

*CityView Resolutions of Necessity
Eminent Domain for Park Ave Parcels &
Vacation of Park Ave*

April 13, 2021

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Recommendations

- Approve the conditional summary vacation of the Park Avenue right of way for the 14,348 square foot project area
- Conduct a hearing and adopt four Resolutions of Necessity authorizing the City to acquire the lands of Smith, Villar, Christian, and De Quevada through eminent domain, and authorize the City Attorney to proceed with eminent domain litigation
- Deposit money not to exceed the appraised value of the parcels into the state treasury condemnation fund
- Accept \$310,000 to reimburse the City for any City-incurred costs, fees, and expenses associated with the eminent domain acquisitions
- Adopt 2020-2021 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - Increase the estimate for Other Revenue by \$310,000
 - Increase OED's Non-Personal appropriation by \$310,000.

Overview

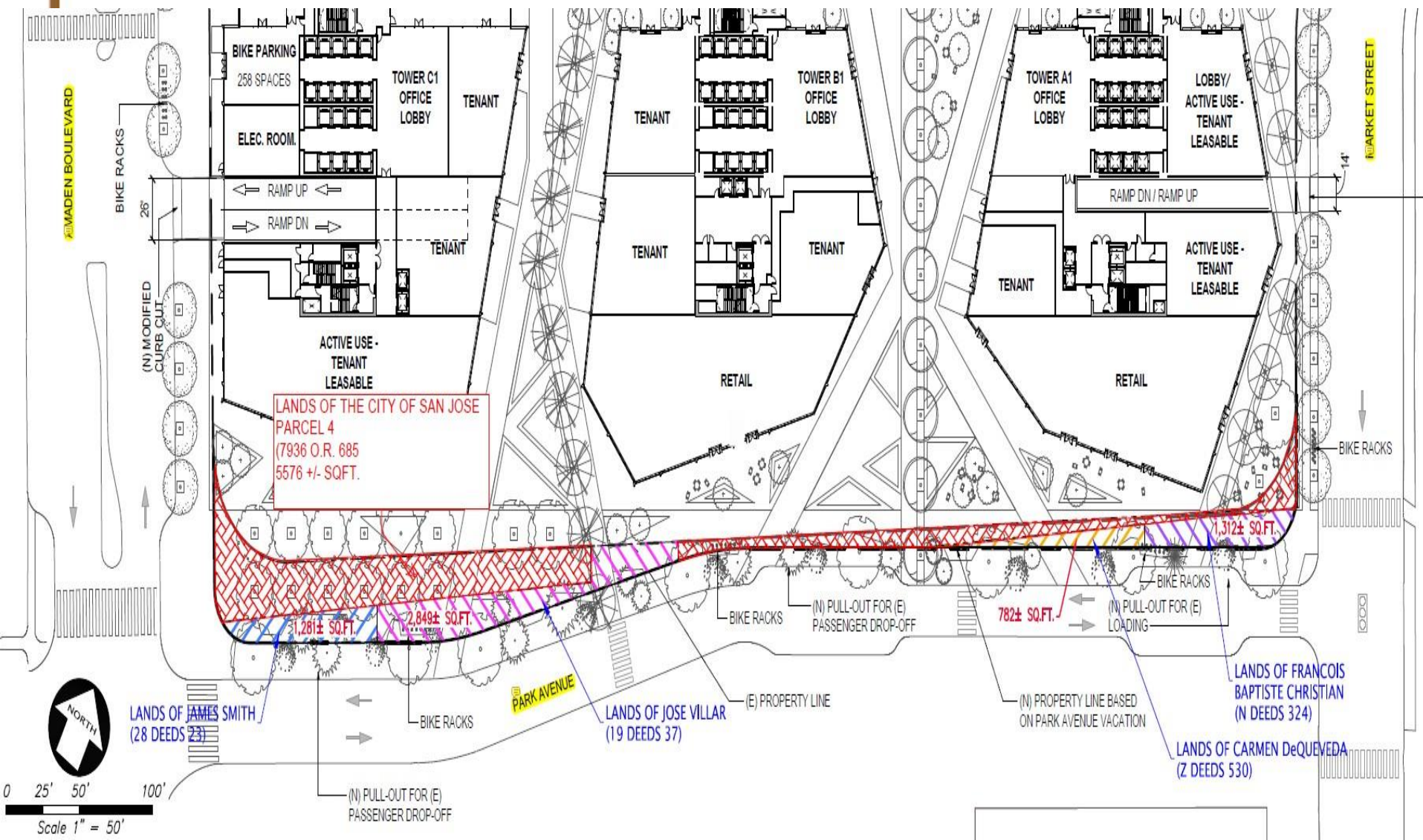
- SJ CityView LLC included a 14,348 square foot area of Park Avenue in approved CityView Plaza plans
 - Developer's planned use allows implementation of the Park Avenue Reconfiguration Plan
 - Developer does not own the 14,348 square feet and must acquire the area to comply with plans
 - 14,348 square foot area occupied by project garage
- City owns 8,124 of the total 14,348 square foot area
- City to assemble the 14,348 square foot area, vacate the right of way, and transfer to developer

Acquisition Parcel Ownership

- City must acquire the remaining 6,224 square feet, which is split between the heirs of four deceased owners

Owner:	Parcel Size:	Heirs Found?
James Smith	±1,281 sq. ft.	No
Francois Baptiste Christian	±1,312 sq. ft.	No
Jose M. Villar	±2,849 sq. ft.	Yes
Carmen I. De Quevada	±782 sq. ft.	Yes

- Heirs for two of the parcels have been found
- No heirs for two of the parcels have been found despite diligent effort
- Eminent Domain required to clear title for all four parcels



Subject to Future Council Action

- Negotiate a purchase of the parcels owned by the heirs of Jose M. Villar and Carmen I. De Quevada
 - Eminent domain to clear title
- Proceed with eminent domain to acquire the parcels owned by James Smith and Francoise Baptiste Christian
 - Price to be determined by Court, based on appraisal conforming to eminent domain requirements
 - No heirs were found, so the funds will be held by the State Treasury Condemnation Fund
- City to assemble the full 14,348 square foot Subject Property and sell to CityView pending vacation

