

STAFF REPORT
City of Lancaster

CC 11
11/12/08
MVB

Date: November 12, 2008

To: Mayor Parris and City Council Members

From: James R. Williams, Director of Public Works

Subject: **Agreement for Condemnation Proceedings**
Tract No. 53102 – Located on the Northeast Corner of Avenue J-12 and
Catsue Place, (APN No. 3153-025-900, located on the Northwest Corner of
Avenue J-12 and Catsue Place),

Recommendation:

Approve an agreement with Magnolia L.P., a California Limited Partnership, the developer of Tract No. 53102, to provide needed right-of-way for required street improvements and slope and drainage easements for drainage improvements, through condemnation proceedings.

Background:

The developer has been required to provide street right-of-way, along Avenue J-12 and Catsue Place, and slope and drainage improvements as shown on Exhibits "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.

VJ:lcs

Attachments:

Exhibits "A"
Agreement