

RESOLUTION NO. 15-10

A RESOLUTION OF THE LANCASTER REDEVELOPMENT AGENCY, DIRECTING AND AUTHORIZING THE CONDEMNATION OF CERTAIN INTEREST IN REAL PROPERTY IN THE CITY OF LANCASTER, CALIFORNIA, AND DECLARING THE PUBLIC NECESSITY THEREFOR (APN: 3134-003-001 and 002)

WHEREAS, the Lancaster Redevelopment Agency (“Agency”) is a public body corporate and politic organized and operating pursuant to the laws of the State of California, and is authorized to take properties by condemnation and to hold, use and enjoy such properties as necessary to fully exercise its powers; and

WHEREAS, the acquisition of certain properties within the Agency’s North Downtown Transit Village Plan Redevelopment Project Area is an integral part of Agency Redevelopment goals and objectives and is an integral part of the Redevelopment Plan for the North Downtown Transit Village Plan Project Area (“Redevelopment Plan”). To accomplish the goals and objectives of the Redevelopment Plan, and consistent with the North Downtown Transit Village Plan, the Agency seeks to acquire private property that can accommodate the need of the Redevelopment Plan Project Area Central Business District and No. 5 (“Project Area”). The elimination of blight, redevelopment of the Project Area, and achieving other public purposes, in particular implementing the Redevelopment Plan, requires the acquisition in fee simple, of certain real property and interests therein (the “Project”); and

WHEREAS, the Agency is specifically authorized by virtue of Health and Safety Code Sections 33342 and 33391 and other provisions of the statutes of the State of California to take any property or interests in property necessary to carry out the business of the Agency by condemnation, such power to be exercised pursuant to the provisions of section 1230.020 et seq. of the Code of Civil Procedure; and

WHEREAS, the legal notice of intention to adopt a resolution of necessity to acquire by eminent domain the hereinafter described leasehold interest and improvements was duly given by the Agency pursuant to and in compliance with the requirements of Code of Civil Procedure Section 1245.235 and which notice advised of a hearing by the Agency on July 27, 2010; and

WHEREAS, a public hearing was held by the Agency on July 27, 2010, at which the matters set forth in Code of Civil Procedure Section 1240.030 were discussed, including the following matters:

- a. Whether the public interest and necessity require the project; and
- b. Whether the project is planned and located in the manner that would be most compatible with the greatest public good and the least private injury; and
- c. Whether the property sought to be acquired (which is described herein) is necessary for the project; and

- d. Whether any offer required by Section 7267.2 of the Government Code has been made to the owners of record.

WHEREAS, the Agency has provided all persons a reasonable opportunity to appear and be heard on those matters referred to in Section 1240.030 of the Code of Civil Procedure; and

WHEREAS, at such hearing, information on the project and the matters set forth in this resolution were presented to the Agency by Agency staff; and

WHEREAS, the development and construction of an affordable housing project is within the scope of and consistent with the General Plan; and

WHEREAS, the proposed project does not create any new or additional environmental impacts than were considered in the Environmental Impact Reports for Redevelopment Project Area No. 5, Central Business District Project Area, and North Downtown Neighborhood Lancaster Revitalization/Transit Village Plan, or any environmental requirements applicable to the proposed use of the Property pursuant to the City's Zoning Ordinance; and

WHEREAS, the intended use of the real property for the proposed project is similar in nature to the previous uses of the Property. The use is permitted and is consistent with the General Plan land use designation. The proposed project is not expected to produce any significant impacts to the environment; and

WHEREAS, the Agency maintains that it has acquired the subject property and has previously paid compensation for any related leasehold interest and any and all consequent business, goodwill, relocation benefits and/or other interest in the Property, thereon pursuant to an All Inclusive Relocation Settlement and Waiver executed on May 13, 2008 and an Agreement for Acquisition of Real Property dated June 17, 2008; and

WHEREAS, the business owner on the subject property disputes that the Agency acquired his leasehold interest, and failed to pay the costs for the goodwill and relocation of his business; and

WHEREAS, out of an abundance of caution, the Agency may need to begin proceedings to acquire other interests relative to the subject property;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE LANCASTER REDEVELOPMENT AGENCY, THAT:

Section 1. The public interest and necessity require the project, i.e. the development and construction of affordable housing units and related purposes, which uses are public uses authorized by law. Health & Safety Code sections 33342 and 33391, among other provisions of the statutes of the State of California, permit and empower this acquisition by the Agency through its exercise of eminent domain for the stated public use.

Section 2. The public interest and necessity require the acquisition of the leasehold interest and improvements described herein for the project. The Agency Board finds that the

acquisition of the herein described leasehold interest and improvements is necessary to advance the business of the Agency, which leasehold interest and improvements consist of the leasehold interest and improvements concerning the real property generally located at 548 West Avenue I, Lancaster, California (APN: 3134-003-001 and 002).

Section 3. The leasehold interest and improvements sought to be condemned are located on that certain real property legally described as follows:

APN: 3134-003-001

PARCEL 1

THAT PORTION OF BLOCK 25 OF THE TOWN OF LANCASTER, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 5 PAGE 470 AND 471 OF MISCELLANEOUS RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF BEECH AVENUE, ADJOINING SAID BLOCK 25 ON THE EAST, DISTANT 386 FEET NORTHERLY FROM THE NORTHERLY LINE OF EIGHTH STREET, ADJOINING SAID BLOCK 25, ON THE SOUTH, THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID BEECH AVENUE, 328.62 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID BLOCK 25, THENCE WESTERLY ALONG THE NORTH LINE OF SAID BLOCK 25; A DISTANCE OF 151.75 FEET, MORE OR LESS TO THE EAST LINE OF AN ALLEY REFERRED TO IN THE DEED TO JOHN H. COMSTOCK, RECORDED IN BOOK 2965 PAGE 127 OF OFFICIAL RECORDS AND SUNDRY OTHER DEEDS OF RECORD, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID ALLEY 347.73 FEET, MORE OR LESS TO A POINT 50 FEET NORTHERLY FROM THE NORTHWESTERLY CORNER OF THE PROPERTY CONVEYED TO CLYDE E. CHENEY, BY DEED RECORDED IN BOOK 4130 PAGE 72 OF DEEDS, RECORDS OF SAID COUNTY, THENCE EASTERLY 150 FEET TO THE POINT OF BEGINNING.

EXCEPT THE SOUTHERLY 250 FEET THEREOF.

ALSO EXCEPT THEREFROM THAT PORTION DEEDED TO THE COUNTY OF LOS ANGELES BY DEED RECORDED JANUARY 24, 1963 AS INSTRUMENT NO. 4950 DESCRIBED AS FOLLOWS:

PARCEL A:

THE NORTHERLY 20 FEET OF THE EASTERLY 170 FEET OF BLOCK 25, TOWN OF LANCASTER, AS SHOWN ON MAP RECORDED IN BOOK 5, PAGES 470 AND 471 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE RECORDER OF COUNTY OF LOS ANGELES.

PARCEL B:

THAT PORTION OF ABOVE MENTIONED BLOCK, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF ABOVE DESCRIBED PARCEL A, WITH THE EASTERLY LINE OF SAID BLOCK, THENCE SOUTHERLY ALONG SAID EASTERLY LINE 20.00 FEET. THENCE NORTHWESTERLY IN A DIRECT LINE TO A POINT IN SAID SOUTHERLY LINE DISTANT WESTERLY THEREON 20.00 FEET FROM THE POINT OF BEGINNING, THENCE EASTERLY ALONG SAID EASTERLY LINE 20.00 FEET TO SAID POINT OF BEGINNING.

ABOVE DESCRIBED PARCELS A AND B ARE TO BE KNOWN AS AVENUE I.

PARCEL 2:

THE WEST 20 FEET OF THE EAST 170 FEET OF BLOCK 25, IN THE TOWN OF LANCASTER, CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 5 PAGES 470 AND 471 OF MISCELLANEOUS RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION DEEDED TO THE COUNTY OF LOS ANGELES BY DEED RECORDED JANUARY 24, 1963 AS INSTRUMENT NO. 4950 DESCRIBED AS FOLLOWS: THE NORTHERLY 20 FEET

APN: 3134-003-002

THAT PORTION OF BLOCK 25 OF THE TOWN OF LANCASTER, IN THE CITY OF LANCASTER, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 5 PAGES 470 AND 471 OF MISCELLANEOUS RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS;

BEGINNING AT POINT IN THE WESTERLY LINE OF BEECH AVENUE, DISTANT NORTHERLY 586 FEET FROM THE NORTHERLY LINE OF EIGHTH STREET; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID AVENUE, 50 FEET; THENCE WESTERLY PARALLEL WITH THE NORTHERLY LINE OF EIGHTH STREET, 150 FEET; THENCE SOUTHERLY PARALLEL WITH SAID BEECH AVENUE, 50 FEET; THENCE EASTERLY 150 FEET TO THE POINT OF BEGINNING.

The location of the leasehold interest sought to be condemned is depicted on Exhibit "A" attached to this Resolution and hereby fully incorporated by reference.

Section 4. The offer required by Government Code Section 7267.2 has been made to the owner or owners of record and the Agency has been unable to acquire the leasehold interest and improvements.

Section 5. The taking and acquiring by the Agency of leasehold interest and improvements described herein are deemed necessary for the development and construction of an affordable housing project, and the project is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. As to any portion of the leasehold interest and improvements that is currently appropriated for a public use, the use to which the leasehold interest and improvements is sought to be taken is a more necessary public use and the Agency is empowered to take for a more necessary public use pursuant to Code of Civil Procedure Section 1240.610.

Section 7. The Agency hereby finds and determines that the environmental status of the project remains consistent with the environmental impact reports (EIR) prepared for Redevelopment project Areas No. 5, Central Business District, and North Downtown Lancaster Neighborhood Revitalization/Transit Village Plan, and the proposed project does not add new environmental impacts and neither a supplemental nor a subsequent EIR is required.

Section 8. The law firm of Stradling, Yocca, Carlson & Rauth is authorized, empowered and directed to prepare, commence and prosecute an eminent domain action or actions in the Superior Court of the State of California in and for the County of Los Angeles in the name and on behalf of the Lancaster Redevelopment Agency against all owners and persons and entities claiming or having interests in the above described leasehold interest and improvements, for the purpose of performing and carrying out all proceedings and steps, incident to the condemnation and the acquisition of the leasehold interest and improvements, including obtaining warrants for deposit of funds, orders for prejudgment possession, and other steps necessary to acquire the subject property by and for the Lancaster Redevelopment Agency.

PASSED, APPROVED, and ADOPTED this ___ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
Agency Secretary
Lancaster Redevelopment Agency

R. REX PARRIS
Chairman
Lancaster Redevelopment Agency

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
LANCASTER REDEVELOPMENT AGENCY

I, _____, _____ Lancaster Redevelopment Agency, CA, do hereby certify that this is a true and correct copy of the original Resolution No. 15-10, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE LANCASTER REDEVELOPMENT AGENCY, on this _____ day of _____, _____.

(seal)

Exhibit A

Map of Property

