appropriate comparables.

The appraisal also fails to address temporary severance damages to In-N-Out's remaining property. In *City of Livermore v. Baca* (2012) 205 Cal. App.41 1460, 1471, the Court of Appeals held that a property owner was entitled to temporary severance damages where construction activity closed two of four driveways to the owner's property for up to six months. Here, the Proposed Project as shown on the drawing attached hereto as Exhibit A, could impair the *only* legal access to In-N-Out's property for up to seventeen months, since In-N-Out does not have access rights over any of the adjoining parcels. Without access, In-N-Out would be deprived of its ability to operate its

business and would suffer substantial business and reputational harm for which it should be compensated. Accordingly, a new appraisal based on appropriate comparables and with temporary severance damages should be submitted to In-N-Out to comply with California Code of Civil Procedure section 1245.230(c)(4).

The Proposed Project also violates both California Code of Civil Procedure sections 1240.030 and 1245.230(c)(2) as it is not planned in a manner that is most compatible with the least private injury to In-N-Out and is neither necessary nor in furtherance of the greatest public good. As noted above, the Proposed Project would cause significant loss of business and goodwill to In-N-Out by eliminating all direct access to the remainder of In-N-Out's property for a period that could extend up to seventeen months. In-N-Out has been in on-going discussions with the Commission's right of way agent to address its concerns. Specifically, the parties are exploring restrictions, which would amongst other things, ensure that Caltran's work on the Subject Property is done during non-business hours, that trucks and other delivery vehicles will be able to access the remainder of the property to make their scheduled deliveries, that a signal pull box does not need to be relocated, and that certain improvements within the Subject Property will be protected in place.

In-N-Out believes that once an offer based on the actual use of the Subject Property and that includes temporary severance damages is delivered to In-N-Out and the restrictions described above are incorporated, the Proposed Project will satisfy California Code of Civil Procedure Sections 1240.030 and 1245.030 and be the best solution for all parties. Accordingly, In-N-Out respectfully requests that the Commission not adopt the Resolution, or at a minimum, continue the hearing on this agenda item until a proper offer is delivered to In-N-Out and the parties are able to finalize the revised Proposed Project so that the Commission may be presented with a revised Resolution that is consistent with applicable law.

If the Commission has any questions or concerns please contact me at your earliest convenience at (626) 813-5932.

Very truly yours,


Justin Iwata, Esq.
In-N-Out Burger
Real Estate Counsel

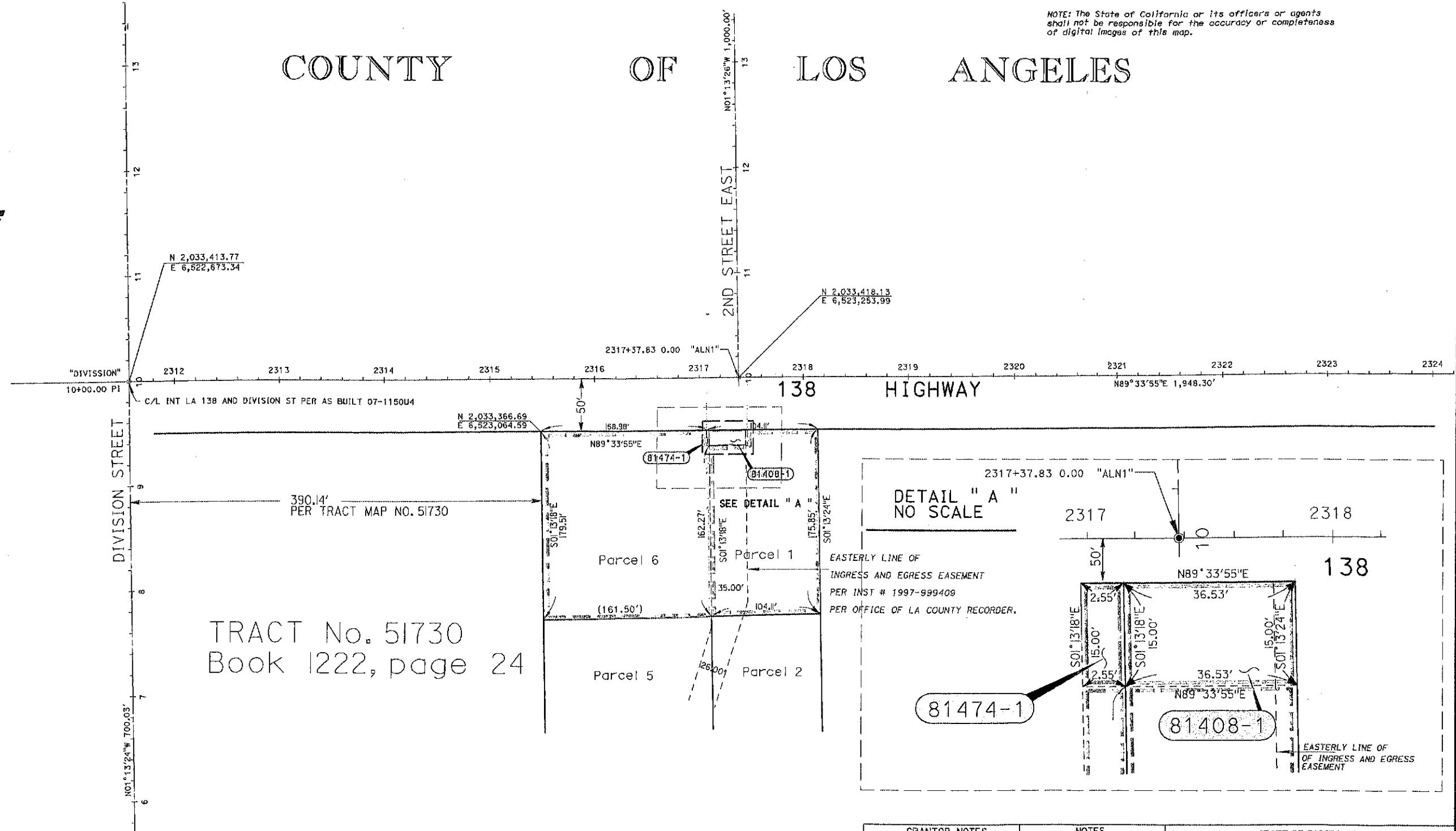
Exhibit A
(See Attached)

COUNTY OF LOS ANGELES

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.

2312 2313 2314
C/L INT LA 138 AND DIVISION ST PER AS BUILT 07-1150

TRACT No. 51730
Book 1222, page 24



GRANTOR NOTES		NOTES
① Areas shown exclude underlying Fee in the adjoining public way, Accesses		Coordinates and bearings are on CCS (1983-1991,35) Zone. Distances and elevation are grid distances. Divided by _____ to obtain ground distances. All distances are in feet unless otherwise noted.
② [] Indicates Underlying Fee (UF) Area		
③ [Y] Indicates Indeterminate UF		
④ TITLE COPIES		
⑤ Access Rights Only		
F=Fee		
E=Esment [Esma]		
TCE=Temp Construction Easement		
T=Temp Easement (see Remarks)		
Other (see Remarks)		
		LEGEND

LEGEND	
	Access Prohibited
	Access Superseeded
	Existing R/W Superseeded
	Access Opening (Private)
	Indicates Radial Bearing
	Indicates Found Monument as noted
	Indicates calculated point. (does not imply monument set)
	Title to State
	Required for Owners

STATE OF CALIFORNIA
CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
APPRaisal MAP
MAP NO. P2 4206-1A**

FOR PREVIOUS R/W INFORMATION SEE
MAP(S) P2 4206

SIGN: / / EA(s)135210 FA#:

CT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
	LA	138	43.8	1	1

ATTACHMENT B

DEPARTMENT OF TRANSPORTATION**DISTRICT 7**

DIVISION OF RIGHT OF WAY
100 SOUTH MAIN STREET, MS-6
LOS ANGELES, CA 90012-3606
PHONE (213) 897-0799
FAX (213) 897-8902
TTY 711
www.dot.ca.gov



*Making Conservation
a California way of Life.*

VIA E-MAIL AND FIRST-CLASS MAIL

June 23, 2021

Mr. Justin Iwata, Esq.
In-N-Out Burger
Real Estate Counsel
13502 Hamburger Lane
Baldwin Park, CA 91706

Response to Written Objections
File: 07 – LA-138 – PM 43.8
EA/PID: 35210 / 0718000213
Parcels: 81408-1 and 81474-1
Owner: IN-N-OUT BURGER

Dear Mr. Iwata:

Reference is made to your letter of May 20, 2021 addressed to the Executive Director of the California Transportation Commission (the “Commission”) for property located at 142 E Palmdale Boulevard, in the city of Palmdale (the “Subject Property”).

Your letter addressed specific concerns and objections to the Commission’s proposed action on several grounds regarding the acquisition of portions of the Subject Property identified as temporary construction easement parcels 81408 -1 and 81474 -1 (the “Parcels”).

As requested, your letter will be submitted to the Commission in lieu of personal appearance and will be included as part of the official record presented to the Commission at its August 18/19, 2021 meeting and not at its June 23/24, 2021 meeting as previously indicated.

Specific details (date, time, etc.,) regarding the August 18/19, 2021 meeting will be provided as soon as they become available.

The following is the Department’s response to the concerns and objections set forth in your letter to the Commission:

1. **The offer made to In-N-Out fails to comply with California Code of Civil Procedure section 1245.230(c)(4)**

- a. **The proposed project violates California Code of Civil Procedure section 1245.230(c)(4) as the Government Code offer is based on a factually incorrect hypothetical the Subject Property is vacant land when, in fact, the Subject Property is entitled and fully improved as an operational business**

The Department is not affecting a fee take upon the parcel and proposes a temporary easement in order to mitigate safety concerns (i.e., automobile versus pedestrian accident) due to lack of crosswalks. The driveway will be reconstructed to meet the requirements of Americans With Disability (ADA) Act after the installation of conduit necessary for the loop detectors and other materials needed to power the electrical pull boxes for the safety project. No material or primary/major improvements are affected that would require improved comparable sales to determine the market value for the parcel requirements. Moreover, sound appraisal standards were conducted to determine the market value for the temporary need upon the subject parcel.

Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of the Commission meeting and the Commission will not consider such in determining whether a Resolution should be adopted. However, it should be noted, the purchase price for this type of property is for land and improvements and does address compensation for all property interests taken or damaged.

- b. The appraisal also fails to address temporary severance damages to In-N-Out's remaining property...The proposed project ...could impair the only legal access to In-N-Out's property for up to seventeen months**

It is the appraisal unit's position that no "temporary severance damages" are warranted. However, loss of goodwill is compensable if proven by the owner. The handling of such losses is treated as a "goodwill claim." A loss of goodwill claim form has been forwarded to your office. Temporary damages to the use and occupancy of property reasonably incidental to project construction requirements are generally not compensable as determined by the Right of Way Appraisal Manual, Chapter 7. Moreover, *there is a driveway* east of the subject main driveway that would take the traveling public into the In-N-Out property during the 2 ½ -3 days that the subject driveway is expected to be reconstructed. Note, the driveway will only be impacted during the 2½-3-day reconstruction period and not for 17-months as noted in the objection letter. Circuity of travel may be inconvenient, but it is not compensable.

Again, questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of the Commission meeting and the Commission will not consider such in determining whether a Resolution should be adopted. However, it should be noted, the purchase price for this type of property is for land and improvements and does address compensation for all property interests taken or damaged.

2. **The 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, as required under California Code of Civil Procedures sections 1240.030 and 1245.230(c)(2).**

- a. The proposed project would cause significant business and goodwill loss to In-N-Out by eliminating all direct access to the remainder of In-N-Out's property for a period of up to seventeen months.

As noted in the May 20th letter addressed to the CTC, the parties are exploring restrictions that may ensure project work is done during non-business hours, that trucks and other delivery vehicles will be able to access the remainder of the property to make their scheduled deliveries from a driveway about 170 feet east of the Subject Property, that the Southern California Edison signal pull box will not be removed or relocated but will be reset to the new grade of the sidewalk slab, and that certain improvements within the Subject Property will be protected in place. The Subject Property driveway's access into the business may be closed for up to three days during project work.

Again, questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of the Commission meeting and the Commission will not consider such in determining whether a Resolution should be adopted. However, it should be noted, the purchase price for this type of property is for land and improvements and does address compensation for all property interests taken or damaged.

Finally, the project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury. The project proposes to install a new traffic signal system at the intersection of Palmdale Boulevard (SR-138) and 2nd Street East with protected left-turn phasing along SR-138, especially, since SR-138 is a major State Highway with high traffic volumes at this location. Also, this location was identified as having pedestrian related High Collision Concentration Locations (HCCLs). A Traffic Investigation Report recommended the installation of a new traffic signal system at this location based on an accident analysis, traffic volumes, roadway geometry, and traffic signal warrants. Furthermore, field reviews verified demand as pedestrians were observed crossing the State Highway at this unsignalized intersection.

If you have further questions or would like to provide alternative dates and/or times, please contact Associate Right of Way Agent, Patrice Barnes, at (213) 269-0521.

Mr. Justin Iwata

June 23, 2021

Page 4

Sincerely,



MARK LYLES

Office Chief

Right of Way Acquisition, Condemnation,

Local Programs, and Railroads

Department of Transportation

Caltrans – District 7

c: James Marsella, Senior Right of Way Agent (via email only)

ATTACHMENT C

Resolution of Necessity Appearance Fact Sheet

PROJECT DATA

07-LA-138-PM 43.8
Project ID: 0718000213 (EA 352109)

Location: In Los Angeles County in the city of Palmdale on Palmdale Boulevard (State Route 138) and 2nd Street East

Limits: On State Route 138 between Division Street and Third Street East at the intersection of Palmdale Boulevard and 2nd Street East (PM. 43.8)

Cost: Programmed Construction Cost: \$ 975,000 (Capital)
Current right of way cost estimate: \$ 118,000 (Capital)

Funding Source: State Highway Operation and Preservation Program, Safety Improvements Category of Collision Reduction Program HB1

Number of Lanes: Existing: Six lane Conventional Highway
Proposed: Six lane Conventional Highway

Proposed Major Features: Installation of a traffic signal system which includes new signal poles, pedestrian countdown and vehicle signal heads, Accessible Pedestrian Signal (APS), APS posts, vehicle and bicycle detection as well as installing new and upgrading curb ramps to latest Americans with Disabilities Act standards, adding high visibility crosswalks and restriping.

Traffic: Existing (year 2017): 35,000 Annual Daily Traffic (AADT)
Proposed (year 2040): 42,706 ADT

PARCEL DATA

Property Owner: IN-N-Out Burger, a California corporation, as to an undivided 1/3rd interest, and Gaby Hanna Jabbour, a married man as his sole and separate property, as to an undivided 2/3 interest

Parcel Location: 142 East Palmdale Boulevard, in the city of Palmdale

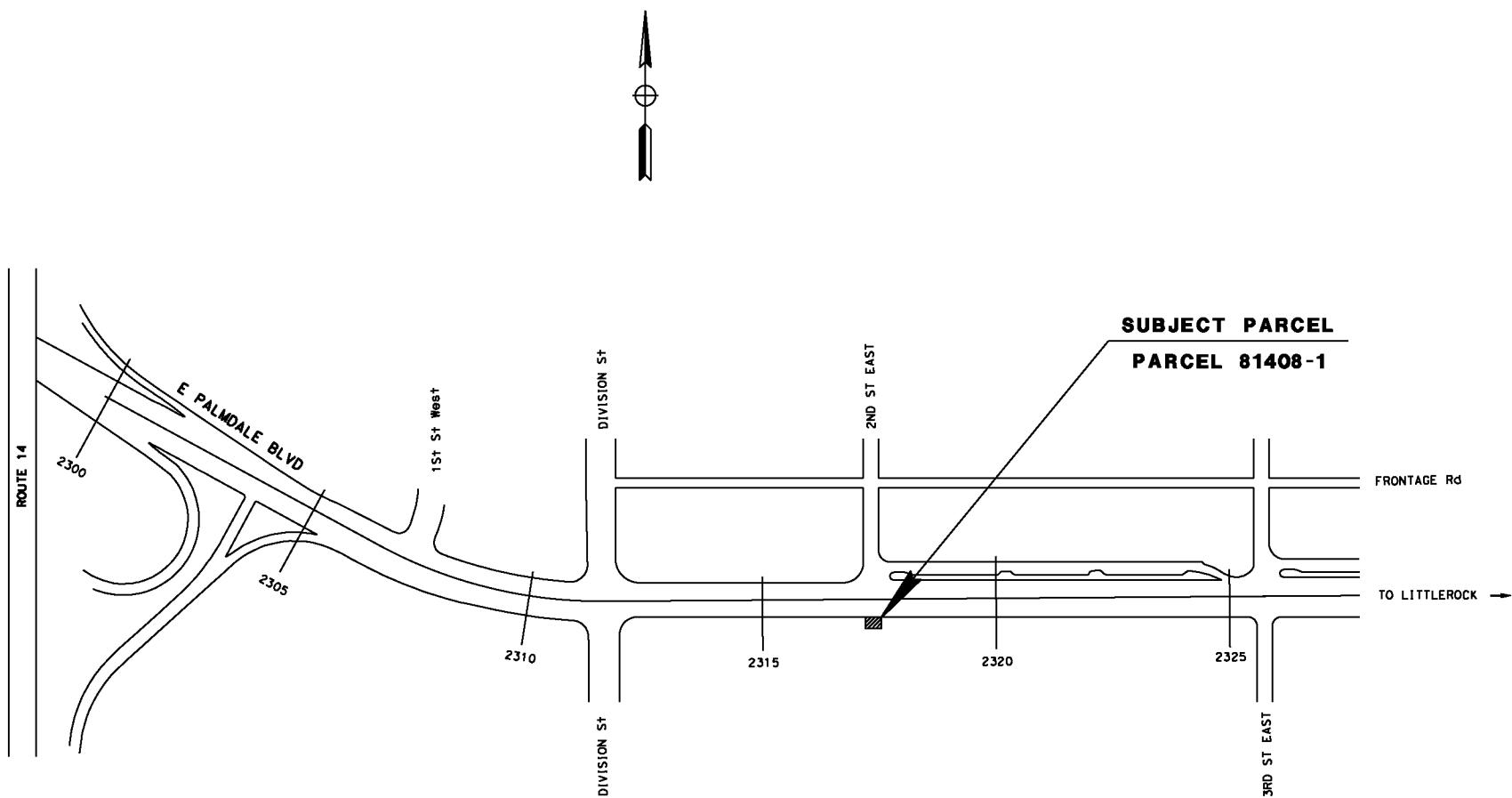
Present Use: Fast-service Restaurant (In-N-Out)

Area of Property: 18,381 Square Feet (SF)

Area Required: Parcel 81408-1: 547.89 SF – Temporary Construction
Easement

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.



CITY OF PALMDALE
COUNTY OF LOS ANGELES

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

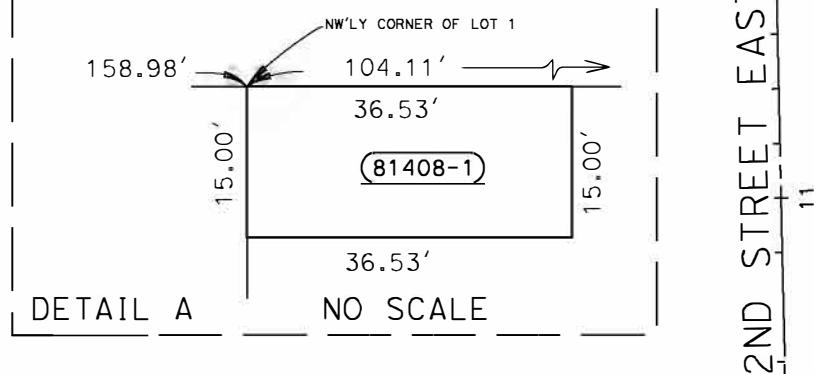
RIGHT OF WAY
RESOLUTION OF NECESSITY

EXHIBIT A

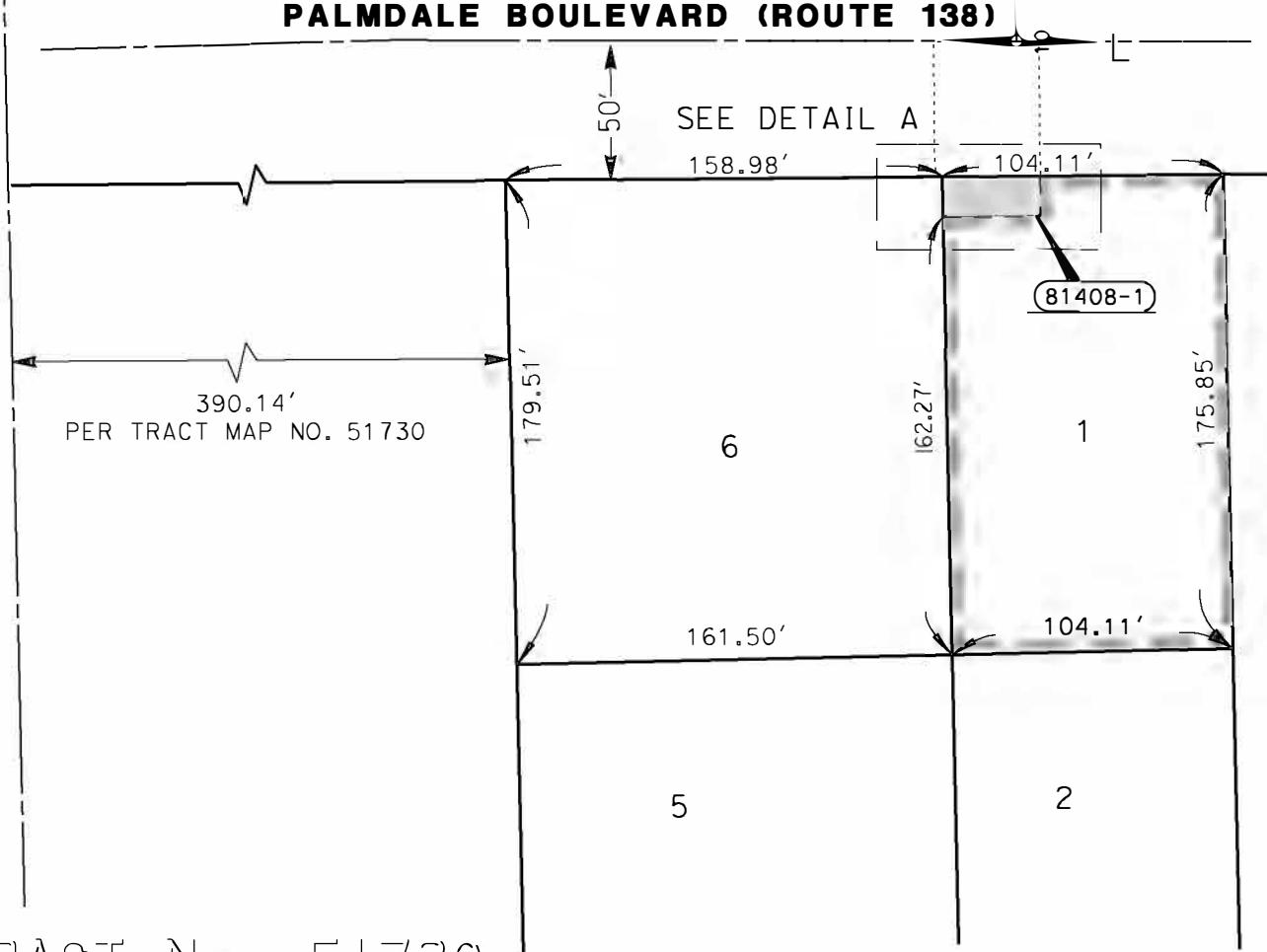
NO SCALE

EA:35210					DATE:04-15-21	
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS	
7	LA	138	43.8	1	1	

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.



DIVISION STREET



TRACT No. 51730
MB 1222-22/24

CITY OF PALMDALE
COUNTY OF LOS ANGELES

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

**RIGHT OF WAY
RESOLUTION OF NECESSITY**

EXHIBIT B
NO SCALE

EA: 35210	MAP NO. P2 4206-1A	DATE: 04-15-21			
DISTRICT	COUNTY	ROUTE	SHEET PM	SHEET NO.	TOTAL SHEETS
7	LA	138	43.8	1	1

EXHIBIT B

**TRANSPORTATION COMMISSION
RESOLUTION NO.**

C-22042

CALIFORNIA TRANSPORTATION COMMISSION
RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
HIGHWAY 07-LA-138-PM 43.8 PARCEL 81408-1

OWNER: IN-N-Out Burger, a California corporation, as to an undivided 1/3rd interest, and Gaby Hanna Jabbour, a married man as his sole and separate property, as to an undivided 2/3 interest

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

The hereinafter described real property is necessary for State Highway purposes and is to be acquired by eminent domain pursuant to Streets and Highways Code Section 102 and Code of Civil Procedure Section 1240.510 in that the property being acquired is for a compatible use;

The public interest and necessity require the proposed public project, namely a State highway:

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

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

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

APPROVED AS TO FORM AND PROCEDURE

APPROVAL RECOMMENDED

Attorney, Department of Transportation

DIVISION OF RIGHT OF WAY

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

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

8 The real property or interests in real property, which the Department of
9 Transportation is by this resolution authorized to acquire, is situated in the County of Los
10 Angeles, State of California, Highway 07-LA-138 and described as follows:

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RESOLUTION OF NECESSITY DESCRIPTION

Parcel 81408-1:

For State highway purposes, a temporary construction easement, in, to, over and across that portion of Lot 1 of Tract No. 51730, in the City of Palmdale, County of Los Angeles, State of California, as per map recorded in Book 1222, pages 22 through 24, inclusive, of Maps, in the Office of the Registrar-Recorder/County Clerk of said county, described as follows:

BEGINNING at the Northwesterly corner of said Lot 1, being on the Southerly line of Palmdale Boulevard, 142.00 feet wide, as shown on said Tract Map; thence along the Northerly line of said Lot 1, N 89°33'55" E, 36.53 feet; thence S 01°13'24" E, 15.00 feet; thence S 89°33'55" W, 36.53 feet to the Westerly line of said Lot 1; thence Northerly along said Westerly line N 01°13'18" W, 15.00 feet to the POINT OF BEGINNING.

Rights to the above described temporary easement shall cease and terminate on June 1, 2023. The rights may also be terminated prior to the above date by STATE upon notice to OWNER.