

STAFF REPORT
City of Lancaster

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Date: July 10, 2007

To: Mayor Hearn and City Council Members

From: James R. Williams, Public Works Director

Subject: **Agreement for Condemnation Proceedings**
Tract No. 060294 –Northeast Corner of 65th Street West and Avenue J
(APN No. 3203-008-021, Located on the Northwest Corner of Newgrove
Street and Tahoe Way)

Recommendation:

Approve an agreement with M.C. Builders, Inc., a Nevada Corporation, the developer of Tract No. 060294, 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, on Newgrove Street, 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.