

STAFF REPORT
City of Lancaster

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Date: March 13, 2007

To: Mayor Hearn and City Council Members

From: James R. Williams, Public Works Director

Subject: **Condemnation Proceedings – Property Acquisition**
Tract No. 54274, Located on the Northeast Corner of 20th Street East and
Kettering Street - Identified as APN 3150-023-054, (Portions Thereof)
Located on the Northeast Corner of 22nd Street East and Kettering Street

Recommendation:

Adopt Resolution No. 07-54, directing and authorizing the condemnation of certain real property in the City of Lancaster, California, and declaring the public necessity therefore (APN 3150-023-054; 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. 54274, located on the northeast corner of 20th Street East and Kettering Street of subject properties, the developer was required to build street improvements along 22nd 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 September 22, 2005 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 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 was made on February 8, 2007, to the owner, Josephine Pocino and Patrick F. Larkin, as the Co-Trustees of the Josephine Pocino Trust, dated January 12, 1983, or to any successor Trustee thereunder, as to an undivided on-half interest, and Waln-Barclay Company, a General Partnership, as to an undivided one-half interest.

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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 3150-023-054 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.