

STAFF REPORT
City of Lancaster

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RSL

Date: April 10, 2007

To: Mayor Hearn and City Council Members

From: James R. Williams, Public Works Director

Subject: **Agreement for Condemnation Proceedings**
Tract No. 062845 – Located at the Northwest Corner of Avenue M and
32nd Street West, (APN No. 3109-002-028, located at the Northeast
Corner of 32nd Street West and Avenue L-11)

Recommendation:

Approve an amended agreement with Davidon Homes, a California Limited Partnership, the developer of Tract No. 062845, to provide needed right-of-way for required street improvements for the tract through condemnation proceedings.

Background:

The developer has been required to provide street right-of-way for 32nd Street West and improvements as shown on Exhibit "A". The developer has indicated to staff that he has been unable to negotiate the acquisition. The Subdivision Map Act requires the City to use its power of condemnation whenever a subdivider is conditioned to make certain improvements on property he does not own and is unable to secure the necessary easements. The Act permits the City to require that the developer pay the cost of acquiring the offsite property.

The attached agreement conforms to all of the requirements as stipulated in the Act. The developer agrees to pay the City the entire cost of the acquisition and the City agrees to acquire the property by condemnation. This will allow the project to proceed.