

Agenda Report

TO: CITY COUNCIL

June 2, 2003

FROM: City Manager

SUBJECT: Condemnation of Right-of-Way for Public Alley, Gladys Court
East Side Storm Drain - Belvidere Street to Mountain Street

RECOMMENDATION:

It is recommended that the City adopt a Resolution of Necessity by at least a six-eighths vote (Section 1245.240 of the Code of Civil Procedure requires a two-thirds vote) that will:

- (1) Establish the necessity for the acquisition of "Lot A" of Tract No. 265 for the purpose of covering a portion of the East Side Storm Drain channel and creating a public alley, Gladys Court.
- (2) Direct the City Attorney to commence eminent domain proceedings for said property, and to take such action as needed to secure fee title to said property for the City.
- (3) Direct the City Attorney to commence proceedings for taking immediate possession and use of said property and to take action as needed to secure for the City said possession and use.

BACKGROUND:

The Capital Improvement Project for the East Side Storm Drain was approved by the City Council in June 1990 to address citizens' complaints about law enforcement and maintenance concerns. Under this phase of the project (Phase IIG), the existing drainage channel will be covered between Belvidere Street and Mountain Street, and a public alley will be created to improve access to the side or rear of five adjacent lots along the west side of the channel. Prior to constructing said public alley, the City must secure fee title to "Lot A" of Tract No. 265 as per Map recorded in Book 14, Page 32 of maps in the Office of the Recorder of Los Angeles County.

MEETING OF 06/02/2003

AGENDA ITEM NO. 6.A. (8:00 P.M.)

The present owner of "Lot A," however, is not known. Information maintained by the Los Angeles County Recorder indicates that the record title to "Lot A" is vested with the heirs or devisees of the subdividers of Tract No. 265; to wit, Frank C. Platt Investment Co., Frank C. Platt, President, and Ida Grace Platt, Secretary; Fannie M. Brent; W.O. Brent; George W. Braden; Florence Braden; and Jacob F. Mahler.

In an effort to ascertain ownership of the subject parcel, the City published a Public Notice in the Pasadena Star News from September 2, 2002 through September 13, 2002, and provided for a 45-day claim period. Since the City received no claims indicating that anyone has an interest, or believed that they may have an interest in "Lot A" of Tract No. 265, the City could not make a direct written offer to purchase said property.

On March 24, 2003, the City Council of the City of Pasadena set a public hearing date of June 2, 2003, to consider the adoption of a resolution authorizing the condemnation of said property.

The City published a Public Notice in the Pasadena Star News from April 14, 2003 through April 25, 2003, allowing 45 days prior notice from the start of publication to the date of the hearing of its intention to adopt this resolution to acquire the subject property by eminent domain, and authorizing the condemnation of said parcel. The public notice advised that interested parties shall have the right to appear and be heard on the matters cited in Section 1240-030 of the Code of Civil Procedure, and further advised that a written request to appear and be heard must be filed within 15 days of the publication of said notice.

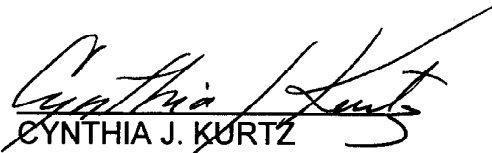
A public hearing will be held before the City Council tonight, prior to the City Council considering the adoption of a resolution authorizing the condemnation of "Lot A" of Tract No. 265. This parcel is required to cover a portion of the East Side Storm Drain channel in order to construct a public alley, Gladys Court, from Belvidere Street to about 233 feet south, and to subdivide the southerly 50 feet of Lot A for sale to the owners of the abutting lots at 1015 Palm Terrace and 1016 North El Molino Avenue as part of a project that will cover the East Side Storm Drain between Belvidere Street and Mountain Street.

The City has retained the law offices of Gutierrez, Preciado & House, LLP to file the eminent domain action following the adoption of the Resolution of Necessity.

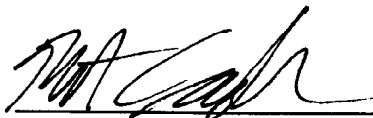
FISCAL IMPACT:

Sufficient funding is available for the acquisition of the subject parcel in Budget Account No. 76325, East Side Storm Drain Improvements, Belvidere Street to Mountain Street.

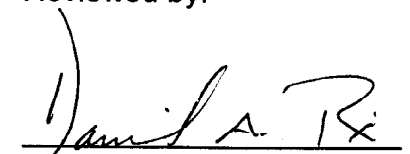
Respectfully Submitted,


CYNTHIA J. KURTZ
City Manager

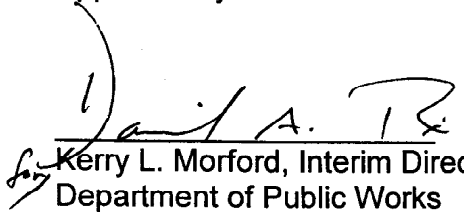
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Approved by:


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