

RIGHT OF ENTRY - LONG FORM

(Form #)

Date: _____

12 Dist.	ORA Co	1 Rte.	24.7 Post
104119-1; -2; -3; -4 Parcel No.			0P6809 Exp Auth (1214000002) Project ID No.

State of California
Department of Transportation

Mr. Ryan Chamberlain

District 12 Director of Transportation
1750 E. 4th Street Ste. 100
Santa Ana, CA 92705

Permission is hereby granted to enter upon our land, 1 Main Street / 315 Pacific Coast Highway, Huntington Beach, CA 92648 and within these certain areas shown outlined in color on the map for the purpose of constructing or improving a public highway and accomplishing all necessary incidents thereto.

It is understood that this permission is not a waiver in any way of the right of compensation for such land or of any remedy authorized by law to secure payment therefor. It is the intent of the State of California, Department of Transportation, to pay just compensation to the Owner(s) for permission to enter the subject property and to construct the project.

This permission is granted in consideration of the location, improvement and construction of such highway and incidents thereto, which it is understood is required by the State of California, Department of Transportation, with the understanding that you will hereafter without unnecessary delay, negotiate with the undersigned, and any other person, if any, having any right, title or interest in said property, to agree upon terms of compensation and that, if any agreement cannot be reached you will promptly commence eminent domain proceedings, including a deposit of funds to support an Order for Possession, to have such a compensation determined.

Section 1245.235 of the Code of Civil Procedure requires the State of California, Department of Transportation, to give each person whose property is to be acquired by eminent domain notice and a reasonable opportunity to appear before the California Transportation Commission and be heard on the matters referred to in Section 1240.030 of the Code of Civil Procedure, which provides:

The power of eminent domain may be exercised to acquire property for a proposed project only if all of the following are established:

- (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 property sought to be acquired is necessary for the project.
- (4) The offer required by Section 7267.2 of the Government Code has been made to the owner or others of record. (If an offer has not been made, an appraisal will be prepared as soon as practicable and an offer made of the full amount of such appraisal.)

RIGHT OF ENTRY - LONG FORM (Cont.)

(Form #)

EXHIBIT

8-EX-23 (REV 2/2016)

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By granting this irrevocable right to possession and use of the parcels to State, Owner agrees to the following: (1) Owner specifically waives the notice required by Code of Civil Procedure Section 1245.235 of the hearing of the matter referred to in Code of Civil Procedure Section 1240.030 and the adoption of the resolution of necessity by the California Transportation Commission authorizing the taking of the property described in Exhibit A; (2) Owner shall not object to the filing of an eminent domain proceeding to acquire the property described in Exhibit A; and (3) in any eminent domain action filed by State to acquire the property described in Exhibit A, Owner shall not challenge State's right to take such property, and the only issue shall be the amount of just compensation for the property.

It is understood that the State of California, Department of Transportation, will pay interest from December 15, 2021 on the just compensation paid by the State of California, Department of Transportation. The rate of interest will be the rate of earnings of the Surplus Money Investment Fund and computation will be in accordance with Section 1268.350 of the Code of Civil Procedure. Interest will be computed to and including the date of deposit of compensation.

Sincerely,

CITY OF HUNTINGTON BEACH, a municipal corporation of the State of California

Mayor

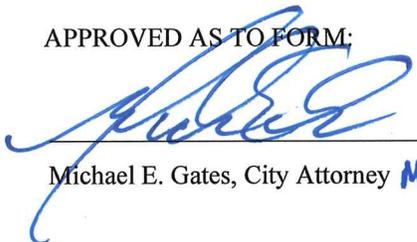
Date: _____

Robin Estanislau, City Clerk

REVIEWED AND APPROVED:

City Manager, Oliver Chi

APPROVED AS TO FORM:



Michael E. Gates, City Attorney *MG*

INITIATED AND APPROVED:



Sean Crumby, Director of Public Works

RECOMMENDED FOR APPROVAL:

By _____
LILLI SANTIAGO
Right of Way Agent

By _____
EVANGELINA WASHINGTON
Branch Chief, R/W Project Coordination,
Planning and Management, & Acquisition

ACCEPTED:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By _____
SON T. NGUYEN
Acting Office Chief
Office of Right of Way and R/W Eng.
District 12