

1 RESOLUTION NO. 2016-R____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 CULVER CITY, CALIFORNIA, DECLARING ITS
5 INTENTION TO ACQUIRE THE LEASE-HOLD INTEREST
6 IN THE PROPERTY LOCATED AT 8926 VENICE
7 BOULEVARD, IN THE CITY OF CULVER CITY, COUNTY OF
8 LOS ANGELES, FOR PUBLIC PARKING AND OPEN
9 SPACE PURPOSES AND ALL PURPOSES NECESSARY
10 AND CONVENIENT THERETO, PURSUANT TO CODE OF
11 CIVIL PROCEDURE SECTION 1245.330.

12
13 WHEREAS, the property identified as Los Angeles County Assessor Parcel
14 Number 4312-014-052, City of Los Angeles, County of Los Angeles, California, and more
15 particularly described on, and shown on the respective maps attached to, Exhibit "A" attached
16 hereto and incorporated herein by this reference (Subject Property), has been acquired for a
17 public use, namely, public parking and open space purposes and all purposes necessary
18 and convenient thereto (Proposed Project); and;

19
20 WHEREAS, the City is authorized to acquire the lease-hold interest in the
21 Subject Property by eminent domain pursuant to Article I, Section 19 of the California
22 Constitution, Streets and Highways Code Sections 5100 et seq. and 10102, Code of Civil
23 Procedure Sections 1230.010 et seq. (the California Eminent Domain Law), including but not
24 limited to Sections 1240.010, 1240.020, 1240.030, 1240.110 and 1240.120, 1245.330 and
25 other provisions of the law; and

26
27 WHEREAS, the City has made every reasonable effort to acquire the lease-
28 hold interest in the Subject Property;

29
30 WHEREAS, written notice was given to the affected tenant of the Subject
31 Property in accordance with Code of Civil Procedure Section 1245.235 of the date, time and
32 place where the matters addressed herein would be heard and considered by the City
33 Council; and

1 **WHEREAS**, on June 13, 2016, the City Council held a duly noticed hearing
2 pursuant to the terms of Code of Civil Procedure Section 1245.235, and all interested parties
3 were given an opportunity to be heard. The hearing was concluded prior to the adoption of
4 this Resolution; and

5 **WHEREAS**, the City has complied with all legal prerequisites and statutory
6 requirements to exercise the power of eminent domain to acquire the lease-hold interest in
7 the Subject Property prior to the adoption of this Resolution.

8 **NOW, THEREFORE**, the City Council of the City of Culver City DOES HEREBY
9 RESOLVE, as follows:

10 **SECTION 1.** In all respects as set forth in the above recitals of this Resolution,
11 the City Council hereby declares its intention to acquire the lease-hold interest in the Subject
12 Property in the name of the City of Culver City in accordance with the provisions of the laws
13 of the State of California governing condemnation procedures;

14 **SECTION 2.** That the lease-hold interest in the Subject Property, which is
15 required for the purposes referenced herein, is situated in the County of Los Angeles, State
16 of California, and are more specifically outlined in the legal descriptions and maps attached
17 hereto as Exhibit "A" and incorporated herein by this reference;

18 **SECTION 3.** On the basis of the information contained in the Agenda Item
19 Report to the City Council dated June 23, 2016 which is incorporated herein by this reference,
20 and all other evidence and testimony presented to the City Council either prior to or on this
21 date, the City Council of the City of Culver City declares by a vote of at least two-thirds of its
22 members that it has found and determined each of the following:

23
24 A. The public interest and necessity require the Proposed Project; and the
25 Proposed Project is planned or located in the manner that will be most
 compatible with the greatest public good and the least private injury; and

26 B. The Subject Property is necessary for the Proposed Project; and
27
28

1 C. The just compensation offer required by Government Code Section
2 7267.2 has been made to the business owner of the lease-hold interest
3 in the Subject Property; and

4 D. All the conditions and statutory requirements to exercise the power of
5 eminent domain to acquire the lease-hold interest in the Subject
6 Property have been complied with by the City of Culver City.

7 **SECTION 4.** As to any portion of the Subject Property that is currently
8 appropriated to a use, the use for which the Subject Property is taken is a more necessary
9 public use than the use to which the Subject Property is presently appropriated. The City of
10 Culver City is empowered to acquire the lease-hold interest in the property for a more
11 necessary public use pursuant to Code of Civil Procedure Section 1240.610.

12 **SECTION 5.** The City of Culver City hereby declares its intention to acquire
13 the lease-hold interest in the Subject Property by proceedings in eminent domain. The law
14 firm of Kane Ballmer & Berkman is hereby authorized to bring an action in the Superior Court
15 of the State of California for the County of Los Angeles, in the name of the City of Culver City
16 against all business owners and claimants of the lease-hold interest in the Subject Property
17 described herein to condemn the lease-hold interest to the Subject Property for public parking
18 and open space purposes and all uses convenient and necessary thereto, and to do all things
19 necessary in its opinion to prosecute said action to its final determination in accordance with
20 the provisions of law applicable thereto. The aforesaid special eminent domain counsel is
21 specifically authorized to take whatever steps and/or procedures are available to them under
22 the Eminent Domain Law of the State of California (Code of Civil Procedure, Title 7, Chapters
23 1-12, Sections 1230.010 - 1273.050).

24 **SECTION 6.** The City of Culver City hereby declares its intention to acquire
25 the lease-hold interest in the Subject Property, by Court proceedings and Motion for an Order
26 of Possession prior to Judgment.

27 **SECTION 7.** This Resolution shall take effect immediately upon its adoption.
28

1 **SECTION 8.** The City Clerk shall certify to the passage and adoption of this
2 resolution; shall cause the same to be entered among the original resolutions of said City;
3 and shall make a minute of the passage and adoption thereof in the records of the
4 proceedings of the City Council of said City in the minutes of the meeting at which the same
5 is passed and adopted.

6
7 APPROVED and ADOPTED this _____ day of _____ 2016.

8
9
10 _____
JIM B. CLARKE, Mayor
City of Culver City, California

11 ATTEST:

APPROVED AS TO FORM:

12
13 _____
MARTIN R. COLE, City Clerk

14 _____
CAROL A. SCHWAB, City Attorney

15 A16-00450

EXHIBIT A TO RESOLUTION NO. 2016-R_____

Real property in the City of Culver City, County of Los Angeles, State of California, described as follows:

LOTS 7, 8 AND 9 OF TRACT NO. 5461, AS PER MAP RECORDED IN BOOK 57, PAGE 76 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 4312-014-052

