

RESOLUTION NO. R.A. 17-2010

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  
(100 EAST OCEAN BOULEVARD) WITHIN THE  
DOWNTOWN 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 Downtown 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 100 East Ocean Boulevard, Long Beach, California more particularly described as:

PARCEL 1:

LOT "A" OF TRACT NO. 604, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15 PAGE 96 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THERE FROM ALL OIL, GAS AND OTHER MINERALS, AS RESERVED BY HERMAN HERTZ AND MOLLIE HERTZ IN A DEED RECORDED JULY 8, 1975 AS INSTRUMENT NO. 2495.

THE SURFACE, RIGHTS OF SURFACE ENTRY, AND THAT PORTION OF THE SUBSURFACE ABOVE A DEPTH OF 500 FEET BELOW THE SURFACE, INCLUDING ANY AND ALL RIGHTS OF PENETRATION INTO SAID SUBSURFACE, INCLUDING

THE INSTALLATION OF ANY AND ALL PIPE LINES FOR WHATEVER PURPOSE OF LOT "A" AS SHOWN ON THE MAP OF TRACT NO. 604, RECORDED IN BOOK 15, PAGE 96 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WERE QUITCLAIMED TO JERGENS COURT ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP BY HERMAN HERTZ AND MOLLIE HERTZ BY DEED RECORDED OCTOBER 17, 1983 AS INSTRUMENT NO. 83-1224774.

EXCEPT THERE FROM TO HERMAN HERTZ AND MOLLIE HERTZ AND THEIR ASSIGNEES ALL OIL, MINERAL, GAS AND OTHER HYDROCARBON SUBSTANCES BELOW A DEPTH OF 500 FEET, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED IN SAID QUITCLAIM DEED.

PARCEL 2:

THAT PORTION OF SEASIDE WAY, VACATED BY RESOLUTION NO. C-23085 OF THE CITY OF LONG BEACH, A CERTIFIED COPY THEREOF BEING RECORDED ON JANUARY 19, 1981 AS INSTRUMENT NO. 81-62531 OF SAID COUNTY, AS SHOWN ON MAP OF BLOCK L OCEAN PIER TRACT, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED IN BOOK 5 PAGE 135 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT "A" OF TRACT NO. 604, RECORDED IN BOOK 15 PAGE 96 OF MAPS OF SAID COUNTY, THENCE SOUTH 62.46 FEET, THENCE SOUTH 45 DEGREES EAST 14.14 FEET, TO THE SOUTHERLY LINE OF SAID VACATION THENCE EAST ALONG SAID SOUTHERLY LINE TO THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT "A", THENCE NORTHERLY ALONG SAID PROLONGATION 62.69 FEET TO THE SOUTHEAST CORNER OF SAID LOT "A", THENCE WESTERLY ALONG THE SOUTHERLY BOUNDARY LINE OF SAID LOT "A" TO THE POINT OF BEGINNING.

EXCEPT THERE FROM ALL OIL, GAS, HYDROCARBON SUBSTANCES AND ALL OTHER MINERALS BELOW A PLANE 200 FEET BENEATH THE SURFACE OF SAID LAND, BUT WITHOUT RIGHT OF SURFACE ENTRY.

PARCEL 3:

THAT PORTION OF THE EASTERLY 40 FEET OF PINE AVENUE (80 FEET WIDE) AS SHOWN ON THE OCEAN FRONT TRACT, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 39 PAGES 18 TO 33 INCLUSIVE OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND ALSO THE WESTERLY 20 FEET OF LOT 1 AS SHOWN ON THE MAP OF BLOCK L OCEAN PIER TRACT, IN SAID CITY, COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 5 PAGE 135 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND ALSO THAT PORTION OF SEASIDE WAY (FORMERLY SEASIDE BOULEVARD) AS SHOWN ON SAID MAP OF BLOCK L OCEAN PIER TRACT, BOUNDED AND DESCRIBED AS FOLLOWS:

ON THE NORTH BY THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF LOT A OF TRACT NO. 604, IN SAID CITY, COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 15 PAGE 96 OF MAPS, IN SAID RECORDER'S OFFICE; ON THE SOUTH BY THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF THAT PORTION OF SEASIDE WAY AS VACATED BY DOCUMENT RECORDED JANUARY 19, 1981 AS INSTRUMENT NO. 81-62531; ON THE EAST BY THE

WESTERLY LINE OF SAID LOT A AND THE WESTERLY LINE OF SAID VACATED SEASIDE WAY; AND ON THE WEST BY THE WESTERLY LINE, AND ITS SOUTHERLY PROLONGATION, OF THE EASTERLY 40 FEET OF SAID PINE AVENUE AS SHOWN ON SAID OCEAN FRONT TRACT.  
APN: 7278-007-048

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

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, FINDS, DETERMINES, DECLARES AND 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, including, but not limited to, land assembly for future development.

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. 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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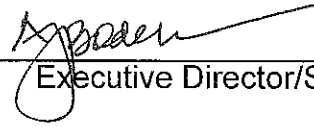
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APPROVED AND ADOPTED by the Redevelopment Agency of the City of  
Long Beach, California, on this 15th day of November, 2010.



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Executive Director/Secretary

APPROVED:

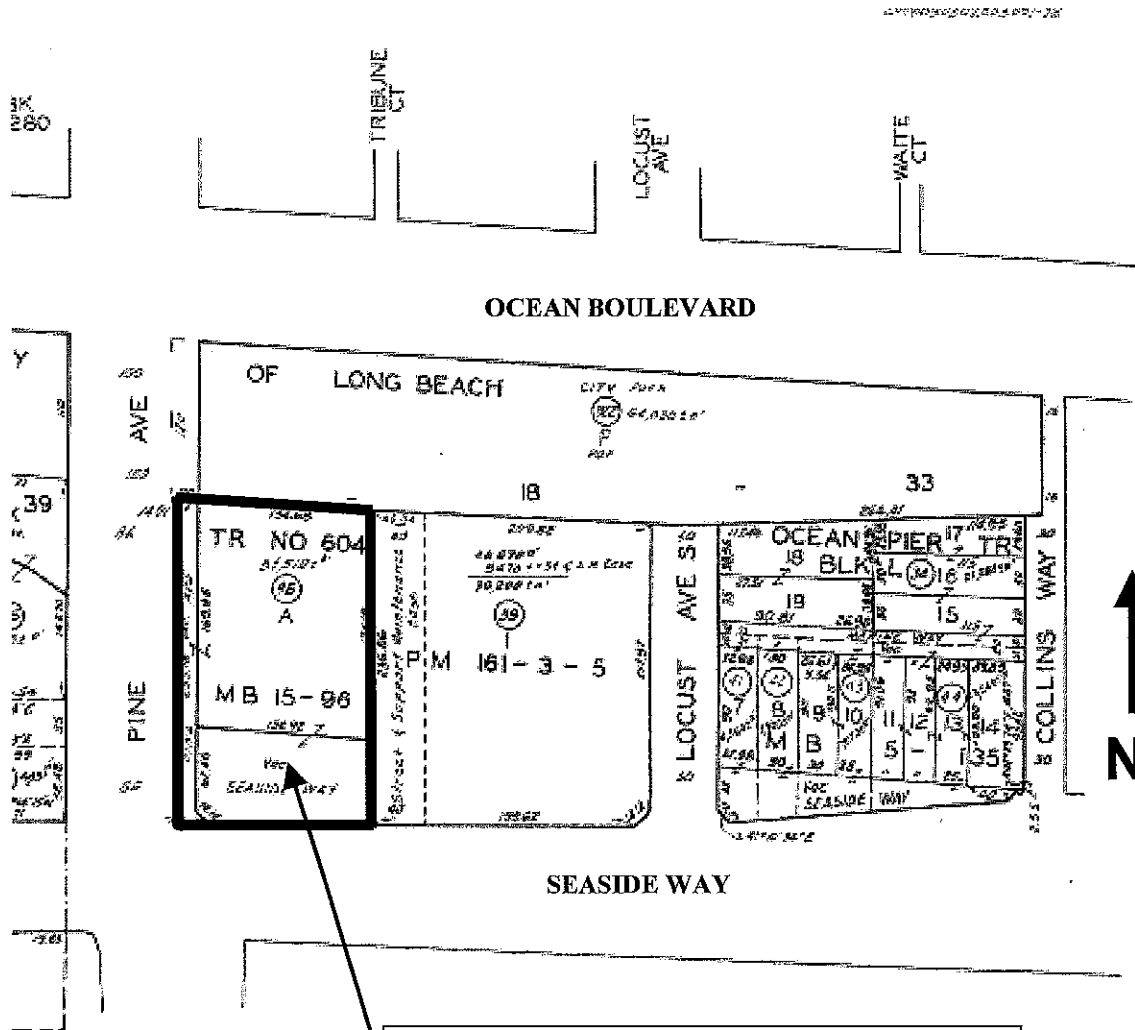


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Chair

EXHIBIT "A"

SITE PLAN



Address: 100 East Ocean Boulevard  
Owner: 100 East Ocean Holdings LLC  
Assessor Parcel Number: 7278-007-048