

STAFF REPORT
City of Lancaster

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MVB

Date: December 13, 2016

To: Mayor Parris and City Council Members

From: Jeff Hogan, Development Services Director

Subject: **Condemnation of a certain Real Property for a Bus Stop Turnout near the corner of 10th Street West and Columbia Way**

Recommendation:

Adopt **Resolution No. 16-56**, a resolution of the City Council of the City of Lancaster, California, authorizing and directing the condemnation of certain real property in the County of Los Angeles, State of California, and declaring the public necessity therefor.

Fiscal Impact:

\$8,100.00 for the appraised price of the real property, plus court costs and attorney fees to initiate and prosecute a condemnation action.

Background:

The City seeks to acquire by eminent domain a road easement interest over certain real property located at the northeast corner of 10th Street West and Columbia Way (“Property”) for the construction, use, and maintenance of a bus stop turnout on 10th Street West (“Bus Stop Project”).

The Bus Stop Project is part of the City’s overarching infrastructure project known as the 10th Street West Gap Closure (“Project”). The Project is required to provide capacity improvements on 10th Street West from Avenue L to Avenue M. The capacity improvements will widen existing roadway to right-of-way extents and it will close any mixed flow lane gaps.

The Property is currently owned by Southern California Edison (“SCE”). Previously the City hired an independent appraiser who determined the fair market value of the Property is \$8,100.00. By letter dated July 1, 2016, the City offered to purchase property from SCE for \$8,100.00 as required by Government Code Section 7267.2. The City did not receive a response from SCE to the offer. By letter dated November 14, 2016, the City provided SCE notice of the City’s intent to consider a resolution of necessity to acquire the easement interest in the Property by eminent domain pursuant to Code of Civil Procedure Section 1245.235.

Resolution of Necessity:

State law requires a Resolution of Necessity to be adopted after a public agency has made an offer to the property owner to purchase the property at full appraised value. Even after the resolution is passed, the City may still negotiate with the owner to try to reach an agreement.

To approve a Resolution of Necessity, the City Council must consider:

- a) Whether the public interest and necessity require the project;
- b) Whether the project is planned and located in the manner that would be most compatible with the greatest public good and the least private injury;
- c) Whether the property sought to be acquired is necessary for the project.

CEQA Review:

In accordance with the California Environmental Quality Act, the potential environmental impact of the Transportation Project, including the proposed acquisition of the Property was evaluated in an initial study and given a negative declaration. A notice of determination was filed July 6, 2012, and posted on July 9, 2012, until August 7, 2012.

JF:lcs

Attachments:

- Resolution No. 16-56
- Notice of Intent to Consider Resolution of Necessity
- Offer to Purchase Property