

**Consideration of Actions Related to the
Filipino Baptist Church
Located at 2155 Atlantic Avenue**

LONG BEACH REDEVELOPMENT AGENCY

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



March 13, 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 Resolution of Necessity for acquiring and authorizing the condemnation of real property at 2155 Atlantic Avenue, APN 7208-030-009, including land, improvements and fixtures and equipment. (Central – District 6)

DISCUSSION

The Redevelopment Plan for the Central Long Beach Redevelopment Project Area (Central Project Area) was adopted on March 6, 2001. A fundamental purpose of this Redevelopment Plan is to improve the quality of life for residents and business enterprises within the Central Project Area. The major goals of this Redevelopment Plan are:

- The elimination of blighting influences and the correction of environmental deficiencies in the Central Project Area, including, among others, buildings in which it is unsafe or unhealthy for persons to live or work, small and irregular lots, obsolete and aged building types, shifting uses or vacancies, incompatible and uneconomic land uses, substandard alleys, and inadequate or deteriorated public improvements, facilities and utilities.
- The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Central Project Area.
- The replanning, redesign and redevelopment of portions of the Central Project Area that are stagnant or improperly utilized.
- The expansion and improvement of the community's supply of housing, particularly housing available to low- and moderate-income persons and families.

The mission of the Long Beach Redevelopment Agency is to enhance the quality of life by improving blighted areas of Long Beach, revitalizing neighborhoods, promoting economic development, creating jobs, providing affordable housing and encouraging citizen participation.

The actions necessary to achieve the goals of 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.
- Demolition or removal of certain buildings and improvements.
- The redevelopment of land by private enterprise or public agencies for uses in accordance with this Redevelopment Plan.

The Department of Community Development has developed an Atlantic Avenue Master Plan (Plan) for blight elimination and revitalization of the Atlantic Avenue Corridor between Pacific Coast Highway and Willow Street. The Plan is intended to guide future development that will compliment the current residential developments that have been completed along the corridor. The completed projects are the Renaissance Walk and the Atlantic Villas Housing Projects, which have added forty single-family homes with a childcare center and fifteen townhouse units, respectively. The Department of Community Development has also assisted Long Beach Unified School District in relocating the Head Start Facility to the 1800 block of Atlantic Avenue into what was once a vacant commercial building. Recently, the Renaissance Square project has been completed with Union Bank as the primary tenant.

The proposed project is a phased implementation of the Central Long Beach Redevelopment Plan through blight removal by acquiring the parcels on the west side of Atlantic Avenue, generally between 20th Street and Hill Street, for land assembly (Exhibit A – Site Map). The Agency has earlier approved both the Relocation Plan and the Replacement Housing Plan. The purpose of each phase of the project is to remove blight and blighting influences and land assembly. Upon completion, the land will be conveyed to the Long Beach Housing Development Company.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

On December 15, 2003, the Agency certified Mitigated Negative Declaration No. ND-30-03 for land acquisition on Atlantic Avenue between 20th and Hill Streets.

RESOLUTIONS OF NECESSITY

The property located at 2155 Atlantic Avenue is owned and occupied by the Filipino Baptist Fellowship Church and has been subject to acquisition efforts by the Agency since 2002, under a Memorandum of Understanding with the Long Beach Housing Development Company. An appraisal of the subject property and improvements was prepared by an independent appraiser, Ron Laurain & Associates, on May 9, 2002. An offer to purchase the property at fair market value dated October 9, 2002, was presented to the owners. The fair market value of land and improvements was \$340,000. The offer was rejected. However, the Agency's acquisition and relocation consultant, Overland, Pacific & Cutler, worked closely with the owner to find a suitable

REDEVELOPMENT AGENCY BOARD MEMBERS

March 13, 2006

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replacement site to ensure the ongoing viability of the church. More than 13 sites were identified and referred to the owner. However, none of the sites proved satisfactory to the owner. On August 29, 2005, the appraisal was updated reflecting a revised fair market value of \$578,000. An offer to purchase the property at fair market value, dated September 15, 2005, was submitted to the owner. This offer was also rejected. The owner presented an appraisal to Agency staff in January 2006 reflecting a fair market value of \$855,000. Agency staff responded in writing on February 17, 2006 and indicated that, subject to the Agency's approval, that the price was acceptable. However, by letter dated February 26, 2006, the owner's new co-counsel advised that the offer was not acceptable. As a result, staff requests that the Agency Board consider adopting a Resolution of Necessity.

The Notice of the hearing on the Resolution of Necessity was mailed on February 24, 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 Resolution of Necessity is attached. As a result of the correspondence dated February 26, 2006, first referenced above, on February 28, 2006, a copy of the Notice was sent to the owner's new co-counsel via First Class Mail, Certified Mail, and facsimile.

The 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 acquisition of property;
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 property located at 2155 Atlantic Avenue, Assessor Parcel Number 7208-030-009, are as follows:

1. Public interest and necessity require the acquisition of property.

The Redevelopment Plan for the Central Project Area was adopted on March 6, 2001. The goals of the Redevelopment Plan include the elimination of blighting influences and the correction of environmental deficiencies, including buildings in which it is unsafe or unhealthy for persons to live or work, obsolete and aged building types and incompatible and uneconomic land uses. The assembly of this site into a parcel suitable for modern, integrated development is consistent with and furthers the goals of the Redevelopment Plan.

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 Central Project Area. Additionally, persons who are owners of real property in the Central Project Area have been given a reasonable opportunity to participate in the redevelopment of the Central Project Area consistent with the objectives of the Redevelopment Plan. Considerable investment has already occurred along the Atlantic Avenue corridor and the current project is intended to support and extend the success of this revitalization.

3. The property sought to be acquired is necessary for the proposed project.

The subject property is integral to the revitalization of the Atlantic Avenue corridor. Additionally, it is in the public interest to acquire the subject property in order to eliminate blighting influences, correct land use deficiencies and remove deteriorated buildings within the Central Project Area. This action will further the goals and objectives of the Redevelopment Plan for the Central Long Beach Redevelopment Project.

4. The offer of just compensation has been made to the property owners.

The subject property was appraised by an independent appraiser, Ron Laurain & Associates, on May 9, 2002, again on March 28, 2003 and updated on September 15, 2005. Offers at fair market value were presented to the owners. The offers were rejected. 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.

REDEVELOPMENT AGENCY BOARD MEMBERS

March 13, 2006

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PATRICK H. WEST
EXECUTIVE DIRECTOR

APPROVED:

PHW:BAK:MPC



GERALD R. MILLER
CITY MANAGER

Attachments: Exhibit A – Site Map
Exhibit B – Photographs of Subject Properties
Resolutions

EXHIBIT A 2155 ATLANTIC

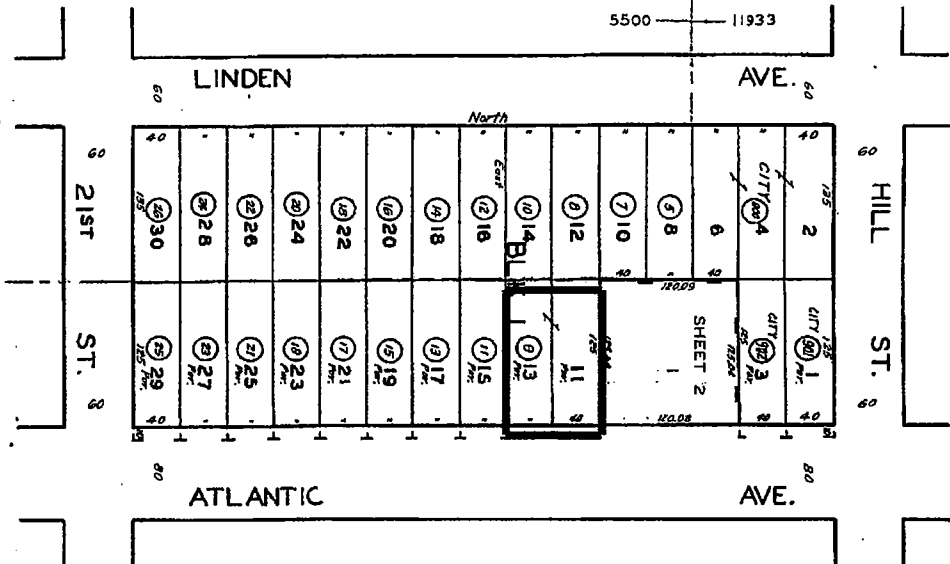
7208
SHEET 30
SCALE 1" = 80'

1994

PERKIN'S TRACT
M.B. 3-26
CONDOMINIUM
TRACT NO. 39390
M.B. 100-40-41

CODE
5500
11933

FOR PREV. ASSMT. SEE: 187-14



REVISED
7-2-69
70021506
521/483-05
575409/06-87
MUTZES

MAR 18 1994
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

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
(2155 ATLANTIC AVENUE) WITHIN THE CENTRAL 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 Central 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: 2155 Atlantic Avenue, Long Beach,
California more particularly described as:

LOTS 11 AND 13 BLOCK 1 OF THE PERKINS TRACT, IN
THE CITY OF LONG BEACH, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA, AS PER MAP
RECORDED IN BOOK 3 PAGE 26 OF MAPS, IN THE
OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

EXCEPT THERE FROM THE EAST 10 FEET CONVEYED
TO THE CITY OF LONG BEACH FOR STREET
PURPOSES BY DEEDS RECORDED IN BOOK 3228 PAGE
208, AND IN BOOK 3274 PAGE 25 OF DEEDS.

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, on this _____ day of _____, 2006.

Executive Director/Secretary

APPROVED:

Chair

HAM:fl
2/8/06
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#06-00644

EXHIBIT A
SITE MAP

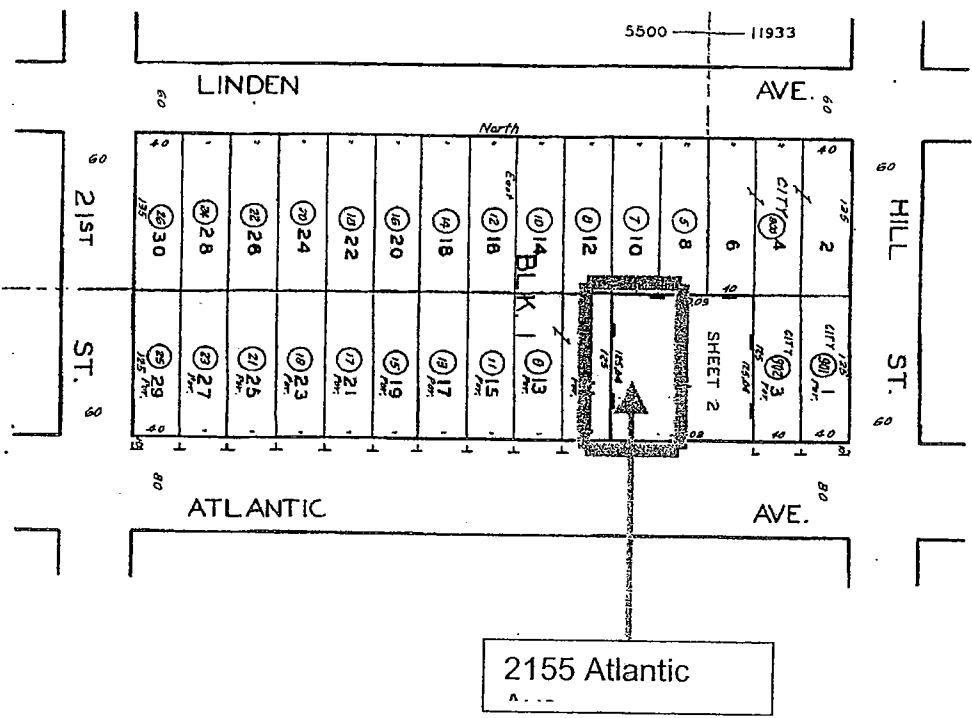
7208 30
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CONDOMINIUM
TRACT NO. 39390
M. B. 1010-40-41

CODE
5500
11933

FOR PREV. ASSMT. SEE: 197-14



2155 Atlantic

REVISED
8/1/83
7208
67208-06-87
10021506
102125

MAR 18 1994
ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

BARRY A. ROSS
ATTORNEY AT LAW

7700 IRVINE CENTER DRIVE
SUITE 710
IRVINE, CALIFORNIA 92618-2929

949-727-0977
FAX 949-727-9927
rossbarry@aol.com

February 2, 2006

Long Beach City Clerk
Plaza Level
City Hall
333 West Ocean Boulevard
Long Beach, CA 90802

Re: *Long Beach Redevelopment Agency v. Pearson*
2085 Atlantic Avenue, Long Beach, California

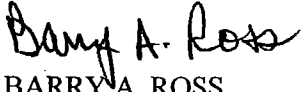
Dear City Clerk:

I represent George A. Pearson, the owner of the property at 2085 Atlantic Avenue, Long Beach, California 90806. This property is subject to the hearing on a resolution of necessity based upon a letter dated January 27, 2006 from Patrick H. West, Executive Director.

On behalf of Mr. Pearson, I wish to appear and be heard in opposition to the adoption of the resolution of necessity.

If you have any questions, please call me.

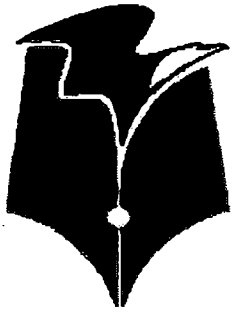
Very truly yours,


BARRY A. ROSS

BAR:es
Enclosures

cc: Michael Conway,
City of Long Beach
Third Floor
City Hall
333 West Ocean Boulevard
Long Beach, CA 90802

Patrick H. West, Executive Director
City of Long Beach
Third Floor
City Hall
333 West Ocean Boulevard
Long Beach, CA 90802



The Claremont Institute

Center for Constitutional Jurisprudence

March 6, 2006


Mr. Larry Herrera, City Clerk
City of Long Beach
Plaza Level, City Hall
333 West Ocean Boulevard, 3rd Floor
Long Beach, CA 90802

Dear Mr. Herrera:

I previously wrote on behalf of my client, Pastor Roem Agustin of the Phillipino Baptist Fellowship Church, to advise you of Pastor Agustin's intent to appear and be heard when Redevelopment Agency Board considers adoption of a Resolution of Necessity authorizing the Agency to acquire by eminent domain the Church's property at 2155 Atlantic Street in the City of Long Beach, California. The hearing was originally scheduled for February 13, 2006, and was subsequently re-scheduled to March 13, 2006.

We received a second notice with the new date, so in an abundance of caution I want to reiterate Pastor Agustin's intent to appear and be heard at the Resolution of Necessity hearing. I plan to appear and be heard on his behalf as well.

Please let me know if you require additional information.

Sincerely,

John C. Eastman, Esq.

cc: Roem Agustin
Joseph G. Davis