



LONG BEACH REDEVELOPMENT AGENCY

333 WEST OCEAN BOULEVARD, THIRD FLOOR • LONG BEACH, CA 90802 • (562) 570-6615 • FAX (562) 570-8215

August 21, 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 1790 Atlantic Avenue, APN 7268-006-020, 021, 022 and 023, including land, improvements, fixtures and equipment. (Central – District 6)

DISCUSSION

The Redevelopment Plan for the Central Long Beach Redevelopment Project Area (Project Area) was adopted on March 6, 2001. 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, small and irregular lots and inadequate or deteriorated public improvements and facilities.
- 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 strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new residential, commercial and industrial expansion, employment and economic growth.

REDEVELOPMENT AGENCY BOARD MEMBERS

August 21, 2006

Page 2

The proposed redevelopment actions contemplated under the Redevelopment Plan include:

- The acquisition of certain real property for the development and construction of residential, commercial and industrial facilities.
- The installation, construction or reconstruction of streets, utilities and other public improvements.
- The demolition or removal of certain buildings and improvements.
- The disposition of property for uses in accordance with the Redevelopment Plan.

The Agency may exercise its power of eminent domain to acquire real property in the Project Area if it is in the public interest, is necessary in order to eliminate blighting influences, and is necessary to implement the goals of the Redevelopment Plan.

Property Information (See Exhibit A – Site Map)

The property located at 1790 Atlantic Avenue is located at the southeast corner at the intersection of Atlantic Avenue and Pacific Coast Highway, immediately adjacent to Polytechnic High School. The site is currently improved with an operating gas station and contains approximately 8,855 square feet of land.

California Environmental Quality Act

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

Resolution of Necessity

An appraisal of land and improvements for the property was prepared by an independent appraiser, Lidgard and Associates, on March 15, 2006.

An offer to purchase the property at 1790 Atlantic Avenue at Fair Market Value pursuant to Government Code Section 7267.2(a), dated March 30, 2006, was submitted to the owner. The Fair Market Value of the land and improvements was \$925,000. The owner rejected the offer, and subsequent negotiations have been unsuccessful.

REDEVELOPMENT AGENCY BOARD MEMBERS

August 21, 2006

Page 3

A notice of the hearing on the Resolution of Necessity was mailed on August 3, 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.

Code of Civil Procedure Section 1245.230 requires 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 real 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.

The project under consideration is the acquisition of land for future installation, construction, or reconstruction of streets, utilities and other public improvements. Recommended findings of the Redevelopment Agency Board as they relate to the acquisition of property located at 1790 Atlantic Avenue is as follows:

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

The Redevelopment Plan for the Central Long Beach Redevelopment Project Area was adopted on March 6, 2001. The goals of the Redevelopment Plan include the acquisition of certain real property to correct inadequate or deteriorated public improvements.

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 Long Beach Redevelopment Project Area. The acquisition of this site will provide an opportunity to design, install and construct street, utility and other public improvements intended to alleviate impeded northbound traffic flow at this congested intersection. This will serve to improve the flow of traffic and reduce congestion, which will increase the quality of life for local residents.

REDEVELOPMENT AGENCY BOARD MEMBERS

August 21, 2006

Page 4

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

The property sought to be acquired is strategically located at an intersection whose level of service needs improvement. The acquisition of this specific property, at the southeast corner of the intersection, will provide the opportunity to design, install and construct street, utility and other public improvements which are intended to alleviate impeded northbound traffic flow.

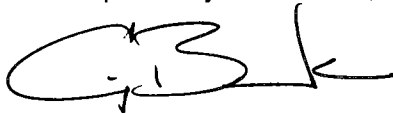
4. The offer of just compensation has been made to the property owners.

The property was appraised by an independent appraiser, Lidgard and Associates on March 15, 2006. An offer at Fair Market Value was presented to the property owner. The property owner has rejected the offer. Due to the refusal of the owner to accept the Agency's offer of just compensation based on Fair Market Value, the property cannot be acquired except by the Agency's exercise of its power of eminent domain.

SUGGESTED ACTION:

Approve recommendation.

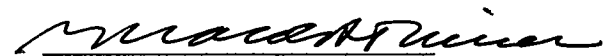
Respectfully submitted,



PHW
PATRICK H. WEST
EXECUTIVE DIRECTOR

PHW:BAK:MPC

APPROVED:



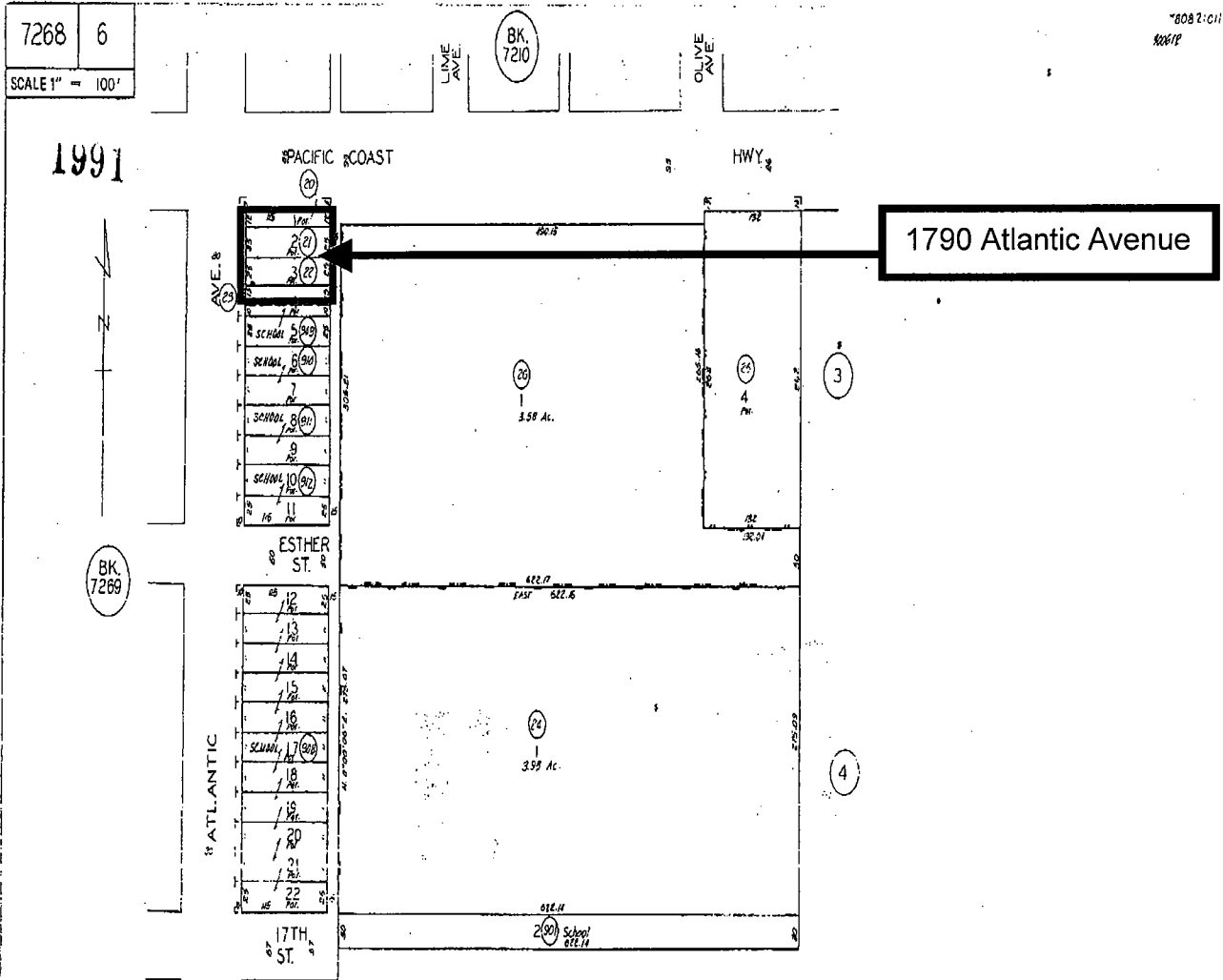
GERALD R. MILLER
CITY MANAGER

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

Exhibit A

County of Los Angeles: Rick Auerbach, Assessor

*8082:011
8881P



7268 6
SCALE 1" = 100'

1991

1790 Atlantic Avenue

BK. 7269

BK. 7210

PARK TRACT M.R. 21-34
CURTIS' SUBDIVISION OF PART OF FARM
LOTS NOS 148 & 159 OF THE AMERICAN
COLONY TR. M.B. 2-27

PARCEL MAP P.M. 59-47

CODE 5523

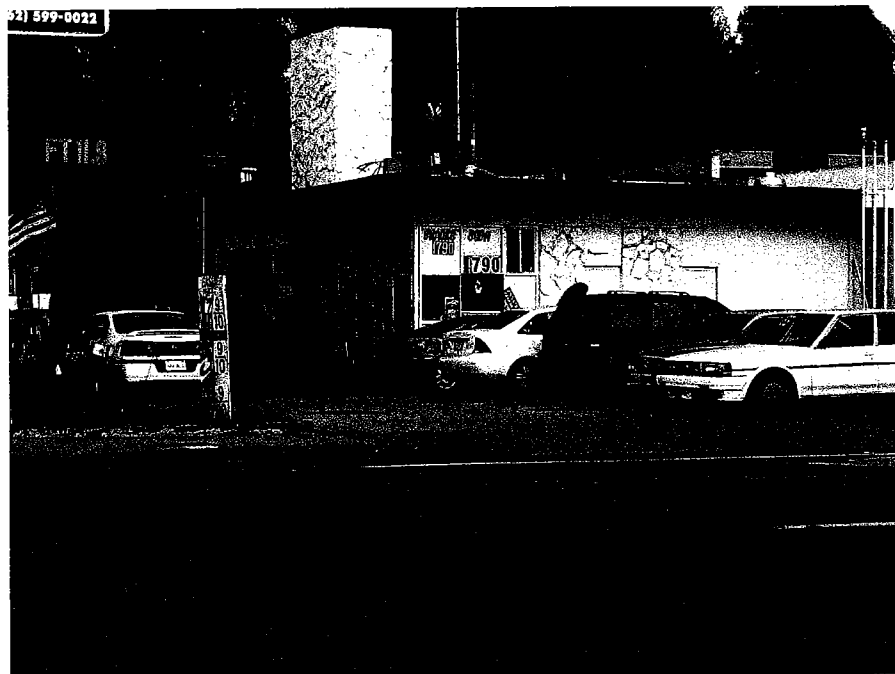
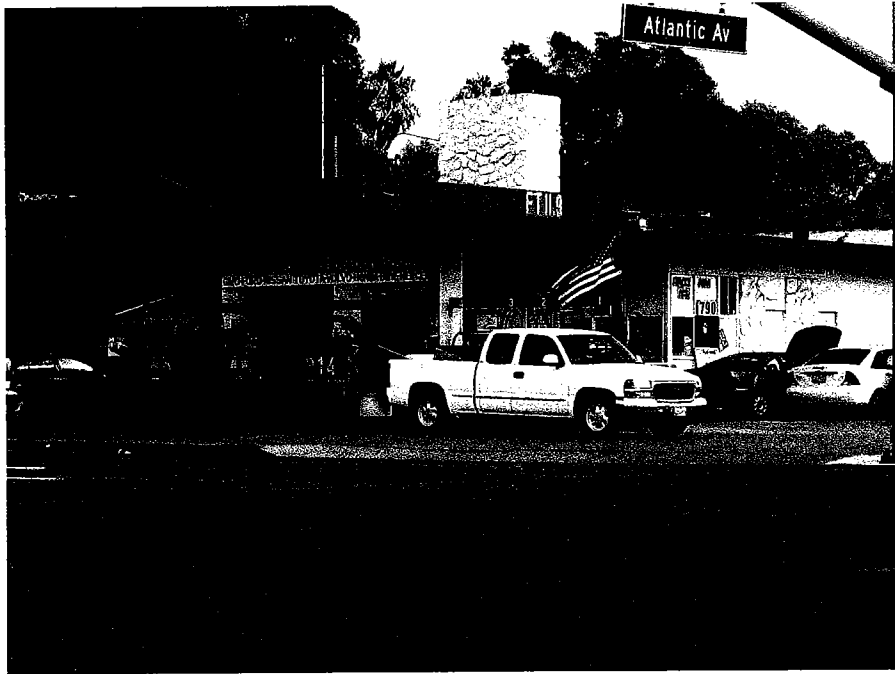
FOR PREV. ASSMT SEE:
7266-6

PARCEL MAP P.M. 92-92-93

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

Exhibit B

1790 Atlantic Avenue



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
(1790 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: 1790 Atlantic Avenue, Long Beach, California more particularly described as:

THE EAST 115 FEET OF LOTS 1, 2, AND 3 AND THE
NORTH 15 FEET OF THE EAST 115 FEET OF LOT 4 OF
PARK TRACT, IN THE CITY OF LONG BEACH, COUNTY
OF LOS ANGELES, STATE OF CALIFORNIA, AS PER
MAP RECORDED IN BOOK 21, PAGE 34, OF

MISCELLANEOUS RECORDS, 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 the design, installation and construction of street, utility and other public improvements for the alleviation of northbound traffic congestion and the improvement of traffic flow at the congested intersection 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 public 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

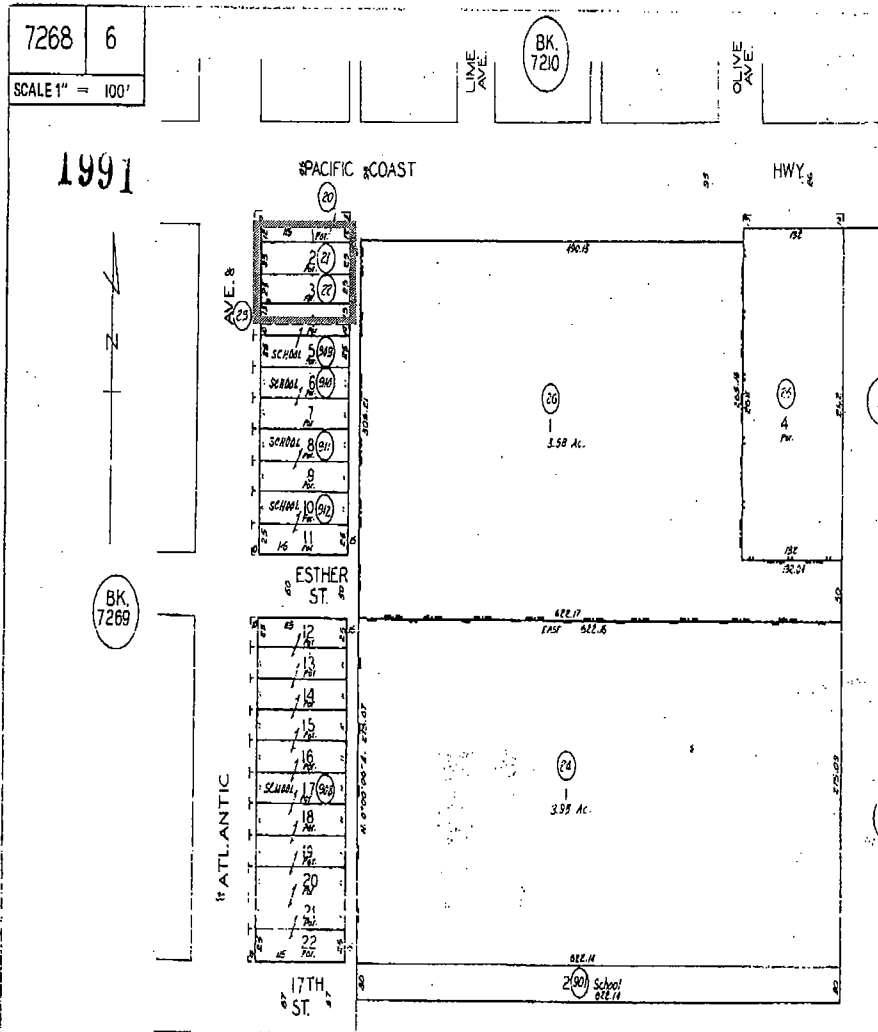
APPROVED:

Chair

HAM:fl
8/2/06
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#06-03815

Exhibit A

County of Los Angeles: Rick Auerbach, Assessor



8082:CH
106/17

CODE
5523

PARK TRACT M.R. 21-34
CURTIS' SUBDIVISION OF PART OF FARM
LOTS NOS 148 & 159 OF THE AMERICAN
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PARCEL MAP F.M. 59-47
PARCEL MAP P.M. 92-92-93

FOR PREV. ASSMT SEE:
7269 - 6

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