



CITY OF LONG BEACH

H-1

DEPARTMENT OF COMMUNITY DEVELOPMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

February 16, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Conduct a public hearing on the Resolution of Necessity to determine the public interest and necessity for acquiring and authorizing the condemnation of a portion of real property at 6265 East 2nd Street, a portion of Assessor Parcel Numbers 7242-021-002 and 7242-021-003, including easements and improvements for the PCH/2nd Street Improvement Project;

Receive testimony from staff and property owner(s) with interest in the property (if required written requests to be heard have been received); and

Adopt the Resolution of Necessity making the findings required by law, including determining the public interest and necessity for acquiring, and authorizing the condemnation of a portion of certain real property within the City of Long Beach for the PCH/2nd Street Improvement Project. (District 3)

DISCUSSION

On October 20, 2009, the City Council adopted a Resolution of Necessity determining the public interest and necessity for acquiring and authorizing the condemnation of a portion of real property at 6265 East 2nd Street for street improvements, as part of the PCH/2nd Street Improvement Project (Project). Subsequent to adoption by the City Council, staff determined the project description within the resolution requires modification to describe the public project for which property is necessary as "construction of improvements to the intersection of Pacific Coast Highway and 2nd Street to eliminate a narrowing of the roadway at the intersection and provide a consistent right-of-way roadway width north of 2nd Street together with all related improvements." This modification will allow the City the maximum flexibility to not only construct the public roadway, intersection and other related improvements as the project requires, but will also allow the City the ability to work with the businesses in the surrounding area to mitigate the effects of project construction.

The Project is a result of areawide traffic improvement measures identified in the Marina Shores Environmental Impact Report (EIR) certified by the City of Long Beach in 1998. The Marina Shores project is located at Pacific Coast Highway (PCH) and Studebaker Road, just south of the Project. As part of the EIR, it was determined that the intersection of PCH and 2nd Street was operating at a deficient level of service and that improvements were required to the intersection to eliminate the narrowing of the

roadway and provide consistent right-of-way roadway width north of 2nd Street. These improvements will not only mitigate the development's impact but provide significant traffic flow benefits. City Council approved funding for these improvements through the Traffic Mitigation Program and the Department of Public Works has been working with the California Department of Transportation to design and implement improvements to the intersection. On June 21, 2007, the Planning Commission certified Mitigated Negative Declaration No. ND-25-07 for the Project. A copy of the document was previously provided to the City Council at the hearing conducted on October 20, 2009 and is available at <http://longbeach.legistar.com/calendar.aspx>.

In order to proceed with the Project, the acquisition of permanent and temporary easements at the northwest corner of 2nd and PCH (Subject Property) is necessary (Exhibit A). The Subject Property includes approximately 9,934 square feet of permanent easement and 19,389 square feet of temporary construction easement for the purposes of construction. An appraisal of the Subject Property was conducted by an independent appraiser, Donahue, Hawran and Malm, LLC, on January 16, 2009. Fair Market Value of the permanent easement, improvements and temporary construction easement was determined to be \$655,000. An offer to purchase the Subject Property at Fair Market Value pursuant to Government Code Section 7267.2(a) was presented to the owners of record. The offer was rejected and negotiations have continued without success. The acquisition of the Subject Property will not be possible without the use of the City's power of eminent domain.

A Notice of Hearing on the Resolution of Necessity was mailed on January 28, 2010, by certified mail, return receipt requested, and by first class mail to the owners of record of the Subject Property as shown on the latest equalized tax rolls. Said owners were notified that if he/she wishes to appear at the hearing and be heard, he/she must file a written request to appear with the City Clerk within fifteen (15) days from the date the notice was mailed. The proposed Resolution of Necessity is attached.

The Code of Civil Procedure, Section 1245.230 requires that the Resolution of Necessity be adopted after a hearing at which time the governing body of the public entity must find and determine each of the following:

1. Whether the public interest and necessity require the proposed project;
2. Whether 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. Whether the property sought to be acquired is necessary for the proposed project; and
4. Whether the offer required by Government Code Section 7267.2(a) has been made to the property owner or owners of record, or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

HONORABLE MAYOR AND CITY COUNCIL

February 16, 2010

Page 3

Recommended findings of the City as they relate to the condemnation of the Subject Property at 6265 East 2nd Street, a portion of Assessor Parcel Numbers 7242-021-002 and 7242-021-003, including easements and improvements, are as follows:

1. Public interest and necessity require the proposed project.

The PCH/2nd Street Improvement Project is a result of areawide traffic improvement measures identified in the Marina Shores Environmental Impact Report (EIR) certified by the City of Long Beach in 1998. As part of the EIR, it was determined that the intersection of PCH and 2nd Street was operating at a deficient level of service and that improvements were required to the intersection to eliminate the narrowing of the roadway and provide consistent right-of-way roadway width north of 2nd Street. Acquisition of the Subject Property is necessary to construct the roadway, intersection and all other related improvements.

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

The property to be acquired is a portion of the sidewalk and landscape improvements to the existing parcels. The acquisition of 9,934 square feet of permanent street easement and 19,389 square feet of temporary construction easement will have minimal impact on the current use of the property. Acquisition and construction of the roadway, intersection and all other related improvements affects a greater public good with minimal private injury.

3. The property sought to be acquired is necessary for the proposed project.

The current configuration of the intersection of PCH and 2nd Street is operating at a deficient level of service and areawide traffic improvement measures must be implemented to accommodate existing volumes. The planned roadway, intersection and all other related improvements are required in order to eliminate the narrowing of the roadway and provide consistent right-of-way roadway width north of 2nd Street. Acquisition of the property is necessary in order to make the requisite improvements to the intersection of 2nd Street and PCH.

4. The offer of just compensation has been made to the property owners.

The Subject Property was appraised by an independent appraiser, Donahue, Hawran and Malm, LLC, on January 16, 2009. Fair market value, as determined by the appraisal dated January 16, 2009, is \$655,000. An offer to purchase the Subject Property pursuant to Government Code Section 7267.2(a) was presented to the owners of record. The offer was rejected and negotiations have continued without success. Due to the refusal of the owner to accept the City's offer of just compensation based on the fair market value, the Subject Property cannot be acquired except by the City's exercise of its power of eminent domain.

HONORABLE MAYOR AND CITY COUNCIL
February 16, 2010
Page 4

This matter was reviewed by Assistant City Attorney Heather A. Mahood on January 21, 2010, and Budget and Performance Management Bureau Manager David Wodynski on January 20, 2010.

TIMING CONSIDERATIONS

Adoption of the resolution is required to proceed with the eminent domain process as well as the proposed improvements to the intersection of PCH and 2nd Street. Further, the City must provide at least fifteen (15) days notice to the property owners of the date and time of the public hearing. A letter of notice was sent on January 28, 2010. Therefore, it is requested that the City Council act on this request on February 16, 2010.

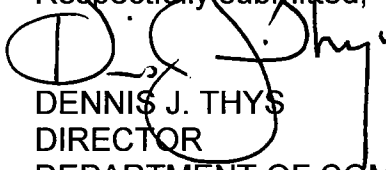
FISCAL IMPACT

The cost of the acquisition of the necessary right-of-way is \$655,000. Sufficient funds are budgeted in the Traffic Mitigation Program (CP201) in the Department of Public Works (PW). The funding source is traffic mitigation fees. There is no net impact on the General Fund.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



DENNIS J. THYS
DIRECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT

DJT:MPC:MFT:gw
2.16.10.2nd and PCH v2.mt

Attachment: Exhibit A - Subject Property
Resolution

APPROVED:



PATRICK H. WEST
CITY MANAGER

EXHIBIT A – SUBJECT PROPERTY



1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH, FINDING AND DETERMINING
5 THE PUBLIC INTEREST AND NECESSITY FOR
6 ACQUIRING AND AUTHORIZING THE CONDEMNATION
7 OF CERTAIN REAL PROPERTY LOCATED WITHIN THE
8 CITY OF LONG BEACH (6265 EAST 2ND STREET)

9
10 WHEREAS, the City of Long Beach ("City"), has the power of eminent
11 domain under the provisions of the California Constitution, Article 1 section 19 and
12 California Government Code section 7350.5; and

13 WHEREAS, the City desires to condemn the real property interests
14 hereinafter described together with all improvements thereon for the purpose of
15 construction of improvements to the intersection of Pacific Coast Highway and East 2nd
16 Street to eliminate a narrowing of the roadway at the intersection and provide a
17 consistent right of way roadway width north of East 2nd Street, in the City of Long Beach,
18 State of California.

19 Permanent Street Easements

20 1. A permanent street easement in the real property commonly known
21 as 6265 East 2nd Street, Long Beach, California, APN 7242-021-002, more particularly
22 described on Exhibit A, attached hereto and incorporated herein by this reference.

23 2. A permanent street easement in the real property commonly known
24 as 6265 East 2nd Street, Long Beach, California, APN 7242-021-003, more particularly
25 described on Exhibit A-1, attached hereto and incorporated herein by this reference.

26 Temporary Construction Easements

27 3. A temporary construction easement for a period of five (5) months,
28 commencing at the start of construction and ending five (5) months thereafter, in the real

1 property commonly known as 6265 East 2nd Street, Long Beach, California, APN 7242-
2 021-002, more particularly described on Exhibit B, attached hereto and incorporated
3 herein by this reference.

4 4. A temporary construction easement for a period of five (5) months,
5 commencing at the start of construction and ending five (5) months thereafter, in the real
6 property commonly known as 6265 East 2nd Street, Long Beach, California, APN 7242-
7 021-003, more particularly described on Exhibit B-1, attached hereto and incorporated
8 herein by this reference.

9 WHEREAS, the City has given written notice by first class mail at least
10 fifteen (15) days prior to the date of this resolution to those persons whose property is to
11 be acquired by eminent domain and whose names and addresses appear on the last
12 equalized Los Angeles County assessment roll as; and

13 WHEREAS, the City's notice to those persons sets forth the intent of the
14 City to adopt a Resolution of Necessity for acquisition by eminent domain of the
15 permanent street easements and temporary street easements described above
16 (hereafter referred to collectively as the "Subject Property"), and further provides that
17 such persons shall have a right to appear and to be heard on the matters referred to in
18 Code of Civil Procedure section 1240.030, and further provides that failure of such
19 persons to file a written notice of intent to appear and to be heard within fifteen (15) days
20 following the date of mailing of the City's notice shall result in a waiver of such right, and
21 further contained all of the other matters required by Code of Civil Procedure section
22 1245.235.

23 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
24 follows:

25 Section 1. The public interest and necessity requires the acquisition of
26 the Subject Property together with all improvements thereon for a public use, to wit, the
27 construction of improvements to the intersection of Pacific Coast Highway and East 2nd
28 Street to eliminate a narrowing of the roadway at the intersection and provide a

1 consistent right of way roadway width north of East 2nd Street.

2 Section 2. The City is authorized to acquire the Subject Property by
3 California Constitution, Article 1 section 19 and California Government Code section
4 7350.

5 Section 3. The proposed construction project is planned and located in a
6 manner that will be most compatible with the greatest public good and the least private
7 injury.

8 Section 4. The Subject Property is necessary for the proposed project.

9 Section 5. The offer required by Government Code section 7267.2(a),
10 together with the accompanying statement of, and summary of the basis for, the amount
11 established as just compensation, was made to the owner or owners of the Subject
12 Property, which offer and accompanying statement/summary were in a form and
13 contained all of the factual disclosures provided by Government Code section 7267.2(a).

14 Section 6. The City is hereby authorized and empowered to acquire the
15 Subject Property by condemnation in its name to be used for said public purposes in
16 accordance with the provisions California Constitution, Article 1 section 19 and California
17 Government Code section 7350.

18 Section 7. The Long Beach City Attorney's office, as the City's general
19 counsel, is hereby authorized to engage special counsel to prepare and prosecute in the
20 name of the City such proceeding or proceedings in the court having jurisdiction thereof
21 as are necessary for such acquisition; and to prepare and file such pleadings,
22 documents, and other instruments and to make such arguments and generally to take
23 such action as may be necessary in the opinion of said attorneys to acquire for the City
24 the Subject Property. Said attorneys are specifically authorized to take whatever steps
25 and/or procedures are available to them under the eminent domain law of the State of
26 California.

27 Section 8. This resolution shall take effect immediately upon its adoption by
28 the City Council, and the City Clerk shall certify the vote adopting this resolution.

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__ by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

EXHIBIT A

LEGAL DESCRIPTION

THAT PORTION OF LOT 1 IN TRACT NO. 1077, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP OF TRACT NO. 1077 RECORDED IN BOOK 18, PAGE 195 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 1 OF TRACT NO. 26634 AS SHOWN ON MAP OF TRACT NO. 26634 RECORDED IN BOOK 689, PAGE 17 THROUGH 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SAID POINT BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE PACIFIC COAST HIGHWAY (100.00 FEET WIDE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF PACIFIC COAST HIGHWAY NORTH 37°43'30" WEST 100.32 FEET TO A POINT ON THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF TRACT NO. 31253 AS SHOWN ON MAP OF TRACT NO. 31253 RECORDED IN BOOK 871, PAGE 61 THROUGH 64 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA; THENCE ALONG SAID NORTHEASTERLY PROLONGATION SOUTH 47°42'00" WEST 19.06 FEET TO THE MOST EASTERLY CORNER OF SAID TRACT NO. 31253, SAID CORNER ALSO BEING ON A LINE PARALLEL WITH AND 19 FEET PERPENDICULAR DISTANCE SOUTHWESTERLY OF SAID SOUTHWESTERLY RIGHT OF WAY LINE OF PACIFIC COAST HIGHWAY; THENCE ALONG SAID PARALLEL LINE SOUTH 37°43'30" EAST 100.32 TO A POINT ON NORTHWESTERLY LINE OF LOT 1 OF SAID TRACT NO. 26634; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 1 OF SAID TRACT NO. 26634 NORTH 47°42'0" EAST 19.06 FEET TO THE POINT OF BEGINNING.

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

CONTAINING 1906.08 SQUARE FEET, MORE OR LESS.

APN 7242-021-002

PREPARED UNDER THE SUPERVISION OF:

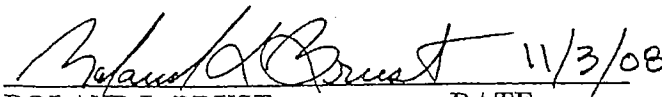

ROLAND L. BRUST DATE 11/3/08
R.C.E. 22903 EXPIRES 12/31/09



EXHIBIT A

| ○ | BEARING | DISTANCE |
|---|-------------|----------|
| 1 | N37°43'30"W | 100.32' |
| 2 | S47°42'00"W | 19.06' |
| 3 | S37°43'30"E | 100.32' |
| 4 | N47°42'00"E | 19.06' |

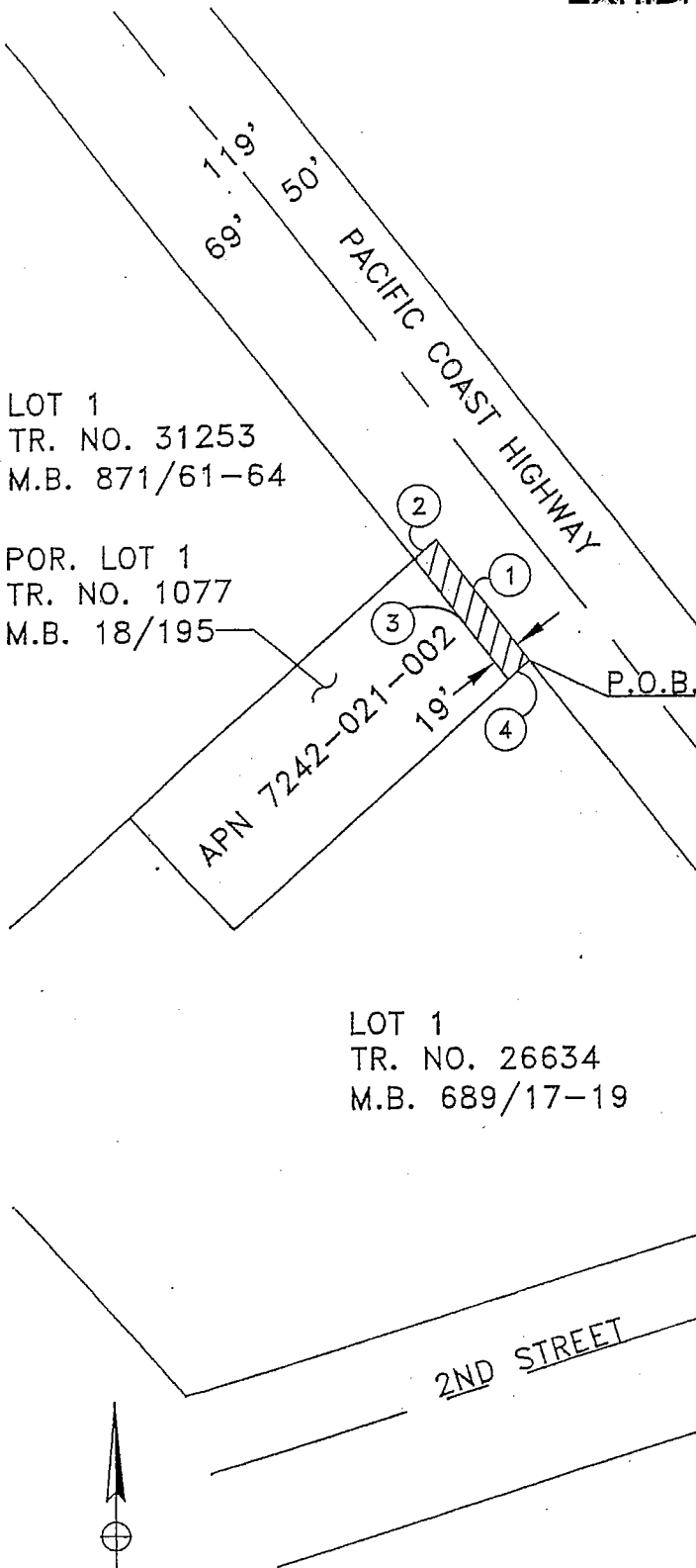
PREPARED UNDER THE SUPERVISION OF

Roland L. Brust

ROLAND L. BRUST
REGISTERED CIVIL ENGINEER
R.C.E. 22903

11/3/08

DATE



LOT 1
TR. NO. 31253
M.B. 871/61-64

POR. LOT 1
TR. NO. 1077
M.B. 18/195

LOT 1
TR. NO. 26634
M.B. 689/17-19

SCALE:

NOT TO SCALE

EXHIBIT A-1

LEGAL DESCRIPTION

THAT PORTION OF LOT 1 IN TRACT NO. 26634, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP OF TRACT NO. 26634 RECORDED IN BOOK 689, PAGE 17 THROUGH 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 1 OF SAID TRACT NO. 26634; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1 NORTH 17°28'09" EAST 33.10 FEET; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 1, ALSO BEING THE SOUTHWESTERLY RIGHT OF WAY LINE OF PACIFIC COAST HIGHWAY (100.00 FEET WIDE), NORTH 37°43'30" WEST 387.65 FEET TO THE NORTHEASTERLY CORNER OF LOT 1 OF SAID TRACT NO. 26634; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 1 SOUTH 47°42'00" WEST 19.06' FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 1, SAID POINT ALSO BEING ON A LINE PARALLEL WITH AND 19.00 FEET PERPENDICULAR DISTANCE SOUTHWESTERLY OF SAID SOUTHWESTERLY RIGHT OF WAY LINE OF PACIFIC COAST HIGHWAY; THENCE ALONG SAID PARALLEL LINE SOUTH 37°43'30" EAST 359.70 FEET; THENCE LEAVING SAID PARALLEL LINE SOUTH 21°09'57" EAST 13.96 FEET; THENCE SOUTH 04°34'17" WEST 24.83'; THENCE SOUTH 40°43'12" WEST 15.82 FEET TO THE SOUTHERLY LINE OF SAID LOT 1 OF SAID TRACT NO. 26634, ALSO BEING THE NORTHWESTERLY RIGHT OF WAY LINE OF SECOND STREET (122.00 FEET WIDE); THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 1 NORTH 72°39'47.5" EAST 29.89 FEET TO THE POINT OF BEGINNING.

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

CONTAINING 8027.46 SQUARE FEET, MORE OR LESS.

APN 7242-021-003

PREPARED UNDER THE SUPERVISION OF:

Roland L. Brust 11/3/08
ROLAND L. BRUST DATE
R.C.E. 22903 EXPIRES 12/31/09



EXHIBIT A-1

| ○ | BEARING | DISTANCE |
|---|---------------|----------|
| 1 | N17°28'09"E | 33.10' |
| 2 | N37°43'30"W | 387.65' |
| 3 | S47°42'00"W | 19.06' |
| 4 | S37°43'30"E | 359.70' |
| 5 | S21°09'57"E | 13.96' |
| 6 | S04°34'17"W | 24.83' |
| 7 | S40°43'12"W | 15.82' |
| 8 | N72°39'47.5"E | 29.89' |

LOT 1
TR. NO. 31253
M.B. 871/61-64

POR. LOT 1
TR. NO. 1077
M.B. 18/195

LOT 1
TR. NO. 26634
M.B. 689/17-19

APN 7242-021-003

2ND STREET

PACIFIC COAST HIGHWAY

PREPARED UNDER THE
SUPERVISION OF

Roland L. Brust

ROLAND L. BRUST
REGISTERED CIVIL ENGINEER
R.C.E. 22903

11/3/08

DATE



SCALE:
NOT TO SCALE

EXHIBIT B

BEING A PORTION OF LOT 1 OF TRACT NO. 1077, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 18, PAGE 195 OF MAPS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF LOT 1 OF TRACT NO. 26634 AS SHOWN ON MAP RECORDED IN BOOK 689, PAGES 17 THROUGH 19, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTH 47°42'00" WEST, A DISTANCE OF 19.00' FROM THE MOST NORTHERLY CORNER THEREOF;

THENCE NORTH 37°43'30" WEST ALONG A LINE PARALLEL WITH AND DISTANT 19.00 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY LINE OF PACIFIC COAST HIGHWAY (100.00 FEET WIDE) AS SHOWN ON SAID MAP OF TRACT NO. 26634, A DISTANCE OF 100.32 FEET TO THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF TRACT NO. 31253, AS SHOWN ON MAP RECORDED IN BOOK 871, PAGES 61 THROUGH 64 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE SOUTH 47°42'00" WEST ALONG SAID PROLONGATION AND SAID SOUTHWESTERLY LINE, A DISTANCE OF 6.02 FEET;

THENCE SOUTH 37°43'30" EAST, A DISTANCE OF 90.29 FEET;

THENCE SOUTH 47°42'00" WEST, A DISTANCE OF 78.11 FEET;

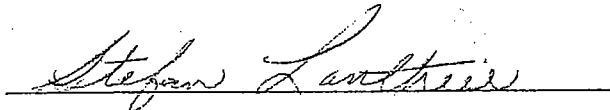
THENCE SOUTH 42°18'00" EAST, A DISTANCE OF 10.00 FEET TO THE AFORESAID NORTHWESTERLY LINE OF LOT 1 OF TRACT NO. 26634;

THENCE NORTH 47°42'00" EAST ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 83.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 1379 SQUARE FEET, MORE OR LESS.

AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR UNDER MY SUPERVISION



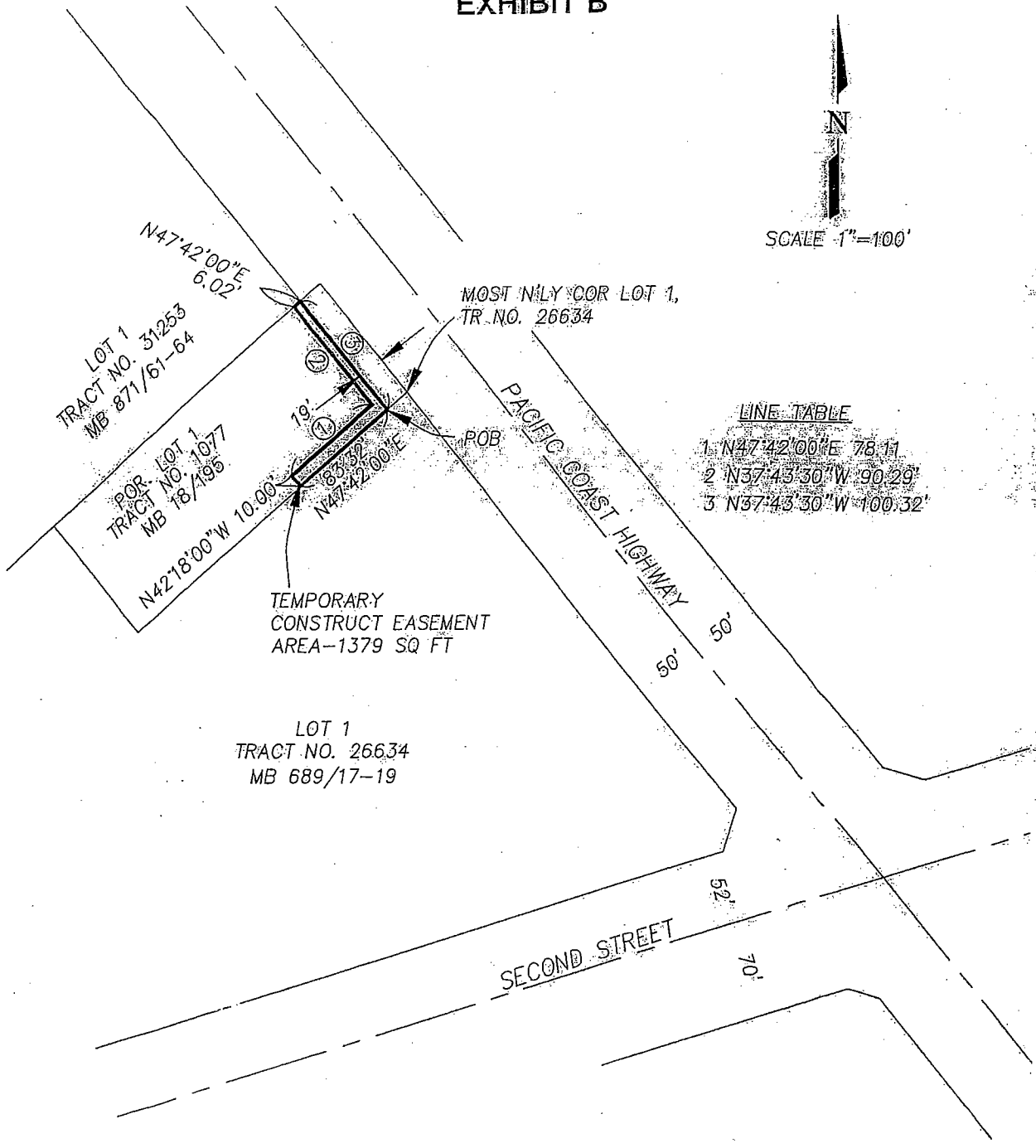
STEFAN LANTHIER, PLS 7259
EXPIRATION: 12-31-2010



EXHIBIT B



SCALE 1"=100'



LINE TABLE

- 1. N47°42'00"E 78.11
- 2. N37°43'30"W 90.29
- 3. N37°43'30"W 100.32

LOT 1
TRACT NO. 26634
MB 689/17-19

TEMPORARY
CONSTRUCT EASEMENT
AREA-1379 SQ FT



Cornerstone Land Surveying Co.
Civil • Surveying • Planning
950 Temescal Circle
CORONA, CA 92679
PH 951-736-0200 FAX 951-736-0300

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

LONG BEACH, CALIFORNIA

SHEET 1
OF 1 SHEET

DATE: 03-23-09

JN 09-136-4

EXHIBIT B-1

BEING A PORTION OF LOT 1 OF TRACT NO. 26634, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 689, PAGES 17 THROUGH 19, INCLUSIVE OF MAPS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHWESTERLY LINE OF SAID LOT 1, LYING SOUTH 47°42'00" WEST, A DISTANCE OF 19.00' FROM THE MOST NORTHERLY CORNER THEREOF;

THENCE SOUTH 37°43'30" EAST ALONG A LINE PARALLEL WITH AND DISTANT 19.00 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY LINE OF PACIFIC COAST HIGHWAY (100.00 FEET WIDE) AS SHOWN ON SAID MAP OF TRACT NO. 26634, A DISTANCE OF 359.70 FEET;

THENCE SOUTH 21°09'57" EAST, A DISTANCE OF 13.96 FEET;

THENCE SOUTH 4°34'17" WEST, A DISTANCE OF 24.83 FEET;

THENCE SOUTH 40°43'12" WEST, A DISTANCE OF 15.82 FEET TO THE NORTHERLY LINE OF SECOND STREET (122.00 FEET WIDE) AS SHOWN ON THE MAP OF SAID TRACT;

THENCE NORTH 19°08'47" WEST, A DISTANCE OF 80.42 FEET;

THENCE NORTH 42°45'10" WEST, A DISTANCE OF 122.47 FEET;

THENCE SOUTH 47°44'26" WEST, A DISTANCE OF 45.98 FEET;

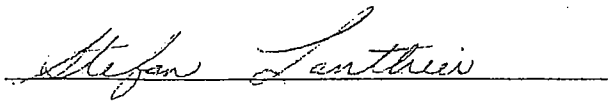
THENCE NORTH 42°27'37" WEST, A DISTANCE OF 194.03 FEET TO THE AFORESAID NORTHWESTERLY LINE OF SAID LOT 1;

THENCE NORTH 47°42'00" EAST ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 83.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,010 SQUARE FEET, MORE OR LESS.

AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR UNDER MY SUPERVISION



STEFAN LANTHIER, PLS 7259
EXPIRATION: 12-31-2010

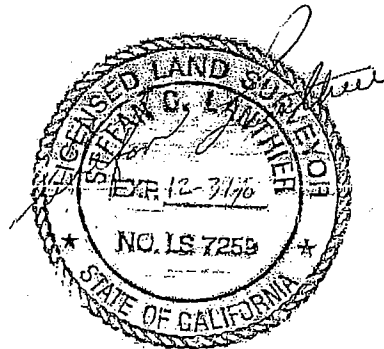
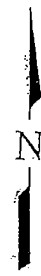


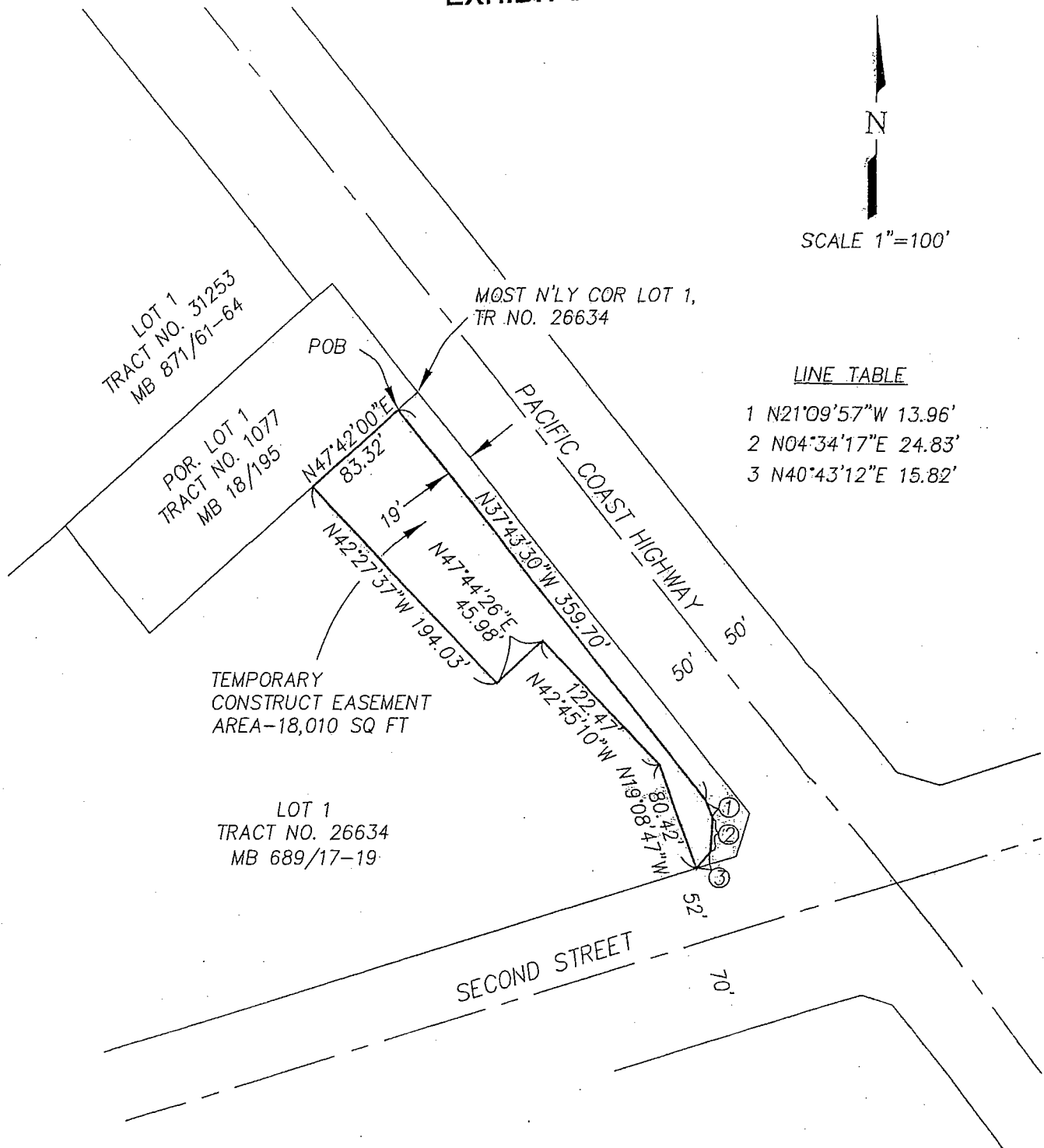
EXHIBIT B-1



SCALE 1"=100'

LINE TABLE

- 1 N21°09'57"W 13.96'
- 2 N04°34'17"E 24.83'
- 3 N40°43'12"E 15.82'



Cornerstone Land Surveying Co.
 Civil • Surveying • Planning
 958 TEMESCAL CIRCLE
 CORONA, CA 92879
 PH 951-736-0200 FAX 951-736-0300

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT

LONG BEACH, CALIFORNIA

SHEET 1
 OF 1 SHEET

DATE: 03-23-09

JN 09-136-4