LONG BEACH REDEVELOPMENT AGENCY

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

June 4, 2007

REDEVELOPMENT AGENCY BOARD MEMBERS
City of Long Beach
California

RECOMMENDATION:

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 602 W. Anaheim Street, Assessor Parcel Number 7271-019-011. (Central – District 1)

DISCUSSION

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

- The elimination of blighting influences and the correction of environmental deficiencies in the Project Area, including, small and irregular lots, shifting uses or vacancies, incompatible and uneconomic land uses, substandard alleys, and inadequate or deteriorated public improvements, facilities and utilities.
- The provision of adequate land for parking and open spaces.

The property located at 602 W. Anaheim Street (Site) is a vacant corner lot of approximately 2,120 square feet (Exhibit A). The Site is zoned CCA, Community Commercial, Automobile-Oriented. The Site's small lot size and configuration makes commercial development improbable due to set backs, off street parking, and landscaping requirements. As a result, the Site will likely not be developed unless assembled with adjoining property. Acquisition and assembly of the lot with adjoining parkland would expand open space in the project area and be a benefit to the surrounding community.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to the California Environmental Quality Act (CEQA), the acquisition of the Site is categorically exempt pursuant to the 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 Site will be subject to a separate environmental review process under CEQA.

RESOLUTION OF NECESSITY

An appraisal of the Site was prepared by an independent appraiser, Lidgard and Associates, Inc., on November 24, 2006. An offer to purchase the Site at fair market value pursuant to Government Code section 7267.2(a), dated December 29, 2006, was submitted to the owner of the property. The fair market value of the Site was $37,000. The owner rejected the offer. Negotiations have continued without success. The timely acquisition of the Site will not be possible without the use of the Agency's power of eminent domain.

Notices of the Hearing on the Resolution of Necessity were mailed on May 18, 2007, by certified mail; return receipt requested, and U.S. mail to the owner of record. Said owner was notified that if he wishes to appear at the hearing and be heard, he must file a written request to appear with the City Clerk fifteen (15) days from the date the notice was mailed. The Resolution of Necessity is 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 a manner that will be most compatible with the greatest public good and 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 as they relate to the acquisition of the Site at 602 W. Anaheim Street, Assessor Parcel Number 7271-019-011, including land and improvements are as follows:

1. Public interest and necessity require the proposed project.

   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 elimination of blighting influences and the correction of environmental deficiencies, including small and irregular lots, and the provision of adequate land for parking and open space. Due to the small size and unusual configuration of the Site, commercial development is unlikely without assembly with adjoining property. Assembling the Site with the adjoining open space will serve the community and achieve the goals of the Redevelopment Plan.

2. Whether the proposed project is planned or located in a manner that will be most compatible with the greatest public good and 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. Acquisition and assembly of the Site with the adjoining open space will enhance a community asset and eliminate a blighting influence related to vacant, small, and irregular lots. The lot size and configuration makes commercial development improbable due to set back, off street parking, and landscaping requirements.

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

   Acquisition and future assembly of the Site will expand open space in the Project Area. Additionally, it is in the public interest to acquire the subject property for the elimination of blighting influences and the correction of environmental deficiencies, including small and irregular lots, and the provision of adequate land for open spaces.

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

   The Site was appraised by an independent appraiser, Lidgard and Associates, Inc., on November 24, 2006. An offer of just compensation, dated December 29, 2006, was submitted to the owner of record. The owner has rejected the offer. Due to the refusal of the owner to accept the Agency's offer of just compensation based on the fair market value, the Site 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

PHW:CB:MPC:TEP:tp

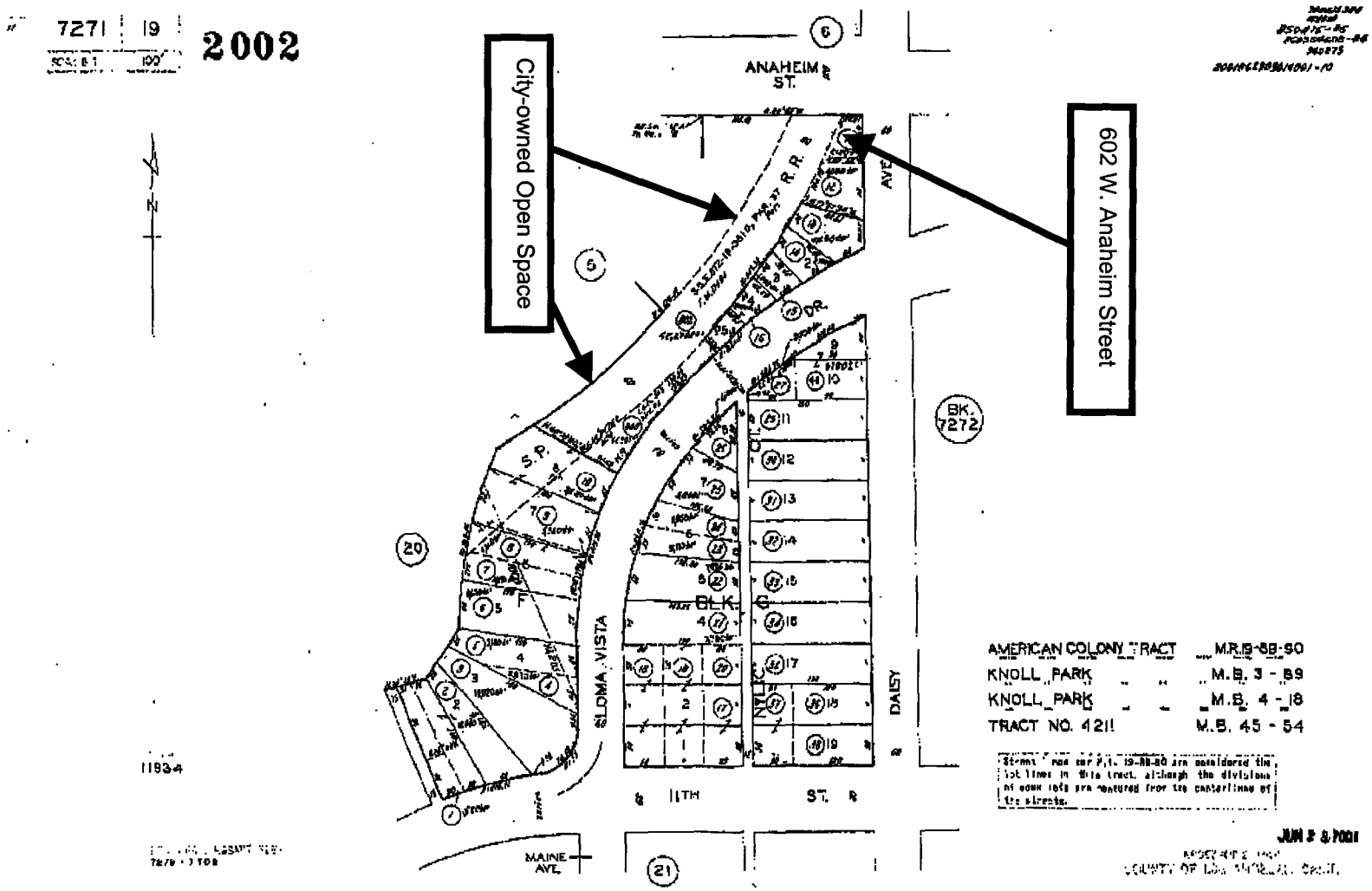
APPROVED:

for GERALD R. MILLER
CITY MANAGER

Attachments: Exhibit A – Site Map
Resolution

R:\RDA Board\RDA Board Meetings\2007\June 4\602 W. Anaheim Stf Rpt v2.doc

EXHIBIT A


7271 | 19
2002
City-owned Open Space
602 W. Anaheim Street
ANAHEIM ST.
S.P. R.R.
SLOMA VISTA
DAISY
11TH ST.
MAINE AVE.
BLK. 4
BLK. 3
BK. 7272
AMERICAN COLONY TRACT M.R. 19-88-90
KNOLL PARK M.B. 3 - 89
KNOLL PARK M.B. 4 - 18
TRACT NO. 4211 M.B. 45 - 54
JUN 2 8 2001

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 (602 WEST ANAHEIM STREET) 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 602 West Anaheim Street, Long Beach, California more particularly described as:

THAT PORTION OF RANCHO LOS CERRITOS, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF ANAHEIM STREET, 80 FEET WIDE, WITH THE WEST LINE OF DAISY AVENUE, 60 FEET WIDE, THENCE SOUTH ALONG THE WEST LINE OF DAISY AVENUE, 58 FEET; THENCE WEST PARALLEL TO THE SOUTH LINE OF ANAHEIM STREET, 51.83 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE EASTERLY LINE OF THE 60 FOOT STRIP OF LAND CONVEYED TO THE PACIFIC

ELECTRIC RAILROAD COMPANY, BY DEED RECORDED IN BOOK 5017 PAGE 16 OF DEEDS; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID STRIP 64.39 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE SOUTHERLY LINE OF ANAHEIM STREET, THENCE ALONG THE SOUTH LINE OF ANAHEIM STREET, 23.90 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

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.

Section 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).

Section 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.

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

Section 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).

Section 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.

Section 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 _____, 2007

_____
Executive Director/Secretary

APPROVED:

_____
Chair

HAM:fl
5/21/2007
#07-02489

00104720.DOC

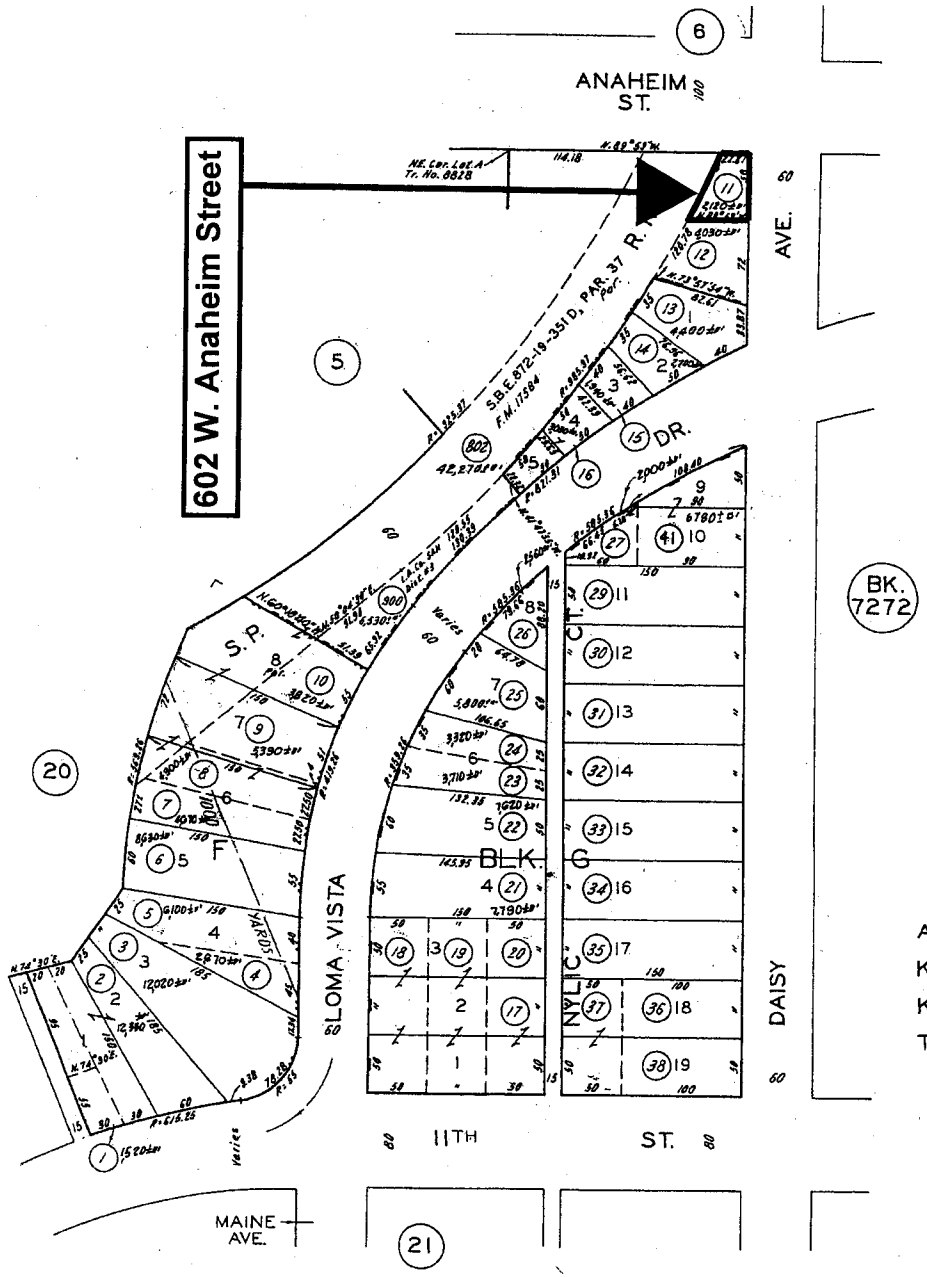
7271 | 19

SCALE 1" = 100'

2002

820130
850415-85
860324603-86
940225
20010629090140001-10

EXHIBIT "A"



AMERICAN COLONY TRACT	M.R. 19-89-90
KNOLL PARK	M.B. 3 - 89
KNOLL PARK	M.B. 4 - 18
TRACT NO. 4211	M.B. 45 - 54

Street lines per M.R. 19-89-90 are considered the lot lines in this tract, although the divisions of some lots are measured from the centerlines of the streets.

CODE
11934

FOR PREV. ASSM'T SEE:
7279 - 7 TO 9

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

EXHIBIT "A"