

STAFF REPORT
City of Lancaster

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MVB

Date: January 22, 2008

To: Mayor Hearn and City Council Members

From: James R. Williams, Public Works Director

Subject: **Condemnation Proceedings – Property Acquisition
Located on the Northwest Corner of Avenue K-8 and 25th Street West
Identified as APN 3112-005-900, (Portions Thereof)**

Recommendation:

Adopt Resolution No. 08-03, directing and authorizing the condemnation of certain real property in the City of Lancaster, California, and declaring the public necessity therefore (APN 3112-005-900; portions thereof).

Fiscal Impact.

The costs of condemnation will be borne by the City.

Background:

The City of Lancaster Traffic Division has targeted the intersection of Avenue K-8 and 25th Street West for street improvements and traffic signal installation. The northwest corner of this intersection is owned by the Los Angeles County Water Works District No. 4. Los Angeles County Department of Public Works Mapping and Property Management Division coordinates all property activities for the District. The proposed improvements require additional right-of-way at the “corner cutoff”. The area amounts to a triangular shaped piece of land approximately 28 feet per side and 416 feet total square footage.

Recently, the County Council has expressed the opinion that Water Code, Section 55373 (which states the sale of District property of \$100.00 or more must be sold at auction) should be applied to the granting of an easement. However, the County does not want to sell easements by auction. The County Council has established a procedure for agencies to acquire easements from the District. The current procedure calls for the requesting body to pass a Resolution expressing the intent to condemn the property by Eminent Domain. The District can then legally enter into negotiations and make an agreement before any Condemnation reaches the court. This same procedure has been followed by other County Departments needing easements from the Water Works District. The County has asked the City to pass this Resolution and assured us this will be friendly negotiations and the Condemnation proceedings will not need to progress further than the Resolution stage.

The necessary environmental documents for the project have been prepared per California Environmental Quality Act (CEQA) guidelines.

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. A value of \$0.00 was determined to be the value of area of taking, and \$2,000.00 was determined to be the fair and reasonable compensation for the processing and review of documents. An offer to purchase/compensate the owner, Los Angeles County Waterworks District No. 4, for the nominal value of \$2,000.00 was made on January 8, 2008.

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 3112-005-900 per the County's request.