

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

1 RESOLUTION NO. RES-09-0118

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 Pacific
15 Coast Highway to East 2nd Street, 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 Pacific Coast Highway to East 2nd Street.

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.

27 ///

28 ///

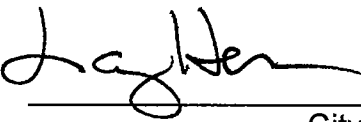
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of October 20, 2009 by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, DeLong,
O'Donnell, Andrews, Reyes Uranga,
Gabelich, Lerch.

Noes: Councilmembers: Schipske.

Absent: Councilmembers: None.



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 $37^{\circ}43'30''$ 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 $47^{\circ}42'00''$ 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 $37^{\circ}43'30''$ 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 $47^{\circ}42'0''$ 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
19'

P.O.B.

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

2ND STREET

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:

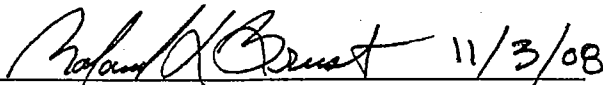
 11/3/08
ROLAND L. BRUST DATE
R.C.E. 22903 EXPIRES 12/31/09



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

2ND STREET

PACIFIC COAST HIGHWAY

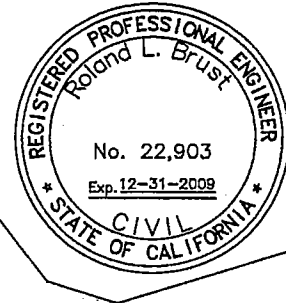
PREPARED UNDER THE
SUPERVISION OF

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;

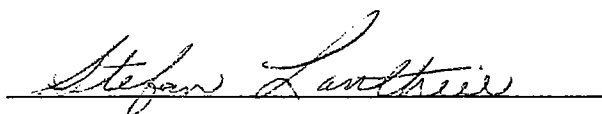
THENCE SOUTH 42°18'00" EAST, A DISTANCE OF 10.00 FEET TO THE AFORESAID NORTHWESTERLY LINE OF LOT 1 OF TRACT NO. 26634;

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

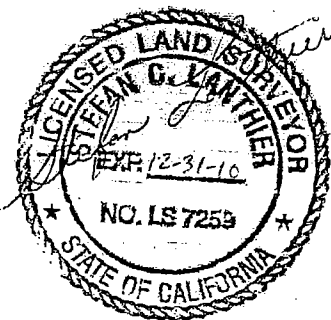
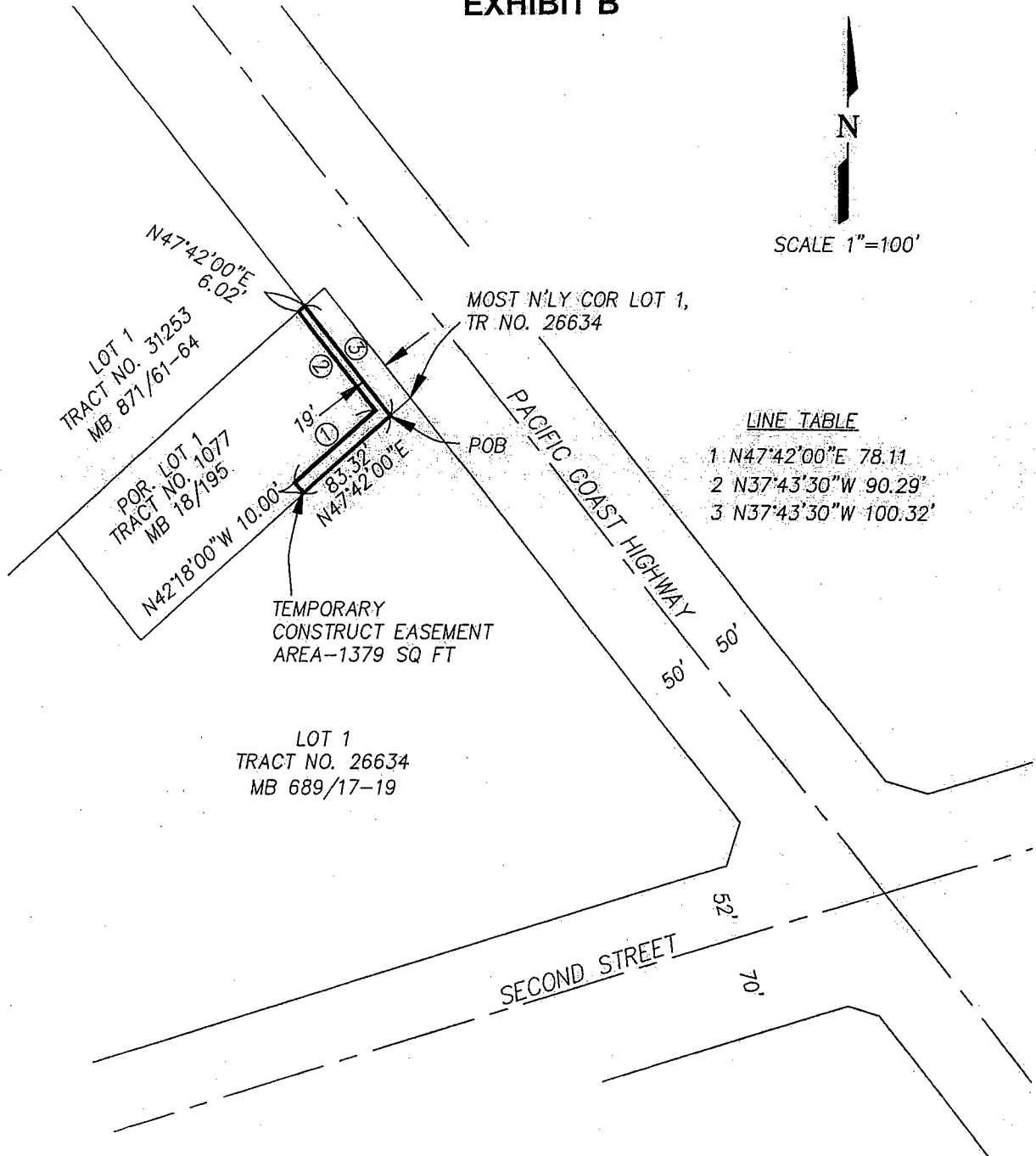


EXHIBIT B



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

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;

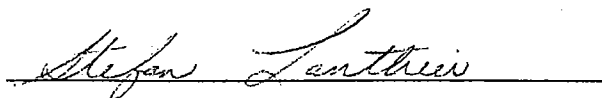
THENCE NORTH 42°27'37" WEST, A DISTANCE OF 194.03 FEET TO THE AFORESAID NORTHWESTERLY LINE OF SAID LOT 1;

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

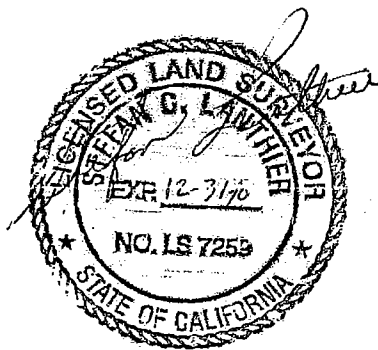
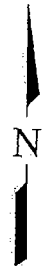


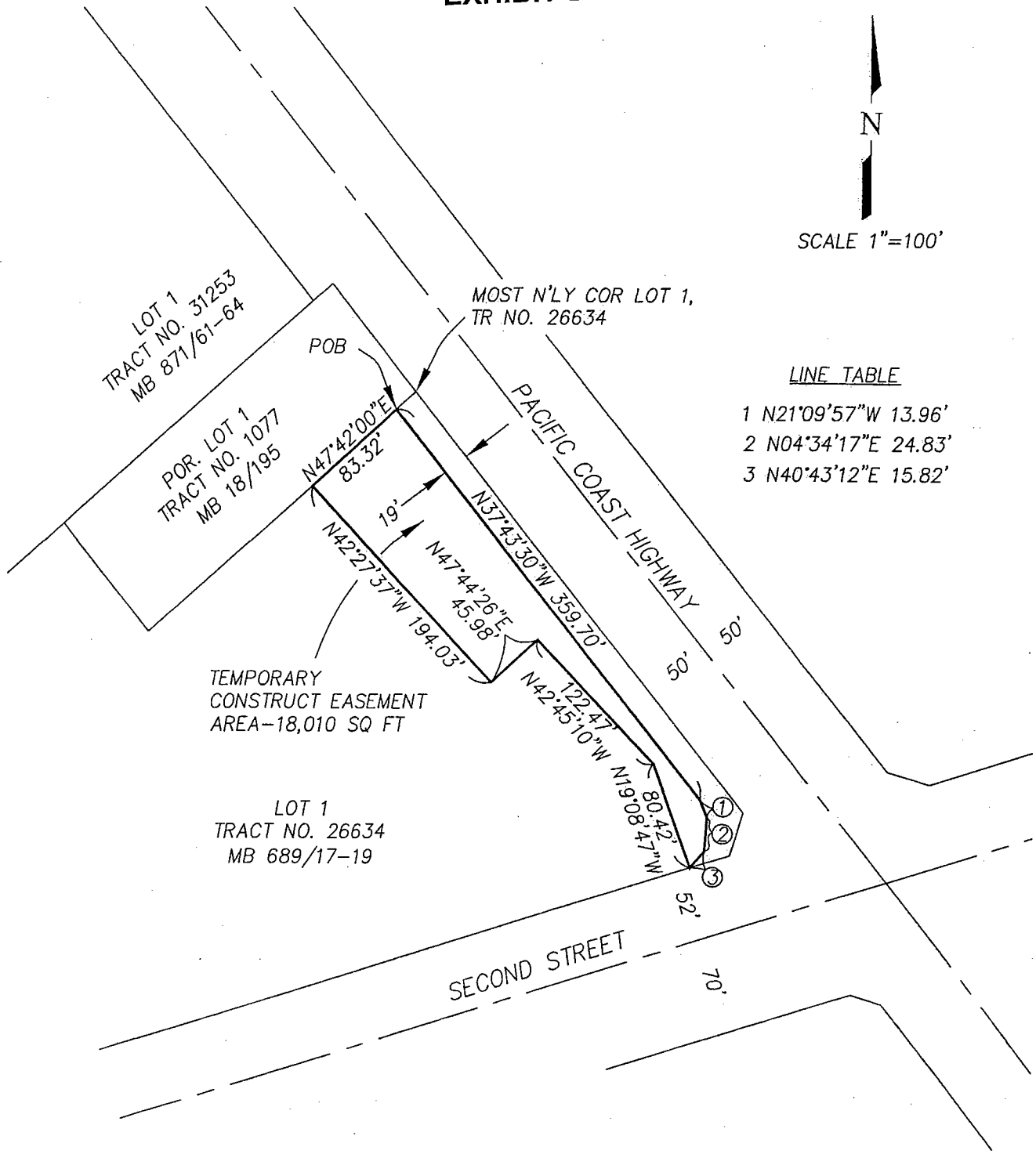
EXHIBIT B-1



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
 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