

RESOLUTION NO. 09-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DIRECTING AND AUTHORIZING THE CONDEMNATION OF CERTAIN REAL PROPERTY IN THE CITY OF LANCASTER, CALIFORNIA, AND DECLARING THE PUBLIC NECESSITY THEREFOR (APN 3153-025-900; PORTIONS THEREOF)

WHEREAS, the City of Lancaster ("City") is a municipal corporation organized and operating pursuant to the laws of the State of California, and is authorized to take properties by condemnation and to hold, use and enjoy such properties as necessary to fully exercise its powers; and

WHEREAS, the City is specifically authorized by virtue of Government Code Section 40404 and other provisions of the statutes of the State of California to take any property or interests in property necessary to carry out the business of the City by condemnation, such power to be exercised pursuant to the provisions of Section 1230.020 et seq. of the Code of Civil Procedure; and

WHEREAS, the legal notice of intention to adopt a resolution of necessity to acquire by eminent domain the hereinafter described property was duly given by the City pursuant to and in compliance with the requirements of Code of Civil Procedure Section 1245.235 and which notice advised of a hearing by the City on February 10, 2009; and

WHEREAS, a hearing was held by the City on February 10, 2009, at which the matters set forth in Code of Civil Procedure Section 1240.030 were discussed, including the following matters:

- a. Whether the public interest and necessity require the project; and
- 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; and
- c. Whether the property sought to be acquired (which is described herein) is necessary for the project; and
- d. Whether any offer required by Section 7267.2 of the Government Code has been made to the owners of record.

WHEREAS, the City has provided all persons a reasonable opportunity to appear and be heard on those matters referred to in Section 1240.030 of the Code of Civil Procedure; and

WHEREAS, at such hearing, information on the project and the matters set forth in this resolution were presented to the City by City staff; and

WHEREAS, the storm drain, slope, and road improvements (the "project") are within the scope of the General Plan; and

WHEREAS, an initial study was performed for this project in accordance with the State CEQA guidelines; and

WHEREAS, the initial study determined that the proposed project could have a significant effect on the environment; however, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Negative Declaration has been prepared and fully complies with the requirements of CEQA and therefore, no further CEQA analysis or determinations are required for the acquisition of real property described herein.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, STATE OF CALIFORNIA, THAT:

Section 1. The public interest and necessity require the Project, storm drain, slope, and road improvements and related purposes, which uses are public uses authorized by law. Government Code Section 40404, among other provisions of the statutes of the State of California, permit and empower this acquisition by the City through its exercise of eminent domain for the stated public use.

Section 2. The public interest and necessity require the acquisition of the property described herein for the Project. The City Council finds that the acquisition of the herein described property is necessary for the Project and to advance the business of the City, which property is generally located on the northwest corner of Catsue Place and Avenue J-12 (APN 3153-025-900).

Section 3. The real property sought to be condemned is legally described as follows:

15' STORM DRAIN EASEMENT

A PORTION OF THE SOUTHERLY 220.00 FEET OF THE WESTERLY 990 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 13 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF DEED DOCUMENT NO. 5339, RECORDED APRIL 5, 1962 ORIGINAL RECORDS, COUNTY OF LOS ANGELES;

THENCE N 89° 39' 28" W, A DISTANCE OF 15.76 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 72.00 FEET, AND A BEARING TO THE RADIUS POINT OF N 65° 43' 05" E, THENCE IN A NORTHERLY DIRECTION ALONG SAID CURVE, AN ARC LENGTH OF 25.14 FEET, WHICH SUBTENDS A CENTRAL ANGLE OF 20° 00' 07", TO THE TRUE POINT OF BEGINNING.

THENCE N 60° 09' 40" W, A DISTANCE OF 74.84 FEET;

THENCE N 29° 50' 20" E, A DISTANCE OF 54.55 FEET;

THENCE S 74° 00' 08" E, A DISTANCE OF 55.11 FEET, TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF CATSUE PLACE PER TRACT 53102;

THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF SAID CATSUE PLACE, S 15° 56' 31" W, A DISTANCE OF 45.97 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE EAST, WITH A RADIUS OF 72.00 FEET, AND A BEARING TO THE RADIUS POINT OF S 74° 03' 29" E, THENCE IN A SOUTHERLY DIRECTION ALONG SAID CURVE, AN ARC LENGTH OF 25.43 FEET, WHICH SUBTENDS A CENTRAL ANGLE OF 20° 14' 05", TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED LAND, CONTAINING 3,873 SQUARE FEET MORE OR LESS.

#### SLOPE EASEMENT

A PORTION OF THE SOUTHERLY 220 FEET OF THE WESTERLY 990 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 13 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 30.00 FEET OF SAID LAND TOGETHER WITH THE NORTHERLY 15.00 FEET OF THE EASTERLY 190.00 FEET OF SAID LAND.

THE ABOVE DESCRIBED LAND, CONTAINS 9,002 SQUARE FEET MORE OR LESS.

#### ROAD EASEMENT

A PORTION OF THE SOUTHERLY 220 FEET OF THE WESTERLY 990 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 7 NORTH, RANGE 13 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID PARCEL, SOUTH 0° 51' 08" EAST, 89.67 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 150.00 FEET AND SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06° 08' 30", AN ARC DISTANCE OF 16.08 FEET;

THENCE SOUTH 05° 17' 22" WEST, 0.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 88.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10° 39' 09", AN ARC DISTANCE OR 16.36 FEET;

THENCE SOUTH 15° 56' 31" WEST, 50.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 72.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 40° 14' 12", AN ARC DISTANCE OF 50.56 FEET TO THE SOUTHERLY LINE OF SAID PARCEL AND THE SOUTHERLY LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 24;

THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID PARCEL, SOUTH 89° 39' 28: EAST, 15.76 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL;

THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID PARCEL, NORTH 0° 51' 08" WEST, 130.37 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1,587 SQUARE FEET, MORE OR LESS.

TO BE KNOWN AS CATSUE PLACE.

The location of the real property sought to be condemned is depicted on the **Exhibits "A"** attached to this Resolution and hereby fully incorporated by reference.

Section 4. The offer required by Government Code Section 7267.2 has been made to the owner or owners of record and the City has been unable to acquire the property.

Section 5. The taking and acquiring by the City of property described herein are deemed necessary for the construction and completion of storm drain, slope, and road improvements and related improvements, and the Project is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. As to any portion of the property that is currently appropriated for a public use, the use to which the property is sought to be taken is a more necessary public use and the City is empowered to take for a more necessary public use pursuant to Code of Civil Procedure Section 1240.610.

Section 7. The City finds the environmental documentation prepared for Tentative Tract Map No. 53102 adequately addresses the environmental effects and feasible mitigation measures associated with the acquisition of property described hereinabove, and therefore, as previously considered, is adequate to

serve as environmental documentation for the acquisition of the property under CEQA.

Section 8. The public use to which the property is to be put is scheduled to begin within two years of the City's acquisition of the property.

Section 9. The law firm of Stradling, Yocca, Carlson & Rauth is authorized, empowered and directed to prepare, commence and prosecute an eminent domain action or actions in the Superior Court of the State of California in and for the County of Los Angeles in the name and on behalf of the City of Lancaster against all owners and persons and entities claiming or having interests in the above described property, for the purpose of performing and carrying out all proceedings and steps, incident to the condemnation and the acquisition of the property, including obtaining warrants for deposit of funds, orders for prejudgment possession, and other steps necessary to acquire the subject property by and for the City of Lancaster.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            }  
COUNTY OF LOS ANGELES       } ss  
CITY OF LANCASTER             }

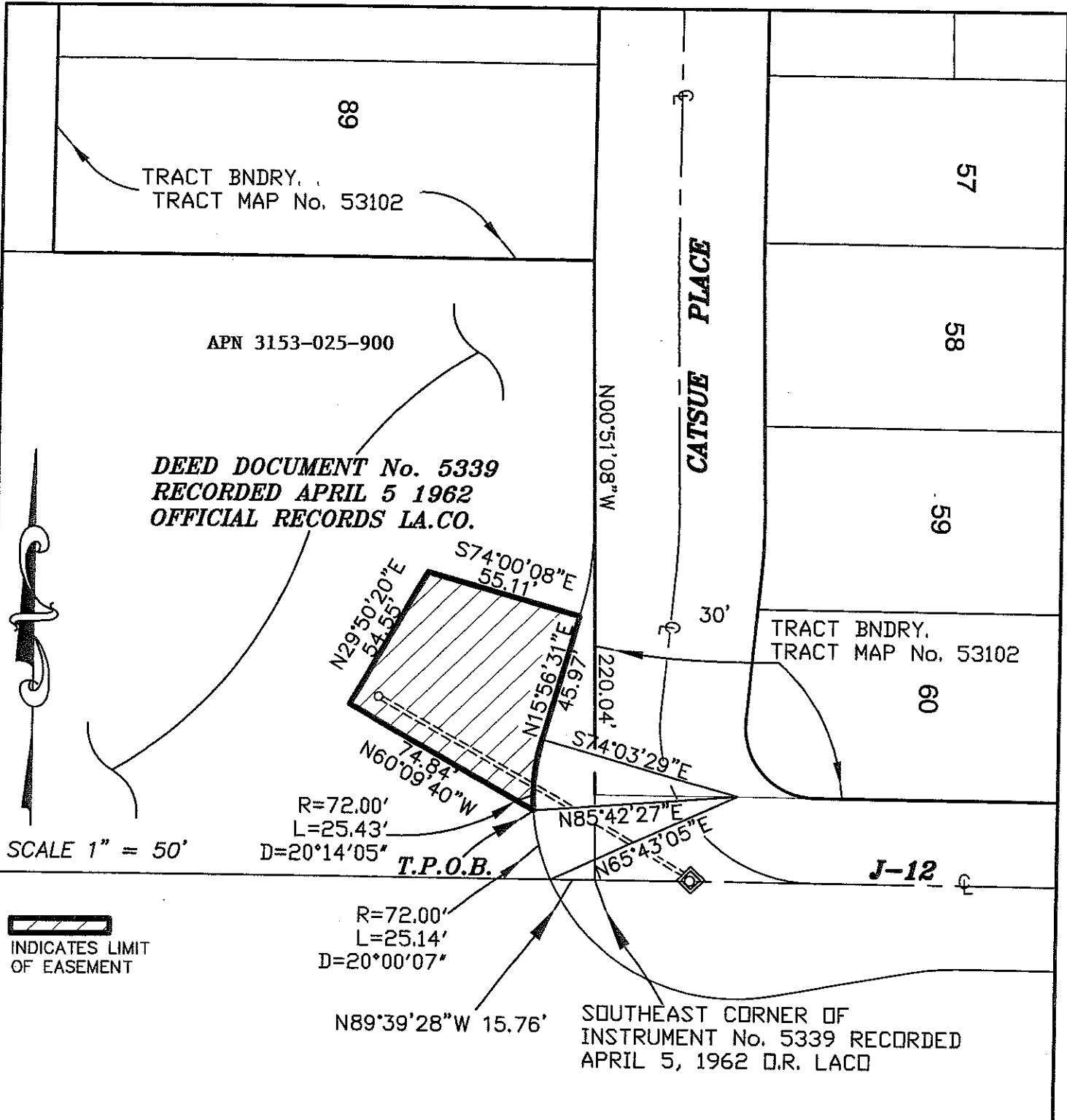
CERTIFICATION OF RESOLUTION  
CITY COUNCIL

I, \_\_\_\_\_, \_\_\_\_\_ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. 09-08, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_



TRACT BNDRY.  
TRACT MAP No. 53102

APN 3153-025-900

**DEED DOCUMENT No. 5339**  
**RECORDED APRIL 5 1962**  
**OFFICIAL RECORDS LA.CO.**



SCALE 1" = 50'

 INDICATES LIMIT OF EASEMENT

R=72.00'  
L=25.43'  
D=20°14'05"  
**T.P.O.B.**

R=72.00'  
L=25.14'  
D=20°00'07"

N89°39'28"W 15.76'

SOUTHEAST CORNER OF  
INSTRUMENT No. 5339 RECORDED  
APRIL 5, 1962 D.R. LACO

TRACT BNDRY.  
TRACT MAP No. 53102

**J-12**



# CITY OF LANCASTER

JT ENGINEERING  
33336 AGUA DULCE CYN. RD. # 103  
AGUA DULCE, CA. 91390  
(661) 268-8899

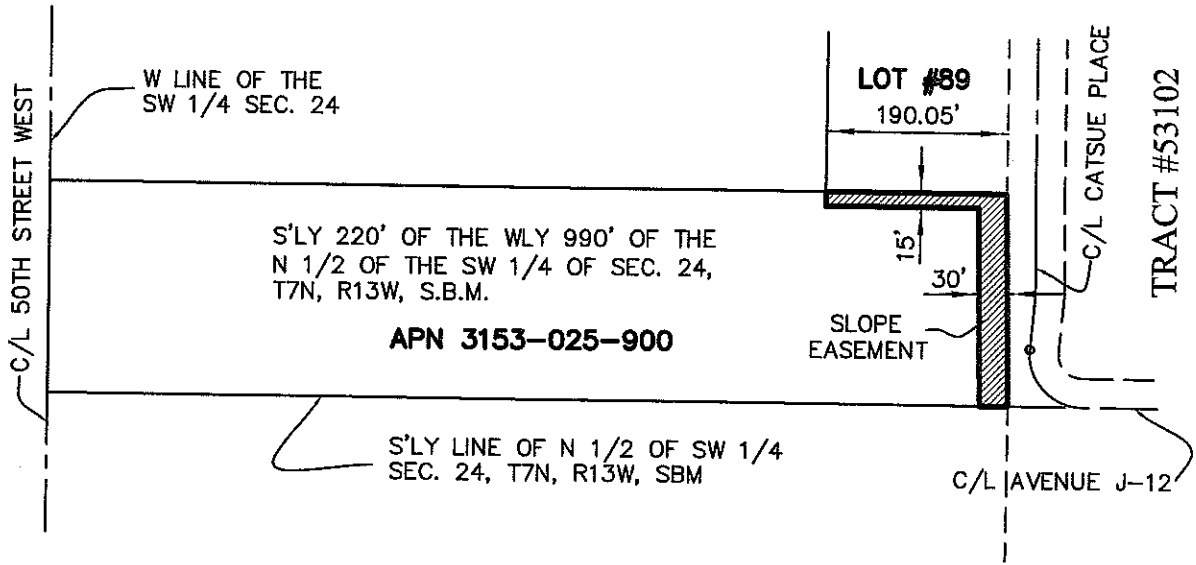
TITLE:  
STORM DRAIN EASEMENT

EXHIBIT "A"

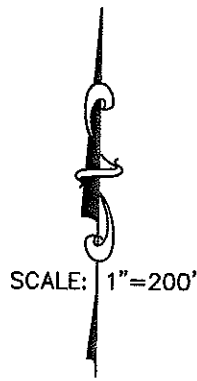
SHEET 1 OF 3 SHEETS



THE USE OF ASSESSOR'S PARCEL NUMBERS IS LIMITED TO REFERENCE OF PARCELS ONLY, AND CANNOT BE USED FOR LEGAL DESCRIPTION PURPOSES. REVENUE AND TAXATION CODE SECTION 327.



 INDICATES THE AREA BEING DEDICATED



SECTION 24  
TOWNSHIP 7 NORTH  
RANGE 13 WEST  
SAN BERNARDINO MERIDIAN

THIS PLAT IS FOR REFERENCE ONLY, NOT FOR THE PURPOSE OF SURVEYING.



CITY OF LANCASTER

TITLE:

SLOPE EASEMENT

JT ENGINEERING

33336 AGUA DULCE CYN. RD. # 103

AGUA DULCE, CA. 91390

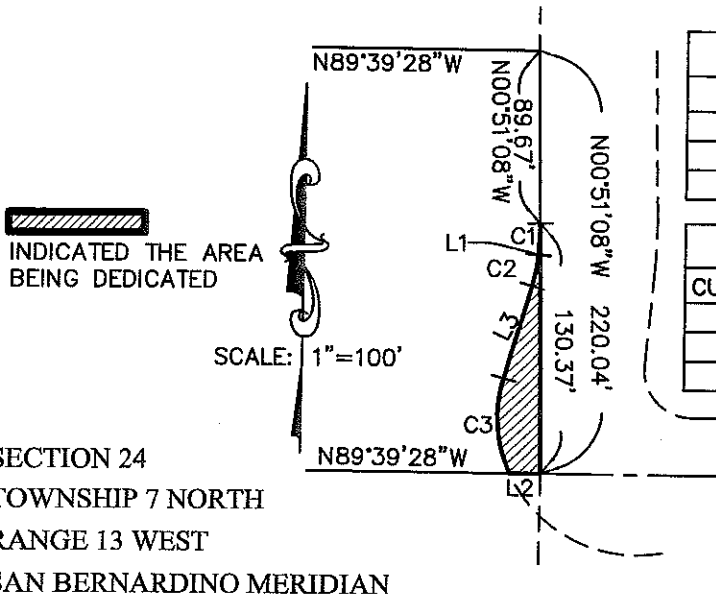
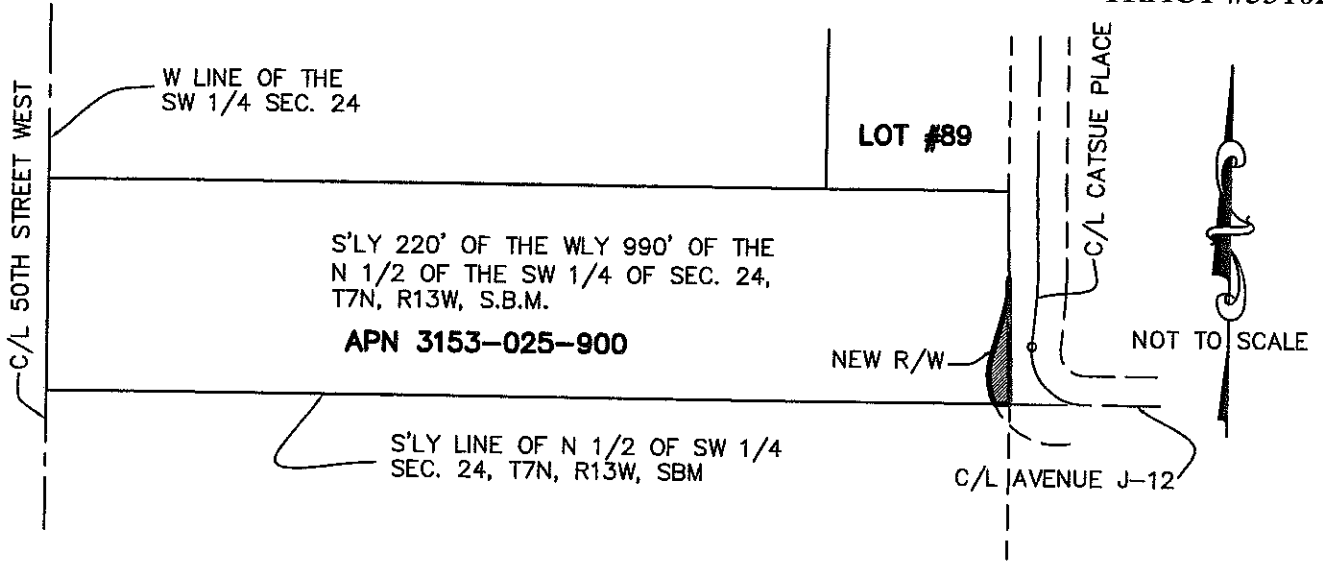
(661) 268-8899

EXHIBIT "A"

SHEET 2 OF 3 SHEETS

THE USE OF ASSESSOR'S PARCEL NUMBERS IS LIMITED TO REFERENCE OF PARCELS ONLY, AND CANNOT BE USED FOR LEGAL DESCRIPTION PURPOSES. REVENUE AND TAXATION CODE SECTION 327.

TRACT #53102



LINE TABLE		
LINE	LENGTH	BEARING
L1	0.68	N05°17'22"E
L2	15.76	N89°39'28"W
L3	50.00	S15°56'31"W

CURVE TABLE				DELTA
CURVE	LENGTH	RADIUS	TANGENT	6°08'30"
C1	16.08	150.00	8.05	10°39'09"
C2	16.36	88.00	8.20	40°14'12"
C3	50.56	72.00	26.37	

SECTION 24  
TOWNSHIP 7 NORTH  
RANGE 13 WEST  
SAN BERNARDINO MERIDIAN

THIS PLAT IS FOR REFERENCE ONLY, NOT FOR THE PURPOSE OF SURVEYING.



CITY OF LANCASTER

TITLE:

ROAD DEED

JT ENGINEERING

33336 AGUA DULCE CYN. RD. # 103

AGUA DULCE, CA. 91390

(661) 268-8899

EXHIBIT "A "

SHEET 3 OF 3 SHEETS