

**STAFF REPORT**  
**City of Lancaster**

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02/13/07
RSL

Date: February 13, 2007

To: Mayor Hearn and City Council Members

From: James R. Williams, Public Works Director

Subject: **Condemnation Proceedings – Property Acquisition  
Tract No. 54199-01, Located at 5<sup>th</sup> Street East and Avenue H-6  
Identified as APN 3176-002-042, (Portions Thereof), Located on the  
Northwest Corner of 5<sup>th</sup> Street East and Avenue H-6**

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**Recommendation:**

Adopt Resolution No. 07-28, directing and authorizing the condemnation of certain real property in the City of Lancaster, California, and declaring the public necessity therefore (APN 3176-002-042; portions thereof).

**Fiscal Impact:**

None. The costs of condemnation will be borne by the Developer of the project.

**Background:**

As a condition of approval of Tract No. 54199-01, located at 5<sup>th</sup> Street East and Avenue H-6. The developer was required to build street improvements along 5<sup>th</sup> Street East. The developer was unable to acquire the necessary right-of-way and requested that the City acquire the property through condemnation proceedings. On September 26, 2006, the City Council approved a Condemnation Agreement and the property owner was notified of the intention to condemn the above stated property.

The necessary environmental documents for the project have been prepared per California Environmental Quality Act (CEQA) guidelines. The Planning Commission approved the environmental documents at its July 21, 2003 meeting.

To construct the improvements as proposed, the City will need to acquire that portion of the subject properties that would normally be dedicated for public improvements whenever the property is to be developed. The area of taking of the property was appraised by an independent appraisal firm, and a value of \$2,000.00 was determined to be fair and reasonable compensation for the area of taking. An offer to purchase the necessary area of taking for the appraised value of \$2,000.00 was made on January 12, 2007, to the owner, Vicki Weinstein, Sandy Milmeister, and Eman Gobran.

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The street improvements cannot be completed as designed without the area of taking of the subject property. City staff therefore recommends condemnation of the required portion of APN 3176-002-042 at this time because the property owner has not accepted the City's offer. The property owner has been notified of the Council's proposed action.

