



LONG BEACH REDEVELOPMENT AGENCY

333 WEST OCEAN BOULEVARD, THIRD FLOOR • LONG BEACH, CA 90802 • (562) 570-6615 • FAX (562) 570-6215

March 27, 2006

REDEVELOPMENT AGENCY BOARD MEMBERS

City of Long Beach
California

RECOMMENDATION:

Recommendation to receive the supporting documentation into the record; conduct and conclude the hearing; and adopt the Resolutions of Necessity for acquiring and authorizing the condemnation of real property at 500-526 East South Street, APN 7127-007-001; 5866 Linden Avenue, APN 7125-033-005; 5823-5825 Atlantic Avenue, APN 7125-033-025; and 5827-5829 Atlantic Avenue, APN 7125-033-024; including land, improvements, and fixtures and equipment. (North – Districts 8, 9)

DISCUSSION

The Redevelopment Plan for the North Long Beach Redevelopment Project Area (Project Area) was adopted on July 16, 1996. The major goals of the Redevelopment Plan include:

- The elimination of blighting influences and the correction of environmental deficiencies in the Project Area, including buildings in which it is unsafe or unhealthy for persons to live or work, incompatible and uneconomic land uses, and small and irregular lots.
- The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.
- The replanning, redesign and development of portions of the Project Area which are stagnant or improperly utilized.

The proposed redevelopment actions contemplated under the Redevelopment Plan include:

- The acquisition of certain real property and the assembly of adequate sites for the development and construction of residential, commercial and industrial facilities.
- The demolition or removal of certain buildings and improvements.
- The disposition of property for uses in accordance with the Redevelopment Plan.

If it is in the public interest and is necessary in order to eliminate conditions requiring redevelopment and in order to implement the goals of the Redevelopment Plan, the

REDEVELOPMENT AGENCY BOARD MEMBERS

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Agency may exercise its power of eminent domain to acquire real property in the Project Area.

Property Information (Exhibit A – Site Map)

The property located at 500-526 East South Street, APN 7127-007-001, contains approximately 4,700 square feet of land, a 686-square-foot, owner-occupied commercial office building used as a dentist office, and a signboard.

The property located at 5866 Linden Avenue, APN 7125-033-005, contains approximately 4,800 square feet of land, an 843-square-foot, owner-occupied, single-family residence, and a garage.

The property located at 5823-5825 Atlantic Avenue, APN 7125-033-025, contains approximately 4,600 square feet of land, a 1,350-square-foot, two-unit commercial retail building used as tenant-occupied residential dwelling units, and a 1,068 square foot, owner-occupied, single-family residence.

The property located at 5827-5829 Atlantic Avenue, APN 7125-033-024, contains approximately 4,600 square feet of land and a commercial building used as an owner-occupied residential dwelling unit.

California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA), the acquisition of these properties is categorically exempt under Public Resources Code, Division 13, Section 15301, as the acquisition activities contemplated are not intended to expand the use beyond that which currently exists. Any future development on the properties will be subject to a separate environmental review process under CEQA.

Resolutions of Necessity

An appraisal of land and improvements for the property located at 500-526 South Street was prepared by an independent appraiser, Lidgard and Associates, on July 23, 2005. An offer to purchase the property at Fair Market Value pursuant to Government Code Section 7267.2(a), dated August 17, 2005, was submitted to the owner. The Fair Market Value of the land and improvements was \$235,000. The owner rejected the offer and subsequent negotiations have been unsuccessful.

An appraisal of land and improvements for the property located at 5866 Linden Avenue was prepared by an independent appraiser, Lidgard and Associates, on October 19, 2005. An offer to purchase the property at Fair Market Value pursuant to Government Code Section 7267.2(a), dated November 18, 2005 was submitted to the owner. The Fair Market Value of the land and improvements was \$415,000. The owner rejected the offer and subsequent negotiations have been unsuccessful.

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An appraisal of land and improvements for the property located at 5823-5825 Atlantic Avenue was prepared by an independent appraiser, Lidgard and Associates, on December 22, 2005. An offer to purchase the property at Fair Market Value pursuant to Government Code Section 7267.2(a), dated February 3, 2006 was submitted to the owner. The Fair Market Value of the land and improvements was \$400,000. The owner rejected the offer and subsequent negotiations have been unsuccessful.

An appraisal of land and improvements for the property located at 5827-5829 Atlantic Avenue was prepared by an independent appraiser, Lidgard and Associates, on December 22, 2005. An offer to purchase the property at Fair Market Value pursuant to Government Code Section 7267.2(a), dated February 3, 2006 was submitted to the owner. The Fair Market Value of the land and improvements was \$375,000. The owner rejected the offer and subsequent negotiations have been unsuccessful.

Notices of the hearing on the Resolutions of Necessity were mailed on March 10, 2006 by certified mail, return receipt requested, and by First Class Mail to the owners of record. Said owners were notified that if they wished to appear at the hearing and be heard, they must file a written request to appear with the City Clerk within fifteen (15) days from the date the notice was mailed. The Resolutions of Necessity are attached.

Code of Civil Procedure Section 1245.230 requires that the Resolution of Necessity be adopted after a hearing at which time the governing body of the public entity must find and determine each of the following:

1. Whether the public interest and necessity require the proposed project;
2. Whether the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the property sought to be acquired is necessary for the proposed project; and
4. Whether the offer required by Government Code section 7267.2(a) has been made to the property owner or owners of record, or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

Recommended findings of the Redevelopment Agency Board as they relate to the acquisition of properties located at 500-526 East South Street, APN 7127-007-001; 5866 Linden Avenue, APN 7125-033-005; 5823-5825 Atlantic Avenue, APN 7125-033-025; and 5827-5829 Atlantic Avenue, APN 7125-033-024 are as follows:

1. Public interest and necessity require the proposed project.
The Redevelopment Plan for the North Long Beach Redevelopment Project Area was adopted on July 16, 1996. The goals of the Redevelopment Plan include replanning, redesign, and assembly of property into parcels suitable for modern, integrated development.

REDEVELOPMENT AGENCY BOARD MEMBERS

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2. The proposed project is planned and located in such a way as to do the greatest public good and the least private injury.
The fundamental purpose of the Redevelopment Plan is to improve the quality of life for residents and business enterprises within the North Long Beach Redevelopment Project Area. The assembly of land into parcels suitable for modern, integrated development affects a greater public good with minimal private injury.

3. The property sought to be acquired is necessary for the proposed project.
The assembly of land into parcels suitable for modern, integrated development is the proposed project. It is in the public interest to acquire the properties in order to assemble land into parcels suitable for modern, integrated development, allowing for future replanning, redesign and development of the properties.

4. The offer of just compensation has been made to the property owners.
The properties were appraised by an independent appraiser, Lidgard and Associates. Offers at Fair Market Value were presented to the property owners. The offers have been rejected by the property owners. Due to the refusal of the owners to accept the Agency's offer of just compensation based on the Fair Market Value, the properties cannot be acquired except by the Agency's exercise of its power of eminent domain.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PATRICK H. WEST
EXECUTIVE DIRECTOR

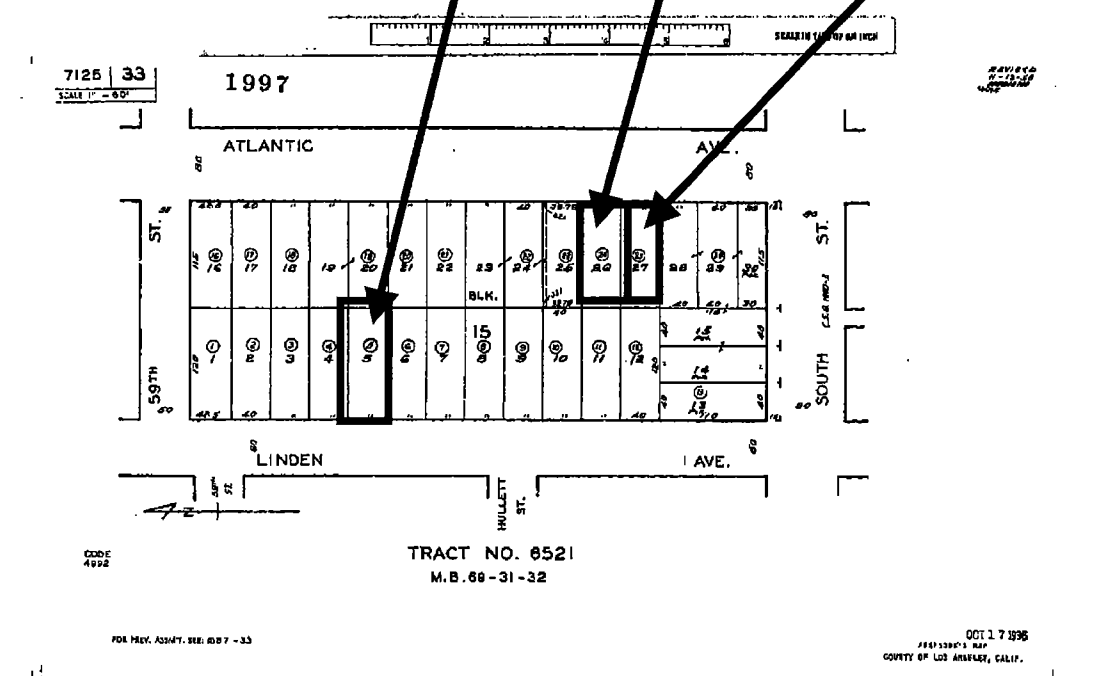
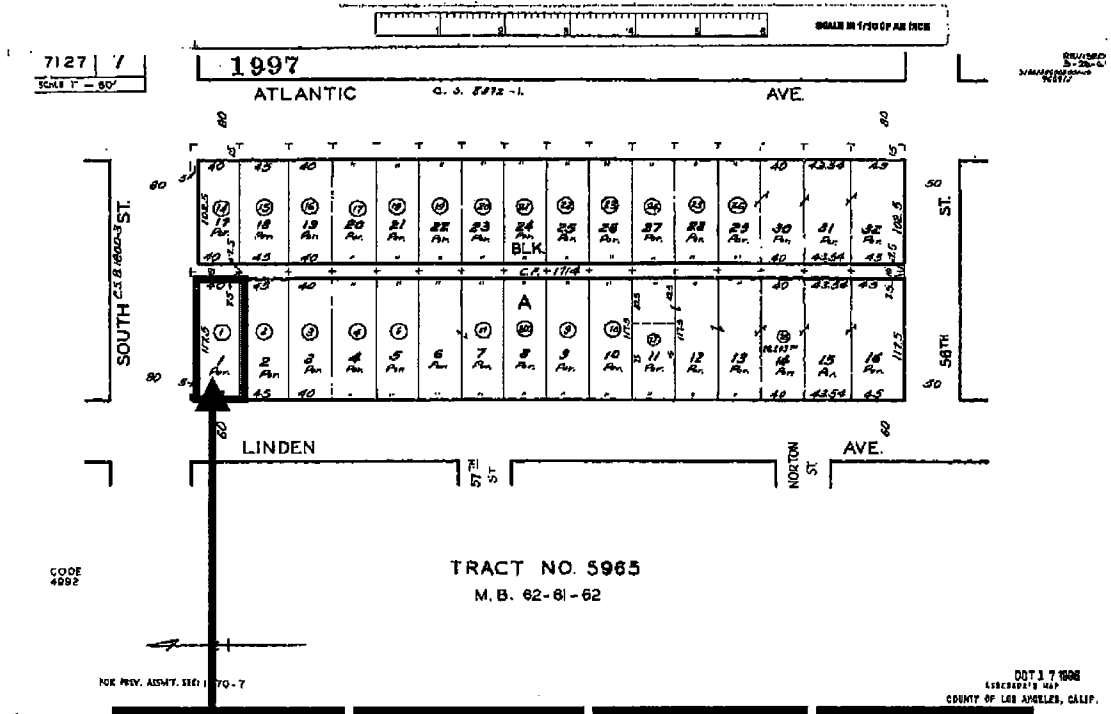
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APPROVED:


GERALD R. MILLER
CITY MANAGER

Attachments: Exhibit A – Site Map
Exhibit B – Photographs
Resolutions

EXHIBIT A - SITE MAP



RESOLUTION NO. R. A.

A RESOLUTION OF THE REDEVELOPMENT
AGENCY OF THE CITY OF LONG BEACH, CALIFORNIA,
FINDING AND DETERMINING THE PUBLIC INTEREST
AND NECESSITY FOR ACQUIRING AND AUTHORIZING
THE CONDEMNATION OF CERTAIN REAL PROPERTY
(500-526 EAST SOUTH STREET) WITHIN THE NORTH
LONG BEACH REDEVELOPMENT PROJECT AREA

WHEREAS, the Redevelopment Agency of the City of Long Beach, California ("Agency"), pursuant to the provisions of the Community Redevelopment Law of the State of California, Health and Safety Code Section 33000, *et seq.*, is engaged in redevelopment activities necessary for the execution of the Redevelopment Plan ("Redevelopment Plan") for the North Long Beach Redevelopment Project Area ("Redevelopment Project"); and

WHEREAS, the Agency desires to implement the Redevelopment Plan for the Redevelopment Project by acquiring and assembling certain parcels of real property, including the real property located at 500-526 East South Street, Long Beach, California more particularly described as:

LOT 1 OF BLOCK A OF TRACT 5965 IN THE CITY OF
LONG BEACH, COUNTY OF LOS ANGELES, STATE OF
CALIFORNIA, AS PER MAP RECORDED IN BOOK 62,
PAGES 61 AND 62 OF MAPS, IN THE OFFICE OF THE
COUNTY RECORDER OF SAID COUNTY.

and as shown on the site plan attached hereto as Exhibit A, and incorporated herein by this reference ("Subject Property"); and

WHEREAS, the Agency has given written notice by first class mail at least fifteen (15) days prior to the date of this resolution to those persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last equalized Los Angeles County assessment roll; and

WHEREAS, the Agency's notice to those persons sets forth the intent of the Agency to adopt a Resolution of Necessity for acquisition by eminent domain of the Subject Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the Agency's notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure Section 1245.235;

NOW, THEREFORE, the Redevelopment Agency of the City of Long Beach, California, resolves as follows:

Section 1. The public interest and necessity requires the acquisition of the Subject Property, including the improvements thereon, for a public use, to wit, for redevelopment purposes in connection with and located in the Redevelopment Project, pursuant to the Redevelopment Plan and the California Community Redevelopment Law.

Sec. 2. The Agency is authorized to acquire the Subject Property, including the improvements thereon, pursuant to the California Community

Redevelopment Law, including but without limitation, Health and Safety Code Section 33391(b).

Sec. 3. The Redevelopment Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

Sec. 4. The Subject Property is necessary for the proposed project.

Sec. 5. The offer required by Government Code Section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Sec. 6. The Agency is hereby authorized and empowered to acquire by condemnation in its name to be used for said redevelopment purposes in accordance with the provisions of the Code of Civil Procedure, the California Community Redevelopment Law, and the Constitution of California relating to eminent domain, the fee title or interest in the Subject Property, including the improvements thereon.

Sec. 7. The Long Beach City Attorney's office, as the Agency's general counsel, is hereby authorized to engage special counsel to prepare and prosecute in the name of the Agency such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to

acquire for the Agency the Subject Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

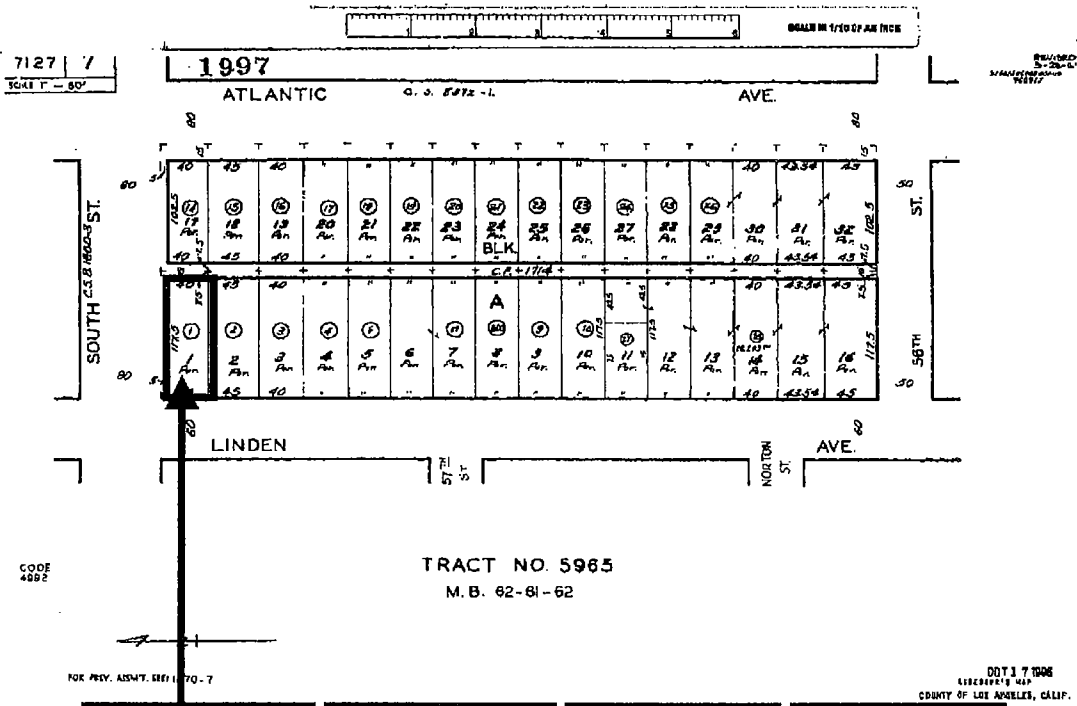
APPROVED AND ADOPTED by the Redevelopment Agency of the City of Long Beach, California, this _____ day of _____, 2006.

Executive Director/Secretary

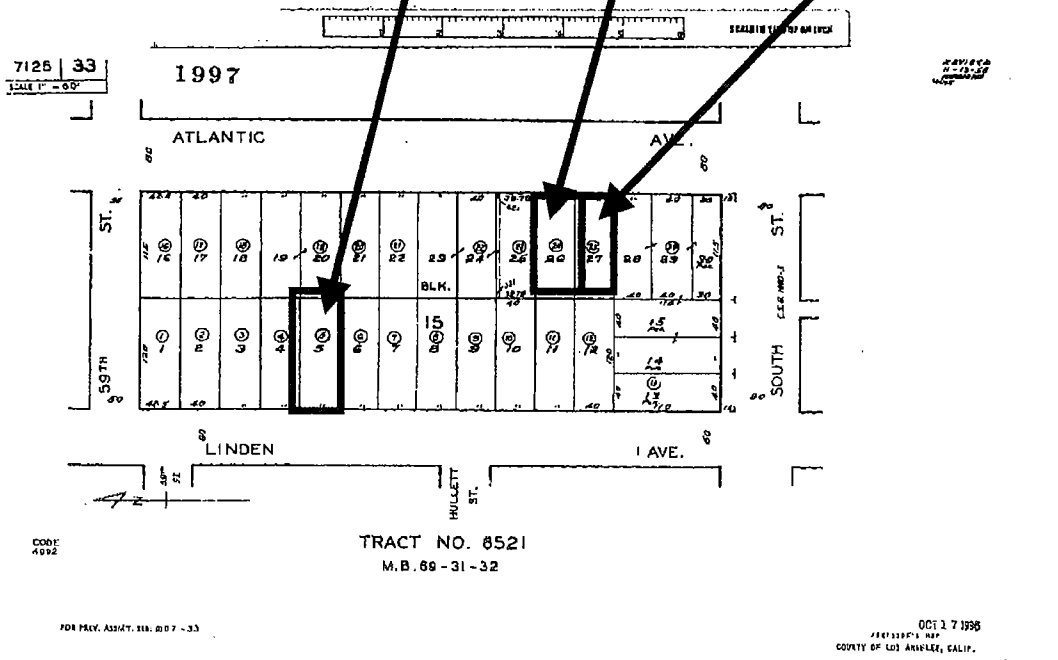
APPROVED:

Chair

EXHIBIT A - SITE MAP



- 500-526 South Street
- 5866 Linden Avenue
- 5827-29 Atlantic Ave
- 5823-25 Atlantic Ave



RESOLUTION NO. R. A.

A RESOLUTION OF THE REDEVELOPMENT
AGENCY OF THE CITY OF LONG BEACH, CALIFORNIA,
FINDING AND DETERMINING THE PUBLIC INTEREST
AND NECESSITY FOR ACQUIRING AND AUTHORIZING
THE CONDEMNATION OF CERTAIN REAL PROPERTY
(5866 LINDEN AVENUE) WITHIN THE NORTH LONG
BEACH REDEVELOPMENT PROJECT AREA

WHEREAS, the Redevelopment Agency of the City of Long Beach, California (“Agency”), pursuant to the provisions of the Community Redevelopment Law of the State of California, Health and Safety Code Section 33000, *et seq.*, is engaged in redevelopment activities necessary for the execution of the Redevelopment Plan (“Redevelopment Plan”) for the North Long Beach Redevelopment Project Area (“Redevelopment Project”); and

WHEREAS, the Agency desires to implement the Redevelopment Plan for the Redevelopment Project by acquiring and assembling certain parcels of real property, including the real property located at 5866 Linden Avenue, Long Beach, California more particularly described as:

LOT 5 OF BLOCK 15 OF TRACT 6521 IN THE CITY OF
LONG BEACH, COUNTY OF LOS ANGELES, STATE OF
CALIFORNIA, AS PER MAP RECORDED IN BOOK 69,
PAGES 31 AND 32 OF MAPS, IN THE OFFICE OF THE
COUNTY RECORDER OF SAID COUNTY.

and as shown on the site plan attached hereto as Exhibit A, and incorporated herein by this reference (“Subject Property”); and

WHEREAS, the Agency has given written notice by first class mail at least fifteen (15) days prior to the date of this resolution to those persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last equalized Los Angeles County assessment roll; and

WHEREAS, the Agency’s notice to those persons sets forth the intent of the Agency to adopt a Resolution of Necessity for acquisition by eminent domain of the Subject Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the Agency’s notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure Section 1245.235;

NOW, THEREFORE, the Redevelopment Agency of the City of Long Beach, California, resolves as follows:

Section 1. The public interest and necessity requires the acquisition of the Subject Property, including the improvements thereon, for a public use, to wit, for redevelopment purposes in connection with and located in the Redevelopment Project, pursuant to the Redevelopment Plan and the California Community Redevelopment Law.

Sec. 2. The Agency is authorized to acquire the Subject Property, including the improvements thereon, pursuant to the California Community

Redevelopment Law, including but without limitation, Health and Safety Code Section 33391(b).

Sec. 3. The Redevelopment Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

Sec. 4. The Subject Property is necessary for the proposed project.

Sec. 5. The offer required by Government Code Section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Sec. 6. The Agency is hereby authorized and empowered to acquire by condemnation in its name to be used for said redevelopment purposes in accordance with the provisions of the Code of Civil Procedure, the California Community Redevelopment Law, and the Constitution of California relating to eminent domain, the fee title or interest in the Subject Property, including the improvements thereon.

Sec. 7. The Long Beach City Attorney's office, as the Agency's general counsel, is hereby authorized to engage special counsel to prepare and prosecute in the name of the Agency such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to

acquire for the Agency the Subject Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

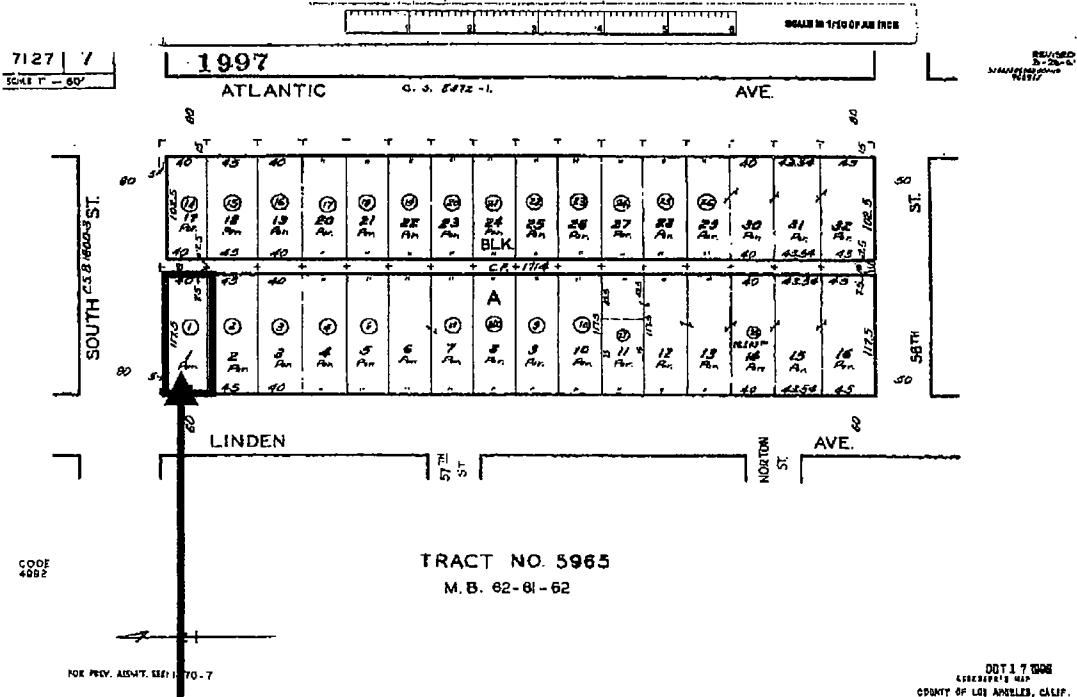
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Executive Director/Secretary

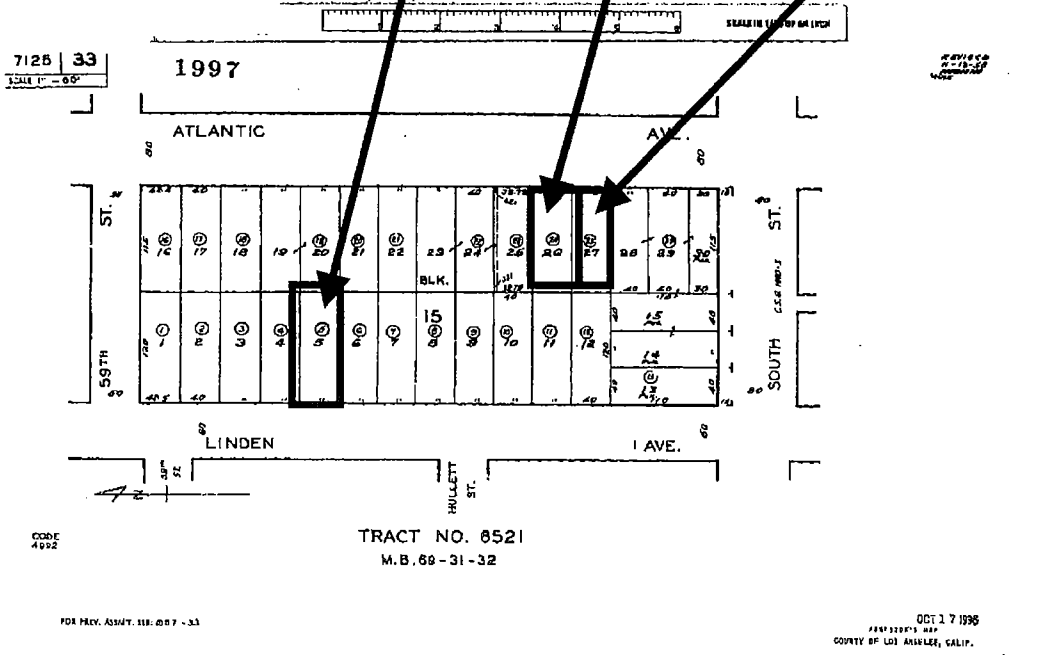
APPROVED:

Chair

EXHIBIT A - SITE MAP



- 500-526 South Street
- 5866 Linden Avenue
- 5827-29 Atlantic Ave
- 5823-25 Atlantic Ave



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AGENCY OF THE CITY OF LONG BEACH, CALIFORNIA,
FINDING AND DETERMINING THE PUBLIC INTEREST
AND NECESSITY FOR ACQUIRING AND AUTHORIZING
THE CONDEMNATION OF CERTAIN REAL PROPERTY
(5823-5825 ATLANTIC AVENUE) WITHIN THE NORTH
LONG BEACH REDEVELOPMENT PROJECT AREA

WHEREAS, the Redevelopment Agency of the City of Long Beach, California ("Agency"), pursuant to the provisions of the Community Redevelopment Law of the State of California, Health and Safety Code Section 33000, *et seq.*, is engaged in redevelopment activities necessary for the execution of the Redevelopment Plan ("Redevelopment Plan") for the North Long Beach Redevelopment Project Area ("Redevelopment Project"); and

WHEREAS, the Agency desires to implement the Redevelopment Plan for the Redevelopment Project by acquiring and assembling certain parcels of real property, including the real property located at 5823-5825 Atlantic Avenue, Long Beach, California more particularly described as:

LOT 27 OF BLOCK 15 OF TRACT 6521 IN THE CITY OF
LONG BEACH, COUNTY OF LOS ANGELES, STATE OF
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and as shown on the site plan attached hereto as Exhibit A, and incorporated herein by this reference (“Subject Property”); and

WHEREAS, the Agency has given written notice by first class mail at least fifteen (15) days prior to the date of this resolution to those persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last equalized Los Angeles County assessment roll; and

WHEREAS, the Agency’s notice to those persons sets forth the intent of the Agency to adopt a Resolution of Necessity for acquisition by eminent domain of the Subject Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the Agency’s notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure Section 1245.235.

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Section 1. The public interest and necessity requires the acquisition of the Subject Property, including the improvements thereon, for a public use, to wit, for redevelopment purposes in connection with and located in the Redevelopment Project, pursuant to the Redevelopment Plan and the California Community Redevelopment Law.

Sec. 2. The Agency is authorized to acquire the Subject Property, including the improvements thereon, pursuant to the California Community

Redevelopment Law, including but without limitation, Health and Safety Code Section 33391(b).

Sec. 3. The Redevelopment Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

Sec. 4. The Subject Property is necessary for the proposed project.

Sec. 5. The offer required by Government Code Section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Sec. 6. The Agency is hereby authorized and empowered to acquire by condemnation in its name to be used for said redevelopment purposes in accordance with the provisions of the Code of Civil Procedure, the California Community Redevelopment Law, and the Constitution of California relating to eminent domain, the fee title or interest in the Subject Property, including the improvements thereon.

Sec. 7. The Long Beach City Attorney's office, as the Agency's general counsel, is hereby authorized to engage special counsel to prepare and prosecute in the name of the Agency such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to

acquire for the Agency the Subject Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

APPROVED AND ADOPTED by the Redevelopment Agency of the City of Long Beach, California, this _____ day of _____, 2006.

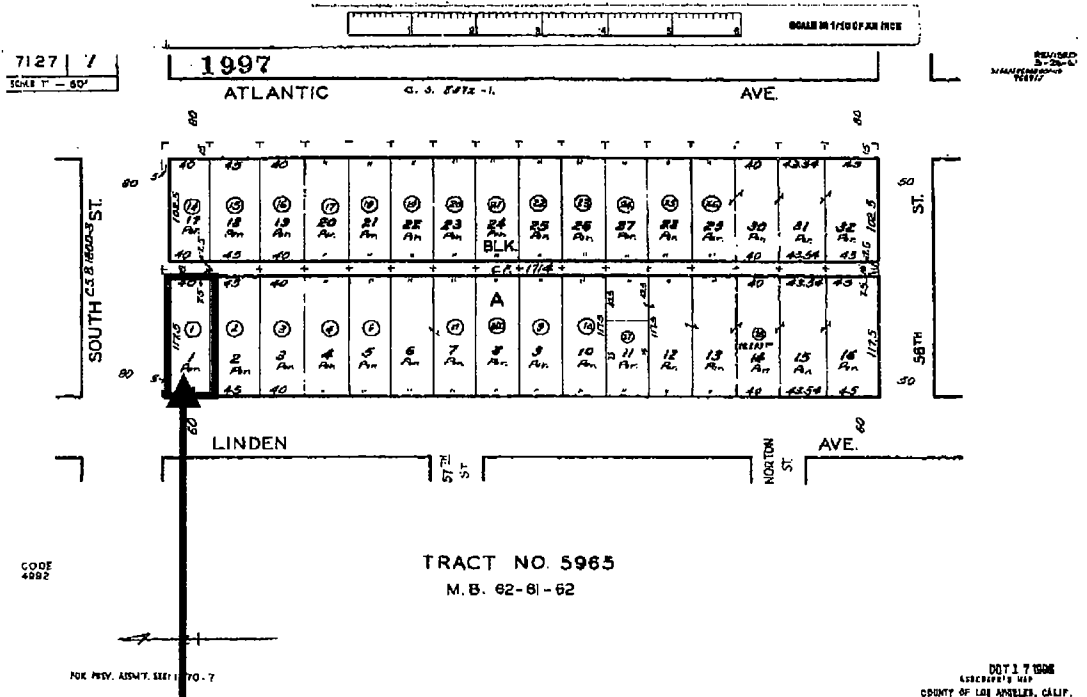
Executive Director/Secretary

APPROVED:

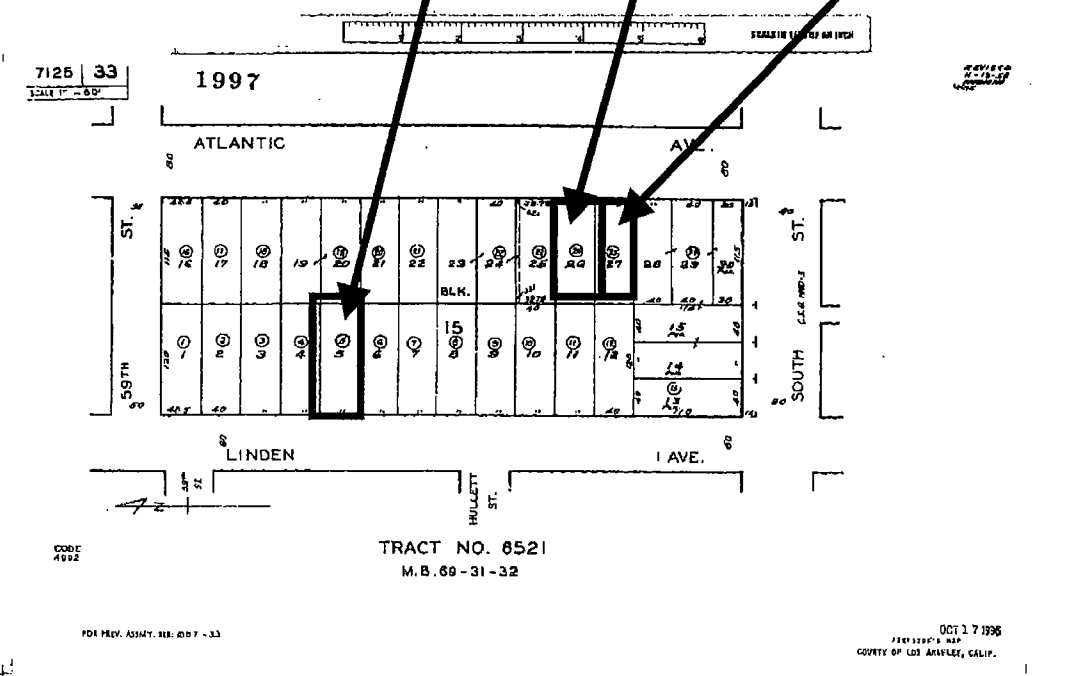
Chair

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EXHIBIT A - SITE MAP



- 500-526 South Street
- 5866 Linden Avenue
- 5827-29 Atlantic Ave
- 5823-25 Atlantic Ave



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WHEREAS, the Agency has given written notice by first class mail at least fifteen (15) days prior to the date of this resolution to those persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last equalized Los Angeles County assessment roll; and

WHEREAS, the Agency's notice to those persons sets forth the intent of the Agency to adopt a Resolution of Necessity for acquisition by eminent domain of the Subject Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the Agency's notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure Section 1245.235;

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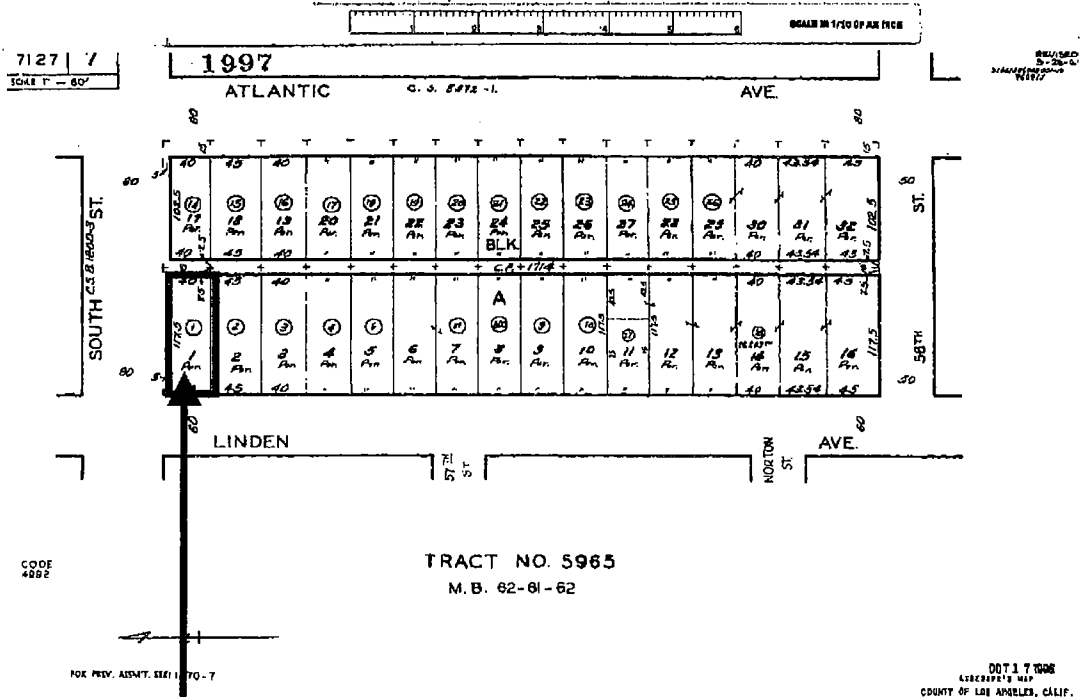
Executive Director/Secretary

APPROVED:

Chair

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EXHIBIT A - SITE MAP



- 500-526 South Street
- 5866 Linden Avenue
- 5827-29 Atlantic Ave
- 5823-25 Atlantic Ave

