

**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. 060987, Located on the Southwest corner of Avenue J and 52<sup>nd</sup>  
Street West - Identified as APN 3203-015-071, (Portions Thereof) – Located  
on 53<sup>rd</sup> Street West, Copper Moon Lane, and 52<sup>nd</sup> Street West**

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**Recommendation:**

Adopt Resolution No. 07-16, directing and authorizing the condemnation of certain real property in the City of Lancaster, California, and declaring the public necessity therefore (APN 3203-015-071; 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. 060987, located on the southwest corner of Avenue J and 52<sup>nd</sup> Street West of subject property, the developer was required to build street improvements along 53<sup>rd</sup> Street West, Copper Moon Lane, and 52<sup>nd</sup> Street West. The developer was unable to acquire the necessary right-of-way and requested that the City acquire the property through condemnation proceedings. On December 12, 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 June 20, 2006 meeting.

To construct the improvements as proposed, the City will need to acquire those portions of the subject property 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 \$7,000.00 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 \$7,000.00 was made on December 18, 2006, to the owner, Chong Ung Kim, subject to Community Interest of the spouse, if any.

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 3203-015-071 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.