

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF NECESSITY OF THE CITY OF PASADENA  
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY  
FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION  
THEREOF, FOR HISTORIC PRESERVATION PURPOSES**

**WHEREAS, THE CITY OF PASADENA DOES HEREBY RESOLVE, FIND,  
DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The City of Pasadena ("City") is a public body, corporate and politic, in the County of Los Angeles, State of California.

**SECTION 2.** The real property described in Section 3 of this Resolution is to be taken for a public use, namely for historic preservation purposes, and all purposes necessary and convenient thereto. The real property sought to be acquired is located at 78 North Marengo Avenue (Assessor's Parcel Numbers 5723-026-028 and 029), (referred to below as "Subject Property") for historic preservation purposes ("proposed Project"). The City has the authority to acquire the property interests for the proposed Project pursuant to the authority conferred upon the City to acquire real by property eminent domain by California Constitution, Article I, Section 19, California Government Code Sections 37350, 37350.5, 37351, 37361, 40401, and 40404, California Code of Civil Procedure Section 1230.010 *et seq.* (Eminent Domain Law), including, but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.510, 1240.610, 1240.650, 1245.250, and other provisions of law.

**SECTION 3.** The City seeks to acquire the following property interests from the Subject Property:

The acquisition of the fee simple interest in the real property located at 78 North Marengo Avenue (Assessor's Parcel Numbers 5723-026-028 and 029) for historic preservation, and all uses necessary or convenient thereto.

The fee simple interest is legally described in Exhibit "A" and depicted in Exhibit "B" to the Resolution of Necessity. Said exhibits are attached hereto and incorporated herein by this reference. The aforementioned property interests will be referred to as Subject Property Interests.

**SECTION 4.** The Project involves the acquisition of the Subject Property Interests for historic preservation purposes.

The City's primary goal for the Subject Property is to preserve its historic integrity. In order to do so, the City must acquire the fee simple interest in the property. The entire site requires some level of rehabilitation and restoration work in order to adequately preserve the historic features of the Subject Property. The acquisition of the Subject Property would serve as a catalyst for the rehabilitation of the entire city block. Further, the proposed acquisition would enhance the opportunity to restore the Subject Property to a useful structure, while maintaining the historic integrity of the building.

The Subject Property is commonly known as the former YWCA building. In 1976 the City Council designated the Subject Property as a landmark and in 1980 it was listed in the National Register of Historic Places as a contributing building within the Civic Center Historic

District. The YWCA building, built in 1922, is also one of eleven historic monuments (a higher category of landmark) located in the City of Pasadena. The building on the Subject Property is considered historically significant in part because it was designed by architect Julia Morgan. Ms. Morgan was California's first woman architect and designed many high-profile properties. The Subject Property has been vacant for at least the past 20 years. The Subject Property has been allowed to fall into a significant state of disrepair, thus placing this historically significant building at risk.

The Project meets the City's goals of preserving historically significant buildings. The Central District Specific Plan provides that some of Pasadena's most significant architectural treasures are found within the Civic Center/Midtown area. The City is actively attempting to realize the 1920's "City Beautiful" vision by preserving historically significant buildings. The Subject Property is significant to the region as a contributing element in the City's Civic Center, as it is a "nationally significant example of civic art in the 'City Beautiful' style of the 1920's."

**SECTION 5.** The acquisition of the site is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15331 – Historical Resource Restoration/Rehabilitation. The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. The Project is within the city limits on a project site of 1.194 acres. The Project site has no value as habitat for endangered, rare or threatened species. Approval of the Project would not result in any significant effects relating to traffic, noise, air quality or water quality. Finally, the Project site can be adequately served by all required utilities and public services. A Notice of Exemption (NOE) was prepared and will be filed with the Los Angeles County Clerk's Office on April 13, 2010.

**SECTION 6.** Pursuant to California Government Code Section 7262 *et seq.*, the City obtained a fair market value appraisal of the Subject Property Interests that used a date of value of July 14, 2009. The City Council set just compensation in accordance with the appraised fair market value, and in October 2009 extended a written offer to the owner of record to purchase the Subject Property Interests pursuant to Government Code Section 7267.2. The City's offer letter included an informational pamphlet describing the eminent domain process and the owner's rights. The City further offered to pay the property owner the reasonable costs, up to \$5,000.00, for an independent appraisal of the Subject Property Interest pursuant to Code of Civil Procedure Section 1263.025.

**SECTION 7.** On March 15, 2010 the City provided written notice to the record owner of the City Council's intent to consider the adoption of the proposed Resolution of Necessity at its April 12, 2010 meeting as required by Code of Civil Procedure Section 1245.235.

**SECTION 8.** The City Council of the City of Pasadena hereby finds and determines that:

- A. The public interest and necessity require the proposed Project;
- B. The proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- C. The property interests described in Exhibit "A " hereto and depicted on Exhibit "B" hereto are necessary for the proposed Project; and

D. The City made the offer required by section 7267.2 of the Government Code to the owner of record.

**SECTION 9.** The findings and declarations contained in this Resolution are based upon the record before the City Council on April 12, 2010, including the Agenda Report dated April 12, 2010 and all documents referenced therein, all of which are incorporated herein by this reference. These documents include the Notice of Exemption, the General Plan, and all the file documents relating to the Project. The findings and declarations in this Resolution are also based upon any testimony, records and documents produced at the hearing, all of which are incorporated herein by this reference.

**SECTION 10.** The City Council of the City of Pasadena hereby authorizes and directs the law firm of Richards, Watson & Gershon, to take all steps necessary to commence and prosecute legal proceedings in a court of competent jurisdiction to acquire by eminent domain the Subject Property Interests legally described in Exhibit "A" and depicted on Exhibit "B" to this Resolution.

**SECTION 11.** The City Council of the City of Pasadena hereby authorizes the City Manager to execute all necessary documents in connection with the eminent domain proceeding.

**SECTION 12.** This Resolution shall take effect upon adoption.

PASSED, APPROVED, AND ADOPTED on this the 12th day of April, 2010 by the following vote:

AYES:

NOES:

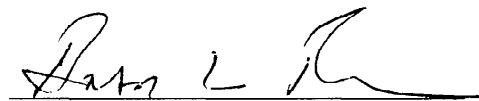
ABSENT:

ABSTAIN:

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Mark Jomsky, City Clerk

Approved as to form:



Brad L. Fuller  
Assistant City Attorney

## EXHIBIT "A"

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel 1:

Lots 1, 2 and 3 of Wallace Brother's Subdivision, in the City of Pasadena, County of Los Angeles, State of California, as per map recorded in Book 23, Page 3, of Miscellaneous Records, in the Office of the County Recorder of said County.

Except the Southerly 13.28 feet of said Lots 1 and 3.

Also except those portions of said Lots 1 and 2 described as a whole as follows:

Beginning at the intersection of the Westerly line of Lot 9, in Block "C" of the San Pasqual Tract, in the City of Pasadena, County of Los Angeles, State of California, as per map recorded in Book 3, Page 315, of Miscellaneous Records, in said office of the County Recorder, with the Northerly line of the Southerly 67 feet of the Northerly 198 feet of said Lot 9; thence South  $0^{\circ} 31' 49''$  East along said Westerly line a distance of 173.72 feet to the Northerly line of the Southerly 13.28 feet of said Lot 1; thence North  $89^{\circ} 28' 01''$  East along said last mentioned Northerly line 20 feet to the beginning of a tangent curve concave Northeasterly, having a radius of 15 feet; thence Northwesterly along said curve through a central angle of  $92^{\circ} 23' 21''$  an arc distance of 24.19 feet; thence a tangent to said curve North  $1^{\circ} 51' 22''$  East, 158.25 feet to the hereinbefore mentioned Northerly line of the Southerly 67 feet of the Northerly 198 feet of said Lot 9; thence South  $89^{\circ} 19' 02''$  West along said last mentioned Northerly line 11.60 feet to the point of beginning.

Parcel 2:

That portion of that certain alley, 15 feet in width, as shown on the map of Wallace Brother's Subdivision, in the City of Pasadena, County of Los Angeles, State of California, recorded in Book 23, Page 3 of Miscellaneous Records, in the Office of the County Recorder of said County, vacated by Ordinance No. 1936 of the Board of Directors of said City, a copy of which was recorded August 28, 1987, as Instrument No. 87-1389278, Official Records, in said office of the County Recorder.

Parcel 3:

The Southerly 67 feet of the Northerly 198 feet of the Westerly 300 feet of Lot 9 in Block "C" of the San Pasqual Tract, in the City of Pasadena, County of Los Angeles, State of California, as per map recorded in Book 3, Page 315, of Miscellaneous Records, in the Office of the County Recorder of said County.

Except that portion described as follows:

Beginning at the intersection of the Westerly line of said Lot 9, with the Northerly line of the Southerly 67 feet of the Northerly 198 feet of said Lot 9; thence South  $0^{\circ} 31' 49''$  East along said Westerly line a distance of 173.72 feet to the Northerly line of the Southerly 13.28 feet of Lot 1 of Wallace Brother's Subdivision, in the City of Pasadena, County of Los Angeles, State of California, as per map recorded in Book 23, Page 3, of Miscellaneous Records, in said office of the County Recorder; thence North  $89^{\circ} 28' 01''$  East along said last mentioned Northerly line 20 feet to the beginning of a tangent curve concave Northeasterly, having a radius of 15 feet; thence Northwesterly along said curve through a central angle of  $92^{\circ} 23' 21''$  an arc distance of 24.19 feet; thence on a tangent to said curve North  $1^{\circ} 51' 22''$  East, 158.25 feet to the hereinbefore mentioned Northerly line of the Southerly 67 feet of the Northerly 198 feet of said Lot 9; thence South  $89^{\circ} 19' 02''$  West along said last mentioned Northerly line 11.60 feet to the point of beginning.

Parcel 4:

The Northerly 106.72 feet of the Westerly 25 feet of Lot 4, the Easterly half of Lot 4 and all of Lot 5 in the Wallace Brother's Subdivision, in the City of Pasadena, County of Los Angeles, State of California, as per map recorded in Book 23, Page 3, of Miscellaneous Records, in the Office of the County Recorder of said County.

Except from said Easterly half of Lot 4, the Southerly 13.28 feet.

Assessor's Parcel Number: **5723-026-028; 5723-026-029**

