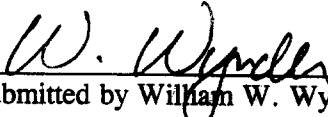


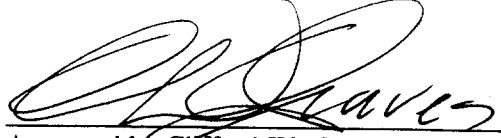


City of Carson Report to Mayor and City Council

September 6, 2011
New Business Discussion

SUBJECT: CONSIDERATION OF RESOLUTION NO. 11-109 AND RESOLUTION NO. 11-110, ADOPTING RESOLUTIONS OF NECESSITY FOR PROJECT NO. 919: WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I-405 FREEWAY


Submitted by William W. Wynder
City Attorney


Approved by Clifford W. Graves
Interim City Manager

I. SUMMARY

The City seeks to improve mobility and enhance safety conditions along I-405 Freeway and Wilmington Exit Corridor, referred to as the Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway Project (the "Project"). The City seeks only small fee interests and temporary construction easements (collectively the "Interests") of the affected surrounding properties, APNs 7315-040-001 and 7315-040-011.

City staff has attempted to acquire the Interests in each respective property described below necessary for the Project. Negotiations for acquisitions have been undertaken with the property owners, and purchase offers based on appraisals have been made. City staff is recommending the use of eminent domain to acquire the necessary Interests in the properties. The Interests to be acquired are described in Exhibits A-1 and A-2 and depicted in Exhibits B-1 and B-2 attached to the Resolution Nos. 11-109 and 11-110 submitted with this staff report (Exhibit Nos. 1-2).

Acquisition of the Interests in the properties through eminent domain will require the City to pay just compensation for the Interests acquired, as determined by the court. An appraiser on behalf of the City has determined the fair market values of the Interests to be acquired and are detailed in Attachment 1 hereto (Exhibit No. 3). The public hearing on this matter is scheduled for September 6, 2011.

II. RECOMMENDATION

TAKE the following actions:

1. WAIVE further reading and ADOPT Resolution No. 11-109; "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTERESTS AND A TEMPORARY CONSTRUCTION EASEMENT IN A PORTION OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 7315-040-011."

2. WAIVE further reading and ADOPT Resolution No. 11-110; "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTERESTS AND TEMPORARY CONSTRUCTION EASEMENT IN A PORTION OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 7315-040-001."

III. ALTERNATIVES

1. DO NOT ADOPT Resolution No. 11-109 and Resolution No. 11-110.
2. TAKE another action the City Council deems appropriate. However, the city must acquire required right-of-ways to construct Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway.

IV. BACKGROUND

The Project, identified in the City of Carson Five-Year Capital Improvement Program as Project Number 919, will improve traffic operation at Wilmington Avenue/I-405 Freeway Interchange and Wilmington Avenue/223rd Street Intersection. This improvement will expedite the movement of through traffic, control the movement of turning traffic, and improve safety characteristics at this intersection. The existing ramps will be modified, Wilmington Avenue will be widened, and a new northbound I-405 on-ramp will be constructed.

The City has retained the services of an independent real estate appraiser and has made *Government Code* offers to purchase the Interests in the properties necessary for the Project based on the fair market value established by the appraiser.

At this time, the City is requested to commence the eminent domain process, for which the City is required to formally adopt Resolutions of Necessity. The City has not been able to negotiate a settlement. While negotiations will continue, staff is recommending beginning the eminent domain process to acquire the Interests necessary for the Project because the City requires immediate possession.

A. *Resolutions of Necessity:*

The subject hearing is being conducted to determine whether the City should proceed with an eminent domain action to acquire the Interests and to establish whether the following five basic criteria are met:

1. The public interest and necessity require the Project.
2. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The Interests sought to be acquired are necessary for the Project.

4. An offer meeting the requirements of Section 7267.2 of the Government Code has been made to the owners of record.
5. Whether all other prerequisites for the exercise of eminent domain to acquire the properties have been met.

B. Analysis:

The public interest, convenience and necessity require the acquisition of the Interests in portions of the properties by the City to improve mobility and enhance safety conditions by expediting the movement of through traffic, controlling the movement of turning traffic, and improving safety characteristics at the subject intersection along 405 Freeway and Wilmington Exit Corridor, thereby improving safety to the general public.

The Project is planned in a manner which will be the most compatible with the greatest public good and the least private injury. The City seeks to condemn only small portions of the properties in the right-of-way which will not impact the businesses.

The acquisition of the Interests in portions of the parcels in Attachment 1 is necessary for the Project because without these interests, the Project cannot be constructed. Acquisition of the interests is expressly authorized by Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Sections 1240.010 through 1240.050 and Sections 1240.410 through 1240.430, and Government Code Sections 37350, 37353, 37350.5 and 40404.

The offer required by Government Code Section 7267.2 has been made to the owners of the parcels and copies of the offer letters (exhibits excluded) for each parcel is attached hereto as Exhibit No. 4, and incorporated by this reference. The City has pursued negotiations with the owners of the properties; however, said negotiations have been unsuccessful.

The Project is consistent with the City's General Plan, the Five-Year Capital Improvement Program, and all prerequisites for adopting Resolutions of Necessity and for commencing an eminent domain action to acquire the Interests for the Project have been met.

V. FISCAL IMPACT

Costs to acquire the fee and easement interests in properties, including the approvals, legal fees, staff time, and court costs.

VI. EXHIBITS

1. Resolution 11-109. (pgs. 5-20)
2. Resolution 11-110. (pgs. 21-37)
3. Attachment 1 - Fair Market Values of Portions of Parcels to be obtained. (pgs. 38-39)
4. Attachment 2 - Copies of offers to acquire the Interests in the subject parcels (without exhibits). (pgs. 40-44)

Prepared by: Sunny K. Soltani, Assistant City Attorney

TO:Rev032811

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date_____ Action_____

RESOLUTION NO. 11-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTERESTS AND A TEMPORARY CONSTRUCTION EASEMENT IN A PORTION OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 7315-040-011.

WHEREAS, for the public purposes set forth herein, the City of Carson, California is authorized to acquire property through the exercise of eminent domain pursuant to Section 19 of Article 1 of the California Constitution, Sections 1240.010 through 1240.050 and Sections 1240.410 through 1240.430 of the California *Code of Civil Procedure*, and Sections 37350, 37353, 37350.5 and 40404 of the California *Government Code*; and

WHEREAS, the "Project" for the purposes of this acquisition consists of construction which will improve mobility and enhance safety conditions along the 405 Freeway and Wilmington Exit Corridor, referred to as the Wilmington Avenue Interchange Modification at the I-405 freeway Project (referred to herein as the "Project"); and

WHEREAS, in order to carry out and make effective the principal purpose of the Project, it is necessary for the City of Carson to acquire fee interests in portions of certain privately-owned real property known as Assessor's Parcel No. 7315-040-011, which is located in the City of Carson, as more particularly described in Exhibit "A-1" and a temporary construction easement as described in Exhibit "A-2" which are attached hereto and incorporated by this reference, and to be located as depicted on the diagrams attached hereto as Exhibits "B-1" and "B-2" which are incorporated by this reference (collectively "Interests"); and

WHEREAS, on or about April 5, 2011 the City made a written offer to acquire the Interests to the record owner of the Property at an amount that was not less than the appraised fair market value in compliance with *Government Code* Section 7267.2(a), and the owner of the Property has not accepted said offer or otherwise conveyed the Interests to the City as of the date of this Resolution; and

WHEREAS, on August 15, 2011, by letter dated August 12, 2011, a Notice of Necessity for Acquisition of Fee Interests and a Temporary Construction Easement in Certain Real Property identified as Assessor's Parcel No. 7315-040-011 (a copy of which is attached hereto as Exhibit "C" and incorporated by this reference) was served to all persons whose names appear on the last equalized County Assessment Roll as having an ownership interest in the Property, and to the address appearing on said Roll, which Notice of Hearing advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein, and

WHEREAS, the hearing set out in said Notice of Hearing was held on September 6, 2011 at the time and place stated therein, and all interested parties were given an opportunity to be heard on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- (c) Whether the fee and easement interests proposed to be acquired are necessary for the Project;
- (d) Whether the offer meeting the requirements of *Government Code* Section 7267.2 has been given; and
- (e) Whether all other prerequisites for the exercise of eminent domain to acquire the Property have been met.

WHEREAS, the City Council, as a result of such hearing, has determined that public health, safety, and welfare require the City to acquire the Interests in portions of the Property for the stated purposes.

NOW, THEREFORE, be it determined by the City Council of the City of Carson, California, that:

Section 1. The facts and conclusions referenced in this Resolution, and the findings made by the City Council herein, are supported by substantial evidence contained in the record of this proceeding.



Section 2. The Interests to be acquired consist of fee and temporary construction easement interests for the Project in portions of the Property located within the City of Carson, County of Los Angeles, State of California, Assessor's Parcel No. 7315-040-011, and more specifically described above and in Exhibits "A-1" and "A-2".

Section 3. That the public interest, convenience, and necessity require the acquisition by the City of the Interests for the Project. The Project will improve traffic operation at Wilmington Avenue/I-405 Freeway Interchange and Wilmington Avenue/223rd Street Intersection. This improvement will expedite the movement of through traffic control the movement of turning traffic, and improve safety characteristics at this intersection. The existing ramps will be modified, Wilmington Avenue will be widened, and a new northbound I-405 on-ramp will be constructed. The Project is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury. The public interest, convenience and necessity require the acquisition of the Interests in portions of the properties by the City to improve mobility and enhance safety conditions by expediting the movement of through traffic, controlling the movement of turning traffic and improving safety characteristics at the subject intersection. The least private injury results because the City seeks to condemn only small portions of the properties in the right-of-way which will not impact the businesses. The taking of the Interests as described above is necessary for the Project because the Project cannot be constructed without the Interests and the acquisition is authorized by Section 19 of Article 1 of the California Constitution, Section 1230.010 *et seq.* of the California *Code of Civil Procedure*, and Sections 37350, 37350.5, 37353, and 40404 of the California *Government Code*.

Section 4. The offer required by *Government Code* Section 7267.2 has been made to the owner of record of the Interests, by way of letter dated April 5, 2011 and the City has pursued negotiations thereafter, and negotiations with the owner of the Interests have not been successful.

Section 5. The environmental impacts and effects of the Project were fully addressed and all obligations imposed by the California Environmental Quality Act have been complied with for the Project.



Section 6. The City hereby declares its intent to acquire the Interests in the portions of the Property described in Exhibits "A-1" and "A-2" in the City's name in accordance with the provisions of the law of the State of California and finds that all conditions, statutory requirements and prerequisites to the exercise of eminent domain to acquire the Property described herein have been complied with by the City.

Section 7. The law firm of Aleshire & Wynder, LLP, is hereby authorized and directed to prepare, institute, and prosecute in the name of the City such proceedings, in the Court having proper jurisdiction thereof, as may be necessary for the acquisition of the fee and easement interests in portions of the Property in accordance with the provisions of the California Eminent Domain Law and the Constitution of California. Said counsel are also authorized and directed to obtain any necessary order of the Court granting the City the right of immediate possession and occupancy of the Property.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council of the City of Carson this 6th day of September 2011.

JIM DEAR
MAYOR OF THE CITY OF CARSON

ATTEST:

HELEN S. KAWAGOE, CMC/MMC
CITY CLERK



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that Resolution No. _____ was adopted by the City Council of the City of Carson at a regular meeting held on the 6th day of September, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

HELEN S. KAWAGOE, CMC/MMC
CITY CLERK



EXHIBIT A

PSOMAS

EXHIBIT 'A'

LEGAL DESCRIPTION

PARCEL 15-1 (FEE PARCEL)

In the City of Carson, County of Los Angeles, State of California, being that portion of Parcel 1 of Parcel Map No. 25182, as shown on the map filed in Book 315. Pages 98 through 100, inclusive, of Parcel Maps, in the Office of the County Recorder of said County, lying westerly of the following described line:

Beginning at the southwesterly corner of said Parcel 1; thence along the southerly line of said Parcel 1, South $89^{\circ}58'22''$ East 8.90 feet to a line lying 8.50 feet southeasterly of and parallel with the westerly line of said Parcel 1 and the **True Point of Beginning**; thence along said parallel line North $17^{\circ}22'16''$ East 118.07 feet; thence North $09^{\circ}11'36''$ West 4.47 feet to a line lying 6.50 feet southeasterly of and parallel with the westerly line of said Parcel 1; thence along said parallel line North $17^{\circ}22'16''$ East 30.68 feet to the beginning of a curve concave easterly having a radius of 79.50 feet; thence northerly along said curve 11.66 feet through a central angle of $08^{\circ}24'14''$ to a line lying 3.00 feet southerly of and parallel with the southerly line of the easement recorded September 28, 1962 as Instrument No. 2096 in Book D1771, Page 917, Official Records of said County, and as shown on said Parcel Map; thence along said parallel line North $88^{\circ}00'01''$ East 11.20 feet; thence North $55^{\circ}47'11''$ East 5.63 feet to said southerly line.

Containing 1,376 square feet.

All as shown on Exhibit "B" attached hereto and made a part thereof.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.



PSOMAS

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Distances as described above and as shown on said Exhibit "B" are grid distances.
Ground distances may be obtained by dividing grid distances by the mean combination
factor of the points being described. The mean combination factor for this conversion is
1.00005031.

This legal description was prepared by me or under my direction.

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

2-08-11

Date



PSOMAS

EXHIBIT 'A'

LEGAL DESCRIPTION

PARCEL 15-2 (TEMPORARY CONSTRUCTION EASEMENT)

In the City of Carson, County of Los Angeles, State of California, being that portion of Parcel 1 of Parcel Map No. 25182, as shown on the map filed in Book 315, Pages 98 through 100, inclusive, of Parcel Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the southwesterly corner of said Parcel 1; thence along the southerly line of said Parcel 1, South 89°58'22" East 8.90 feet to a line lying 8.50 feet easterly of and parallel with the westerly line of said Parcel 1 and the **True Point of Beginning**; thence along said parallel line North 17°22'16" East 118.07 feet; thence North 09°11'36" West 4.47 feet to a line lying 6.50 feet southeasterly of and parallel with the westerly line of said Parcel 1; thence along said parallel line North 17°22'16" East 30.68 feet to the beginning of a curve concave easterly having a radius of 79.50 feet; thence northerly along said curve 11.66 feet through a central angle of 08°24'14" to a line lying 3.00 feet southerly of and parallel with the southerly line of the easement recorded September 28, 1962 as Instrument No. 2096 in Book D1771, Page 917, Official Records of said County, and as shown on said Parcel Map; thence along said parallel line North 88°00'01" East 11.20 feet; thence North 55°47'11" East 5.63 feet to said southerly line; thence South 01°59'59" East 16.00 feet to a line lying 16.00 feet southerly of and parallel with said southerly line; thence along said parallel line South 88°00'01" West 5.54 feet to a line lying 21.50 feet easterly of and parallel with the westerly line of said Parcel 1; thence along said parallel line South 17°22'16" West 151.50 feet to the southerly line of said Parcel 1; thence along said southerly line North 89°58'22" West 13.62 feet to the **True Point of Beginning**.

Containing 2,280 square feet.



PSOMAS

All as shown on Exhibit "B" attached hereto and made a part thereof.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Distances as described above and as shown on said Exhibit "B" are grid distances. Ground distances may be obtained by dividing grid distances by the mean combination factor of the points being described. The mean combination factor for this conversion is 1.00005031.

This legal description was prepared by me or under my direction.

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

2-08-11

Date

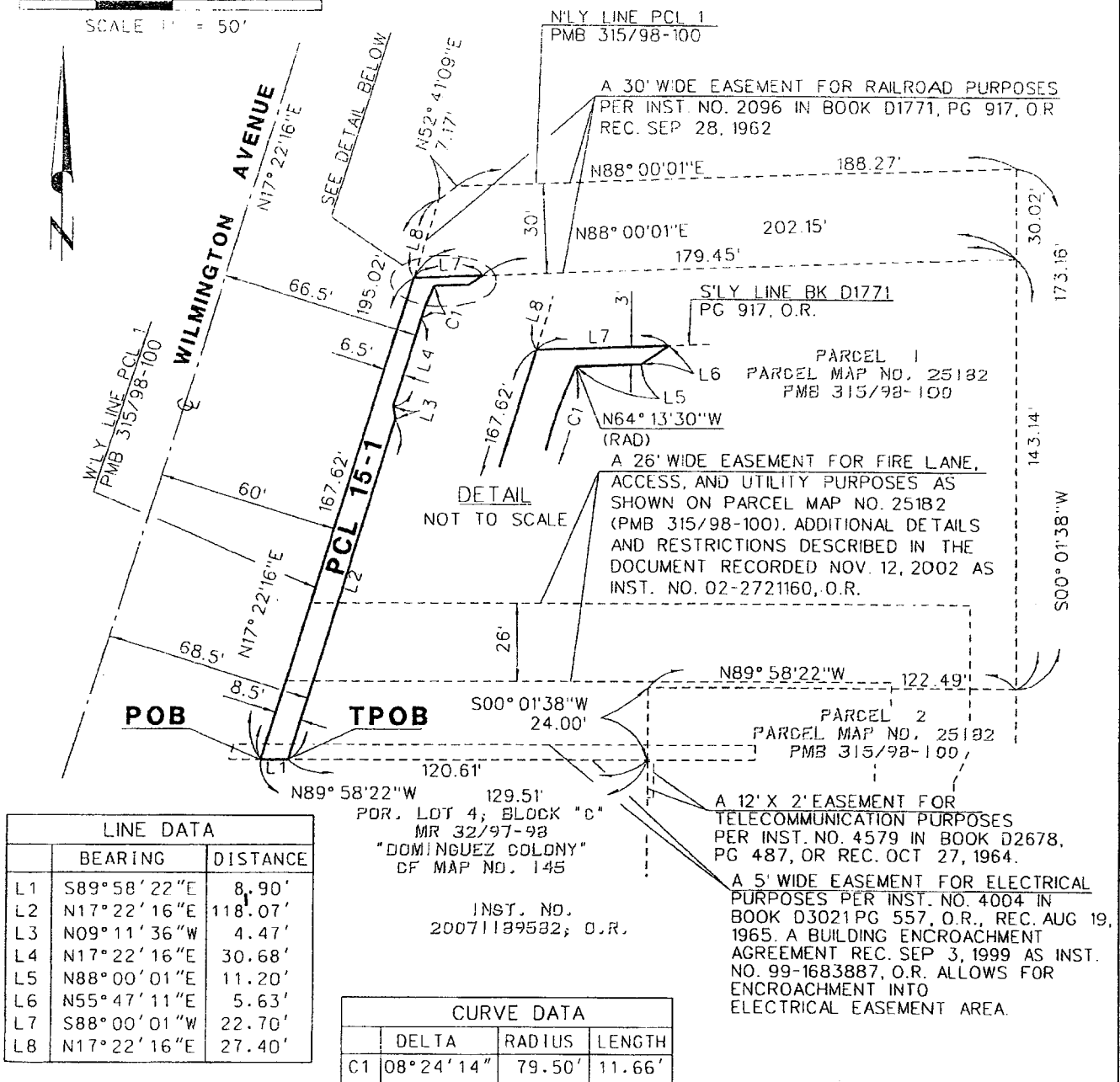


EXHIBIT B

GRANTOR	MACLAND INVESTMENTS	The data shown on plot are based on a field survey prepared by Psomas dated April 2009 and January 2011. Bearings and distances are based on California Coordinate System 83 Zone 9.		
DESCRIPTION	PORTION PARCEL 1, P.M.B. 315/98-100			
IN THE CITY OF CARSON, COUNTY OF LOS ANGELES				
STATE OF CALIFORNIA				
TITLE REPORT	LAWYERS TITLE COMPANY PRELIMINARY REPORT NO 12404032	0	02-01-11	ORIGINAL SUBMITTAL
ASSESSORS REF.	7315-040-01	ROW REF.	RW-003	
		NO.	DATE	REVISION DESCRIPTION

0 25' 50' 100'
SCALE 1" = 50'

EXHIBIT "B"



TOTAL AREA OF PROPERTY	PARCEL 15-1	REMAINDER PARCEL AREA			
40,016 SQ. FT.	1,376 SQ. FT.	38,640 SQ. FT.			

PREPARED BY:

PSOMAS

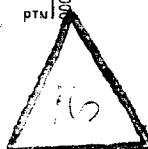
3 Hutton Centre, #200
Santa Ana, California 92707
714/751-7373
714/545-8883 (Fax)

PARCEL 15-1

SHEET 1 OF 1

EXHIBIT B1 PAGE 1

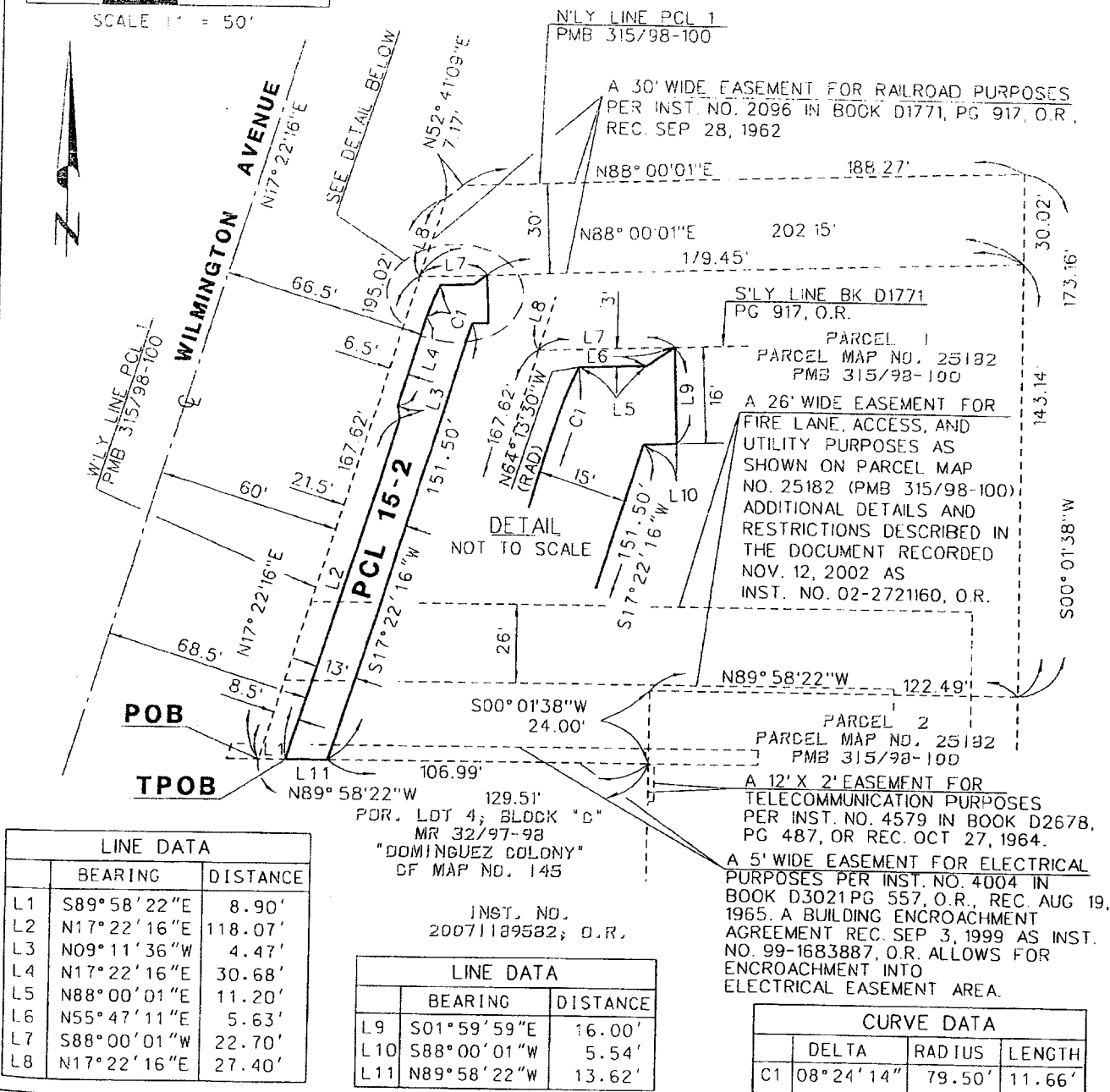
CONTRACT NO.	20VE0401000
SCALE	1"=50'
DATE	02-01-11
DRAWN BY	PTU
CHECKED BY	
REV. DATE	



GRANTOR	MACLARD INVESTMENTS	The data shown on plot are based on a field survey prepared by Psomas dated April 2009 and January 2011. Bearings and distances are based on California Coordinate System 83 Zone 5.		
DESCRIPTION	PORTION PARCEL 1, P.M.B. 315/98-100			
IN THE CITY OF CARSON, COUNTY OF LOS ANGELES				
STATE OF CALIFORNIA				
TITLE REPORT	LAWYERS TITLE COMPANY PRELIMINARY REPORT NO. 12404032	0	02-01-11	ORIGINAL SUBMITTAL
ASSESSORS REF	7315-040-011	ROW REF	RW-003	NO
		DATE		REVISION DESCRIPTION

0 25' 50' 100'
SCALE 1" = 50'

EXHIBIT "B"



TOTAL AREA OF PROPERTY	PARCEL 15-2	REMAINDER PARCEL AREA		
40,016 SQ. FT.	2,280 SQ. FT.	37,736 SQ. FT.		

PREPARED BY:

PSOMAS

3 Hutton Centre, #200
Santa Ana, California 92707
714/751-7373
714/545-8883 (Fax)

PARCEL 15-2

SHEET 1 OF 1

EXHIBIT B-2 PAGE 1

CONTRACT NO.	20VED0401000
SCALE	1"=50'
DATE	02-01-11
DRAWN BY	RTN
CHECKED BY	
REV. DATE	REV.

10001 SURVEY LEGAL EXHIBITS Parcel 15-2.dgn

17

EXHIBIT C

OVERLAND
PACIFIC &
CUTLER, INC.

3750 Schauffele Avenue, Suite 150
Long Beach, CA 90808
562.304.2000 ph
562.304.2020 fax
www.OPCservices.com

April 5, 2011

Macland Investments Inc.
c/o Moti Lal Balyan
5960 Canoga Avenue
Woodland Hills, CA 91367

PARCEL 15-1 (FEE 1,376 SF)
PARCEL 15-2 (TCE 2,280 SF)

Subject: Offer to Purchase Real Property and Temporary Construction Easement
Name: Wilmington Avenue Interchange Project
Partial Acquisition of APN: 7315-040-11 / City of Carson, Los Angeles County, CA

Dear Property Owner:

The City of Carson (City) is considering the Wilmington Avenue Interchange Project (Project) to improve mobility and enhance safety conditions along 405 Freeway and Wilmington Exit corridor (the Property). The Project involves acquiring a fee simple interest of a total of approximately 1,376+/- sq. ft. of land area and a temporary construction easement of approximately 2,280+/- sq. ft. in order to widen Wilmington Avenue between the 405 Freeway and just South of 223rd Street.

Accordingly, the City hereby makes a formal offer to purchase a fee simple interest and a temporary construction easement over a portion of your property located at 22220 Wilmington Avenue, Carson, CA for the sum of:

ONE HUNDRED THIRTEEN THOUSAND FIVE HUNDRED DOLLARS
(\$113,500.00)

This offer is the full amount the City believes to be "just compensation" for the property and is not less than the approved appraisal of its fair market value. This offer letter includes a Statement of Just Compensation which includes a summary of the basis for just compensation and some important information about how the value was determined. It is the City's hope that this price is agreeable to you and that the acquisition can begin immediately.

Overland, Pacific & Cutler, Inc. has been retained as the City's acquisition consultant and will answer any questions you have regarding this offer letter and its attachments. You can contact Maddy Rivera at (562) 304-2029 or (800) 400-7356. As you consider this offer, the City's enclosed Acquisition Policies and Procedures brochure may help answer any questions or concerns you may have.

This offer is subject to and conditioned upon acceptable soil conditions and the absence from the property of toxic or hazardous substances and any other kind of soil or water contamination, and to the grant of a right-of-entry to the City for the purpose of conducting a soils, toxic and hazardous substances investigation of the subject property at the City's expense. This offer is further subject to modification depending on the results of said investigation to the extent that the results of such investigation could

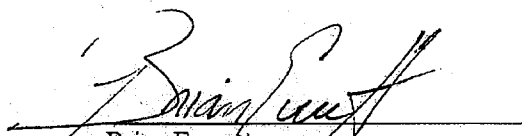
Offer to Purchase Real Property
Wilmington Avenue Interchange Project
Macland Investments Inc.
APN: 7315-040-011
Page 2

have an impact on the value of the property. Additionally, this offer is also subject to final and formal approval by the City Council.

Please acknowledge receipt of the City's offer by signing a copy of this letter and returning it to this office. Your signature on the copy does not signify acceptance of the City's offer to settle the acquisition, it only acknowledges receipt of the City's offer.

Thank you in advance for your anticipated cooperation.

Sincerely,


Brian Everett
Principal/Vice President

OFFER RECEIVED

By: _____

Date: _____

Receipt of Offer Does Not
Constitute Acceptance

Enclosures:

Statement of Just Compensation
City Acquisition Policies Brochure

cc: City of Carson

RESOLUTION NO. 11-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTERESTS AND A TEMPORARY CONSTRUCTION EASEMENT IN A PORTION OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 7315-040-001.

WHEREAS, for the public purposes set forth herein, the City of Carson, California is authorized to acquire property through the exercise of eminent domain pursuant to Section 19 of Article 1 of the California Constitution, Sections 1240.010 through 1240.050 and Sections 1240.410 through 1240.430 of the California *Code of Civil Procedure*, and Sections 37350, 37353, 37350.5 and 40404 of the California *Government Code*; and

WHEREAS, the "Project" for the purposes of this acquisition consists of construction which will improve mobility and enhance safety conditions along the 405 Freeway and Wilmington Exit Corridor, referred to as the Wilmington Avenue Interchange Modification at the I-405 freeway Project (referred to herein as the "Project"); and

WHEREAS, in order to carry out and make effective the principal purpose of the Project, it is necessary for the City of Carson to acquire fee interests in portions of certain privately-owned real property known as Assessor's Parcel No. 7315-040-001, which is located in the City of Carson, as more particularly described in Exhibit "A-1" and a temporary construction easement as described in Exhibit "A-2" which are attached hereto and incorporated by this reference, and to be located as depicted on the diagrams attached hereto as Exhibits "B-1" and "B-2" which are incorporated by this reference (collectively "Interests"); and

WHEREAS, on or about April 5, 2011 the City made a written offer to acquire the Interests to the record owner of the property at an amount that was not less than the appraised fair market value in compliance with *Government Code* Section 7267.2(a), and the owner of the property has not accepted said offer or otherwise conveyed the Interests to the City as of the date of this Resolution; and



WHEREAS, on August 15, 2011, by letter dated August 12, 2011, a Notice of Intent to Adopt a Resolution of Necessity for Acquisition of Fee Interests and a Temporary Construction Easement in Certain Real Property identified as Assessor's Parcel No. 7315-040-001 (a copy of which is attached hereto as Exhibit "C" and incorporated by this reference) was served to all persons whose names appear on the last equalized County Assessment Roll as having an ownership interest in the property, and to the address appearing on said Roll, which Notice of Hearing advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein, and

WHEREAS, the hearing set out in said Notice of Hearing was held on September 6, 2011 at the time and place stated therein, and all interested parties were given an opportunity to be heard on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- (c) Whether the fee and easement interests proposed to be acquired are necessary for the Project;
- (d) Whether the offer meeting the requirements of *Government Code* Section 7267.2 has been given; and
- (e) Whether all other prerequisites for the exercise of eminent domain to acquire the property have been met.

WHEREAS, the City Council, as a result of such hearing, has determined that public health, safety, and welfare require the City to acquire the Interests in portions of the property for the stated purposes.

NOW, THEREFORE, be it determined by the City Council of the City of Carson, California, that:

Section 1. The facts and conclusions referenced in this Resolution, and the findings made by the City Council herein, are supported by substantial evidence contained in the record of this proceeding.



Section 2. The Interests to be acquired consist of fee and temporary construction easement interests for the Project in portions of the property located within the City of Carson, County of Los Angeles, State of California, Assessor's Parcel No. 7315-040-001, and more specifically described above and in Exhibits "A-1" and "A-2".

Section 3. That the public interest, convenience, and necessity require the acquisition by the City of the Interests for the Project. The Project will improve traffic operation at Wilmington Avenue/I-405 Freeway Interchange and Wilmington Avenue/223rd Street Intersection. This improvement will expedite the movement of through traffic control the movement of turning traffic, and improve safety characteristics at this intersection. The existing ramps will be modified, Wilmington Avenue will be widened, and a new northbound I-405 on-ramp will be constructed. The Project is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury. The public interest, convenience and necessity require the acquisition of the Interests in portions of the properties by the City to improve mobility and enhance safety conditions by expediting the movement of through traffic, controlling the movement of turning traffic and improving safety characteristics at the subject intersection. The least private injury results because the City seeks to condemn only small portions of the properties in the right-of-way which will not impact the businesses. The taking of the Interests as described above is necessary for the Project because the Project cannot be constructed without the Interests and the acquisition is authorized by Section 19 of Article 1 of the California Constitution, Section 1230.010 *et seq.* of the California *Code of Civil Procedure*, and Sections 37350, 37350.5, 37353, and 40404 of the California *Government Code*.

Section 4. The offer required by *Government Code* Section 7267.2 has been made to the owner of record of the Interests, by way of letter dated April 5, 2011 and the City has pursued negotiations thereafter, and negotiations with the owner of the Interests have not been successful.

Section 5. The environmental impacts and effects of the Project were fully addressed and all obligations imposed by the California Environmental Quality Act have been complied with for the Project.



Section 6. The City hereby declares its intent to acquire the Interests in the portions of the property described in Exhibits "A-1" and "A-2" in the City's name in accordance with the provisions of the law of the State of California and finds that all conditions, statutory requirements and prerequisites to the exercise of eminent domain to acquire the property described herein have been complied with by the City.

Section 7. The law firm of Aleshire & Wynder, LLP, is hereby authorized and directed to prepare, institute, and prosecute in the name of the City such proceedings, in the Court having proper jurisdiction thereof, as may be necessary for the acquisition of the fee and easement interests in portions of the property in accordance with the provisions of the California Eminent Domain Law and the Constitution of California. Said counsel are also authorized and directed to obtain any necessary order of the Court granting the City the right of immediate possession and occupancy of the property.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council of the City of Carson this 6th day of September 2011.

JIM DEAR
MAYOR OF THE CITY OF CARSON

ATTEST:

HELEN S. KAWAGOE, CMC/MMC
CITY CLERK



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Helen S. Kawagoe, City Clerk of the City of Carson, California, do hereby certify that Resolution No. _____ was adopted by the City Council of the City of Carson at a regular meeting held on the 6th day of September, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

HELEN S. KAWAGOE, CMC/MMC
CITY CLERK



EXHIBIT A

PSOMAS

EXHIBIT 'A'

LEGAL DESCRIPTION

PARCEL 16-1 (FEE PARCEL)

That portion of Lot 4 of Block "C", in the City of Carson, County of Los Angeles, State of California, as shown on the map filed in Book 32, Pages 97 and 98, of Miscellaneous Records, in the Office of the County Recorder of said County, being more particularly described in the Grant Deed recorded May 16, 2007 as Instrument No. 20071189582, Official Records of said County, described as follows:

Beginning at the northwesterly corner of the land described in said Deed; thence along the northerly line of said land South 89°58'22" East 19.38 feet to a line lying 68.50 feet easterly of and parallel with the centerline of Wilmington Avenue, variable width, as shown on the map of Tract No. 29411, filed in Book 756, Pages 51 through 67, inclusive, of Maps in the Office of the County Recorder of said County; thence along said parallel line South 17°22'16" West 51.88 feet to the beginning of a curve concave westerly having a radius of 735.43 feet, said curve lying 68.50 feet easterly of and concentric with the curved centerline of Wilmington Avenue having a radius of 666.93 feet (666.90 feet ground distance) as shown on said Tract No. 29411; thence southerly along said curve 59.81 feet through a central angle of 04°39'36" to the beginning of a reverse curve concave easterly having a radius of 32.50 feet, a radial line to said beginning bears North 67°58'08" West; thence southerly along said curve 8.47 feet through a central angle of 14°55'32"; thence South 33°58'15" East 41.94 feet to the beginning of a non-tangent curve concave northerly having a radius of 32.00 feet, the radius point of said curve being coincident with the radius point of the above described curve having a radius of 32.50 feet, a radial line to said beginning bears South 15°59'27" West; thence easterly along said curve 8.92 feet through a central angle of 15°57'49" to the northerly line of 223rd Street, variable width, formerly Wilmington Street, as described in the road easement document recorded April 17, 1962 as Instrument No. 3323 in Book D1583,



PSOMAS

Page 59, Official Records of said County; thence along said northerly line the following two courses:

1. North $89^{\circ}58'22''$ West 28.08 feet to the beginning of a curve concave northeasterly having a radius of 27.00 feet;
2. Westerly and northwesterly along said curve 35.99 feet through a central angle of $76^{\circ}22'25''$ to the westerly line of the land described in said Deed;

thence along said westerly line North $17^{\circ}22'16''$ East 135.53 feet to the **Point of Beginning**.

Containing 3,200 square feet.

All as shown on Exhibit "B" attached hereto and made a part thereof.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Distances as described above and as shown on said Exhibit "B" are grid distances. Ground distances may be obtained by dividing grid distances by the mean combination factor of the points being described. The mean combination factor for this conversion is 1.00005031.

This legal description was prepared by me or under my direction.

Jeremy L. Evans

Jeremy L. Evans, PLS 5282

1-19-11

Date



PSOMAS

EXHIBIT 'A'

LEGAL DESCRIPTION

PARCEL 16-2 (TEMPORARY CONSTRUCTION EASEMENT)

That portion of Lot 4 of Block "C", in the City of Carson, County of Los Angeles, State of California, as shown on the map filed in Book 32, Pages 97 and 98, of Miscellaneous Records, in the Office of the County Recorder of said County, being more particularly described in the Grant Deed recorded May 16, 2007 as Instrument No. 20071189582, Official Records of said County, described as follows:

Beginning at the northwesterly corner of the land described in said Deed; thence along the northerly line of said land South 89°58'22" East 19.38 feet to a line lying 68.50 feet easterly of and parallel with the centerline of Wilmington Avenue, variable width, as shown on the map of Tract No. 29411, filed in Book 756, Pages 51 through 67, inclusive, of Maps, in the Office of the County Recorder of said County and the **True Point of Beginning**; thence along said parallel line South 17°22'16" West 51.88 feet to the beginning of a curve concave westerly having a radius of 735.43 feet, said curve lying 68.50 feet easterly of and concentric with the curved centerline of Wilmington Avenue having a radius of 666.93 feet (666.90 feet ground distance) as shown on said Tract No. 29411; thence southerly along said curve 59.81 feet through a central angle of 04°39'36" to the beginning of a reverse curve concave easterly having a radius of 32.50 feet, a radial line to said beginning bears North 67°58'08" West; thence southerly along said curve 8.47 feet through a central angle of 14°55'32"; thence South 33°58'15" East 41.94 feet to the beginning of a non-tangent curve concave northerly having a radius of 32.00 feet, the radius point of said curve being coincident with the radius point of the above described curve having a radius of 32.50 feet, a radial line to said beginning bears South 15°59'27" West; thence easterly along said curve 8.92 feet through a central angle of 15°57'49" to the northerly line of 223rd Street, variable width, formerly Wilmington Street, as described in the road easement document recorded April 17, 1962 as Instrument No. 3323 in Book D1583, Page 59, Official Records of said County; thence



PSOMAS

1
2 along said northerly line South $89^{\circ}58'22''$ East 126.07 feet to the easterly line of the land
3 described in said Deed; thence along said easterly line North $00^{\circ}01'38''$ East 18.00 feet to
4 a line lying 18.00 feet northerly of and parallel with said northerly line of 223rd Street;
5 thence along said parallel line North $89^{\circ}58'22''$ West 124.46 feet to a line lying
6 18.00 feet northeasterly of and parallel with the previously described course having a
7 bearing and distance of "South $33^{\circ}58'15''$ East 41.94 feet"; thence along said parallel
8 line North $33^{\circ}58'15''$ West 25.61 feet to the beginning of a non-tangent curve concave
9 westerly having a radius of 753.43 feet, said curve lying 18.00 feet easterly of and
10 concentric with the previously described curve having a radius of 735.43 feet, a radial
11 line to said beginning bears South $68^{\circ}07'00''$ East, thence northerly along said curve
12 59.34 feet through a central angle of $04^{\circ}30'45''$ to a line lying 18.00 feet easterly of and
13 parallel with the previously described course having a bearing and distance
14 "South $17^{\circ}22'16''$ West 51.88 feet"; thence along said parallel line North $17^{\circ}22'16''$ East
15 57.50 feet to the northerly line of the land described in said Deed; thence along said
16 northerly line North $89^{\circ}58'22''$ West 18.86 feet to the **True Point of Beginning**.

17
18 Containing 5,080 square feet.

19
20 All as shown on Exhibit "B" attached hereto and made a part thereof.

21
22 This legal description is not intended to be used in the conveyance of land in violation of
23 the Subdivision Map Act of the State of California.

24
25 Distances as described above and as shown on said Exhibit "B" are grid distances.

26 Ground distances may be obtained by dividing grid distances by the mean combination
27 factor of the points being described. The mean combination factor for this conversion is
28 1.00005031.



PSOMAS

This legal description was prepared by me or under my direction.

Jeremy L Evans

1-19-11

Jeremy L. Evans, PLS 5282

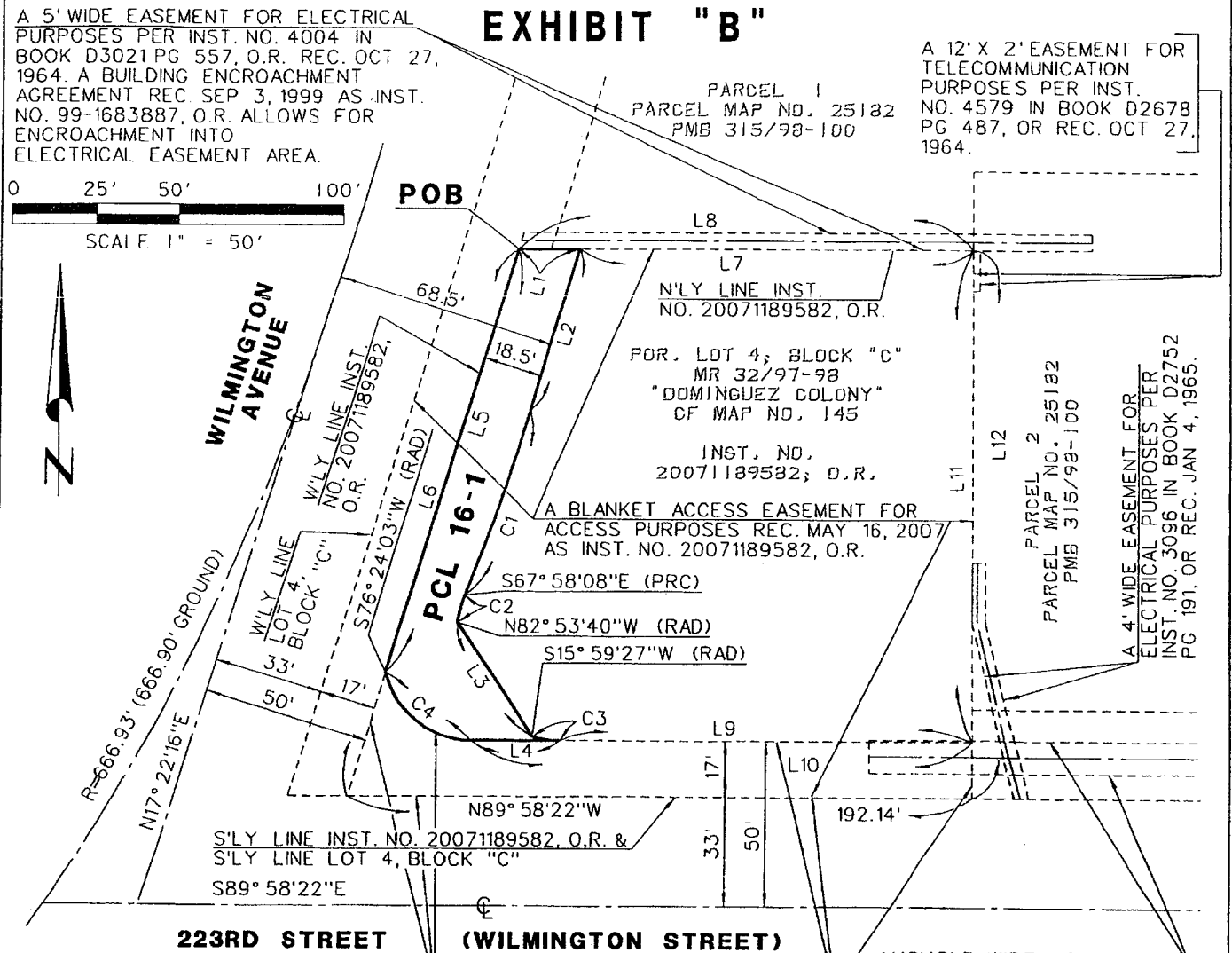
Date



EXHIBIT B



GRANTOR : TESORO SOUTH COAST COMPANY, LLC, A DELAWARE LIMITED LIABILITY COMPANY		The data shown on plot are based on a field survey prepared by Psomas dated April 2009 and January 2011. Bearings and distances are based on California Coordinate System 83 Zone 5	
DESCRIPTION : PORTION LOT 4, BLOCK "C", M.R. 32/97-98			
IN THE CITY OF CARSON, COUNTY OF LOS ANGELES			
STATE OF CALIFORNIA.			
TITLE REPORT : LAWYERS TITLE COMPANY PRELIMINARY REPORT NO. 1240438		0	01-10-11
ASSESSORS REF. 7315-040-001		NO.	DATE
ROW REF : RW-003		REVISION DESCRIPTION	



LINE DATA		
	BEARING	DISTANCE
L1	S89° 58' 22" E	19.38'
L2	S17° 22' 16" W	51.88'
L3	S33° 58' 15" E	41.94'
L4	N89° 58' 22" W	28.08'
L5	N17° 22' 16" E	135.53'
L6	N17° 22' 16" E	174.96'
L7	S89° 58' 22" E	120.60'

LINE DATA		
	BEARING	DISTANCE
L8	S89° 58' 22" E	139.98'
L9	N89° 58' 22" W	126.07'
L10	N89° 58' 22" W	154.15'
L11	S00° 01' 38" W	150.01'
L12	S00° 01' 38" W	167.01'

CURVE DATA			
	DELTA	RADIUS	LENGTH
C1	04° 39' 36"	735.43'	59.81'
C2	14° 55' 32"	32.50'	8.47'
C3	15° 57' 49"	32.00'	8.92'
C4	76° 22' 25"	27.00'	35.99'

TOTAL AREA OF PROPERTY	PARCEL 16-1	REMAINDER PARCEL AREA	
24,307 SQ. FT. (NET AREA)	3,200 SQ. FT. (NET AREA)	21,107 SQ. FT. (NET AREA)	

PREPARED BY:		3 Hutton Centre, #200 Santa Ana, California 92707 714/751-7373 714/545-8883 (Fax)		PARCEL 16-1	
PSOMAS		SHEET 1 OF 1		CONTRACT NO. 20VE0401000	
				SCALE 1"=50'	
				DATE 01-10-11	
				GRAPH BY RTN	
				CHECKED BY	
				REV. DATE	

GRANTOR : TESORO SOUTH COAST COMPANY, LLC, A DELAWARE LIMITED LIABILITY COMPANY

DESCRIPTION : PORTION LOT 4, BLOCK "C", M.R. 32/97-98

The data shown on plot are based on a field survey prepared by Psomas dated April 2009 and January 2011. Bearings and distances are based on California Coordinate System 83 Zone 5

IN THE CITY OF CARSON, COUNTY OF LOS ANGELES

STATE OF CALIFORNIA

TITLE REPORT : LAWYERS TITLE COMPANY PRELIMINARY REPORT NO. 1240438

O

01-10-11

ORIGINAL SUBMITTAL

ASSESSORS REF. 7315-040-001

ROW REF : RW-003

NO.

DATE

REVISION DESCRIPTION

A 5' WIDE EASEMENT FOR ELECTRICAL PURPOSES PER INST. NO. 4004 IN BOOK D3021 PG 557, O.R. REC. OCT 27, 1964. A BUILDING ENCROACHMENT AGREEMENT REC. SEP 3, 1999 AS INST. NO. 99-1683887, O.R. ALLOWS FOR ENCROACHMENT INTO ELECTRICAL EASEMENT AREA.

EXHIBIT "B"

PARCEL 1
PARCEL MAP NO. 25182
PMB 315/98-100

A 12' X 2' EASEMENT FOR TELECOMMUNICATION PURPOSES PER INST. NO. 4579 IN BOOK D2678 PG 487, OR REC. OCT 27, 1964.

0 25' 50' 100'
SCALE 1" = 50'



WILMINGTON AVENUE

POB

TPOB

L8

101.72'

N'LY LINE INST.
NO. 20071189582, O.R.

POR. LOT 4, BLOCK "C"
MR 32/97-98
"DOMINGUEZ COLONY"
OF MAP NO. 145

INST. NO.
20071189582; O.R.

A BLANKET ACCESS EASEMENT
FOR ACCESS PURPOSES REC.
MAY 16, 2007 AS INST.
NO. 20071189582, O.R.

S68° 07' 00" E (RAD)

N33° 58' 15" W
25.61' N89° 58' 22" W
124.46'

S15° 59' 27" W (RAD)

N00° 01' 38" W

18.00'

S'LY LINE INST. NO. 20071189582, O.R. &
S'LY LINE LOT 4, BLOCK "C"
S89° 58' 22" E

223RD STREET

(WILMINGTON STREET)

A VARIABLE WIDTH EASEMENT FOR
STREET PURPOSES DESC. AS PARCEL
NO. 595 REC. APRIL 17, 1962 AS INST.
NO. 3323 IN BOOK D1583, PAGE 59, O.R.

VARIABLE WIDTH EASEMENTS
FOR ELECTRICAL PURPOSES
DESCRIBED AS STRIP 1 IN
BOOK D1835 PG 88, O.R.
REC. NOV. 27, 1962

LINE DATA

	BEARING	DISTANCE
L1	S89° 58' 22" E	19.38'
L2	S17° 22' 16" W	51.88'
L3	S33° 58' 15" E	41.94'
L4	N89° 58' 22" W	28.08'
L5	N17° 22' 16" E	135.53'
L6	N17° 22' 16" E	174.96'
L7	S89° 58' 22" E	18.86'

LINE DATA

	BEARING	DISTANCE
L8	S89° 58' 22" E	139.98'
L9	N89° 58' 22" W	126.07'
L10	N89° 58' 22" W	154.15'
L11	S00° 01' 38" W	149.01'
L12	S00° 01' 38" W	167.01'

CURVE DATA

	DELTA	RADIUS	LENGTH
C1	04° 39' 36"	735.43'	59.81'
C2	14° 55' 32"	32.50'	8.47'
C3	15° 57' 49"	32.00'	8.92'
C4	76° 22' 25"	27.00'	35.99'
C5	04° 30' 45"	753.43'	59.34'

TOTAL AREA OF PROPERTY

PARCEL 16-2

REMAINDER PARCEL AREA

24,307 SQ. FT. (NET AREA)

5,080 SQ. FT. (NET AREA)

19,227 SQ. FT. (NET AREA)

PREPARED BY:

PSOMAS

3 Hutton Centre, #200
Santa Ana, California 92707
714/751-7373
714/545-8883 (Fax)

PARCEL 16-2

SHEET 1 OF 1

CONTRACT NO.

20VE040R000

SCALE

1"=50'

DATE

01-10-11

DRAWN BY

DTM

CHECKED BY

REV. DATE

EXHIBIT C

OVERLAND
PACIFIC &
CUTLER, INC.

3750 Schauffele Avenue, Suite 150

Long Beach, CA 90808

562.304.2000 ph

562.304.2020 fax

www.OPCservices.com

April 5, 2011

Tesoro South Coast Company, LLC
c/o Collin Foutz
5230 Las Virgenes Road, Suite 200
Calabasas, CA 91302

PARCEL 16-1 (FEE 3,200 SF)
PARCEL 16-2 (TCE 5,080 SF)

Subject: **Offer to Purchase Real Property and Temporary Construction Easement**
Name: Wilmington Avenue Interchange Project
Partial Acquisition of APN: 7315-040-001/ City of Carson, Los Angeles County, CA

Dear Property Owner:

The City of Carson (City) is considering the Wilmington Avenue Interchange Project (Project) to improve mobility and enhance safety conditions along 405 Freeway and Wilmington Exit corridor (the Property). The Project involves acquiring a fee simple interest of a total of approximately 3,200+/- sq. ft. of land area and a temporary construction easement of approximately 5,080+/- sq. ft. in order to widen Wilmington Avenue between the 405 Freeway and just South of 223rd Street.

Accordingly, the City hereby makes a formal offer to purchase a fee simple interest and a temporary construction easement over a portion of your property located at 22232 Wilmington Avenue, Carson, CA for the sum of:

TWO HUNDRED THIRTY SIX THOUSAND TWO HUNDRED DOLLARS
(\$236,200.00)

This offer is the full amount the City believes to be "just compensation" for the property and is not less than the approved appraisal of its fair market value. This offer letter includes a Statement of Just Compensation which includes a summary of the basis for just compensation and some important information about how the value was determined. It is the City's hope that this price is agreeable to you and that the acquisition can begin immediately.

Overland, Pacific & Cutler, Inc. has been retained as the City's acquisition consultant and will answer any questions you have regarding this offer letter and its attachments. You can contact Maddy Rivera at (562) 304-2029 or (800) 400-7356. As you consider this offer, the City's enclosed Acquisition Policies and Procedures brochure may help answer any questions or concerns you may have.

This offer is subject to and conditioned upon acceptable soil conditions and the absence from the property of toxic or hazardous substances and any other kind of soil or water contamination, and to the grant of a right-of-entry to the City for the purpose of conducting a soils, toxic and hazardous substances investigation of the subject property at the City's expense. This offer is further subject to modification depending on the results of said investigation to the extent that the results of such investigation could



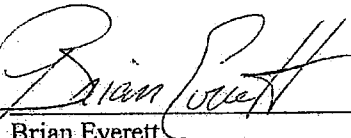
Offer to Purchase Real Property
Wilmington Avenue Interchange Project
Tesoro South Coast Company, LLC
APN: 7315-040-001
Page 2

have an impact on the value of the property. Additionally, this offer is also subject to final and formal approval by the City Council.

Please acknowledge receipt of the City's offer by signing a copy of this letter and returning it to this office. Your signature on the copy does not signify acceptance of the City's offer to settle the acquisition, it only acknowledges receipt of the City's offer.

Thank you in advance for your anticipated cooperation.

Sincerely,



Brian Everett
Principal/Vice President

OFFER RECEIVED

By: _____

Date: _____

Receipt of Offer Does Not
Constitute Acceptance

Enclosures:

Statement of Just Compensation
City Acquisition Policies Brochure

ATTACHMENT 1

1/0.0

EXHIBIT NO. 03



ATTACHMENT 1

WILMINGTON AVENUE ROAD PROJECT

FAIR MARKET VALUE CHART

Name	APN	Square Feet	Appraisal Land	Price Per SF
SHELL – Macland Investments, Inc. [22220 Wilmington]	7315-040-011	1,376	\$67,500	\$49
	Easement	2,280	\$11,000	2,280 sf x 49/sf x 10% x 1 year
CHEVRON – Tesoro South Coast Company, LLC [22232 Wilmington]	7315-040-001	3,200	\$166,500	\$52
	Easement	5,080	\$26,500	5,080 sf x 52/sf x 10% x 1 year

ATTACHMENT 2





**ALESHIRE &
WYNDER, LLP**
ATTORNEYS AT LAW
www.awattorneys.com

RESPOND TO ORANGE COUNTY OFFICE

Email: ssoltani@awattorneys.com
Direct Dial: (949) 250-5407

Orange County
18881 Von Karman Ave., Suite 400
Irvine, CA 92612
P 949.223.1170 • F 949.223.1180

Los Angeles
South Bay Centre, South Tower
1515 West 190th St., Suite 565
Gardena, CA 90248
P 310.527.6660 • F 310.532.7395

Sacramento
980 9th St., 16th Floor
Sacramento, CA 95814
P 916.449-9690 • F 916.449.9689

August 12, 2011

Macland Investments Inc.
c/o Moti Lal Balyan
5960 Canoga Avenue
Woodland Hills, CA 91367

Re: APN: 7315-040-011
Property: 22220 Wilmington Avenue, Carson, CA
Subject: Notice of Intent to Adopt Resolution of Necessity

Dear Property Owner:

On April 5, 2011 the City of Carson (the "City") made an offer to purchase portions of the property identified as Assessor's Parcel No. 7315-040-011, in the City of Carson, California, located at 22220 Wilmington Avenue. The City reiterates its previous offer to purchase portions of the property for \$113,500, subject to the conditions stated in the offer.

The City offered to purchase fee interests and a temporary construction easement in portions of the property (collectively "Interests") for improving mobility and enhancing safety conditions along 405 Freeway and Wilmington Exit corridor ("Project").

You are also hereby notified that the City intends to consider the adoption of a resolution of necessity authorizing acquisition of the Interests by eminent domain. The City's governing body will consider that resolution at a meeting to be held at the following time and place:

Date: September 6, 2011
Time: 6:00 p.m.
Location: City Hall, 701 East Carson Street, Carson, California 90745

You have the right to appear at the meeting and be heard on the following issues:

1. Whether the public interest and necessity require the Project;
2. Whether the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;



Macland Investments Inc.

August 12, 2011

Page 2

3. Whether the Interests sought to be acquired are necessary for the Project;
4. Whether the offer required by Section 7267.2 of the *Government Code* has been made to the owners(s) of record; and
5. Whether the offer required by Section 7267.2 of the *Government Code* was made in the form and substance required by law.

NOTICE: If you fail to file a written request to be heard at the hearing within 15 days after the date of this letter, then the City may decide not to hear or consider any evidence which you may have to present. Please also be advised that, if you do not appear and present information to the City at the hearing, then you may be precluded from later challenging the City's authority to acquire the Interests through its use of the power of eminent domain.

Neither the pendency of the City's consideration of the resolution of necessity, nor the initiation of formal eminent domain proceedings, in any way prevents further negotiations from occurring for the acquisition of portions of the Interests, and the City will be most willing to continue such negotiations.

If you have any comments or questions, please do not hesitate to contact me at (949) 223-1170 or Farrokh Abolfathiat, Principal Civil Engineer (310) 952-1700 ext 1811.

Thank you for your cooperation in this matter.

Very truly yours,

ALESHIRE & WYNDER, LLP

A handwritten signature in black ink, appearing to read 'Sunny K. Soltani', written over a horizontal line.

Sunny K. Soltani
Attorney

SS:krb

cc: Cliff Graves, City Manager via e-mail
Farrokh Abolfathi, Principal Civil Engineer via e-mail
William Wynder, City Attorney via e-mail



**ALESHIRE &
WYNDER, LLP**
ATTORNEYS AT LAW
www.awattorneys.com

RESPOND TO ORANGE COUNTY OFFICE

Email: ssoltani@awattorneys.com
Direct Dial: (949) 250-5407

Orange County
18881 Von Karman Ave., Suite 400
Irvine, CA 92612
P 949.223.1170 • F 949.223.1180

Los Angeles
South Bay Centre, South Tower
1515 West 190th St., Suite 565
Gardena, CA 90248
P 310.527.6660 • F 310.532.7395

Sacramento
980 9th St., 16th Floor
Sacramento, CA 95814
P 916.449.9690 • F 916.449.9689

August 11, 2011

Tesoro South Coast Company, LLC
c/o Collin Foutz
5230 Las Virgenes Road, Suite 200
Calabasas, CA 91302

Re: APN: 7315-040-001
Property: 22232 Wilmington Avenue, Carson, CA
Subject: Notice of Intent to Adopt Resolution of Necessity

Dear Property Owner:

On April 5, 2011 the City of Carson (the "City") made an offer to purchase portions of the property identified as Assessor's Parcel No. 7315-040-001, in the City of Carson, California, located at 22220 Wilmington Avenue. The City reiterates its previous offer to purchase portions of the property for \$236,200, subject to the conditions stated in the offer.

The City offered to purchase fee interests and a temporary construction easement in portions of the property (collectively "Interests") for improving mobility and enhancing safety conditions along 405 Freeway and Wilmington Exit corridor ("Project").

You are also hereby notified that the City intends to consider the adoption of a resolution of necessity authorizing acquisition of the Interests by eminent domain. The City's governing body will consider that resolution at a meeting to be held at the following time and place:

Date: September 6, 2011
Time: 6:00 p.m.
Location: City Hall, 701 East Carson Street, Carson, California 90745

You have the right to appear at the meeting and be heard on the following issues:

1. Whether the public interest and necessity require the Project;
2. Whether the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;



Tesoro South Coast Company, LLC
August 11, 2011
Page 2

3. Whether the Interests sought to be acquired are necessary for the Project;
4. Whether the offer required by Section 7267.2 of the *Government Code* has been made to the owners(s) of record; and
5. Whether the offer required by Section 7267.2 of the *Government Code* was made in the form and substance required by law.

NOTICE: If you fail to file a written request to be heard at the hearing within 15 days after the date of this letter, then the City may decide not to hear or consider any evidence which you may have to present. Please also be advised that, if you do not appear and present information to the City at the hearing, then you may be precluded from later challenging the City's authority to acquire the Interests through its use of the power of eminent domain.

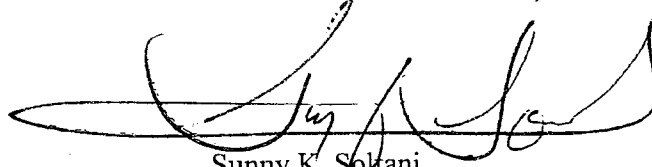
Neither the pendency of the City's consideration of the resolution of necessity, nor the initiation of formal eminent domain proceedings, in any way prevents further negotiations from occurring for the acquisition of portions of the Interests, and the City will be most willing to continue such negotiations.

If you have any comments or questions, please do not hesitate to contact me at (949) 223-1170 or Farrokh Abolfathiat, Principal Civil Engineer (310) 952-1700 ext 1811.

Thank you for your cooperation in this matter.

Very truly yours,

ALESHIRE & WYNDER, LLP



Sunny K. Soltani
Attorney

SS:krb

cc: Cliff Graves, City Manager via e-mail
Farrokh Abolfathi, Principal Civil Engineer via e-mail
William Wynder, City Attorney via e-mail