



CITY OF LONG BEACH

H-3

DEPARTMENT OF COMMUNITY DEVELOPMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

October 20, 2009

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

The PCH/2nd Street Improvement Project (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 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 a widening project to provide additional southbound traffic lanes on PCH will not only mitigate the development's impact, but will 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. City Council has been provided with a copy of the Mitigated Negative Declaration (Exhibit A) concurrent with this staff report.

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 B). 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 September 24, 2009, 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.

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 PCH should be widened to provide additional southbound traffic lanes. Acquisition of the Subject Property is necessary to construct the public street improvement.

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 street 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 street improvements include the widening of PCH to provide additional southbound traffic lanes. 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.

This matter was reviewed by Assistant City Attorney Heather A. Mahood on October 2, 2009, and Budget and Performance Management Bureau Manager David Wodynski on September 30, 2009.

HONORABLE MAYOR AND CITY COUNCIL
October 20, 2009
Page 4

TIMING CONSIDERATIONS

Acquisition of the Subject Property is required to proceed with the proposed improvements to the intersection of PCH and 2nd Street. The City must provide at least 15 days notice to the property owners of the date and time of the public hearing. A letter of notice was sent on September 24, 2009. Therefore, it is requested that the City Council act on this request on October 20, 2009.

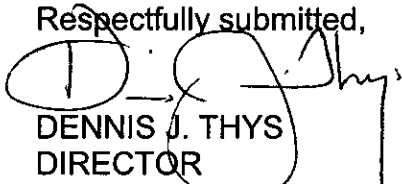
FISCAL IMPACT

The cost of the acquisition of the necessary right-of-way is \$655,000. Sufficient funds are budgeted in the Capital Improvement Fund (CP 201) in the Department of Public Works (PW). The funding source is traffic mitigation fees. There is no net impact to the General Fund.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



DENNIS J. THYS
DIRECTOR

THE DEPARTMENT OF COMMUNITY DEVELOPMENT



MICHAEL P. CONWAY
DEPARTMENT OF PUBLIC WORKS

DJT:MPC:MFT:ggw

Attachment: Exhibit A – Mitigated Negative Declaration No. ND-25-07 (CD Format)
Exhibit B – Subject Property
Resolution of Necessity

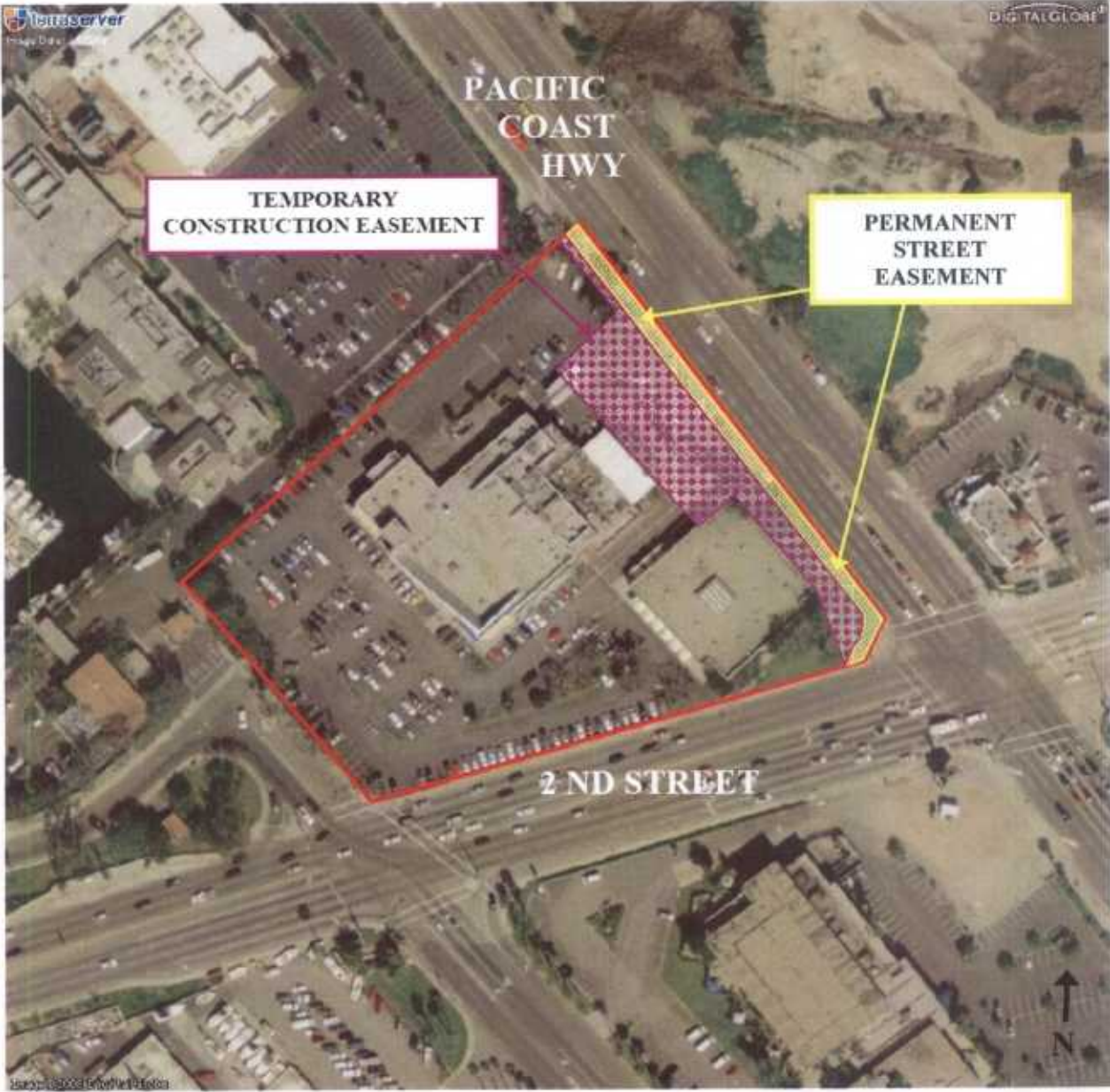
10.20.09.2nd and PCH v2.doc

APPROVED:



PATRICK H. WEST
CITY MANAGER

EXHIBIT B – SUBJECT PROPERTY



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

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 herein
14 after described for the purpose the construction of a dedicated right turn lane from East
15 2nd Street on to Pacific Coast Highway, in the City of Long Beach, State of California.

16 Permanent Street Easements

17 1. A permanent street easement in the real property commonly known as
18 6265 2nd Street, Long Beach, California, APN 7242-021-002, more particularly described
19 on Exhibit A, attached hereto and incorporated herein by this reference.

20 2. A permanent street easement in the real property commonly known as
21 6265 2nd Street, Long Beach, California, APN 7242-021-003, more particularly described
22 on Exhibit A-1, attached hereto and incorporated herein by this reference.

23 Temporary Construction Easements

24 3. A temporary construction easement for a period of five months,
25 commencing at the start of construction and ending five months thereafter, in the real
26 property commonly known as 6265 2nd Street, Long Beach, California, APN 7242-021-
27 002, more particularly described on Exhibit B, attached hereto and incorporated herein by
28 this reference.

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

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

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

20 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
21 follows:

22 Section 1. The public interest and necessity requires the acquisition of
23 the Subject Property for a public use, to wit, the construction of a dedicated right turn lane
24 from East 2nd Street on to Pacific Coast Highway.

25 Section 2. The City is authorized to acquire the Subject Property by
26 California Constitution, Article 1 section 19 and California Government Code section
27 7350.

28 Section 3. The proposed construction project is planned and located in a

1 manner that will be most compatible with the greatest public good and the least private
2 injury.

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

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

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

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

22 Section 8. The City Council has reviewed and considered Mitigated
23 Negative Declaration No. ND-25-07 in accordance with the requirements of the California
24 Environmental Quality Act.

25 Section 9. This resolution shall take effect immediately upon its adoption
26 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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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 _____, 2009 by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

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

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'

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

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

APN 7242-021-002

P.O.B.

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

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 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:


 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

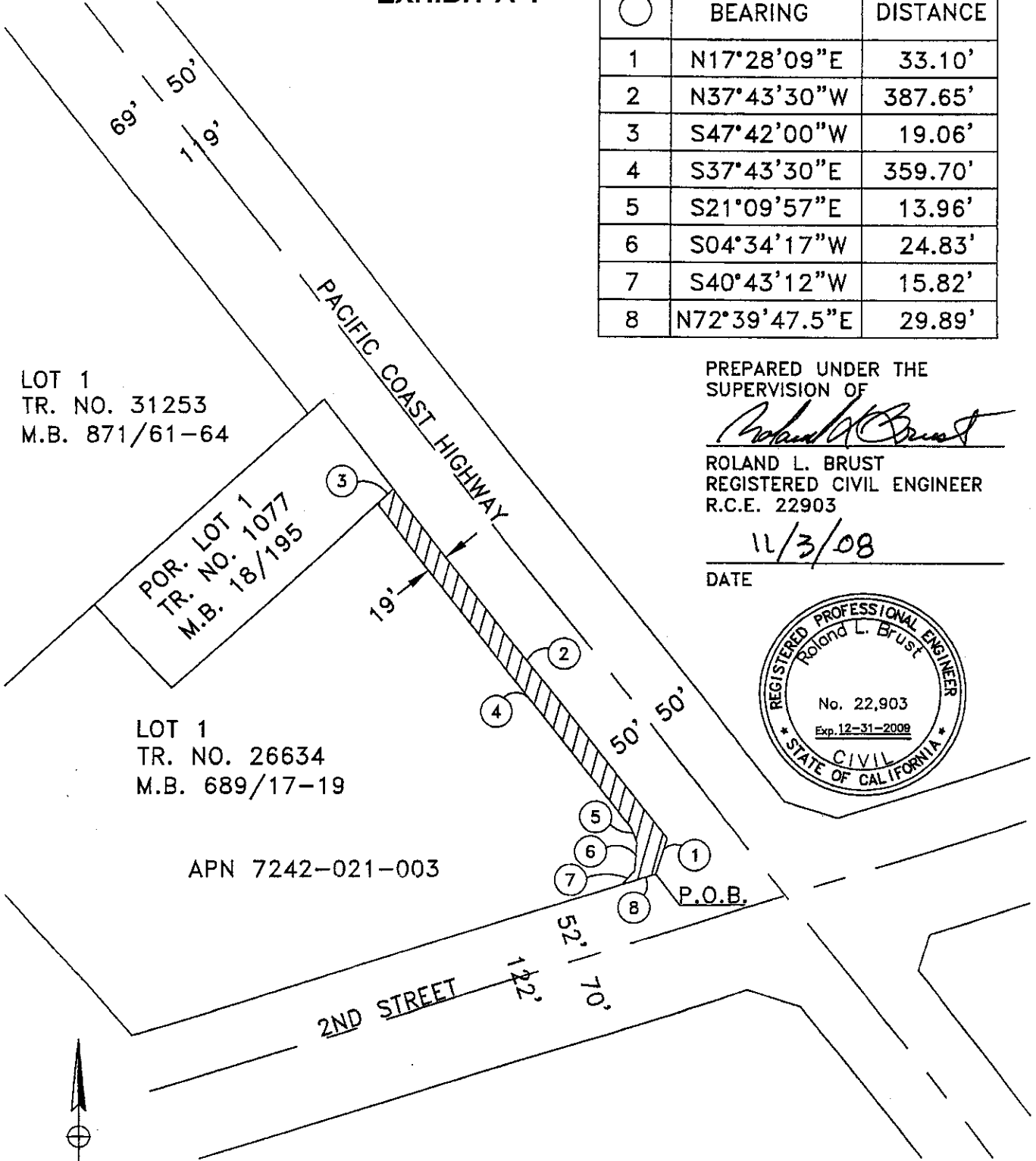
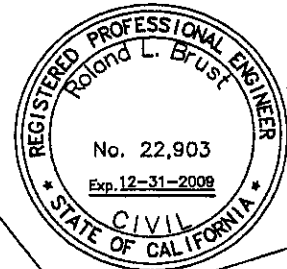
PREPARED UNDER THE
SUPERVISION OF

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;

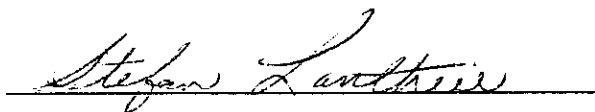
THENCE SOUTH 42°18'00" EAST, A DISTANCE OF 10.00 FEET TO THE AFORESAID NORTHWESTERLY LINE OF LOT 1 OF TRACT NO. 26634;

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.

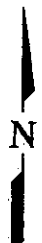
PREPARED BY ME OR UNDER MY SUPERVISION



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



EXHIBIT B



SCALE 1"=100'

LOT 1
TRACT NO. 31253
MB 871/61-64

POR LOT 1
TRACT NO. 1077
MB 18/195

MOST N'LY COR LOT 1,
TR NO. 26634

PACIFIC COAST HIGHWAY

LINE TABLE

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

N42°18'00"W 10.00'

TEMPORARY
CONSTRUCT EASEMENT
AREA-1379 SQ FT

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

SECOND STREET



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

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;

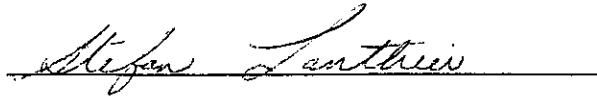
THENCE NORTH 42°27'37" WEST, A DISTANCE OF 194.03 FEET TO THE AFORESAID NORTHWESTERLY LINE OF SAID LOT 1;

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

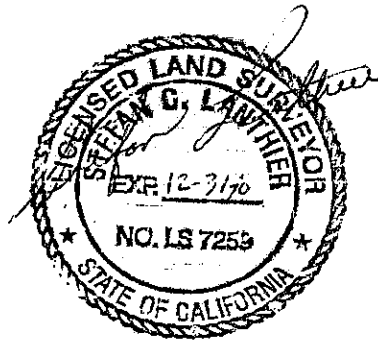


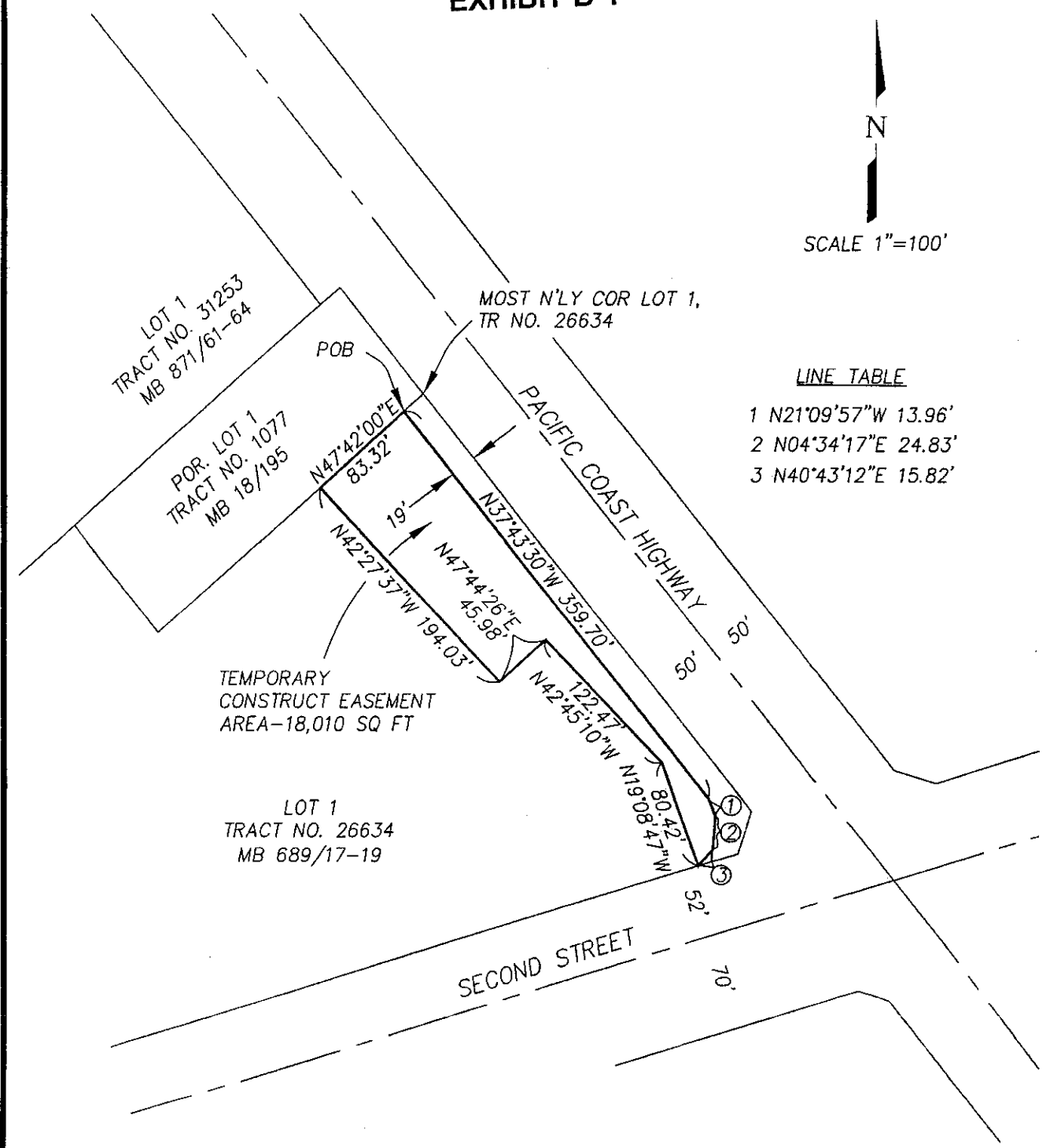
EXHIBIT B-1

N

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'



TEMPORARY
CONSTRUCT EASEMENT
AREA-18,010 SQ FT

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

SECOND STREET



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