

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: May 14, 2025

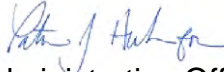
CAO File No.: 0150-11074-0002

Council File No.:

Council District: 11

To: The Mayor

From: Matthew W. Szabo, City Administrative Officer



Reference: Correspondence from the Los Angeles World Airports Board of Airport Commissioners dated April 22, 2025 and April 24, 2025, referred by the Mayor for a report on April 30, 2025

Subject: **REQUEST BY THE LOS ANGELES WORLD AIRPORTS FOR ADOPTION OF AN ORDINANCE AND RESOLUTION OF NECESSITY REQUESTING THE COUNCIL AUTHORIZE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE RIGHTS TO PORTIONS OF A PROPERTY LOCATED AT 9775 AIRPORT BOULEVARD, LOS ANGELES, CALIFORNIA FOR THE LANDSIDE ACCESS MODERNIZATION PROGRAM AT LOS ANGELES INTERNATIONAL AIRPORT**

RECOMMENDATIONS

That the Mayor request the Council to:

1. Approve the accompanying Resolution of Necessity No. 28158, as adopted by the Board of Airport Commissioners (Board) at its meeting of April 17, 2025, making all necessary findings and requesting the City Council to authorize the commencement of eminent domain proceedings to acquire a portion of the property at 9775 Airport Boulevard, Los Angeles, California, Assessor's Parcel Number (APN) 4124-029-040, for the Los Angeles International Airport (LAX) Landside Access Modernization Program (LAMP); property having an approximate cost of \$2,267,685;
2. Adopt the Board of Airport Commissioners' findings that the action requested herein is within the scope of the LAX LAMP Environmental Impact Report ENV-2016-3391-EIR (EIR) adopted by the Board on March 2, 2017 and Council on June 7, 2017 and does not include any changes that would require further review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21166, CEQA Section 15162 and Article II, Section 2.i of the Los Angeles CEQA Guidelines; and
3. Adopt the final Ordinances to be prepared and transmitted by the City Attorney approving the Resolution of Necessity and commencement of eminent domain proceedings.

SUMMARY

The Los Angeles World Airports (LAWA, Department) requests approval to commence eminent domain proceedings as a means to secure land necessary for street improvements required for the Landside Access Modernization Program (LAMP), adjacent to Los Angeles International Airport

(LAX), in the event LAWA is unsuccessful in its efforts to acquire the designated property through a negotiated settlement. Acquisition of a portion of property located at 9775 Airport Boulevard, Los Angeles, California, Assessor's Parcel Number (APN) 4124-029-040, consisting of 7,827 square feet for a permanent street easement and 2,243 square feet for a temporary construction easement, is required to implement construction and roadway improvements comprising an essential part of LAMP roadway improvements.

The Department made written offers to the owners of record of the property between June 2024 and December 2024 for not less than the approved appraisal of fair market value for the property. The Department is still negotiating with the property owner and will continue to do so until either an agreement is reached voluntarily or an eminent domain trial finalizes the acquisition.

Initiation of eminent domain proceedings requires the Council to adopt an ordinance through an official document termed a Resolution of Necessity authorizing LAWA to proceed with condemnation actions to acquire a portion of the identified property, or interest essential for the completion of LAMP roadway improvements for an approximate amount not to exceed \$2,267,685 for acquisition of the interest in the property. A required Public Hearing concerning the proposed acquisition of the property through eminent domain was held by the Board on April 17, 2025. The required Resolution of Necessity No. 28158 was also approved at the April 17th meeting by a required two-thirds vote of the Board.

Council and City Attorney approval of the Resolution of Necessity is required, by ordinance, pursuant to Charter Section 623(c) and applicable California State statutes. Our Office recommends approval.

BACKGROUND

The Landside Access Modernization Program (LAMP), is part of LAWA's plan to modernize LAX and improve the quality of service for customers and passengers. The LAMP will provide new transportation options and facilities to mitigate congestion and parking issues through an Automated People Mover System, a Consolidated Rental Car Facility, and an Intermodal Transportation Facility adjacent to the 405 Freeway and Sepulveda Boulevard to allow for pick-up and drop-off of airline passengers. After considering different project alignments and options, the current street alignment option offered "the greatest public good and the least private injury," and requires the partial acquisition of the subject property for necessary roadway improvements.

The proposed acquisition of the property identified herein located at 9775 Airport Boulevard, Los Angeles, California, Assessor's Parcel Number (APN) 4124-029-040, involving 7,827 square feet for a permanent street easement and 2,243 square feet for a temporary construction easement, will improve the roadway system adjacent to LAX to better route airport-related traffic away from the public roads that serve the surrounding community.

From June 2024 to December 2024, LAWA made written offers to the owner of record of the property for not less than the approved appraisal of the fair market value. The Department is still negotiating with the property owner and will continue to negotiate, or be willing to negotiate, until either an agreement is reached voluntarily or an eminent domain trial finalizes the acquisition.

Eminent Domain Process – In accordance with California Government Code Section 37350.5, Public Utilities Code Section 21661.6, and Los Angeles City Charter Section 632(c), the City of Los Angeles, acting through LAWA, may acquire property by eminent domain for airport and related public uses and purposes necessary to carry out its powers or functions. One of LAWA's powers and functions is to acquire land for LAMP roadway improvements to accomplish associated street improvements and construction.

In accordance with California Eminent Domain Law, LAWA mailed a notice of its hearing to the owner of the property informing the owner of their right to appear and be heard on whether the following factors exist:

1. That the public interest and necessity require the proposed LAMP project.
2. That the proposed project is planned or located in a manner that will be most compatible with the greatest public good and least private injury.
3. That the property sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the proposed LAMP project.
4. That the Offer required by Government Code Section 7267.2, together with the accompanying statement and summary of the basis for the amount established as just compensation, was actually made to the owner of the property and that the offer and statement/summary were in a form and contained all of the factual information required by Government Code Section 7267.2.
5. That the requisite environmental review of the proposed use has been completed in compliance with CEQA.
6. Pursuant to Code of Civil Procedure Sections 1240.610 and 1240.510, to the extent that the property is already devoted to a public use, the use to which the property is to be acquired under the Resolution of Necessity is a more necessary public use than the use to which the property is already devoted or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the public use to which the property is already devoted.

The Board held a required public hearing on April 17, 2025, whereby the attached Resolution of Necessity No. 28158 to acquire the property by eminent domain was approved by the required two-thirds vote, subject to Council approval. Adoption of the Resolution of Necessity by the Board and approval by the Council will authorize LAWA's legal counsel to continue with negotiations and to pursue legal action to acquire the property by eminent domain, including seeking pre-judgment possession of the property through court order.

Acquisition / Fiscal Costs – LAMP-related real estate acquisitions are included in LAWA's LAMP Capital Improvement Plan (CIP) and will not result in an increase in CIP-funded property acquisitions. The estimated \$2,267,685 cost to acquire the real property interest will be financed from the LAX Revenue Fund and appropriated and allocated to WBS Element No. 1.24.13A-700 (LAMP – ROW Acquisitions and Relocations). The LAX Revenue Fund will be reimbursed from Passenger Facility Charges, as applicable. Note, Council approval is not required for the

appropriation of funds for the acquisition; therefore, we did not include such language.

Alternatives Considered – Taking no action will require voluntary acquisition of the required property or being unable to acquire the essential LAMP roadway property resulting in substantial delay in the project construction timeline. After considering different project alignments and options, the proposed alignment was determined to offer the greatest public good and the least potential private injury.

CITY COMPLIANCE

California Environmental Quality Act (CEQA) – The Department has determined that the proposed commencement of eminent domain is within the scope of the LAX LAMP EIR ENV-2016-3391-EIR certified and adopted by the Board on March 2, 2017 (Resolution No. 26185) and Council on June 7, 2017 does not include any changes that would require further review under CEQA pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162. Activities previously analyzed in the LAX LAMP EIR are also exempt from CEQA pursuant to Article II, Section 2.i of the Los Angeles CEQA Guidelines, which exempt any activity (approval of bids, execution of contracts, allocation of funds, etc.) for which the underlying project has previously been evaluated for environmental significance and processed in accordance with the requirements of CEQA.

Authority for LAWA Taking of Property Utilizing Eminent Domain – The taking of the property is authorized by, inter alia, Section 19, Article 1 of the California Constitution; Sections 37350.5 and 40404(f) of the California Government Code; Public Utilities Code Section 21661.6; the Los Angeles City Charter Section 623(c); and Sections 1230.010 et seq., 1240.050, and 1240.125 of the California Code of Civil Procedure and all other applicable laws.

Ordinance Approval by the City Attorney – The required ordinance approving the Resolution of Necessity must also be approved by the City Attorney. Our Office recommends Council approval.

FISCAL IMPACT STATEMENT

Approval of eminent domain proceedings to acquire portions of the subject property near the Los Angeles International Airport to enable the construction of required roadway improvements to support the Landside Access Modernization Program will have no impact on the City's General Fund. The proposed property acquisition, in an amount not to exceed \$2,267,685, will be financed by the LAX Revenue Fund and appropriated and allocated to WBS Element No. 1.24.13A-7000 (LAMP – ROW Acquisitions and Relocations) with reimbursement by Passenger Facility Charges as applicable. Costs associated with LAMP-related land acquisitions are contained in LAWA's Capital Improvement Plan (CIP); therefore, approval of the proposed acquisition will not result in an increase in the programmed CIP budget. The proposed action complies with the Department's Financial Policies.

Attachment – BOAC Report dated April 17, 2025; Transmittals dated April 22, 2025 and April 24, 2025; Resolution of Necessity No. 282158; and legal description of proposed property to be acquired including proposed easement and construction deeds



April 24, 2024

The Honorable Karen Bass
Mayor, City of Los Angeles
City Hall – Room 303
Los Angeles, CA 90012

ATTN: Legislative Coordinator

LAX

Van Nuys

City of Los Angeles

Karen Bass
Mayor

**Board of Airport
Commissioners**

Karim Webb
President

Matthew M. Johnson
Vice President

Vanessa Aramayo
Courtney La Bau
Victor Narro
Nicholas P. Roxborough
Valeria C. Velasco

John Ackerman
Chief Executive Officer

RE: Request for Public Hearing and Adoption of the report and attached Resolutions of Necessity requesting the Los Angeles City Council to Authorize Commencement of Eminent Domain

In accordance with Executive Directive No. 4, we are transmitting a copy of the specified board report for the request for Public Hearing; for adoption of the following report and adoption of the attached Resolution of Necessity requesting the Los Angeles City Council to Authorize Commencement of Eminent Domain Proceeding to acquire rights to one property for the Landside Access Modernization Program at Los Angeles International Airport; to request the Los Angeles City Council to adopt an ordinance approving the Resolution of Necessity; and to approve the appropriation of funds in the not -to -exceed amount of \$2,267,685 for acquisition of a portion of the property.

City Council approval is required pursuant to Section 632 of the Los Angeles City Charter.





Sincerely,

A handwritten signature in black ink, appearing to read "Becca Doten", with a stylized flourish at the end.

Becca Doten
Chief of Staff

BD:MSA:ksf



 <p>Report to the</p> <p>BOARD OF AIRPORT COMMISSIONERS</p>		<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p style="font-size: 24px; color: blue; margin: 0;">26</p> <p style="font-size: 8px; color: gray; margin: 0;">Item Number</p> </div>																							
<p><i>Approver:</i> <u></u> <small>Marla Bleavins (Apr 4, 2025 12:26 PDT)</small></p> <p style="text-align: center;">Marla Bleavins, Chief Airport Administration Officer</p> <p><i>Reviewer:</i> <u></u> Brian C. Ostler, City Attorney</p> <p style="text-align: center;"></p> <p style="text-align: center;">John Ackerman, Chief Executive Officer</p>	<p><u>Meeting Date</u></p> <p style="text-align: center;">4/17/2025</p> <hr/> <p>Needs Council Approval: <input type="checkbox"/> Y</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="font-size: 8px;">Reviewed for/by</th> <th style="font-size: 8px;">Date</th> <th style="font-size: 8px;">Approval Status</th> <th style="font-size: 8px;">By</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Finance</td> <td style="text-align: center;">3/31/2025</td> <td style="text-align: center;"><input checked="" type="checkbox"/> Y <input type="checkbox"/> NA</td> <td style="text-align: center;">JS</td> </tr> <tr> <td style="text-align: center;">CEQA</td> <td style="text-align: center;">2/11/2025</td> <td style="text-align: center;"><input checked="" type="checkbox"/> Y</td> <td style="text-align: center;">VW</td> </tr> <tr> <td style="text-align: center;">Procurement</td> <td style="text-align: center;">3/20/2025</td> <td style="text-align: center;"><input checked="" type="checkbox"/> Y <input type="checkbox"/> Cond</td> <td style="text-align: center;">JL</td> </tr> <tr> <td style="text-align: center;">Guest Experience</td> <td style="text-align: center;">2/11/2025</td> <td style="text-align: center;"><input checked="" type="checkbox"/> Y</td> <td style="text-align: center;">TB</td> </tr> <tr> <td style="text-align: center;">Strategic Planning</td> <td style="text-align: center;">3/25/2025</td> <td style="text-align: center;"><input checked="" type="checkbox"/> Y</td> <td style="text-align: center;">BNZ</td> </tr> </tbody> </table>	Reviewed for/by	Date	Approval Status	By	Finance	3/31/2025	<input checked="" type="checkbox"/> Y <input type="checkbox"/> NA	JS	CEQA	2/11/2025	<input checked="" type="checkbox"/> Y	VW	Procurement	3/20/2025	<input checked="" type="checkbox"/> Y <input type="checkbox"/> Cond	JL	Guest Experience	2/11/2025	<input checked="" type="checkbox"/> Y	TB	Strategic Planning	3/25/2025	<input checked="" type="checkbox"/> Y	BNZ
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SUBJECT

Request for Public Hearing; for adoption of the following report and adoption of the attached Resolution of Necessity requesting the Los Angeles City Council to Authorize Commencement of Eminent Domain Proceeding to acquire rights to one property for the Landside Access Modernization Program at Los Angeles International Airport; to request the Los Angeles City Council to adopt an ordinance approving the Resolution of Necessity; and to approve the appropriation of funds in the not-to-exceed amount of \$2,267,685 for acquisition of a portion of the property.

DISCUSSION

1. Purpose

The proposed action seeks to acquire a portion of property located at 9775 Airport Boulevard (Property), Los Angeles for the Los Angeles International Airport (LAX) Landside Access Modernization Program (LAMP, Project)

2. Prior Related Actions/History of Board Actions

- **March 2, 2017 – Resolution No. 26185**

The Board of Airport Commissioners (Board) certified the Final Environmental Impact Report (EIR) (ENV-2016-3391-ENV, State Clearing House No. 2015021014) for the Project at LAX, in compliance with State and City CEQA Guidelines, and was adopted

by the Los Angeles City Council on June 7, 2017. On June 13, 2017, the Los Angeles City Council held a public hearing in compliance with Public Utilities Code Section 21661.6 for the Project, in compliance with State and City CEQA Guidelines, and, following that hearing, approved the plan for the proposed LAMP acquisition activities.

- **December 19, 2019 – Resolution No. 26922**

The Board adopted a resolution of necessity to request the Los Angeles City Council to authorize eminent domain proceedings for the acquisition of a fee simple interest and an abutter's right of access to public roadway (Initial Taking) in the Property, for LAMP.

- **May 21, 2020 – Resolution No. 27029**

The Board approved LAWA to enter into the Agreement to Delay and Consolidate Property Acquisitions (Agreement) to delay eminent domain litigation for the Initial Taking and consolidate it with future interests in the Property LAWA would need for LAMP.

- **June 1, 2023, to March 14, 2025 – Resolution Nos. 27747, 27866, 28062, 28132**

The Board approved First, Second, Third and Fourth Amendments to the Agreement which allowed additional time for relevant street widening limits to be ascertained and consolidated two eminent domain-related actions into a single action for response.

3. Background

The Project, for which this property is required, will elevate the passenger experience, improve the community experience, enhance airfield safety and increase business opportunities at LAX. The roadway improvement component of LAMP is intended to help reduce airport-related congestion in the Central Terminal Area and surrounding public streets.

4. Current Action/Rationale

Los Angeles World Airports (LAWA, Department) must acquire the Property, as depicted in the attachment, to implement roadway improvements as part of LAMP.

From June 2024 to December 2024, LAWA made written offers to the owners of record of the Property for not less than the approved appraisal of the fair market value (FMV) for the Property. The Department is still in negotiation with the Property owner and will continue to negotiate or be willing to negotiate until either an agreement is reached voluntarily, or an eminent domain trial finalizes the acquisition.

The public hearing and adoption of the attached Resolution of Necessity will authorize LAWA to acquire the Property by eminent domain upon approval by the Los Angeles City Council at an estimated cost of \$2.3 million.

Eminent Domain Process

In accordance with California Government Code Section 37350.5, Public Utilities Code Section 21661.6 and the Los Angeles City Charter Section 632(c), the City of Los Angeles, acting by and through LAWA, may acquire property by eminent domain for airport and

related public uses and purposes necessary to carry out its powers or functions. One of LAWA's powers and functions is to acquire land for the Project and to build the Project.

As required by Government Code Section 7267.2, a written offer for the acquisition was made based upon the approved appraisal and was presented to the owner of record of the Property. While LAWA is willing to continue negotiating with the owner to reach a voluntary purchase, to date, LAWA has not been able to reach a negotiated agreement with the owners of the Property. Thus, the exercise of eminent domain is necessary for acquisition.

In accordance with California Eminent Domain Law, LAWA mailed a notice of this hearing to the owner of the Property informing the owner of their right to appear and to be heard on whether the following factors exist:

1. That the public interest and necessity require the proposed Project.
2. That 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. That the Property sought to be acquired by eminent domain and described in the Resolution of Necessity are necessary for the proposed Project.
4. That the offer required by Government Code section 7267.2, together with the accompanying statement and summary of the basis for the amount established as just compensation, was actually made to the owner of the Property (unless the owner could not be located with reasonable diligence) and that the offer and statement/summary were in a form and contained all of the factual information required by Government Code section 7267.2.
5. That the requisite environmental review of the proposed use has been completed in compliance with CEQA.
6. Pursuant to Code of Civil Procedure sections 1240.610 and 1240.510, to the extent that the Property is already devoted to a public use, the use to which the Property is to be acquired under the Resolution of Necessity is a more necessary public use than the use to which the Property is already devoted or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

After the Board has held the public meeting, the Board must decide whether to adopt the proposed Resolution of Necessity to acquire the Property by eminent domain, subject to approval by the City Council. To adopt the Resolution of Necessity, the Board must consider the factual presentations and evidence (including the information in this report), and by vote of two-thirds of its governing body, find and determine that the factors listed in items 1 through 6 above exist. Adoption of the Resolution of Necessity by the Board and approval by the City Council will authorize LAWA's legal counsel to pursue legal action to acquire the Property by eminent domain including seeking prejudgment possession of the Property through a court order.

Provided below is information substantiating the factors in items 1 through 6 above exist:

With respect to items 1 through 3, LAWA is proposing to improve passenger experience and efficiency of passenger processing, and to improve the roadway system to better route

airport-related traffic away from the public roads that serve the community. Here, the Property is being impacted by the proposed roadway system designed to better route airport-related traffic away from the public roads that serve the community. In 2023, LAX was the fourth busiest airport in the U.S. and the largest in California.

After considering different project alignments and options, the current alignment was concluded to offer the greatest public good and the least private injury, and the Property sought to be acquired by eminent domain are necessary for the Project because they will be part of necessary roadway improvements and widening.

With respect to item 4, an offer was made to the owners of record in accordance with Section 7267.2 of the Government Code. Department staff have taken the following required actions for the Property:

- Obtained appraisals from a California Licensed General Real Estate Appraiser to determine the Fair Market Value of the Property.
- Reviewed and approved the appraisals to establish the just compensation (purchase) offer amounts for the Property.
- Determined the owners of the Property and the owner's interest therein by examining title reports for the Property.
- Sent written offers via email and U.S. First Class Mail to the owners of record of the Property, and to the legal counsel, for the full amount of just compensation, which was not less than the approved appraised value. The written offers were accompanied by appraisal summary statements, an informational pamphlet detailing the process of eminent domain, the owners' rights under the California Eminent Domain Law, and the summary statement.

With respect to item 5, the environmental impacts of LAMP were evaluated in the LAMP EIR (State Clearing House Number 2015021014), certified by the Board on March 2, 2017 (Resolution No. 26185). These activities are also exempt from CEQA pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines.

With respect to item 6, to the extent any portion or portions of the Property proposed for acquisition has or have any utilities or other uses that are public uses, the uses for which LAWA will be acquiring the Property is either a compatible public use and will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted, or the use for which LAWA will be acquiring the Property is a more necessary public use than the use to which portions of the Property have been devoted.

5. Fiscal Impact

Budget for the LAMP-related real estate acquisition is included in LAWA's Capital Investment Plan (CIP). As the request is within the CIP amount, approval of this item will not result in an increase to the CIP.

The acquisition will be funded through the LAX Revenue Fund and will be reimbursed with Passenger Facility Charges subject to eligibility.

6. Alternatives Considered

- ***Take No Action***

Taking no action on this item will only provide for means of acquiring by voluntary acquisition or being unable to acquire the Property that is needed for the Project. This could substantially delay project construction timelines if an agreement for voluntary acquisition is not reached with the property owners.

APPROPRIATIONS

Staff request that funds in the amount of \$2,267,685 be appropriated and allocated from the LAX Revenue Fund to WBS Element No. 1.24.13A-700 (LAMP - ROW Acquisitions and Relocations).

STANDARD PROVISIONS

The Board is hereby requested to adopt staff's determination that the action requested herein is within the scope of the LAX LAMP EIR and does not include any changes that would require further review under CEQA pursuant to Public Resources Code § 21166 and CEQA Guidelines §15162. Those activities previously analyzed in the LAX LAMP EIR are also exempt from CEQA pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines, which exempts any activity (approval of bids, execution of contracts, allocation of funds, etc.) for which the underlying project has previously been evaluated for environmental significance and processed according to the requirements of CEQA.

The Board is hereby further requested to adopt staff's determination that the taking of the Property is authorized by, inter alia, Section 19, Article I of the California Constitution, Sections 37350.5 and 40404(f) of the California Government Code, Public Utilities Code Section 21661.6, the Los Angeles City Charter Section 632(c), Section 1230.010 et seq. and Sections 1240.050 and 1240.125, of the California Code of Civil Procedure, and all other applicable law.

The Board is hereby further requested to authorize the Chief Financial Officer, upon proper certification and instruction from the Chief Executive Officer or designee and City Attorney, to draw a demand in the amount necessary to make a deposit of just compensation with the California State Treasurer's Office in connection with the eminent domain proceeding and/or pay the purchase price for the acquisition of property located at 9775 Airport Boulevard, Los Angeles (APN: 4124-029-040) including: (1) underlying fee interest in 96th Street of 5,776 square feet; (2) abutter's right of access of 328 linear feet along 96th Street; (3) permanent street easement of 7,827 square feet of property needed for Airport Boulevard widening; and (4) Temporary Construction Easement for Airport Boulevard widening of 2,243 square feet (these portions are collectively the Subject Property) through a negotiated settlement or court judgment.

The City Attorney will approve as to form and legality a proposed ordinance for the City Council to approve the Resolution of Necessity.

Actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 632(c).

Attachment:

- Resolution of Necessity

BE IT RESOLVED that the Board of Airport Commissioners (Board), after consideration of the board report, staff presentation, discussion, oral presentation and evidence presented at its Board Meeting on April 17, 2025 at 10:00 a.m., makes the following findings and determinations with respect to this Resolution of Necessity.

1. Los Angeles World Airports (LAWA) is a proprietary department of the City of Los Angeles, a charter city and municipal corporation.
2. The interests in real property to be acquired by LAWA consist of: (a) a fee simple interest in the property described and depicted in Attachment 1; (b) a permanent street easement over a portion of the property as set forth in the easement deed in Attachment 2; (c) a temporary construction easement (TCE) having a term of 36 months as set forth in the easement deed in Attachment 3; and (d) abutter's right of access to roadways in the property described and depicted in Attachment 4. All attachments are attached hereto and incorporated herein by reference (collectively, the Subject Property). The Subject Property is located within the City of Los Angeles, County of Los Angeles, State of California.
3. The public use for which the Subject Property is being acquired is for the Landside Access Modernization Program, a public project designed to improve and modernize access to the Los Angeles International Airport (Project).⁴ Pursuant to Code of Civil Procedure sections 1240.610 and 1240.510, to the extent that the Subject Property is already devoted to a public use, the use to which the Subject Property is to be acquired under this Resolution of Necessity is a more necessary public use than the use to which the Subject Property is already devoted or, in alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property is already devoted.
5. The notice of intention to adopt this Resolution of Necessity was given by first class mail to the person whose property is to be acquired by eminent domain in accordance with Code of Civil Procedure section 1245.235 and a hearing was conducted by the Board on the matters contained herein.

BE IT FURTHER RESOLVED that the Board hereby declares that it has found and determined:

1. The environmental impacts of the acquisition of the Subject Property were evaluated in the previously adopted LAMP EIR, ENV-2016-3391-EIR. The LAMP EIR was adopted by the Board on March 2, 2017 (Resolution No. 26185), and certified and adopted by the Los Angeles City Council on June 7, 2017. The acquisition of the Subject Property is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines. It is also within the scope of the certified LAMP EIR and does not include any changes to the Project that would require further review under CEQA pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.
2. The taking of the Subject Property is authorized by, *inter alia*, Section 19, Article I of the California Constitution, Sections 37350.5 and 40404(f) of the California Government Code, Public Utilities Code Section 21661.6, the Los Angeles City Charter Section 632(c), Section 1230.010 et seq., of the California Code of Civil Procedure, and all other applicable law as set forth herein.

BE IT FURTHER RESOLVED that the Board hereby declares that it has found and determined:

1. The public interest and necessity require the Project.
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The Subject Property sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the proposed Project.
4. The offer required by Government Code section 7267.2(a), together with the accompanying statement and summary of the basis for the amount established as just compensation, was actually made to the owner and was in a form and contained all of the factual information required by Government Code section 7267.2(a).
5. The requisite environmental review of the Project has been completed in accordance with CEQA.

BE IT FURTHER RESOLVED that the City Council is requested to approve this Resolution of Necessity and the exercise of eminent domain by LAWA in accordance with Los Angeles City Charter Section 632(c).

BE IT FURTHER RESOLVED that upon approval by the City Council, the City Attorney is hereby authorized to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Subject Property by eminent domain. City Attorney is also authorized to seek and obtain an Order for Prejudgment of Possession of the Subject Property in accordance with eminent domain law. City Attorney may enter into Stipulated Orders for Prejudgment Possession and/or Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. City Attorney is further authorized to correct any errors or agree to make any non-material changes to the legal description of the Subject Property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Subject Property. City Attorney is further authorized, subject to approval by the Board when required, to compromise and settle such eminent domain proceedings, if such negotiated settlement can be reached, and in that event, take all necessary action to complete the acquisition, including entering into stipulations as to the judgment and other matters, and to cause all such payments to be made.

BE IT FURTHER RESOLVED that the Chief Financial Officer of LAWA, upon proper certification and instruction from the Chief Executive Officer and City Attorney, is authorized to draw demands, in the amounts necessary to make deposits of just compensation with the California State Treasurer's Office in connection with the eminent domain proceedings and/or pay the purchase price for the acquisition of the Subject Property through negotiated settlement or court judgment.

BE IT FURTHER RESOLVED that the adoption of this Resolution and subsequent approval by the City Council via an Ordinance shall supersede and replace Resolution No. 26922, which was adopted on December 19, 2019.

BE IT FURTHER RESOLVED that the Secretary of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

ATTACHMENTS:

Attachment 1: Fee Simple Interest Legal Description and Plat Map

Attachment 2: Easement Deed (Grant of Permanent Street Easement)

Attachment 3: Easement Deed (Grant of Temporary Construction Easement)

Attachment 4: Abutter's Right of Access Legal Description and Plat Map

Attachment 1

EXHIBIT "A1"
LEGAL DESCRIPTION
FEE INTEREST

THOSE PORTIONS OF LOTS 175 THROUGH 180, INCLUSIVE, OF TRACT NUMBER 13711, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 276, PAGES 48 THROUGH 50, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID PORTION IS ALSO LYING ENTIRELY WITHIN THE SOUTH HALF OF 96TH STREET AS SHOWN ON SAID TRACT NUMBER 13711, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING (POB) AT THE INTERSECTION OF THE WEST LINE OF SAID LOT 175 WITH THE SOUTH LINE OF 96TH STREET.

THENCE ALONG THE SOUTH LINE OF SAID 96TH STREET, SOUTH 89°49'12" EAST 49.14 FEET TO A POINT ON THE NORTH LINE OF THAT PORTION OF 96TH STREET AS VACATED BY THE CITY OF LOS ANGELES PER RESOLUTION TO VACATE NUMBER 88-01574 AS DESCRIBED IN INSTRUMENT NUMBER 92-2102193, RECORDED NOVEMBER 12, 1992, SAID POINT IS ALSO THE WESTERLY TERMINUS OF THAT CERTAIN CURVE DESCRIBED IN SAID INSTRUMENT HAVING A RADIUS OF 779.96 FEET, CENTRAL ANGLE OF 20°28'38", AND AN ARC LENGTH OF 278.75 FEET.

THENCE ALONG THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET, SAID NORTH LINE IS ALSO A CURVE CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°56'34", AN ARC LENGTH OF 217.03 FEET TO THE **POINT OF TERMINATION (POT)**, SAID POINT IS ALSO THE INTERSECTION OF THE CENTERLINE OF 96TH STREET AS SHOWN ON SAID TRACT NUMBER 13711 WITH THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET, A RADIAL THROUGH SAID POINT BEARS SOUTH 15°45'46" EAST;

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF AN INTERMODAL TRANSIT FACILITY MEANS OF PRIVATE INGRESS/EGRESS AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE THE ABUTTER'S RIGHT OF ACCESS, APPURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID PRIVATE INGRESS/EGRESS.

CONTAINING 0.133 ACRES OR 5,776 SQUARE FEET, MORE OR LESS.

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), 2010.00 EPOCH, ZONE 5. THE DISTANCES SHOWN HEREIN ARE GRID DISTANCES. GROUND DISTANCES MAY BE OBTAINED BY DIVIDING GRID DISTANCES BY THE COMBINATION FACTOR OF 1.00001967.

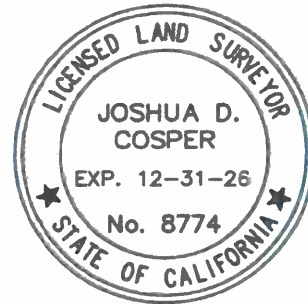
SEE PLAT ATTACHED HERETO AS EXHIBIT "A2" AND BY THIS REFERENCE MADE
PART HEREOF.

PREPARED UNDER MY SUPERVISION:



JOSHUA D. COSPER, P.L.S.
P.L.S. 8774, EXP. 12-31-26

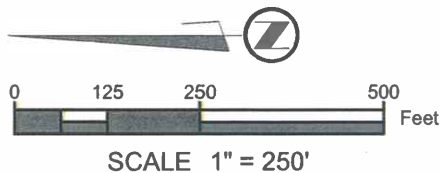
3-19-25
DATE



SECTION 31,
T2S, R14W S.B.M.

LEGEND

- POC POINT OF COMMENCEMENT
TPOB POINT OF BEGINNING
POT POINT OF TERMINATION
▨ PARCEL TO BE TRANSFERRED
▤ ACCESS RESTRICTED



SCALE 1" = 250'

SEE SHEET 2

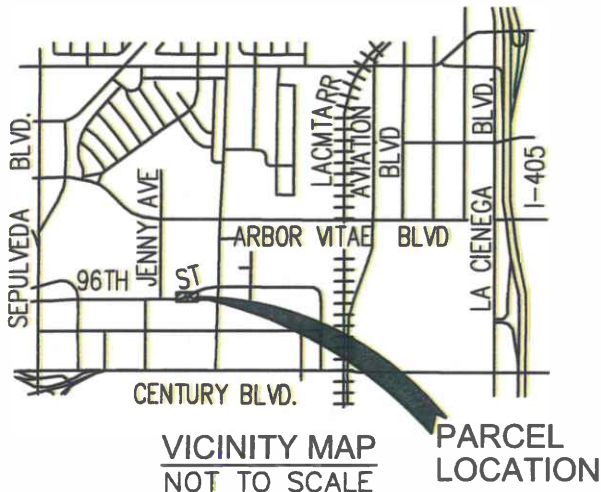
JENNY AVENUE

AIRPORT BLVD

W 96TH STREET

W 96TH PLACE

W 98TH STREET



THE BASIS OF BEARINGS FOR THIS SURVEY IS
CCS83, ZONE 5 (2010.00)

DISTANCES SHOWN HEREIN ARE GRID
DISTANCES. GROUND DISTANCES MAYBE
OBTAINED BY DIVIDING GRID DISTANCES BY
THE COMBINATION FACTOR OF 1.00001967

SHEET 1 OF 2

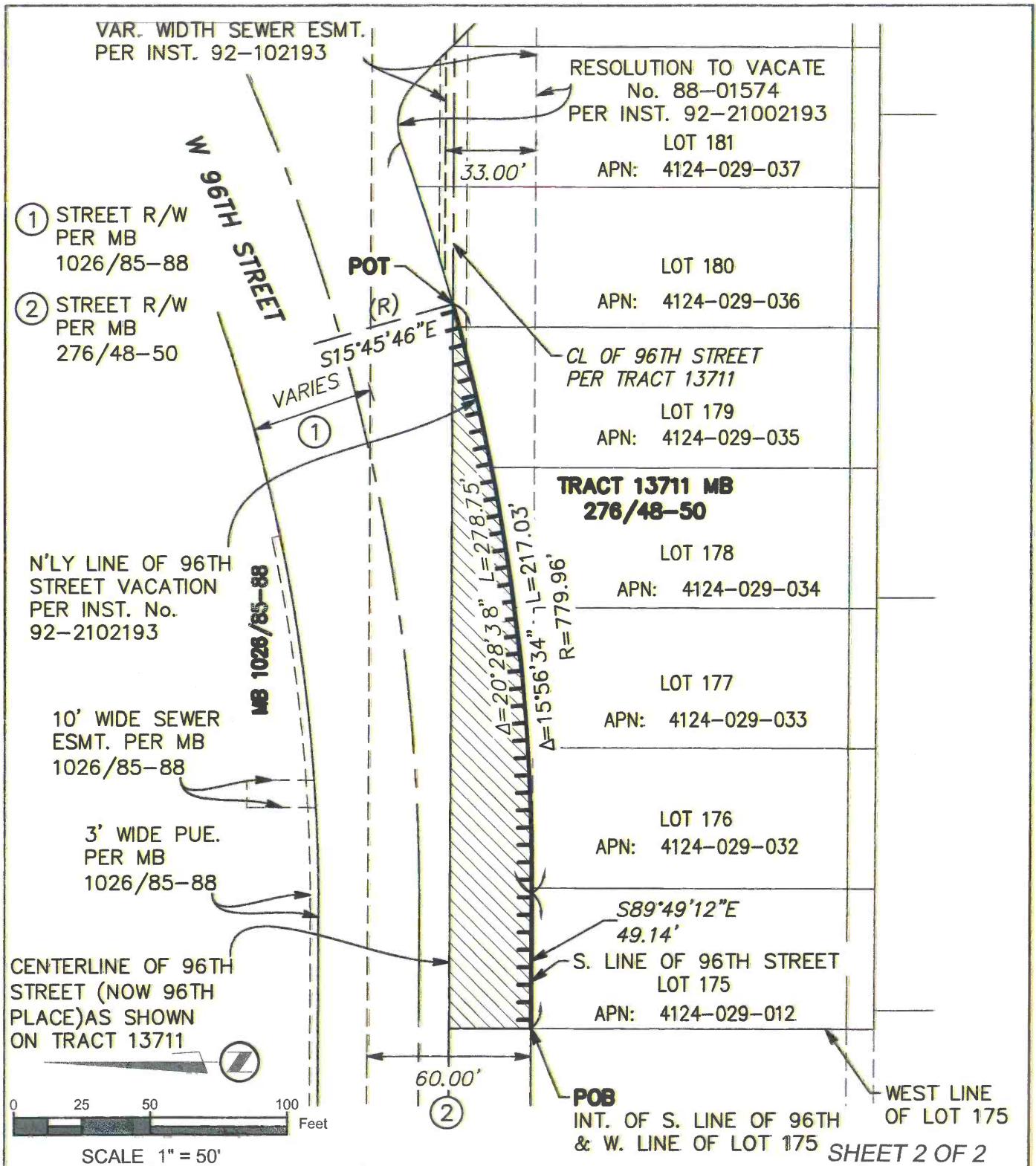


MARK THOMAS

Scale: 1" = 250'
Date Mar 2025
Drawn By BJC
Checked By JDC

Exhibit A-2

R/W Acquisition & Access Denial
APN 4124-029-012, -032 to -037
Plat to Accompany Legal Description
In the City of Los Angeles
Los Angeles County, California



MARK THOMAS

Scale: 1" = 50'

Date Mar 2025

Drawn By BJC

Checked By JDC

Exhibit A-2

R/W Acquisition & Access Denial

APN 4124-029-012, -032 to -037

Plat to Accompany Legal Description

In the City of Los Angeles

Los Angeles County, California

Attachment 2

**RECORDING REQUESTED BY and
WHEN RECORDED MAIL TO:**

Los Angeles World Airports
Attn: Evan Haug
6053 West Century Boulevard, 4th Floor
Los Angeles, California 90045

(Space above for County Recorder's Use Only)

Portion(s) APN(s): 4124-029-040

EXEMPT FROM RECORDING FEES PER GOVT. CODE §27383
EXEMPT FROM DOCUMENTARY TRANSFER TAX PER REV. & TAX CODE §11922

EASEMENT DEED

Grant of Permanent Street Easement

Bird Management, Co., LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with On Sacred Ground LLC, a Delaware limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with Allison and Jeffrey Mirkin LAX Property, LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with M.A.M. LAX Property, LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, hereinafter called (“**Grantor**”), are the owners in fee of that certain real property located in the City of Los Angeles, County of Los Angeles, State of California, as described in that Grant Deed recorded December 29th, 2023 as Document Number 202130920897 of Official Records of said County, does hereby GRANT and CONVEY to the City of Los Angeles, a municipal corporation, acting by order of and through its Board of Airport Commissioners (“**Grantee**”), and its successors and assigns, a permanent easement and right-of-way for public streets and incidents and appurtenances thereto (“**Street Easement**”), over, above, on, under, in, within, across, along, around, about and through that certain portion of Grantor’s real property located in the City of Los Angeles, County of Los Angeles, State of California, more particularly described in the legal description attached hereto as EXHIBIT “B1” and depicted or illustrated on the map or drawing attached hereto as EXHIBIT “B2” and incorporated herein by reference (“**Street Easement Area**”).

Within the Street Easement Area, the easement rights granted in, under and pursuant to this instrument shall also include the right to use the Street Easement to construct, use, install, maintain, repair, replace, improve, alter, relocate, and inspect curbs (including without limitation curb returns and curb ramps), gutters, sidewalks, crosswalks, storm drains as well as other drainage facilities, utilities, street lighting, landscaping, irrigation, traffic signals, striping and other street and/or roadway improvements, as well as appurtenances thereto. The purpose of the Street Easement includes without limitation constructing, upgrading, replacing, maintaining repairing and operating streets or roadways known as 96th Place, Airport Boulevard and 98th Street.

The easement rights granted in, under and pursuant to this instrument and the rights of Grantee in, under and pursuant to this instrument shall include without limitation the right to

access the Street Easement Area for all purposes associated with the Street Easement, which activities may include, but are not be limited to, trimming, cutting or clearing away from the Street Easement Area any trees, brush, and vegetation.

Grantee shall have the right to remove all improvements located within the Street Easement Area, including, but not limited to, trees, bushes, shrubs, brush and other flora, plants and vegetation as well as hardscape, landscape and other structures and improvements.

Grantee shall have the right to transfer, assign and/or convey the Street Easement, including without limitation any interest therein and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies.

The covenants contained in this instrument, including without limitation any restrictions set forth above, shall run with the land.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on the date set forth below.

Dated: _____

GRANTOR:

Bird Management, Co., LLC
A California limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

On Sacred Ground LLC
A Delaware limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

Allison and Jeffrey Mirkin LAX Property, LLC
A California limited liability company

By: _____

Name: _____

Title: _____

M.A.M. LAX Property, LLC
A California limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

EXHIBIT B1

Legal Description of Street Easement Area
[APN(s): 4124-029-040]

[attached behind this page]

EXHIBIT " B1"
LEGAL DESCRIPTION
APN 4124-029-040
Street Easement for Airport Boulevard

That portion of Lot 1 of Tract No. 25128, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 811, Pages 53 and 54 of Maps, in the office of the County Recorder of said County, together with those portions of Lots 189 and 221 of Tract No. 13711, in said City, County, and State, as per map recorded in Book 276, Pages 48 through 50 of said Maps, lying easterly of the following described line:

COMMENCING at the centerline intersection of 98th Street and Airport Boulevard, shown on a map filed in Book 301, Pages 21 through 42 of Records of Survey in the office of said County Recorder;

thence along the centerline of said 98th Street, North 89°49'05" West 91.02 feet;

thence leaving said centerline, North 00°10'55" East 35.00 feet to the northerly line of said 98th Street and the **TRUE POINT OF BEGINNING**, also being the beginning of a non-tangent curve, concave northwesterly having a radius of 20.00 feet, a radial line to said curve bears South 00°10'55" West;

thence northeasterly 30.67 feet along said curve through a central angle of 87°52'29";

thence North 02°18'26" East 131.82 feet;

thence North 01°32'20" East 298.39 feet to the beginning of a non-tangent curve, concave southwesterly, having a radius of 20.00 feet, a radial line to said curve bears South 87°41'34" East;

thence northwesterly 32.16 feet along said curve through a central angle of 92°07'38" to the northerly line of said Lot 189, distant thereon North 89°49'12" West 47.78 feet from the northeast corner of said Lot 189.

EXCEPT THEREFROM that certain parcel of land described in the Irrevocable Offer to Dedicate recorded April 2, 1981, in Document No. 81-335430 of Official Records in the office of said County Recorder.

EXHIBIT " B1"
LEGAL DESCRIPTION
APN 4124-029-040
Street Easement for Airport Boulevard

Containing 7,827 square feet, more or less.

Shown graphically on Exhibit B2, attached hereto and made a part hereof.

Bearings and distances used in the above description are based on California Coordinate System (CCS), Zone 5, NAD 83, Epoch 2010.00.

Divide distances shown by 1.00001924 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyor's Act.

Mark Thomas & Company, Inc.

Teri Kahlen 12/18/2024
Teri Kahlen, PLS 8746 Date



EXHIBIT B2

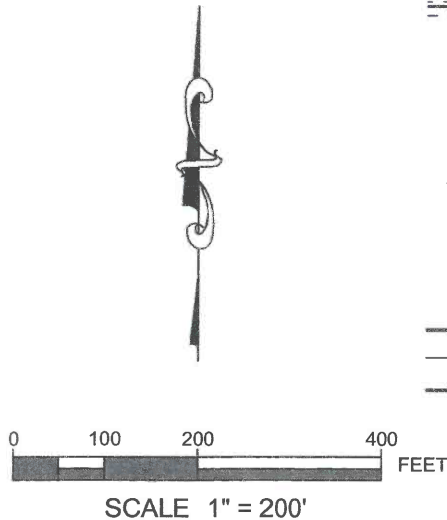
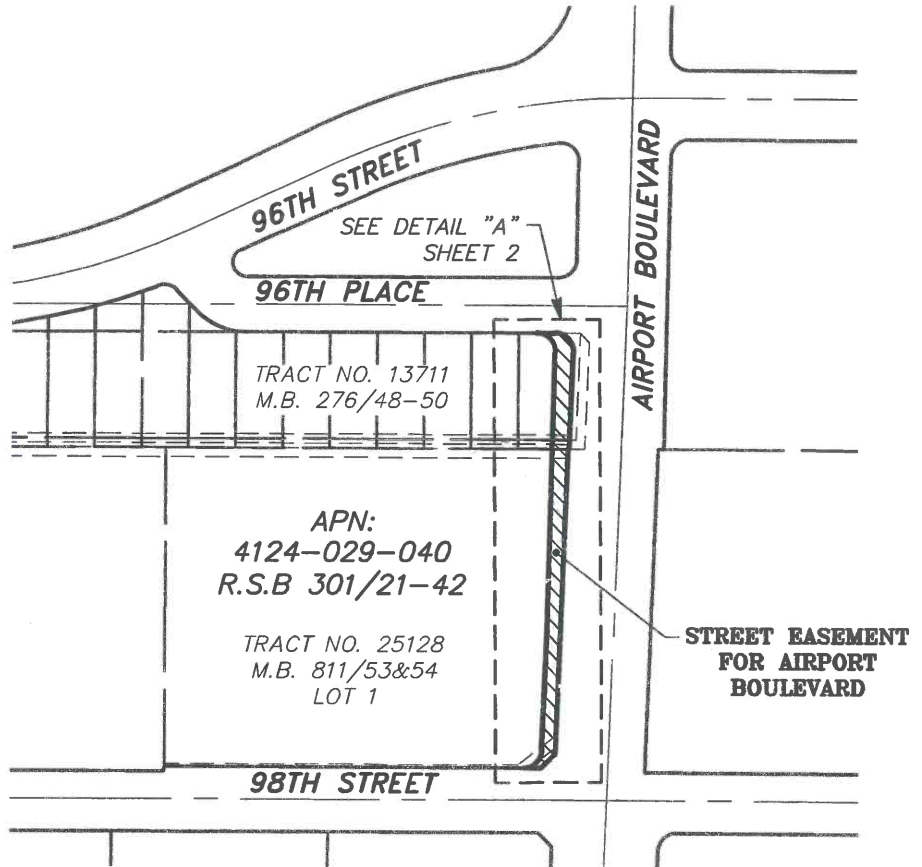
Map of Street Easement Area
[APN(s): 4124-029-040]

[attached behind this page]

EXHIBIT "B2"

LAWA	TYPE OF INTEREST	AREA	APN
	STREET EASEMENT FOR AIRPORT BOULEVARD	7,827 S.F.	4124-029-040

IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



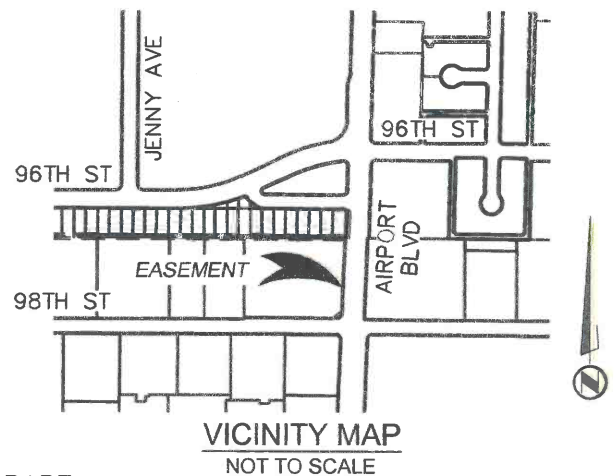
LEGEND

	LIMITS OF DESCRIPTION
	EXISTING RIGHT OF WAY
TPOB	TRUE POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
M.B.	MAP BOOK
R.S.B.	RECORD OF SURVEY BOOK
o	DIMENSION POINT

NOTES

BEARINGS AND DISTANCES USED ARE BASED ON CALIFORNIA COORDINATE SYSTEM (CCS), ZONE 5, NAD 83, EPOCH 2010.00. DIVIDE DISTANCES SHOWN BY 1.00001924 TO OBTAIN GROUND LEVEL DISTANCES.

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

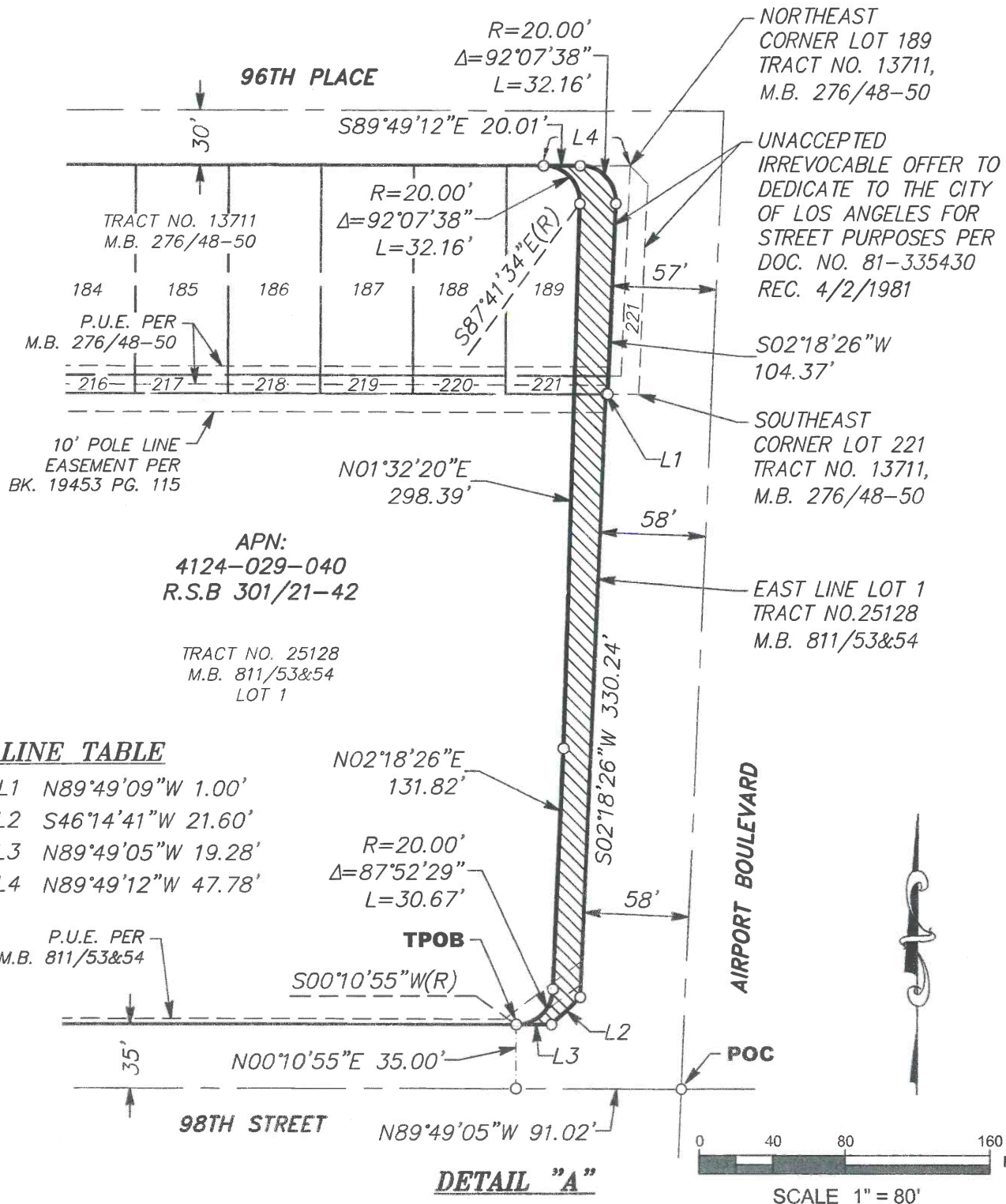


VICINITY MAP
NOT TO SCALE

 MARK THOMAS	DATE	PREPARED BY	SHEET NO.	TOTAL SHEETS
	12/18/2024	LDW	1	2

EXHIBIT "B2"

LAWA	TYPE OF INTEREST	AREA	APN
	STREET EASEMENT FOR AIRPORT BOULEVARD	7,827 S.F.	4124-029-040



	DATE	PREPARED BY	SHEET NO.	TOTAL SHEETS
	12/18/2024	LDW	2	2

Attachment 3

**RECORDING REQUESTED BY and
WHEN RECORDED MAIL TO:**

Los Angeles World Airports
Attn: Evan Haug
6053 West Century Boulevard, 4th Floor
Los Angeles, California 90045

(Space above for County Recorder's Use Only)

Portion(s) APN(s): 4124-029-040

EXEMPT FROM RECORDING FEES PER GOVT. CODE §27383
EXEMPT FROM DOCUMENTARY TRANSFER TAX PER REV. & TAX CODE §11922

EASEMENT DEED

Grant of Temporary Construction Easement

Bird Management, Co., LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with On Sacred Ground LLC, a Delaware limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with Allison and Jeffrey Mirkin LAX Property, LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with M.A.M. LAX Property, LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, hereinafter called ("**Grantor**"), are the owners in fee of that certain real property located in the City of Los Angeles, County of Los Angeles, State of California, as described in that Grant Deed recorded December 29th, 2023 as Document Number 202130920897 of Official Records of said County, does hereby GRANT and CONVEY to the City of Los Angeles, a municipal corporation, acting by order of and through its Board of Airport Commissioners ("**Grantee**"), and its successors and assigns, a non-exclusive temporary construction easement ("**Temporary Construction Easement**"), over, above, on, in, within, across, along, about and through that certain portion of Grantor's real property located in the City of Los Angeles, County of Los Angeles, State of California, more particularly described in the legal description attached hereto as EXHIBIT "C1" and depicted or illustrated on the map or drawing attached hereto as EXHIBIT "C2" and, in each case, incorporated herein by reference ("**TCE Area**").

The purpose of the Temporary Construction Easement includes the provision of working space and temporary access to the property for the development, construction, building, and installation of curbs (including without limitation curb returns and curb ramps), gutters, sidewalks, crosswalks, storm drains as well as other drainage facilities, utilities, street lighting, landscaping, irrigation, traffic signals, striping and other street and/or roadway improvements, as well as appurtenances thereto along the streets or roadways known as 96th Place, Airport Boulevard and 98th Street. The Temporary Construction Easement within the TCE Area shall continue for a period of twenty-four (24) months ("**TCE Term**"). Construction within the TCE Area and the TCE Term shall commence upon written notice from Grantee or its authorized representative to Grantor ("**TCE Commencement Date**") and it shall terminate on the earliest of: (a) the date upon which Grantee notifies Grantor that it no longer needs to use the TCE Area, or (b) twenty-four (24)

months from the TCE Commencement Date. The last date by and/or on which Grantee may use the Temporary Construction Easement is referred to as the “**TCE Expiration Date**”.

Grantee’s use of the Temporary Construction Easement shall be subject to the following provisions:

(a) upon completion of work associated with the Temporary Construction Easement, the TCE Areas shall be restored to a uniformly graded condition and left clean, and repairs will be provided by Grantee to install asphalt concrete to match existing conditions or per City of Los Angeles minimum parking lot design requirements, whichever is greater, in those areas where asphalt concrete is damaged or removed;

(b) access to the Property shall be maintained throughout construction along Airport Boulevard, however, construction activities within the TCE Area will require a temporary closure of both of the existing driveways for not more than seventy-two (72) consecutive hours. One of these driveways shall remain open and accessible to Grantor at all times during temporary closure of the other driveway. Should either driveway require temporary closure to accommodate Project construction, Grantee will make commercially reasonable efforts to coordinate with Grantor to reasonably and in advance schedule the temporary closure;

(c) construction activities within the TCE Area will include, but not be limited to grading, construction and/or installation of curb, gutter, sidewalk, storm drain, street lighting, landscaping, irrigation and traffic signals, and striping;

(d) the TCE Areas will be reasonably protected, reasonably maintained and kept reasonably free of trash during construction by Grantee to attempt to ensure that the visual identity and character of the property is not unreasonably impacted by the use of the Temporary Construction Easement;

(e) while on the TCE Areas or any of them in connection with the use of the Temporary Construction Easement, Grantee will comply with all applicable laws, rules, and regulations as well as, to the extent commercially reasonable and practicable, best construction practices, including compliance with City of Los Angeles Noise Ordinance requirements;

(f) Grantee may temporarily and intermittently disrupt vehicular and pedestrian traffic on as 96th Place, Airport Boulevard and 98th Street, as necessary, to complete construction of curbs (including without limitation curb returns and curb ramps), gutters, sidewalks, crosswalks, storm drains as well as other drainage facilities, utilities, street lighting, landscaping, irrigation, traffic signals, striping and other street and/or roadway improvements, as well as appurtenances thereto along the streets or roadways known as 96th Place, Airport Boulevard and 98th Street; and

(g) Grantee may use construction equipment needed for demolition and removal of existing infrastructure, and construction of curbs (including without limitation curb returns and curb ramps), gutters, sidewalks, crosswalks, storm drains as well as other drainage facilities, utilities, street lighting, landscaping, irrigation, traffic signals, striping and other street and/or

roadway improvements, as well as appurtenances thereto along the streets or roadways known as 96th Place, Airport Boulevard and 98th Street.

Starting on the TCE Commencement Date and continuing through the TCE Expiration Date, Grantor shall not, without the express prior written consent of Grantee (which may be granted or withheld in Grantee's sole and unfettered discretion), erect, place, or maintain any improvement, over, above, on, under, in, within, across, along, about or through the TCE Area or undertake any other activity within the TCE Area, which may interfere with Grantee's use of the TCE Area, including, without limitation, the erection of any building, wall, fence, structure or other improvement within the TCE Area.

At the expiration of the Temporary Construction Easement, Grantee or its authorized agent(s) shall, subject to reasonable wear and tear, restore the TCE Area to a condition as near as practicable to finished dirt grade conditions with surface elevations consistent with the existing grading of the surface parking area immediately adjacent to the TCE Area. Grantee shall not, however, be required to restore any other changed condition or circumstance to the pre-existing condition that is not resulting from Grantee's operations, negligence or greater fault.

The covenants contained in this instrument shall run with the land. For the purposes of this instrument and the Temporary Construction Easement, the word "existing" when used in this instrument means "currently existing as of the date of this instrument as set forth below in this instrument."

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on the date set forth below.

Dated: _____

GRANTOR:

Bird Management, Co., LLC
A California limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

On Sacred Ground LLC
A Delaware limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

Allison and Jeffrey Mirkin LAX Property, LLC
A California limited liability company

By: _____

Name: _____

Title: _____

M.A.M. LAX Property, LLC
A California limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

EXHIBIT C1

Legal Description of Temporary Construction Easement Area
[APN(s): 4124-029-040]

[attached behind this page]

EXHIBIT " C1"
LEGAL DESCRIPTION
APN 4124-029-040
Temporary Construction Easement

That portion of Lot 1 of Tract No. 25128, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 811, Pages 53 and 54 of Maps, in the office of the County Recorder of said County, together with those portions of Lots 189 and 221 of Tract No. 13711, in said City, County, and State, as per map recorded in Book 276, Pages 48 through 50 of said Maps, described as follows:

COMMENCING at the centerline intersection of 98th Street and Airport Boulevard, shown on a map filed in Book 301, Pages 21 through 42 of Records of Survey in the office of said County Recorder;

thence along the centerline of said 98th Street, North 89°49'05" West 91.02 feet;

thence leaving said centerline, North 00°10'55" East 35.00 feet to the northerly line of said 98th Street and the beginning of a non-tangent curve, concave northwesterly having a radius of 20.00 feet, a radial line to said curve bears South 00°10'55" West;

thence northeasterly 16.22 feet along said curve through a central angle of 46°27'55" to the **TRUE POINT OF BEGINNING**;

thence continuing 14.45 feet along said curve through a central angle of 41°24'35";

thence North 02°18'26" East 131.82 feet;

thence North 01°32'20" East 298.39 feet to the beginning of a non-tangent curve, concave southwesterly, having a radius of 20.00 feet, a radial line to said curve bears South 87°41'34" East;

thence northwesterly 14.73 feet along said curve through a central angle of 42°11'08";

thence South 01°32'20" West 311.86 feet;

thence South 02°18'26" West 145.02 feet to the **TRUE POINT OF BEGINNING**.

Containing 2,243 square feet, more or less.

Shown graphically on Exhibit C2, attached hereto and made a part hereof.

EXHIBIT "C1"
LEGAL DESCRIPTION
APN 4124-029-040
Temporary Construction Easement

Bearings and distances used in the above description are based on California Coordinate System (CCS), Zone 5, NAD 83, Epoch 2010.00.
Divide distances shown by 1.00001924 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyor's Act.

Mark Thomas & Company, Inc.

Teri Kahlen 12/18/2024
Teri Kahlen, PLS 8746 Date



EXHIBIT C2

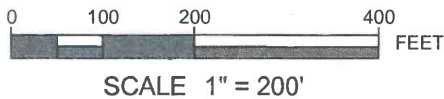
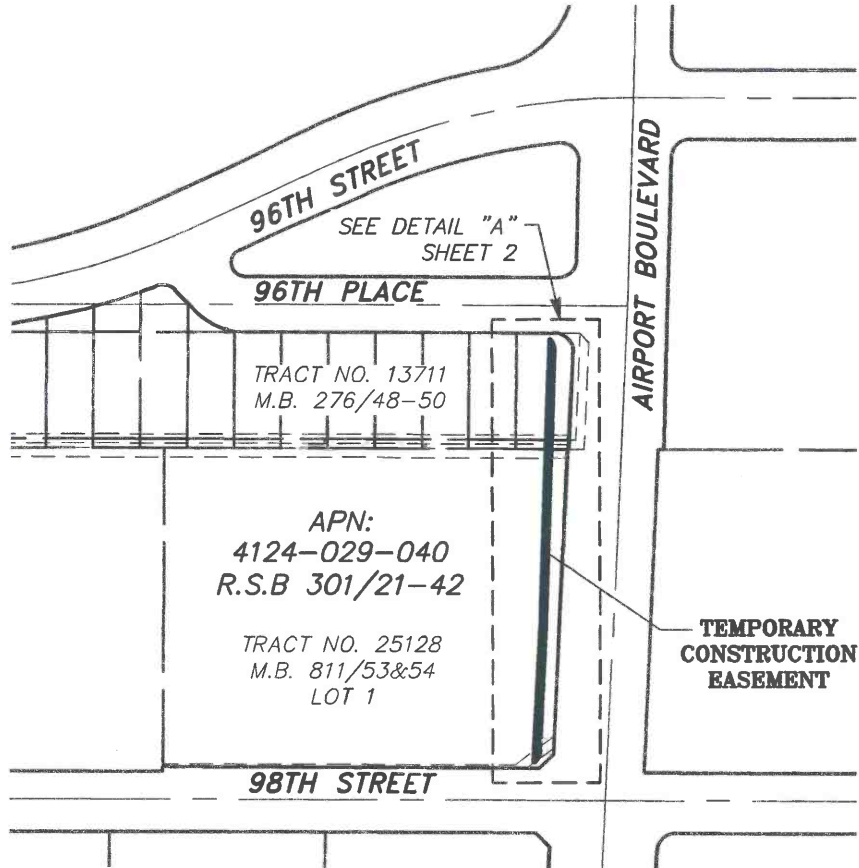
Map of Temporary Construction Easement Area
[APN(s): 4124-029-040]

[attached behind this page]

EXHIBIT "C2"

LAWA	TYPE OF INTEREST	AREA	APN
	TEMPORARY CONSTRUCTION EASEMENT	2,243 S.F.	4124-029-040

IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



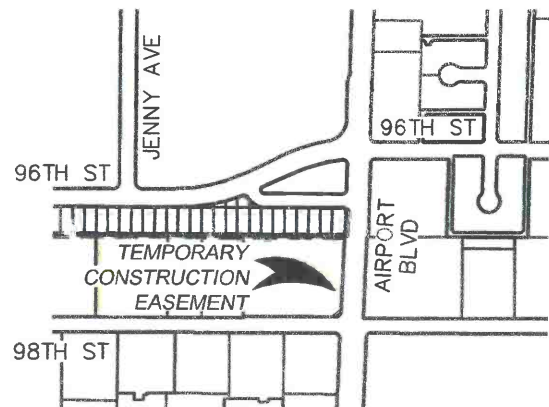
LEGEND

	LIMITS OF DESCRIPTION
	EXISTING RIGHT OF WAY
TPOB	TRUE POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
M.B.	MAP BOOK
R.S.B.	RECORD OF SURVEY BOOK
O	DIMENSION POINT

NOTES

BEARINGS AND DISTANCES USED ARE BASED ON CALIFORNIA COORDINATE SYSTEM (CCS), ZONE 5, NAD 83, EPOCH 2010.00. DIVIDE DISTANCES SHOWN BY 1.00001924 TO OBTAIN GROUND LEVEL DISTANCES.

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

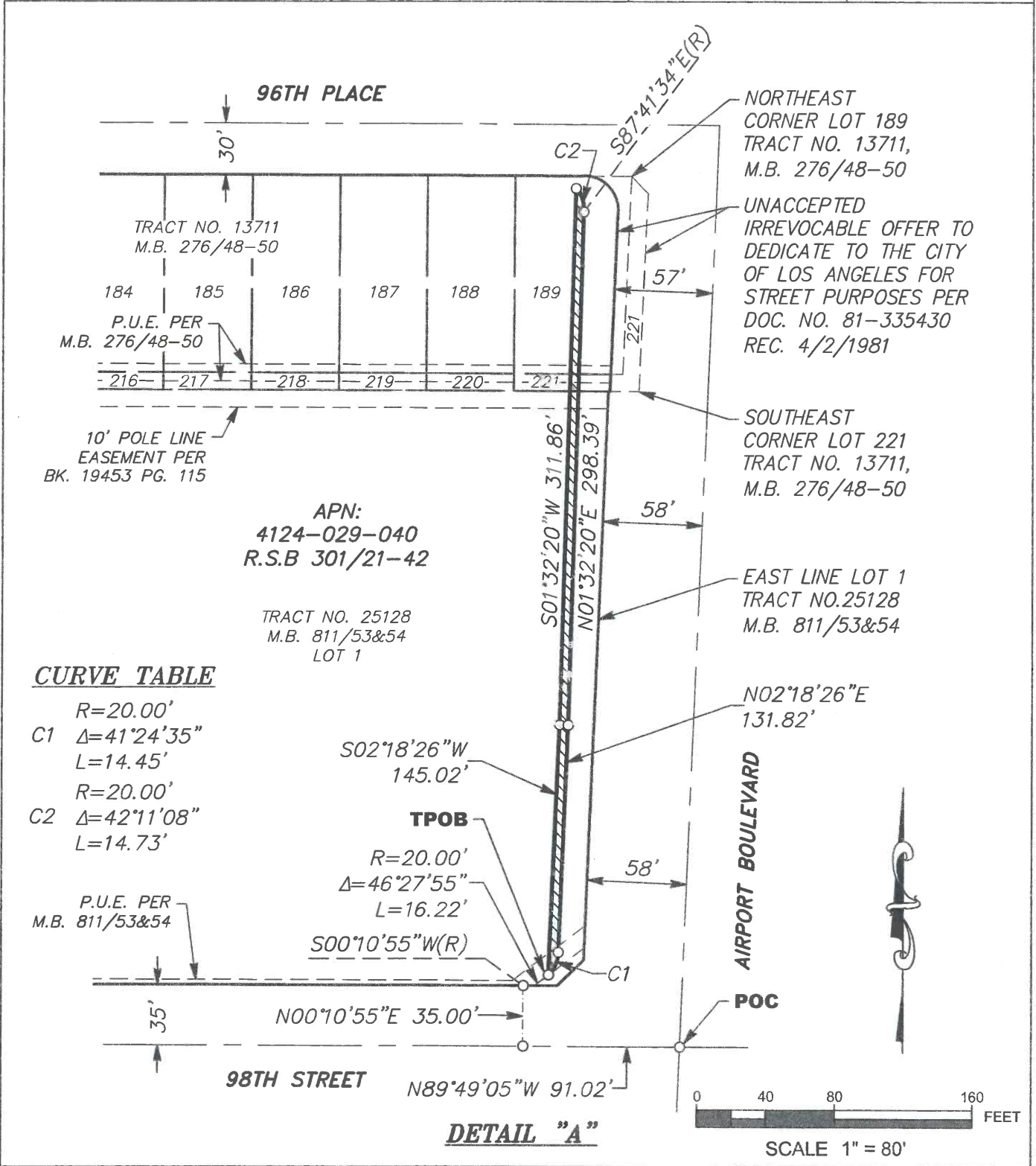



VICINITY MAP
NOT TO SCALE

	DATE	PREPARED BY	SHEET NO.	TOTAL SHEETS
	12/18/2024	LDW	1	2

EXHIBIT "C2"

LAWA	TYPE OF INTEREST	AREA	APN
	TEMPORARY CONSTRUCTION EASEMENT	2,243 S.F.	4124-029-040



 MARK THOMAS	DATE	PREPARED BY	SHEET NO.	TOTAL SHEETS
	12/18/2024	LDW	2	2

Attachment 4

EXHIBIT "D1"
LEGAL DESCRIPTION
ABUTTER'S RIGHT OF ACCESS

FOR THE PURPOSE OF AN INTERMODAL TRANSIT FACILITY MEANS OF PRIVATE INGRESS/EGRESS, THE RELEASE AND RELINQUISHMENT OF THE ABUTTER'S RIGHT OF ACCESS, APPURTENANT TO THE PORTION OF REAL PROPERTY LOCATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS DESCRIBED IN THE GRANT DEED TO THE MIRKIN PARTNERSHIP, RECORDED MARCH 9, 1988 AS INSTRUMENT NUMBER 88-322643, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY IN AND TO SAID INTERMODAL TRANSIT FACILITY MEANS OF PRIVATE INGRESS/EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED LINE:

COMMENCING (POC) AT THE INTERSECTION OF THE WEST LINE OF LOT 175 OF TRACT NUMBER 13711, AS PER MAP RECORDED IN BOOK 276, PAGES 48 THROUGH 50, INCLUSIVE, OF MAPS, WITH THE SOUTH LINE OF 96TH STREET, BOTH SHOWN ON SAID TRACT NUMBER 13711.

THENCE ALONG THE SOUTH LINE OF SAID 96TH STREET, SOUTH 89°49'12" EAST 49.14 FEET TO A POINT ON THE NORTH LINE OF THAT PORTION OF 96TH STREET AS VACATED BY THE CITY OF LOS ANGELES PER RESOLUTION TO VACATE NUMBER 88-01574 AS DESCRIBED IN INSTRUMENT NUMBER 92-2102193, RECORDED NOVEMBER 12, 1992, SAID POINT IS ALSO THE WESTERLY TERMINUS OF THAT CERTAIN CURVE DESCRIBED IN SAID INSTRUMENT HAVING A RADIUS OF 779.96 FEET, CENTRAL ANGLE OF 20°28'38", AND AN ARC LENGTH OF 278.75 FEET.

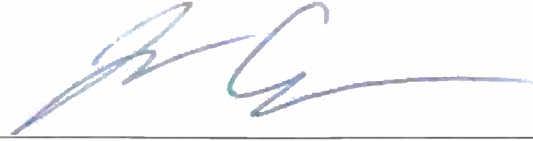
THENCE ALONG THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET, SAID NORTH LINE IS ALSO A CURVE CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°56'34", AN ARC LENGTH OF 217.03 FEET TO THE **TRUE POINT OF BEGINNING (TPOB)**, SAID POINT IS ALSO THE INTERSECTION OF THE CENTERLINE OF 96TH STREET AS SHOWN ON SAID TRACT NUMBER 13711 WITH THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET.

THENCE CONTINUING ALONG SAID NORTH LINE OF THE VACATED PORTION OF 96TH STREET, THROUGH A CENTRAL ANGLE OF 4°32'01", AN ARC LENGTH OF 61.72 FEET TO THE **POINT OF TERMINATION (POT)**, SAID POINT IS ALSO THE EASTERLY TERMINUS OF SAID CERTAIN CURVE HAVING A RADIUS OF 779.96 FEET, CENTRAL ANGLE OF 20°28'38", AND AN ARC LENGTH OF 278.75 FEET, A RADIAL THROUGH SAID POINT BEARS SOUTH 20°17'46" EAST;

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), 2010.00 EPOCH, ZONE 5. THE DISTANCES SHOWN HEREIN ARE GRID DISTANCES. GROUND DISTANCES MAY BE OBTAINED BY DIVIDING GRID DISTANCES BY THE COMBINATION FACTOR OF 1.00001967.

SEE PLAT ATTACHED HERETO AS EXHIBIT "D2" AND BY THIS
REFERENCE MADE PART HEREOF.

PREPARED UNDER MY SUPERVISION:



JOSHUA D. COSPER, P.L.S.
P.L.S. 8774, EXP. 12-31-20

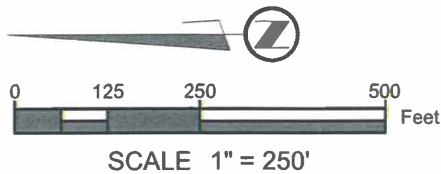
11-18-19
DATE



SECTION 31,
T2S, R14W S.B.M.

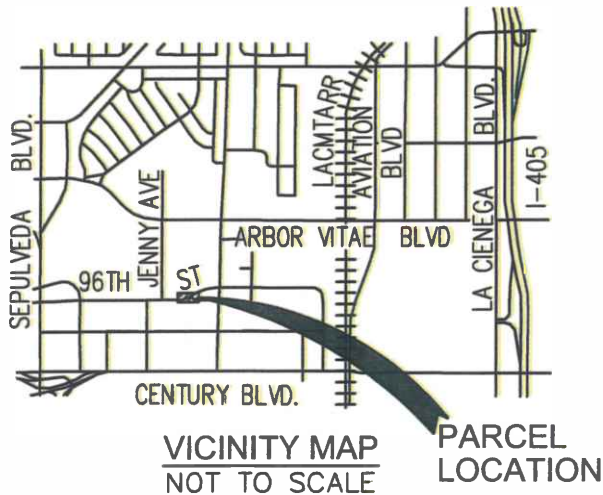
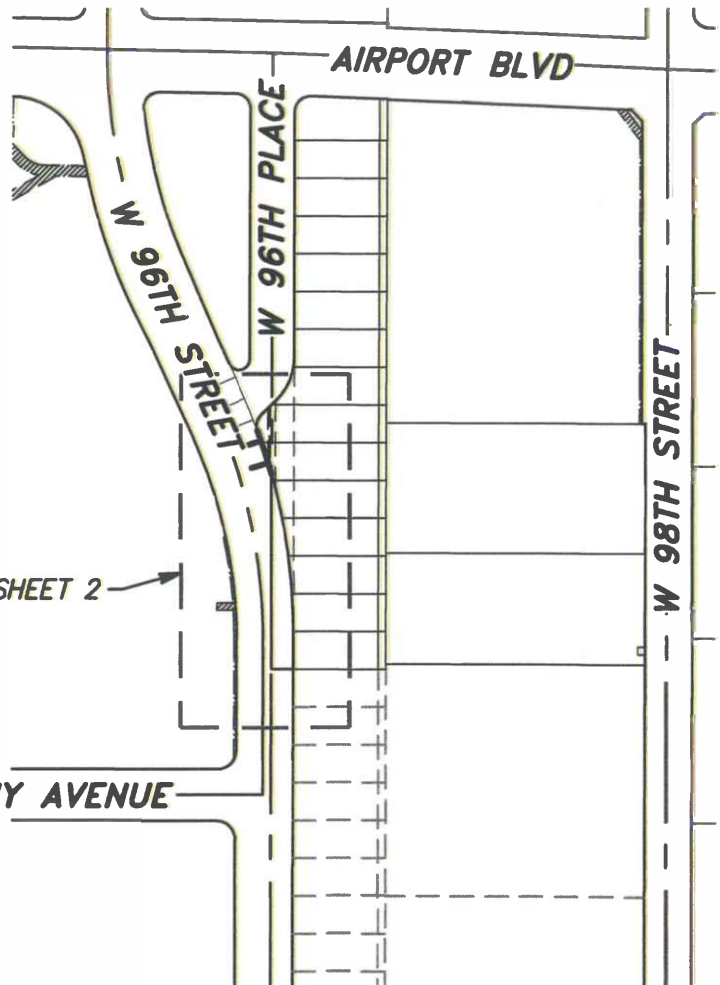
LEGEND

- POC POINT OF COMMENCEMENT
TPOB POINT OF BEGINNING
POT POINT OF TERMINATION
▨ PARCEL TO BE TRANSFERRED
▤ ACCESS RESTRICTED



SEE SHEET 2

JENNY AVENUE



THE BASIS OF BEARINGS FOR THIS SURVEY IS
CCS83, ZONE 5 (2010.00)

DISTANCES SHOWN HEREIN ARE GRID
DISTANCES. GROUND DISTANCES MAYBE
OBTAINED BY DIVIDING GRID DISTANCES BY
THE COMBINATION FACTOR OF 1.00001967

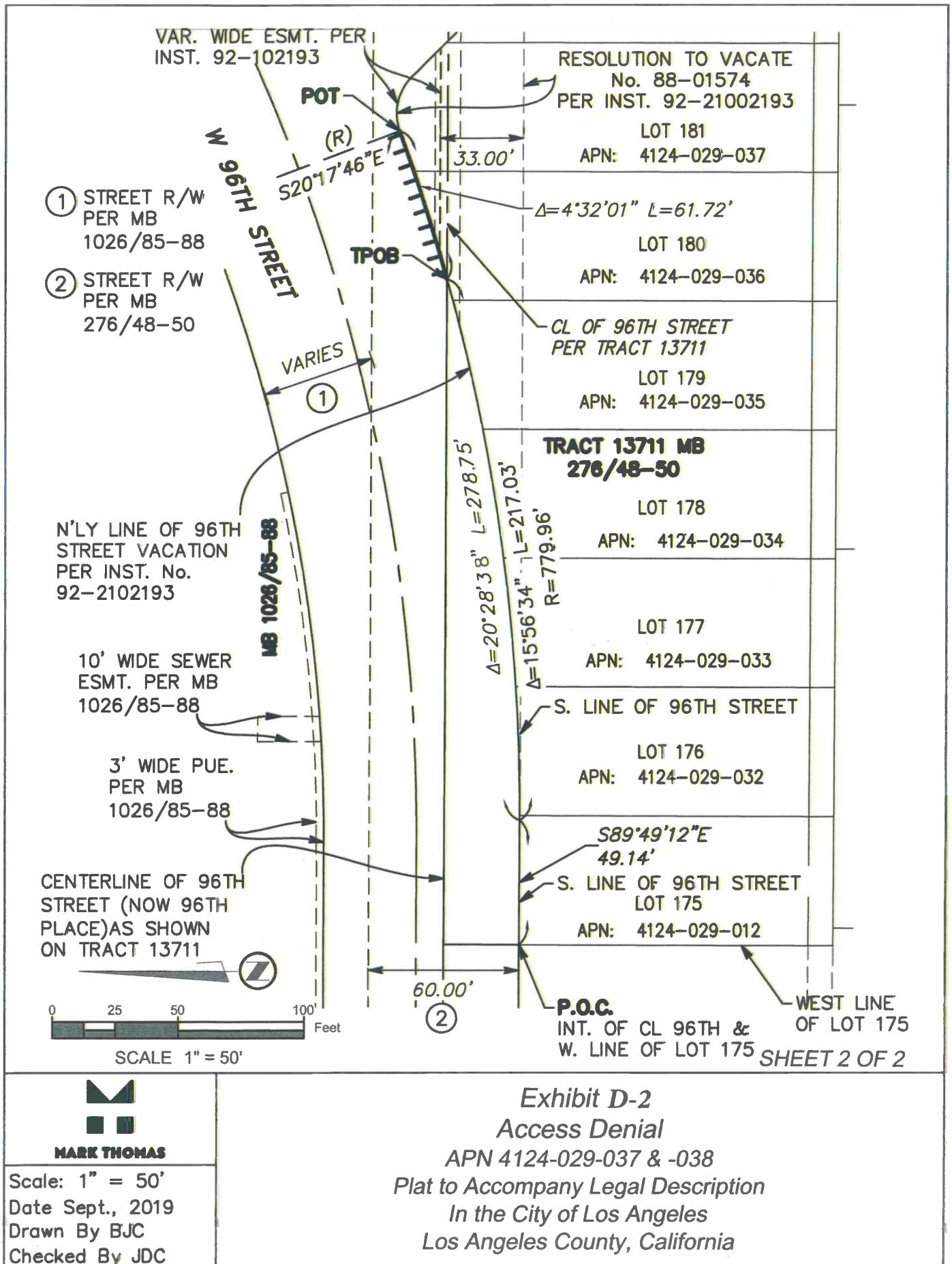
SHEET 1 OF 2



MARK THOMAS

Scale: 1" = 250'
Date Sept., 2019
Drawn By BJC
Checked By JDC

Exhibit D-2
Access Denial
APN 4124-029-037 & -038
Plat to Accompany Legal Description
In the City of Los Angeles
Los Angeles County, California



April 22, 2025

The Honorable City Council
of the City of Los Angeles
(via email)

Subject: Resolution of Necessity requesting the City Council to authorize commencement of eminent domain proceedings to acquire rights to one (1) property for the Landside Access Modernization Program at Los Angeles international Airport

LAX

Van Nuys

City of Los Angeles

Karen Bass
Mayor

**Board of Airport
Commissioners**

Karim Webb
President

Matthew M. Johnson
Vice President

Vanessa Aramayo
Courtney La Bau
Victor Narro
Nicholas P. Roxborough
Valeria C. Velasco

John Ackerman
Chief Executive Officer

Enclosed for your consideration is Resolution of Necessity 28158, which was adopted by the Board of Airport Commissioners at its April 17, 2025 meeting. There is no impact to the General Fund.

RECOMMENDATIONS FOR CITY COUNCIL:

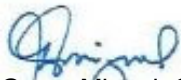
1. Concur with said Board's adoption of staff's determination that:
 - (a) The action requested herein is within the scope of the Los Angeles International Airport (LAX) Landside Access Modernization Program (LAMP) Environmental Impact Report (EIR) and does not include any changes that would require further review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, and that activities previously analyzed in the LAX LAMP EIR are also exempt from CEQA pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines that exempts any activity (approval of bids, execution of contracts, allocation of funds, etc.) for which the underlying project has previously been evaluated for environmental significance and processed according to the requirements of CEQA.
 - (b) The taking of the property is authorized by, inter alia, Section 19, Article I of the California Constitution, Sections 37350.5 and 40404(f) of the California Government Code, Public Utilities Code Section 21661.6, the Los Angeles City Charter Section 632(c), Section 1230.010 et seq. and Sections 1240.050 and 1240.125, of the California Code of Civil Procedure, and all other applicable law.
2. Adopt Resolution 28158, as adopted by said Board on April 17, 2025, making all necessary findings and requesting the City Council to authorize commencement of eminent domain proceedings to acquire rights to one (1) property for the LAMP at LAX.
3. Further adopt an ordinance, to be prepared and transmitted by the City Attorney, approving said Resolution of Necessity.

This document and its attachments are advisory only and do not constitute a complete and official submittal to the City Council. The official submittal, including this document and its attachments, will be submitted electronically to the City Council and the Council File Management System pursuant to Charter Section 632(c) via the City Clerk's website when the file is complete.



Los Angeles City Council
April 22, 2025
page 2

Very truly yours,

A handwritten signature in blue ink, appearing to read "Grace Miguel", is positioned above the typed name.

Grace Miguel, Commission Executive Assistant II
BOARD OF AIRPORT COMMISSIONERS

GM/lfc

Enclosures

cc: CAO (Airport Analyst), e-file
CLA (Airport Analyst), e-file

RESOLUTION NO. 28158

BE IT RESOLVED that the Board of Airport Commissioners (Board), after consideration of the board report, staff presentation, discussion, oral presentation and evidence presented at its Board Meeting on April 17, 2025 at 10:00 a.m., makes the following findings and determinations with respect to this Resolution of Necessity:

1. Los Angeles World Airports (LAWA) is a proprietary department of the City of Los Angeles, a charter city and municipal corporation.
2. The interests in real property to be acquired by LAWA consist of: (a) a fee simple interest in the property described and depicted in Attachment 1; (b) a permanent street easement over a portion of the property as set forth in the easement deed in Attachment 2; (c) a temporary construction easement having a term of 24 months as set forth in the easement deed in Attachment 3; and (d) abutter's right of access to roadways in the property described and depicted in Attachment 4. Said term of 24 months was an amendment requested by staff and approved by the Board at the meeting. All attachments are attached hereto and incorporated herein by reference (collectively, the Subject Property). The Subject Property is located within the City of Los Angeles, County of Los Angeles, State of California.
3. The public use for which the Subject Property is being acquired is for the Landside Access Modernization Program (LAMP), a public project designed to improve and modernize access to Los Angeles International Airport (Project).
4. Pursuant to Code of Civil Procedure Sections 1240.610 and 1240.510, to the extent that the Subject Property is already devoted to a public use, the use to which the Subject Property is to be acquired under this Resolution of Necessity is a more necessary public use than the use to which the Subject Property is already devoted or, in alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Subject Property is already devoted.
5. The notice of intention to adopt this Resolution of Necessity was given by first class mail to the person whose property is to be acquired by eminent domain in accordance with Code of Civil Procedure Section 1245.235 and a hearing was conducted by the Board on the matters contained herein; and

BE IT FURTHER RESOLVED that the Board hereby declares that it has found and determined:

1. The environmental impacts of the acquisition of the Subject Property were evaluated in the previously adopted LAMP Environmental Impact Report (EIR), ENV-2016-3391-EIR. The LAMP EIR was adopted by the Board on March 2, 2017 (Resolution 26185), and certified and adopted by the Los Angeles City Council on June 7, 2017. The acquisition of the Subject Property is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines. It is also within the scope of the certified LAMP EIR and does not include any changes to the Project that would require further review under CEQA pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.



2. The taking of the Subject Property is authorized by, *inter alia*, Section 19, Article I of the California Constitution, Sections 37350.5 and 40404(f) of the California Government Code, Public Utilities Code Section 21661.6, the Los Angeles City Charter Section 632(c), Section 1230.010 et seq., of the California Code of Civil Procedure, and all other applicable law as set forth herein; and

BE IT FURTHER RESOLVED that the Board hereby declares that it has found and determined:

1. The public interest and necessity require the Project.
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The Subject Property sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the proposed Project.
4. The offer required by Government Code Section 7267.2(a), together with the accompanying statement and summary of the basis for the amount established as just compensation, was actually made to the owner and was in a form and contained all of the factual information required by Government Code Section 7267.2(a).
5. The requisite environmental review of the Project has been completed in accordance with CEQA; and

BE IT FURTHER RESOLVED that the City Council is requested to approve this Resolution of Necessity and the exercise of eminent domain by LAWA in accordance with Los Angeles City Charter Section 632(c); and

BE IT FURTHER RESOLVED that upon approval by the City Council, the City Attorney is hereby authorized to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Subject Property by eminent domain. City Attorney is also authorized to seek and obtain an Order for Prejudgment of Possession of the Subject Property in accordance with eminent domain law. City Attorney may enter into Stipulated Orders for Prejudgment Possession and/or Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. City Attorney is further authorized to correct any errors or agree to make any non-material changes to the legal description of the Subject Property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Subject Property. City Attorney is further authorized, subject to approval by the Board when required, to compromise and settle such eminent domain proceedings, if such negotiated settlement can be reached, and in that event, take all necessary action to complete the acquisition, including entering into stipulations as to the judgment and other matters, and to cause all such payments to be made; and


BE IT FURTHER RESOLVED that the Chief Financial Officer of LAWA, upon proper certification and instruction from the Chief Executive Officer and City Attorney, is authorized to draw demands, in the amounts necessary to make deposits of just compensation with the California State Treasurer's Office in connection with the eminent domain proceedings and/or pay the purchase price for acquisition of the Subject Property through negotiated settlement or court judgment; and

BE IT FURTHER RESOLVED that the adoption of this Resolution and subsequent approval by the City Council via an Ordinance shall supersede and replace Resolution 26922, which was adopted on December 19, 2019; and

BE IT FURTHER RESOLVED that the Secretary of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

o0o

I hereby certify that this Resolution No. 28158 is true and correct, as adopted by the Board of Airport Commissioners at its Special Meeting held on Thursday, April 17, 2025.

A handwritten signature in blue ink, appearing to read "Grace Miguel", is positioned above the printed name.

Grace Miguel – Secretary
BOARD OF AIRPORT COMMISSIONERS

Attachments:

- 1 – Fee Simple Interest Legal Description and Plat Map*
- 2 – Easement Deed (Grant of Permanent Street Easement)*
- 3 – Easement Deed (Grant of Temporary Construction Easement)*
- 4 – Abutter's Right of Access Legal Description and Plat Map*

Attachment 1

EXHIBIT "A1"
LEGAL DESCRIPTION
FEE INTEREST

THOSE PORTIONS OF LOTS 175 THROUGH 180, INCLUSIVE, OF TRACT NUMBER 13711, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 276, PAGES 48 THROUGH 50, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID PORTION IS ALSO LYING ENTIRELY WITHIN THE SOUTH HALF OF 96TH STREET AS SHOWN ON SAID TRACT NUMBER 13711, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING (POB) AT THE INTERSECTION OF THE WEST LINE OF SAID LOT 175 WITH THE SOUTH LINE OF 96TH STREET.

THENCE ALONG THE SOUTH LINE OF SAID 96TH STREET, SOUTH 89°49'12" EAST 49.14 FEET TO A POINT ON THE NORTH LINE OF THAT PORTION OF 96TH STREET AS VACATED BY THE CITY OF LOS ANGELES PER RESOLUTION TO VACATE NUMBER 88-01574 AS DESCRIBED IN INSTRUMENT NUMBER 92-2102193, RECORDED NOVEMBER 12, 1992, SAID POINT IS ALSO THE WESTERLY TERMINUS OF THAT CERTAIN CURVE DESCRIBED IN SAID INSTRUMENT HAVING A RADIUS OF 779.96 FEET, CENTRAL ANGLE OF 20°28'38", AND AN ARC LENGTH OF 278.75 FEET.

THENCE ALONG THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET, SAID NORTH LINE IS ALSO A CURVE CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°56'34", AN ARC LENGTH OF 217.03 FEET TO THE **POINT OF TERMINATION (POT)**, SAID POINT IS ALSO THE INTERSECTION OF THE CENTERLINE OF 96TH STREET AS SHOWN ON SAID TRACT NUMBER 13711 WITH THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET, A RADIAL THROUGH SAID POINT BEARS SOUTH 15°45'46" EAST;

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF AN INTERMODAL TRANSIT FACILITY MEANS OF PRIVATE INGRESS/EGRESS AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE THE ABUTTER'S RIGHT OF ACCESS, APPURTENANT TO GRANTOR'S REMAINING PROPERTY, IN AND TO SAID PRIVATE INGRESS/EGRESS.

CONTAINING 0.133 ACRES OR 5,776 SQUARE FEET, MORE OR LESS.

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), 2010.00 EPOCH, ZONE 5. THE DISTANCES SHOWN HEREIN ARE GRID DISTANCES. GROUND DISTANCES MAY BE OBTAINED BY DIVIDING GRID DISTANCES BY THE COMBINATION FACTOR OF 1.00001967.

SEE PLAT ATTACHED HERETO AS EXHIBIT "A2" AND BY THIS REFERENCE MADE
PART HEREOF.

PREPARED UNDER MY SUPERVISION:



JOSHUA D. COSPER, P.L.S.
P.L.S. 8774, EXP. 12-31-26

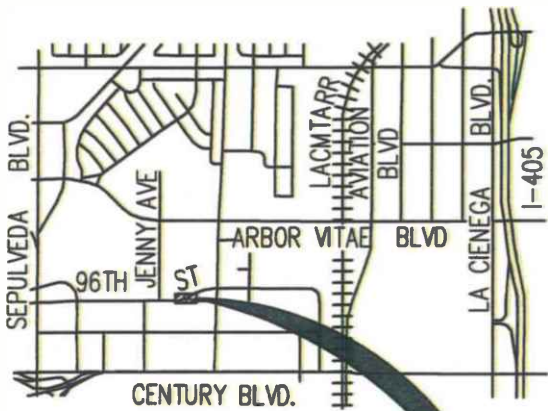
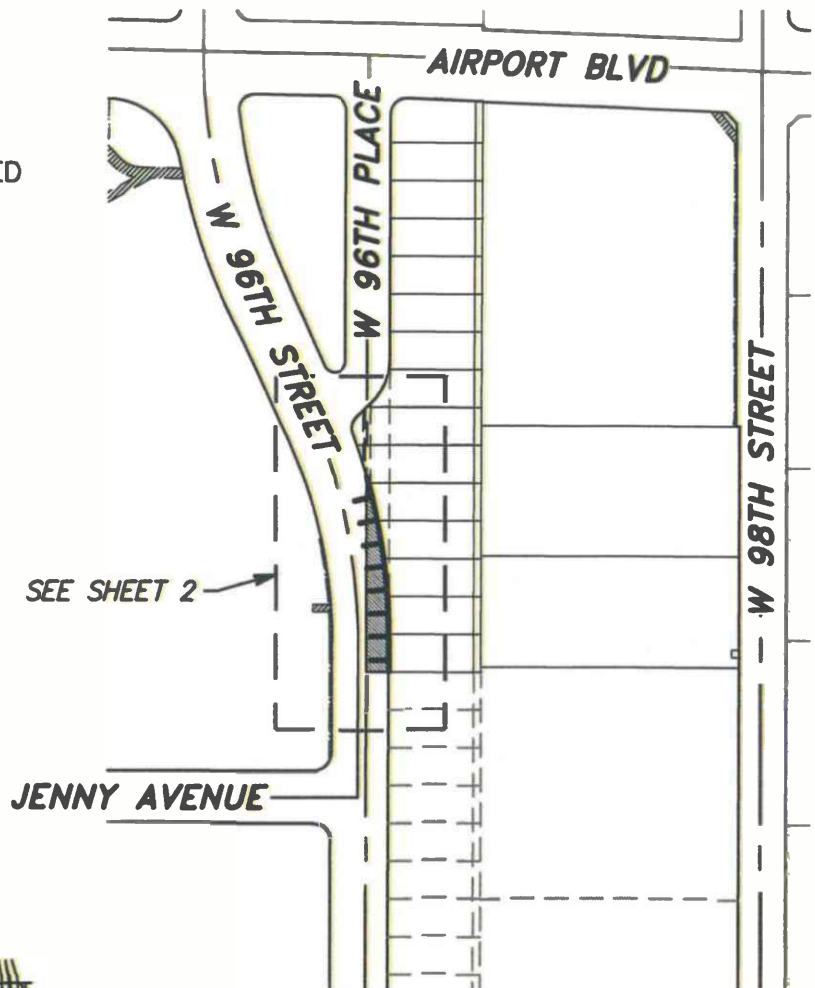
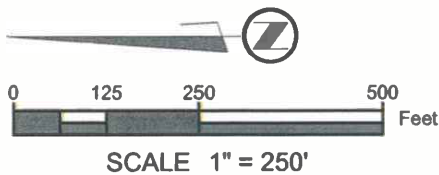
3-19-25
DATE



SECTION 31,
T2S, R14W S.B.M.

LEGEND

POC POINT OF COMMENCEMENT
TPOB POINT OF BEGINNING
POT POINT OF TERMINATION
▨ PARCEL TO BE TRANSFERRED
|||| ACCESS RESTRICTED



THE BASIS OF BEARINGS FOR THIS SURVEY IS
CCS83, ZONE 5 (2010.00)

DISTANCES SHOWN HEREIN ARE GRID
DISTANCES. GROUND DISTANCES MAYBE
OBTAINED BY DIVIDING GRID DISTANCES BY
THE COMBINATION FACTOR OF 1.00001967

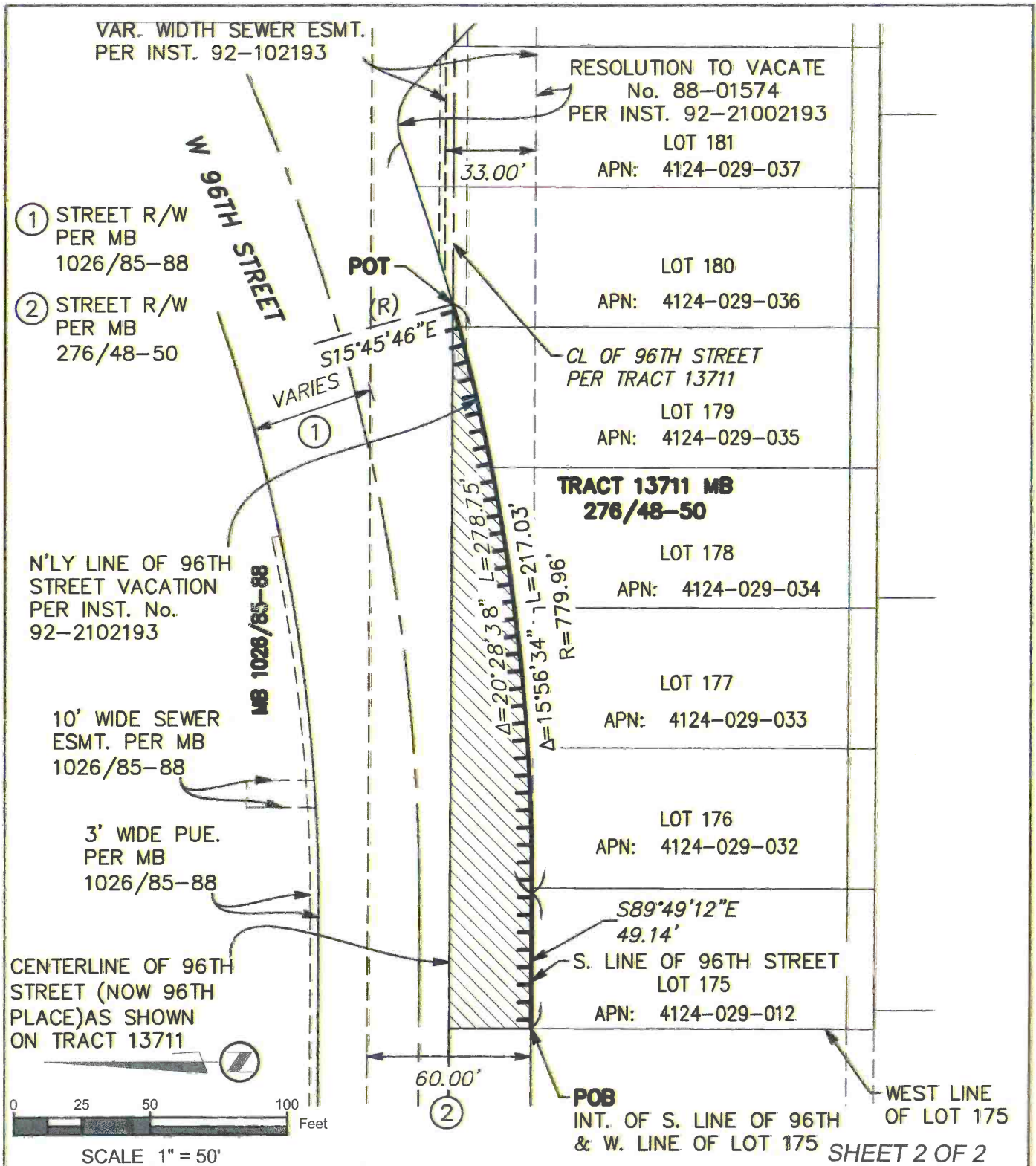
SHEET 1 OF 2



MARK THOMAS

Scale: 1" = 250'
Date Mar 2025
Drawn By BJC
Checked By JDC

Exhibit A-2
R/W Acquisition & Access Denial
APN 4124-029-012, -032 to -037
Plat to Accompany Legal Description
In the City of Los Angeles
Los Angeles County, California



MARK THOMAS

Scale: 1" = 50'

Date Mar 2025

Drawn By BJC

Checked By JDC

Exhibit A-2

R/W Acquisition & Access Denial

APN 4124-029-012, -032 to -037

Plat to Accompany Legal Description

In the City of Los Angeles

Los Angeles County, California

Attachment 2

**RECORDING REQUESTED BY and
WHEN RECORDED MAIL TO:**

Los Angeles World Airports
Attn: Evan Haug
6053 West Century Boulevard, 4th Floor
Los Angeles, California 90045

(Space above for County Recorder's Use Only)

Portion(s) APN(s): 4124-029-040

EXEMPT FROM RECORDING FEES PER GOVT. CODE §27383
EXEMPT FROM DOCUMENTARY TRANSFER TAX PER REV. & TAX CODE §11922

EASEMENT DEED

Grant of Permanent Street Easement

Bird Management, Co., LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with On Sacred Ground LLC, a Delaware limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with Allison and Jeffrey Mirkin LAX Property, LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with M.A.M. LAX Property, LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, hereinafter called (“Grantor”), are the owners in fee of that certain real property located in the City of Los Angeles, County of Los Angeles, State of California, as described in that Grant Deed recorded December 29th, 2023 as Document Number 202130920897 of Official Records of said County, does hereby GRANT and CONVEY to the City of Los Angeles, a municipal corporation, acting by order of and through its Board of Airport Commissioners (“Grantee”), and its successors and assigns, a permanent easement and right-of-way for public streets and incidents and appurtenances thereto (“Street Easement”), over, above, on, under, in, within, across, along, around, about and through that certain portion of Grantor’s real property located in the City of Los Angeles, County of Los Angeles, State of California, more particularly described in the legal description attached hereto as EXHIBIT “B1” and depicted or illustrated on the map or drawing attached hereto as EXHIBIT “B2” and incorporated herein by reference (“Street Easement Area”).

Within the Street Easement Area, the easement rights granted in, under and pursuant to this instrument shall also include the right to use the Street Easement to construct, use, install, maintain, repair, replace, improve, alter, relocate, and inspect curbs (including without limitation curb returns and curb ramps), gutters, sidewalks, crosswalks, storm drains as well as other drainage facilities, utilities, street lighting, landscaping, irrigation, traffic signals, striping and other street and/or roadway improvements, as well as appurtenances thereto. The purpose of the Street Easement includes without limitation constructing, upgrading, replacing, maintaining repairing and operating streets or roadways known as 96th Place, Airport Boulevard and 98th Street.

The easement rights granted in, under and pursuant to this instrument and the rights of Grantee in, under and pursuant to this instrument shall include without limitation the right to

access the Street Easement Area for all purposes associated with the Street Easement, which activities may include, but are not be limited to, trimming, cutting or clearing away from the Street Easement Area any trees, brush, and vegetation.

Grantee shall have the right to remove all improvements located within the Street Easement Area, including, but not limited to, trees, bushes, shrubs, brush and other flora, plants and vegetation as well as hardscape, landscape and other structures and improvements.

Grantee shall have the right to transfer, assign and/or convey the Street Easement, including without limitation any interest therein and/or in whole or in part, to successors and/or assigns, including without limitation other governmental agencies.

The covenants contained in this instrument, including without limitation any restrictions set forth above, shall run with the land.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on the date set forth below.

Dated: _____

GRANTOR:

Bird Management, Co., LLC
A California limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

On Sacred Ground LLC
A Delaware limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

Allison and Jeffrey Mirkin LAX Property, LLC
A California limited liability company

By: _____

Name: _____

Title: _____

M.A.M. LAX Property, LLC
A California limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

EXHIBIT B1

Legal Description of Street Easement Area
[APN(s): 4124-029-040]

[attached behind this page]

EXHIBIT " B1"
LEGAL DESCRIPTION
APN 4124-029-040
Street Easement for Airport Boulevard

That portion of Lot 1 of Tract No. 25128, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 811, Pages 53 and 54 of Maps, in the office of the County Recorder of said County, together with those portions of Lots 189 and 221 of Tract No. 13711, in said City, County, and State, as per map recorded in Book 276, Pages 48 through 50 of said Maps, lying easterly of the following described line:

COMMENCING at the centerline intersection of 98th Street and Airport Boulevard, shown on a map filed in Book 301, Pages 21 through 42 of Records of Survey in the office of said County Recorder;

thence along the centerline of said 98th Street, North 89°49'05" West 91.02 feet;

thence leaving said centerline, North 00°10'55" East 35.00 feet to the northerly line of said 98th Street and the **TRUE POINT OF BEGINNING**, also being the beginning of a non-tangent curve, concave northwesterly having a radius of 20.00 feet, a radial line to said curve bears South 00°10'55" West;

thence northeasterly 30.67 feet along said curve through a central angle of 87°52'29";

thence North 02°18'26" East 131.82 feet;

thence North 01°32'20" East 298.39 feet to the beginning of a non-tangent curve, concave southwesterly, having a radius of 20.00 feet, a radial line to said curve bears South 87°41'34" East;

thence northwesterly 32.16 feet along said curve through a central angle of 92°07'38" to the northerly line of said Lot 189, distant thereon North 89°49'12" West 47.78 feet from the northeast corner of said Lot 189.

EXCEPT THEREFROM that certain parcel of land described in the Irrevocable Offer to Dedicate recorded April 2, 1981, in Document No. 81-335430 of Official Records in the office of said County Recorder.

EXHIBIT " B1"
LEGAL DESCRIPTION
APN 4124-029-040
Street Easement for Airport Boulevard

Containing 7,827 square feet, more or less.

Shown graphically on Exhibit B2, attached hereto and made a part hereof.

Bearings and distances used in the above description are based on California Coordinate System (CCS), Zone 5, NAD 83, Epoch 2010.00.

Divide distances shown by 1.00001924 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyor's Act.

Mark Thomas & Company, Inc.

Teri Kahlen 12/18/2024
Teri Kahlen, PLS 8746 Date



EXHIBIT B2

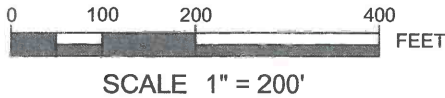
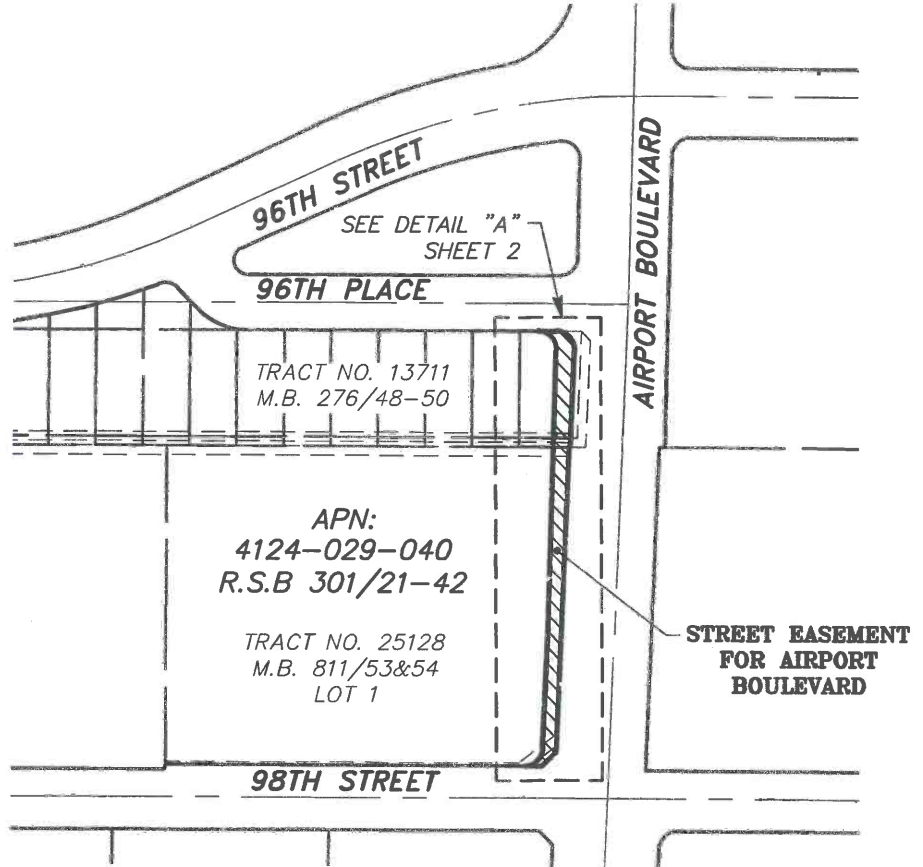
Map of Street Easement Area
[APN(s): 4124-029-040]

[attached behind this page]

EXHIBIT "B2"

LAWA	TYPE OF INTEREST	AREA	APN
	STREET EASEMENT FOR AIRPORT BOULEVARD	7,827 S.F.	4124-029-040

IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



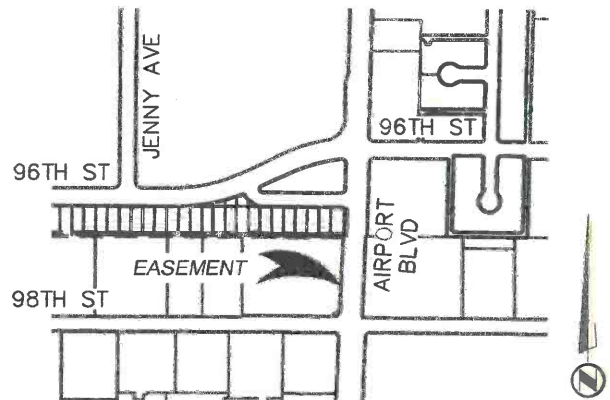
LEGEND

	LIMITS OF DESCRIPTION
	EXISTING RIGHT OF WAY
TPOB	TRUE POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
M.B.	MAP BOOK
R.S.B.	RECORD OF SURVEY BOOK
o	DIMENSION POINT

NOTES

BEARINGS AND DISTANCES USED ARE BASED ON CALIFORNIA COORDINATE SYSTEM (CCS), ZONE 5, NAD 83, EPOCH 2010.00. DIVIDE DISTANCES SHOWN BY 1.00001924 TO OBTAIN GROUND LEVEL DISTANCES.

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

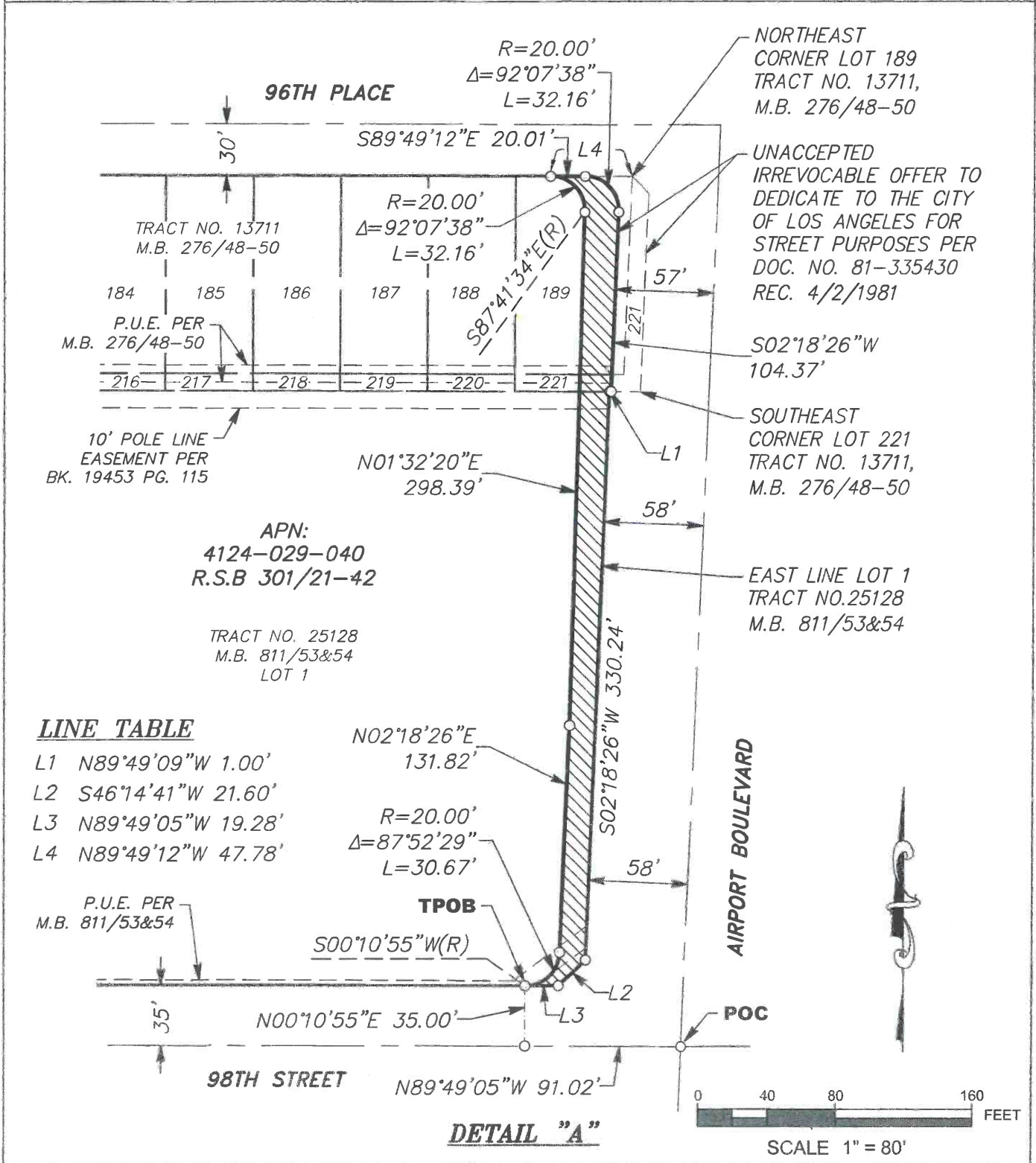


VICINITY MAP
NOT TO SCALE

 MARK THOMAS	DATE	PREPARED BY	SHEET NO.	TOTAL SHEETS
	12/18/2024	LDW	1	2

EXHIBIT "B2"

LAWA	TYPE OF INTEREST	AREA	APN
	STREET EASEMENT FOR AIRPORT BOULEVARD	7,827 S.F.	4124-029-040



	DATE	PREPARED BY	SHEET NO.	TOTAL SHEETS
	12/18/2024	LDW	2	2

Attachment 3

**RECORDING REQUESTED BY and
WHEN RECORDED MAIL TO:**

Los Angeles World Airports
Attn: Evan Haug
6053 West Century Boulevard, 4th Floor
Los Angeles, California 90045

(Space above for County Recorder's Use Only)

Portion(s) APN(s): 4124-029-040

EXEMPT FROM RECORDING FEES PER GOVT. CODE §27383
EXEMPT FROM DOCUMENTARY TRANSFER TAX PER REV. & TAX CODE §11922

EASEMENT DEED

Grant of Temporary Construction Easement

Bird Management, Co., LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with On Sacred Ground LLC, a Delaware limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with Allison and Jeffrey Mirkin LAX Property, LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, together with M.A.M. LAX Property, LLC, a California limited liability company, as to an undivided twenty-five percent (25.00%) interest, hereinafter called ("**Grantor**"), are the owners in fee of that certain real property located in the City of Los Angeles, County of Los Angeles, State of California, as described in that Grant Deed recorded December 29th, 2023 as Document Number 202130920897 of Official Records of said County, does hereby GRANT and CONVEY to the City of Los Angeles, a municipal corporation, acting by order of and through its Board of Airport Commissioners ("**Grantee**"), and its successors and assigns, a non-exclusive temporary construction easement ("**Temporary Construction Easement**"), over, above, on, in, within, across, along, about and through that certain portion of Grantor's real property located in the City of Los Angeles, County of Los Angeles, State of California, more particularly described in the legal description attached hereto as EXHIBIT "C1" and depicted or illustrated on the map or drawing attached hereto as EXHIBIT "C2" and, in each case, incorporated herein by reference ("**TCE Area**").

The purpose of the Temporary Construction Easement includes the provision of working space and temporary access to the property for the development, construction, building, and installation of curbs (including without limitation curb returns and curb ramps), gutters, sidewalks, crosswalks, storm drains as well as other drainage facilities, utilities, street lighting, landscaping, irrigation, traffic signals, striping and other street and/or roadway improvements, as well as appurtenances thereto along the streets or roadways known as 96th Place, Airport Boulevard and 98th Street. The Temporary Construction Easement within the TCE Area shall continue for a period of twenty-four (24) months ("**TCE Term**"). Construction within the TCE Area and the TCE Term shall commence upon written notice from Grantee or its authorized representative to Grantor ("**TCE Commencement Date**") and it shall terminate on the earliest of: (a) the date upon which Grantee notifies Grantor that it no longer needs to use the TCE Area, or (b) twenty-four (24)

months from the TCE Commencement Date. The last date by and/or on which Grantee may use the Temporary Construction Easement is referred to as the “**TCE Expiration Date**”.

Grantee’s use of the Temporary Construction Easement shall be subject to the following provisions:

(a) upon completion of work associated with the Temporary Construction Easement, the TCE Areas shall be restored to a uniformly graded condition and left clean, and repairs will be provided by Grantee to install asphalt concrete to match existing conditions or per City of Los Angeles minimum parking lot design requirements, whichever is greater, in those areas where asphalt concrete is damaged or removed;

(b) access to the Property shall be maintained throughout construction along Airport Boulevard, however, construction activities within the TCE Area will require a temporary closure of both of the existing driveways for not more than seventy-two (72) consecutive hours. One of these driveways shall remain open and accessible to Grantor at all times during temporary closure of the other driveway. Should either driveway require temporary closure to accommodate Project construction, Grantee will make commercially reasonable efforts to coordinate with Grantor to reasonably and in advance schedule the temporary closure;

(c) construction activities within the TCE Area will include, but not be limited to grading, construction and/or installation of curb, gutter, sidewalk, storm drain, street lighting, landscaping, irrigation and traffic signals, and striping;

(d) the TCE Areas will be reasonably protected, reasonably maintained and kept reasonably free of trash during construction by Grantee to attempt to ensure that the visual identity and character of the property is not unreasonably impacted by the use of the Temporary Construction Easement;

(e) while on the TCE Areas or any of them in connection with the use of the Temporary Construction Easement, Grantee will comply with all applicable laws, rules, and regulations as well as, to the extent commercially reasonable and practicable, best construction practices, including compliance with City of Los Angeles Noise Ordinance requirements;

(f) Grantee may temporarily and intermittently disrupt vehicular and pedestrian traffic on as 96th Place, Airport Boulevard and 98th Street, as necessary, to complete construction of curbs (including without limitation curb returns and curb ramps), gutters, sidewalks, crosswalks, storm drains as well as other drainage facilities, utilities, street lighting, landscaping, irrigation, traffic signals, striping and other street and/or roadway improvements, as well as appurtenances thereto along the streets or roadways known as 96th Place, Airport Boulevard and 98th Street; and

(g) Grantee may use construction equipment needed for demolition and removal of existing infrastructure, and construction of curbs (including without limitation curb returns and curb ramps), gutters, sidewalks, crosswalks, storm drains as well as other drainage facilities, utilities, street lighting, landscaping, irrigation, traffic signals, striping and other street and/or

roadway improvements, as well as appurtenances thereto along the streets or roadways known as 96th Place, Airport Boulevard and 98th Street.

Starting on the TCE Commencement Date and continuing through the TCE Expiration Date, Grantor shall not, without the express prior written consent of Grantee (which may be granted or withheld in Grantee's sole and unfettered discretion), erect, place, or maintain any improvement, over, above, on, under, in, within, across, along, about or through the TCE Area or undertake any other activity within the TCE Area, which may interfere with Grantee's use of the TCE Area, including, without limitation, the erection of any building, wall, fence, structure or other improvement within the TCE Area.

At the expiration of the Temporary Construction Easement, Grantee or its authorized agent(s) shall, subject to reasonable wear and tear, restore the TCE Area to a condition as near as practicable to finished dirt grade conditions with surface elevations consistent with the existing grading of the surface parking area immediately adjacent to the TCE Area. Grantee shall not, however, be required to restore any other changed condition or circumstance to the pre-existing condition that is not resulting from Grantee's operations, negligence or greater fault.

The covenants contained in this instrument shall run with the land. For the purposes of this instrument and the Temporary Construction Easement, the word "existing" when used in this instrument means "currently existing as of the date of this instrument as set forth below in this instrument."

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on the date set forth below.

Dated: _____

GRANTOR:

Bird Management, Co., LLC
A California limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

On Sacred Ground LLC
A Delaware limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

Allison and Jeffrey Mirkin LAX Property, LLC
A California limited liability company

By: _____

Name: _____

Title: _____

M.A.M. LAX Property, LLC
A California limited liability company, as to an
undivided twenty-five percent (25.00%) interest

By: _____

Name: _____

Title: _____

EXHIBIT C1

**Legal Description of Temporary Construction Easement Area
[APN(s): 4124-029-040]**

[attached behind this page]

EXHIBIT " C1"
LEGAL DESCRIPTION
APN 4124-029-040
Temporary Construction Easement

That portion of Lot 1 of Tract No. 25128, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 811, Pages 53 and 54 of Maps, in the office of the County Recorder of said County, together with those portions of Lots 189 and 221 of Tract No. 13711, in said City, County, and State, as per map recorded in Book 276, Pages 48 through 50 of said Maps, described as follows:

COMMENCING at the centerline intersection of 98th Street and Airport Boulevard, shown on a map filed in Book 301, Pages 21 through 42 of Records of Survey in the office of said County Recorder;

thence along the centerline of said 98th Street, North 89°49'05" West 91.02 feet;

thence leaving said centerline, North 00°10'55" East 35.00 feet to the northerly line of said 98th Street and the beginning of a non-tangent curve, concave northwesterly having a radius of 20.00 feet, a radial line to said curve bears South 00°10'55" West;

thence northeasterly 16.22 feet along said curve through a central angle of 46°27'55" to the **TRUE POINT OF BEGINNING**;

thence continuing 14.45 feet along said curve through a central angle of 41°24'35";

thence North 02°18'26" East 131.82 feet;

thence North 01°32'20" East 298.39 feet to the beginning of a non-tangent curve, concave southwesterly, having a radius of 20.00 feet, a radial line to said curve bears South 87°41'34" East;

thence northwesterly 14.73 feet along said curve through a central angle of 42°11'08";

thence South 01°32'20" West 311.86 feet;

thence South 02°18'26" West 145.02 feet to the **TRUE POINT OF BEGINNING**.

Containing 2,243 square feet, more or less.

Shown graphically on Exhibit C2, attached hereto and made a part hereof.

EXHIBIT "C1"
LEGAL DESCRIPTION
APN 4124-029-040
Temporary Construction Easement

Bearings and distances used in the above description are based on California Coordinate System (CCS), Zone 5, NAD 83, Epoch 2010.00.
Divide distances shown by 1.00001924 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company Inc. by me or under my direction in conformance with the Professional Land Surveyor's Act.

Mark Thomas & Company, Inc.

Teri Kahlen 12/18/2024
Teri Kahlen, PLS 8746 Date



EXHIBIT C2

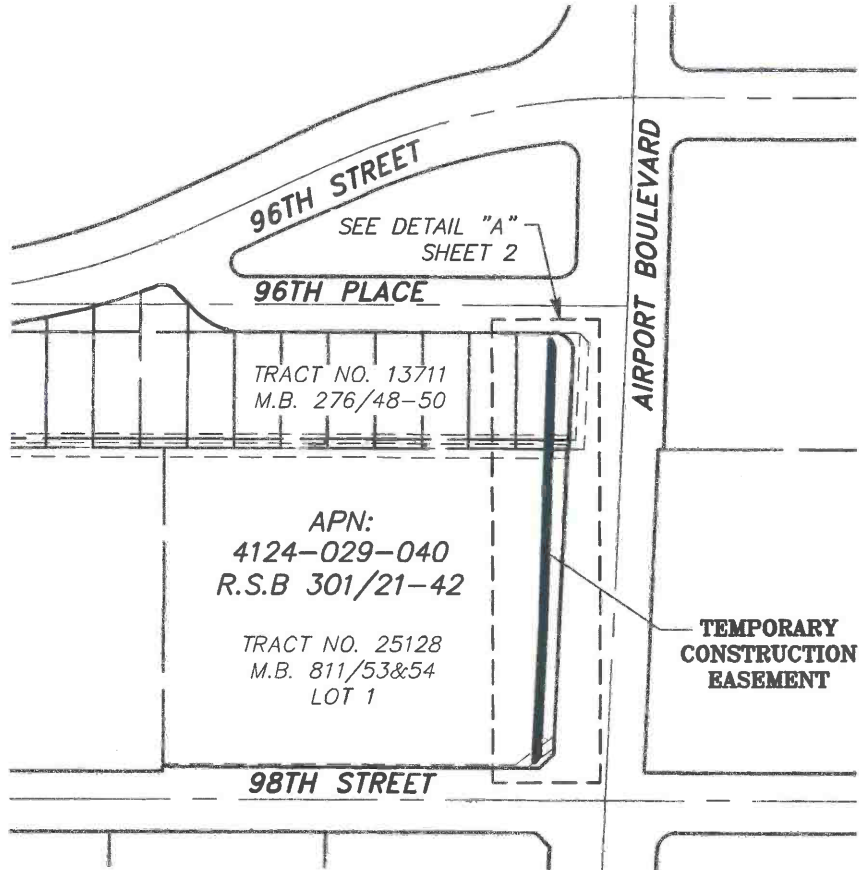
Map of Temporary Construction Easement Area
[APN(s): 4124-029-040]

[attached behind this page]

EXHIBIT "C2"

LAWA	TYPE OF INTEREST	AREA	APN
	TEMPORARY CONSTRUCTION EASEMENT	2,243 S.F.	4124-029-040

IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



SCALE 1" = 200'

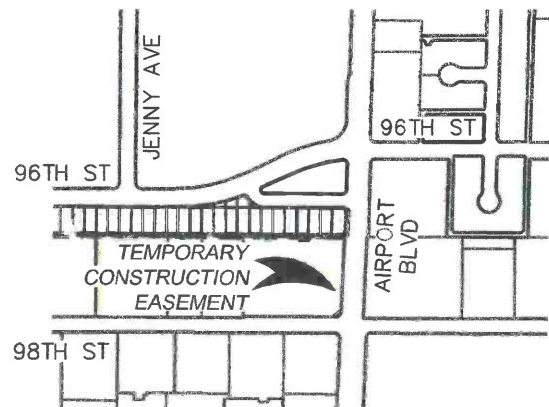
LEGEND

	LIMITS OF DESCRIPTION
	EXISTING RIGHT OF WAY
TPOB	TRUE POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
M.B.	MAP BOOK
R.S.B.	RECORD OF SURVEY BOOK
O	DIMENSION POINT

NOTES

BEARINGS AND DISTANCES USED ARE BASED ON CALIFORNIA COORDINATE SYSTEM (CCS), ZONE 5, NAD 83, EPOCH 2010.00. DIVIDE DISTANCES SHOWN BY 1.00001924 TO OBTAIN GROUND LEVEL DISTANCES.

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION



VICINITY MAP
NOT TO SCALE


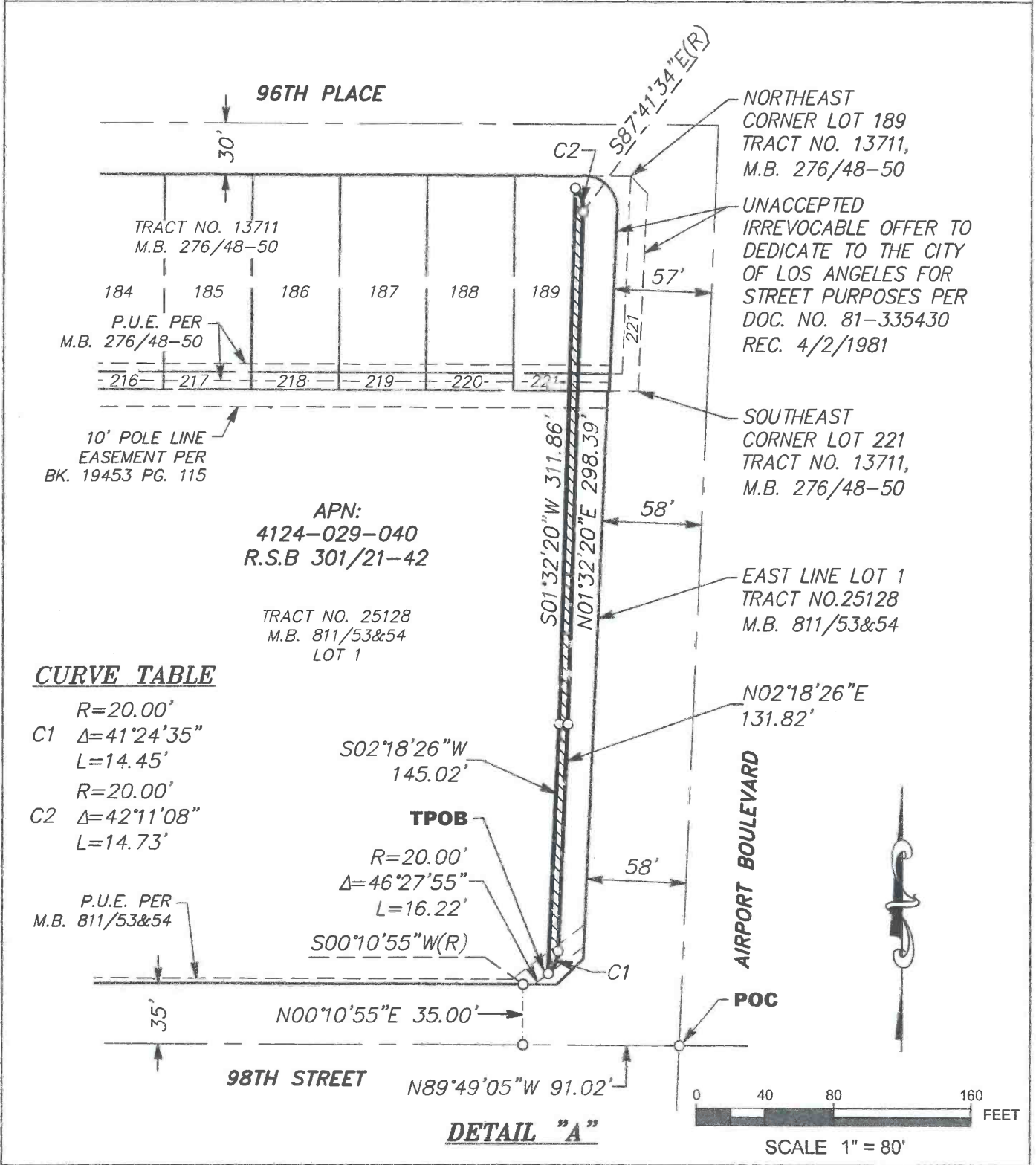

 MARK THOMAS	DATE	PREPARED BY	SHEET NO.	TOTAL SHEETS
	12/18/2024	LDW	1	2

EXHIBIT "C2"

LAWA	TYPE OF INTEREST	AREA	APN
	TEMPORARY CONSTRUCTION EASEMENT	2,243 S.F.	4124-029-040



 MARK THOMAS	DATE	PREPARED BY	SHEET NO.	TOTAL SHEETS
	12/18/2024	LDW	2	2

Attachment 4

EXHIBIT "D1"
LEGAL DESCRIPTION
ABUTTER'S RIGHT OF ACCESS

FOR THE PURPOSE OF AN INTERMODAL TRANSIT FACILITY MEANS OF PRIVATE INGRESS/EGRESS, THE RELEASE AND RELINQUISHMENT OF THE ABUTTER'S RIGHT OF ACCESS, APPURTENANT TO THE PORTION OF REAL PROPERTY LOCATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS DESCRIBED IN THE GRANT DEED TO THE MIRKIN PARTNERSHIP, RECORDED MARCH 9, 1988 AS INSTRUMENT NUMBER 88-322643, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY IN AND TO SAID INTERMODAL TRANSIT FACILITY MEANS OF PRIVATE INGRESS/EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED LINE:

COMMENCING (POC) AT THE INTERSECTION OF THE WEST LINE OF LOT 175 OF TRACT NUMBER 13711, AS PER MAP RECORDED IN BOOK 276, PAGES 48 THROUGH 50, INCLUSIVE, OF MAPS, WITH THE SOUTH LINE OF 96TH STREET, BOTH SHOWN ON SAID TRACT NUMBER 13711.

THENCE ALONG THE SOUTH LINE OF SAID 96TH STREET, SOUTH 89°49'12" EAST 49.14 FEET TO A POINT ON THE NORTH LINE OF THAT PORTION OF 96TH STREET AS VACATED BY THE CITY OF LOS ANGELES PER RESOLUTION TO VACATE NUMBER 88-01574 AS DESCRIBED IN INSTRUMENT NUMBER 92-2102193, RECORDED NOVEMBER 12, 1992, SAID POINT IS ALSO THE WESTERLY TERMINUS OF THAT CERTAIN CURVE DESCRIBED IN SAID INSTRUMENT HAVING A RADIUS OF 779.96 FEET, CENTRAL ANGLE OF 20°28'38", AND AN ARC LENGTH OF 278.75 FEET.

THENCE ALONG THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET, SAID NORTH LINE IS ALSO A CURVE CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°56'34", AN ARC LENGTH OF 217.03 FEET TO THE **TRUE POINT OF BEGINNING (TPOB)**, SAID POINT IS ALSO THE INTERSECTION OF THE CENTERLINE OF 96TH STREET AS SHOWN ON SAID TRACT NUMBER 13711 WITH THE NORTH LINE OF SAID VACATED PORTION OF 96TH STREET.

THENCE CONTINUING ALONG SAID NORTH LINE OF THE VACATED PORTION OF 96TH STREET, THROUGH A CENTRAL ANGLE OF 4°32'01", AN ARC LENGTH OF 61.72 FEET TO THE **POINT OF TERMINATION (POT)**, SAID POINT IS ALSO THE EASTERLY TERMINUS OF SAID CERTAIN CURVE HAVING A RADIUS OF 779.96 FEET, CENTRAL ANGLE OF 20°28'38", AND AN ARC LENGTH OF 278.75 FEET, A RADIAL THROUGH SAID POINT BEARS SOUTH 20°17'46" EAST;

BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83), 2010.00 EPOCH, ZONE 5. THE DISTANCES SHOWN HEREIN ARE GRID DISTANCES. GROUND DISTANCES MAY BE OBTAINED BY DIVIDING GRID DISTANCES BY THE COMBINATION FACTOR OF 1.00001967.

SEE PLAT ATTACHED HERETO AS EXHIBIT "D2" AND BY THIS
REFERENCE MADE PART HEREOF.

PREPARED UNDER MY SUPERVISION:



JOSHUA D. COSPER, P.L.S.
P.L.S. 8774, EXP. 12-31-20

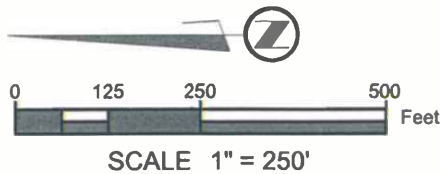
11-18-19
DATE



SECTION 31,
T2S, R14W S.B.M.

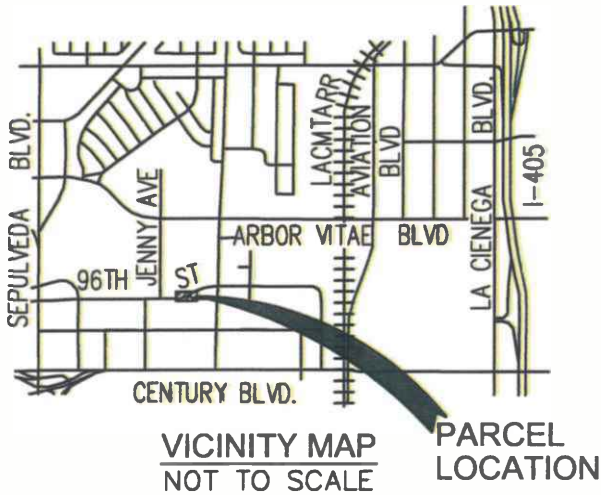
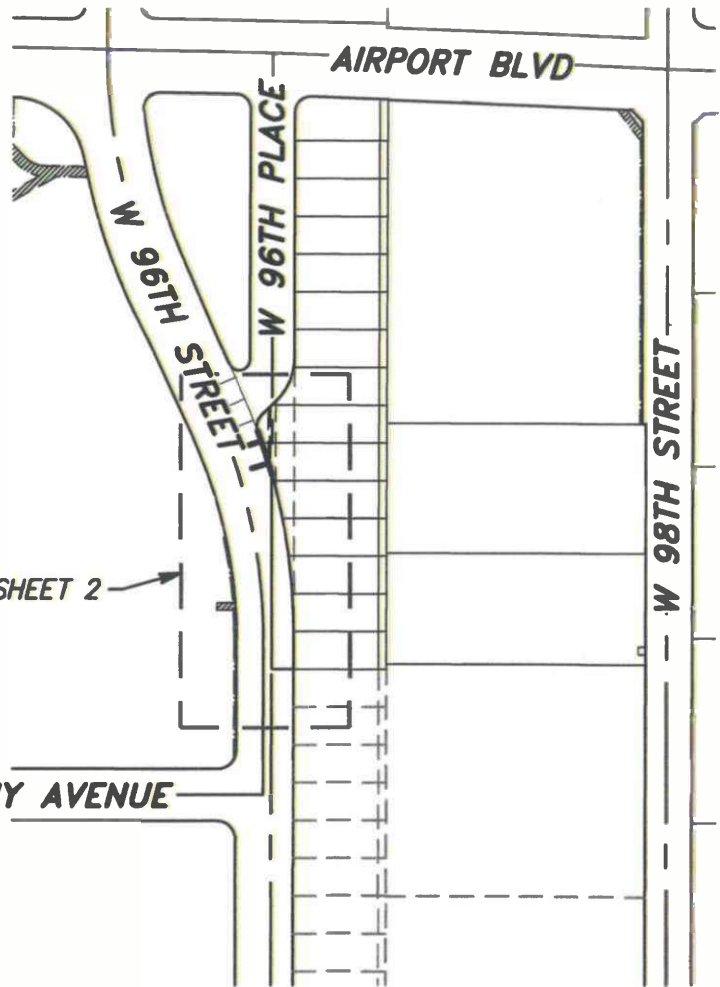
LEGEND

POC POINT OF COMMENCEMENT
TPOB POINT OF BEGINNING
POT POINT OF TERMINATION
▨ PARCEL TO BE TRANSFERRED
||||| ACCESS RESTRICTED



SEE SHEET 2

JENNY AVENUE



THE BASIS OF BEARINGS FOR THIS SURVEY IS
CCS83, ZONE 5 (2010.00)

DISTANCES SHOWN HEREIN ARE GRID
DISTANCES. GROUND DISTANCES MAYBE
OBTAINED BY DIVIDING GRID DISTANCES BY
THE COMBINATION FACTOR OF 1.00001967

SHEET 1 OF 2



MARK THOMAS

Scale: 1" = 250'
Date Sept., 2019
Drawn By BJC
Checked By JDC

Exhibit D-2
Access Denial
APN 4124-029-037 & -038
Plat to Accompany Legal Description
In the City of Los Angeles
Los Angeles County, California

