

RESOLUTION NO. 59

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PALOS VERDES ESTATES FINDING AND DETERMING  
THE PUBLIC INTEREST AND NECESSITY  
FOR ACQUIRING AND AUTHORIZING CONDEMNATION OF  
CERTAIN REAL PROPERTY (300 PALOS VERDES DRIVE WEST)

WHEREAS, the City of Palos Verdes Estates has attempted to negotiate the purchase of the real property commonly known as 300 Palos Verdes Drive West, designated by the Assessor of the County of Los Angeles as Assessor's parcel No. 7539-015-003, and legally described on Exhibit 1 attached hereto and incorporated herein by this reference (the "Subject Property"), and

WHEREAS, efforts to acquire the Subject Property in a voluntary negotiated transaction have been unsuccessful,

NOW, THEREFORE, THE City Council of the City of Palos Verdes Estates hereby resolves, by a vote of not less than two-thirds of its members, as follows:

SECTION 1. The Subject Property is to be acquired for the public use of park and open space. The City is authorized to acquire the Subject Property pursuant to Government Code §§37350.5 and 38010 and Code of Civil Procedure §§1263.010 et seq.

SECTION 2. On the basis of the information contained in that certain staff report to the Mayor and Members of the City Council dated 11/14/00, which is incorporated herein by this reference, and all other written and oral information, evidence and testimony presented to the City Council, the City Council declares, finds and determines:

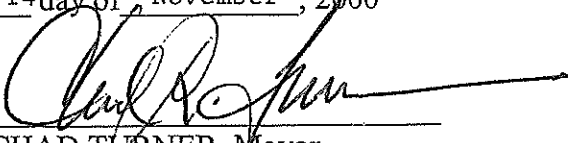
- (a) That the public interest and necessity require the proposed project;
- (b) That the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) That the Subject Property is necessary for the proposed project; and
- (d) That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

SECTION 3. The City is hereby authorized and empowered to acquire by condemnation the fee title to the Subject Property, excepting and reserving to the owner thereof all oil, gas and mineral substances, together with the right to explore for and extract such substances, provided that the surface opening of any well, hole shaft or other means of exploring for, reaching or extracting such substances shall not be located within

the City and shall not penetrate any part or portion of the City within 500 feet of the surface thereof.

SECTION 4. The law firm of Kane, Ballmer & Berkman is hereby authorized to prepare and prosecute in the name of the City, such proceeding or proceedings in the proper court having jurisdiction thereof, as are necessary for such acquisition, and to prepare and file all pleadings, documents, briefs, and other instruments, and to make such arguments and to take such actions as may be necessary in their opinion to acquire the real property. The law firm of Kane, Ballmer & Berkman is specifically authorized to take whatever steps and/or procedures that are available to it under the eminent Domain Law of the State of California (Code of Civil Procedure, Title 7, Chapters 1-12, Sections 1230.010-1273.050).

PASSED, APPROVED, and ADOPTED this 14 day of November, 2000

  
CHAD TURNER, Mayor

ATTEST:

APPROVED AS TO FORM:

  
JUDY SMITH, City Clerk

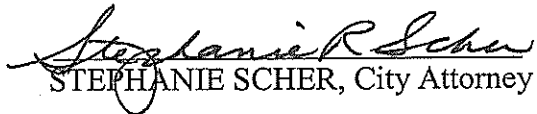
  
STEPHANIE SCHER, City Attorney

EXHIBIT 1

LEGAL DESCRIPTION

Lots 1 and 2 in Block 1614, Tract No. 6885, in the City of Palos Verdes Estates, County of Los Angeles, State of California, as per map recorded in Book 78, Pages 49 to 52, inclusive, of maps, in the Office of the county Recorder of said County.

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF PALOS VERDES ESTATES )

I, Robin Ford, Deputy City Clerk for the City of Palos Verdes Estate, California, do hereby certify that the foregoing Resolution R00-59 was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 14th day of November, 2000, by the following vote:

AYES: COUNCILMEMBERS: Turner, Flood, Humphrey,  
Mackebach, Thompson

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

  
\_\_\_\_\_  
Robin M. Ford, Deputy City Clerk