

GLENDALE COMMUNITY COLLEGE DISTRICT

May 21, 2019

PUBLIC HEARING

RESOLUTION NO. 20-2018-2019

TO: Board of Trustees

SUBMITTED BY: David Viar, Superintendent/President

SUBJECT: RESOLUTION OF NECESSITY TO ACQUIRE REAL PROPERTY
BY EMINENT DOMAIN FOR GLENDALE COMMUNITY COLLEGE
GARFIELD CAMPUS PARKING IMPROVEMENT PROJECT

DESCRIPTION OF HISTORY / BACKGROUND

History

Glendale Community College's Garfield Campus currently serves over 4,177 students but includes a parking capacity of only 179 stalls. The Glendale Community College District's 2015 Facilities Master Plan identified additional parking as "the number one need at the Garfield Campus." The Plan recommended "the acquisition of land . . . as a first step to expand the Garfield Campus and build needed parking . . ." Since the 2015 Facilities Master Plan was prepared, student enrollment has increased while on-campus parking has remained static, exacerbating the problem even further.

The Garfield Campus currently occupies about half of the block between East Garfield Avenue on the North, East Acacia Avenue on the South, South Adams Street on the West and South Chevy Chase Drive on the East, as depicted on Exhibit A hereto. The balance of the block not currently occupied by the District is made up of 13 residential parcels located immediately south and east of the existing campus. These 13 residential parcels include approximately 62 existing single family and multi family housing units. Acquiring these 13 parcels would allow the District to add approximately 260 parking spaces, thus helping to alleviate the parking problem at the Garfield Campus. A map generally depicting the proposed parking plan is contained in Exhibit B hereto.

In 2016, voters approved Measure GC, which authorized the issue of up to \$325 million of Glendale Community College District's general obligation bonds. As a result, the College now has funds available to carry out the acquisition of land to expand parking at the Garfield Campus as recommended by the 2015 Facilities Master Plan.

Given the availability of funding and the Garfield Campus' pressing need for parking, the District has over the last nearly twelve months actively pursued negotiations with the owners of the 13 parcels. The District's acquisition agent, Kris Hons of Stevenson Real Estate Services, has successfully negotiated purchases of 9 of the 13 parcels. The District has been unable, however, to reach agreement with the owners of 4 of the 13 parcels.

Proposed Action

District Staff proposes that the Board of Trustees, acting as the governing body of the Glendale Community College District:

- (1) Adopt a Resolution of Necessity to acquire by eminent domain the four parcels of real property commonly known as 926 S. Adams Street, 927 S. Chevy Chase Drive, 1119 E. Acacia Avenue and 1123 E. Acacia Avenue, more particularly described as Exhibits C through F attached hereto; and
- (2) Authorize the District's outside counsel, California Eminent Domain Law Group, to commence eminent domain proceedings in the Los Angeles Superior Court, deposit the District's appraised values of the four properties with the State Treasurer, and seek Orders for Prejudgment Possession of the four properties.

The Project

As noted, the proposed project involves the acquisition of 13 parcels of property immediately South and East of the Garfield Campus, demolition of the existing residential units on those parcels, and construction of approximately 260 new parking spaces for the Garfield Campus. The proposed project is generally depicted in Exhibit B hereto.

Environmental Review

On May 15, 2018, in compliance with the California Environmental Quality Act, the District adopted a Negative Declaration for the Proposed Project prepared by Meridian Consultants, finding no significant environmental impacts.

Background

The Board of Trustees has before it a proposed Resolution of Necessity to acquire four properties commonly known as 926 S. Adams Street, 927 S. Chevy Chase Drive, 1119 E. Acacia Avenue and 1123 E. Acacia Avenue, more particularly described as Exhibits C through F attached hereto. The Resolution authorizes the acquisition of the four properties by eminent domain.

While the current proposed Resolution of Necessity addresses only four parcels, the proposed project involves the acquisition of 13 parcels. Those 13 parcels contain 62 residential dwelling units in total. The four parcels which are the subject of the proposed Resolution before the Board contain 16 of those 62 dwelling units.

926 S. Adams Street is a duplex containing two residential dwelling units. 927 S. Chevy Chase Drive is a triplex containing three residential dwelling units. 1119 E. Acacia Avenue is a single-family residence containing one residential dwelling unit. And 1123 E. Acacia Avenue is an apartment building containing 10 residential units.

Under state law, the District is obligated to provide relocation assistance to all persons who qualify for assistance under the California Relocation Assistance Law and its guidelines. With certain exceptions, all persons who move from real property, or who move personal property from real property, as a direct result of a written notice of the intent to acquire or the acquisition of real property for a project undertaken by a public entity, qualifies for relocation assistance. Relocation assistance consultants contracted by the District, Epic Land Solutions, have contacted occupants as required by law to provide information about relocation assistance benefits.

The Board is authorized to exercise eminent domain to acquire property for the proposed project pursuant to California Constitution, Article I, section 19; California Code of Civil Procedure section 1230.010, et seq., and California Education Code section 70902(b)(13).

In order to adopt the proposed Resolution of Necessity, the Board must find and determine that:

- A. The public interest and necessity require the proposed project;
- B. The project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- C. The properties are necessary for the proposed project; and
- D. That either the offers required by Section 7267.2 of the Government Code were made to the owner(s) of record of each of the subject properties, or that the offer(s) have not been made because the owners cannot be located with reasonable diligence.

A brief discussion of each of these necessary findings follows:

- A. The Public Interest and Necessity Require the Project
The Garfield Campus is severely under-parked, providing only 179 parking stalls for over 4,177 students. The District's 2015 Facilities Master Plan identified additional parking as "the number one need at the Garfield Campus." Moreover, the Plan indicated that a transportation survey revealed that parking is a major concern for both students and staff, and further indicated that students being forced to park off-campus has a negative impact on the surrounding neighborhood.

The project will provide approximately 260 additional parking spaces, helping to alleviate the parking problem at the Garfield Campus. The Facilities Master Plan calls for an ultimate parking goal of at least one space per ten students (as compared to one space per 5.1 students at the Verdugo Campus). The proposed project would go a longways towards reaching that goal and would provide significant, immediate parking relief.

B. The Project is Planned or Located in the Manner that will be Most Compatible with the Greatest Public Good and Least Private Injury

As the proposed project site consists of the balance of the block on which the Garfield Campus is currently located and is immediately adjacent to most of the campus' existing parking, the proposed project site is the most logical location to provide additional parking. The proposed location allows incorporation of the new parking with the existing parking in a seamless and efficient parking configuration and avoids the necessity of requiring students and staff to cross surrounding streets to get from their cars to the school facilities.

As noted, the Initial Study and Negative Declaration prepared by Meridian Consultants found no significant environmental impacts will result from the proposed project as planned and located. And, all qualified residents displaced as a result of the project will receive relocation benefits and assistance as required by law, and all property owners whose properties are acquired will receive just compensation as required by law.

Locating parking elsewhere would still require the acquisition of private property, but would be less efficient and less desirable, and would force students and staff to cross potentially busy streets.

C. The Properties are Necessary for the Proposed Project

As the subject properties are not owned by the District and are currently improved with residential dwellings, the proposed surface parking project cannot be constructed without the acquisition of the subject properties. The properties are necessary for the proposed project.

D. The Offers Required by Section 7267.2 of the Government Code Were Made to the Owners of Record

The District engaged an independent licensed appraiser to appraise each property and to determine just compensation based on each property's "fair market value." A written appraisal was obtained for each property. Written offers at the full appraisal amounts were made to the property owners of record on or about May 22, 2018. While California Government Code section 7267.2 requires only that a summary of the appraisal be included with the offer, in the interest of transparency and to facilitate negotiations, the District provided each owner a full copy of the District's appraisal together with the offer.

The District made reasonable efforts to conduct negotiations thereafter. The District's acquisition agent, Kris Hons of Stevenson Real Estate, was able to negotiate purchases with the owners of 9 of the 13 parcels required for the project. Negotiated deals were not able to be reached for the four parcels which are the subject of the proposed Resolution of Necessity.

Notice

The owners whose names and addresses appear on the last equalized county assessment roll for all four of the properties that are the subject of the proposed Resolution of Necessity were provided written notice of this hearing and written notice of their opportunity to be heard as required by California Code of Civil Procedure section 1245.235. The required notices were sent by first class mail, as required by law, on April 18, 2019.

Exhibit G was submitted by property owner at 926 South Adams Street in lieu of appearing at the May 21, 2019 hearing.

COMMITTEE HISTORY

College Executive Committee May 14, 2019

FISCAL IMPACT

It is estimated the cost of the purchase of the 13 properties will be \$30 million.

RECOMMENDATION

The Superintendent/President recommends that the Board of Trustees 1) adopt the Resolution of Necessity authorizing the acquisition by eminent domain of the four parcels of real property commonly known as 926 South Adams Street, 927 South Chevy Chase Drive, 1119 East Acacia Avenue and 1123 East Acacia Avenue, 2) authorize the District's outside counsel, California Eminent Domain Law Group, to commence eminent domain proceedings forthwith in the Los Angeles Superior Court and to seek orders for prejudgment possession of the subject properties, and 3) authorize Executive Vice President Anthony Culpepper to deliver funds in the amount of the District's appraised values of the subject properties to the California State Treasurer for deposit with the state's condemnation deposits fund.

EXHIBIT A



SOURCE: Google Earth - 2018; Meridian Consultants - February 2018

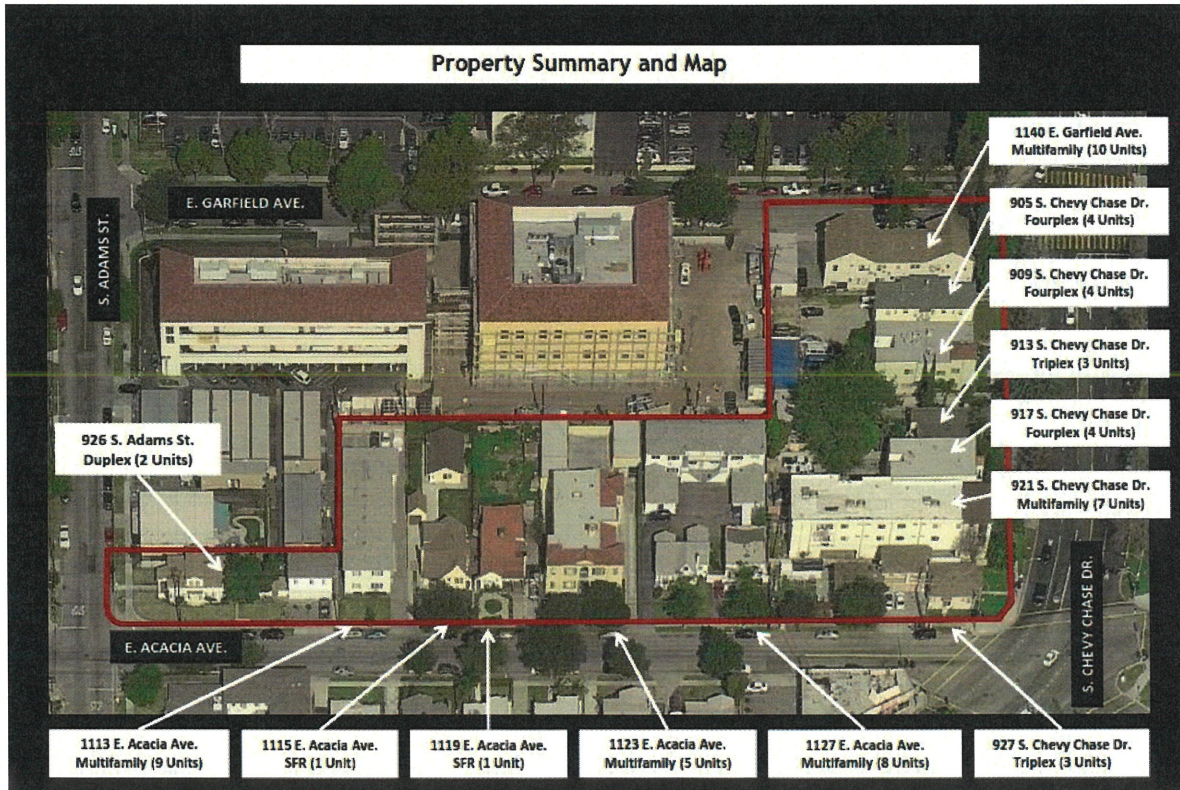
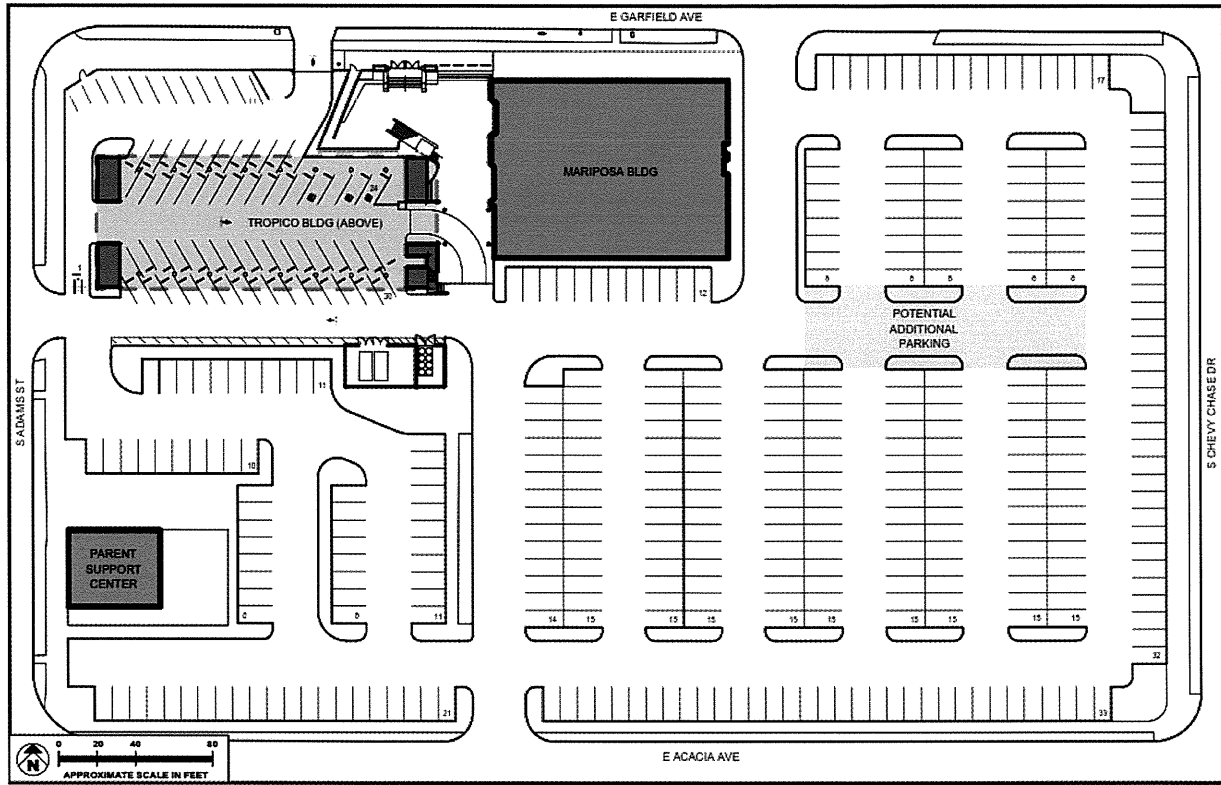


EXHIBIT B

PROPOSED PROJECT PARKING LAYOUT



SOURCE: HMC Architects - Sept 2017

EXHIBIT C

926 S. Adams Street

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF GLENDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 7 OF TRACT NO. 5937, IN THE CITY OF GLENDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 67 PAGES 17 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 5675-031-008

PARCEL MAP

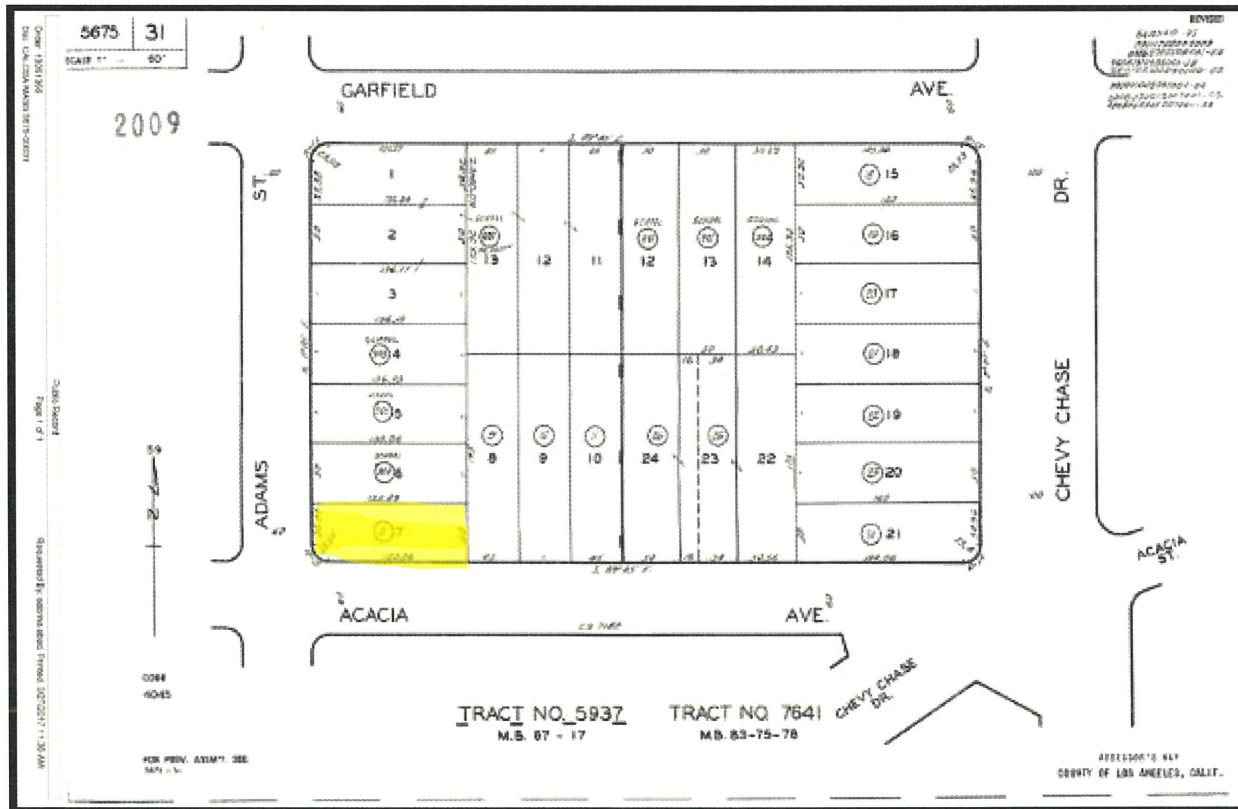


EXHIBIT D

927 S. Chevy Chase Drive

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF GLENDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 21 OF TRACT NO. 7641, IN THE CITY OF GLENDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 83, PAGES 75 AND 76 OF MAPS.

APN: 5675-031-030

PARCEL MAP

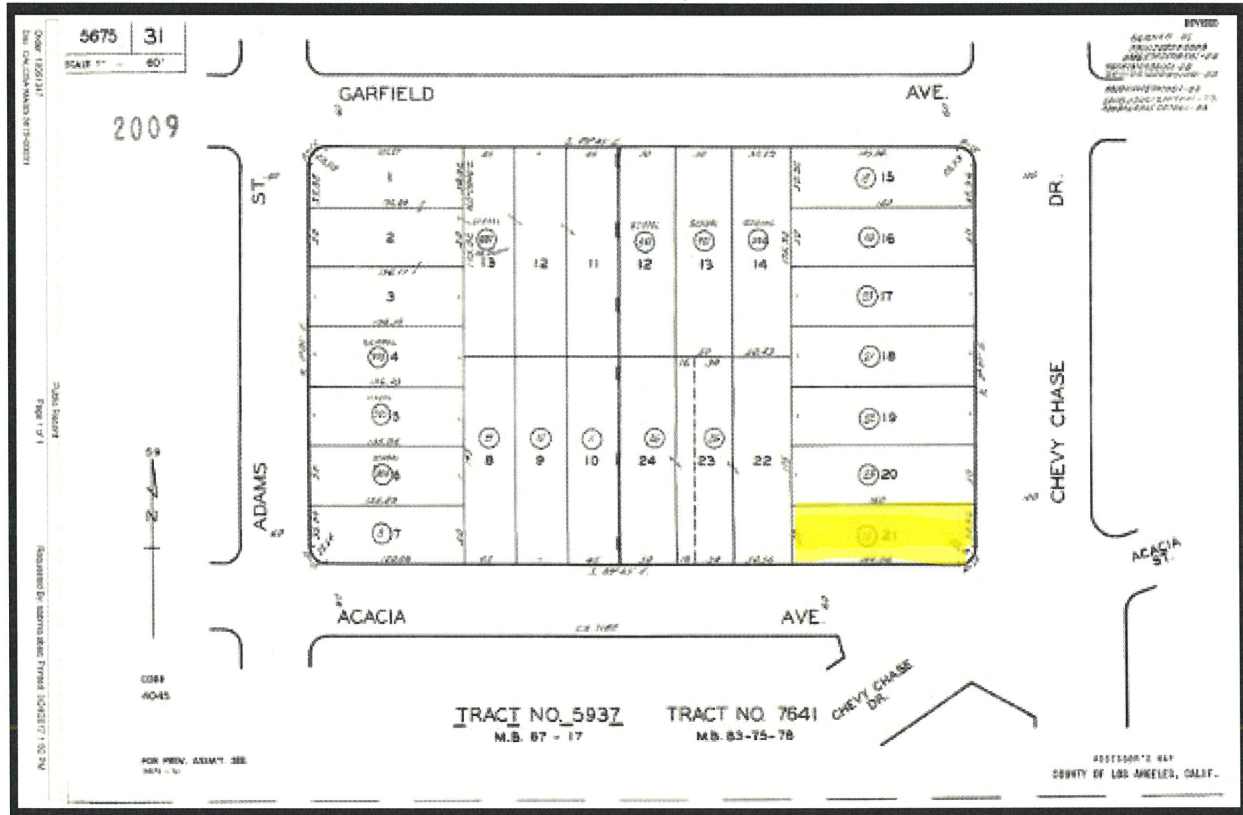


EXHIBIT E

1119 E. Acacia Avenue

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF GLENDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 10 OF TRACT NO. 5937, IN THE CITY OF GLENDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 67 PAGE 17 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 5675-031-011

PARCEL MAP

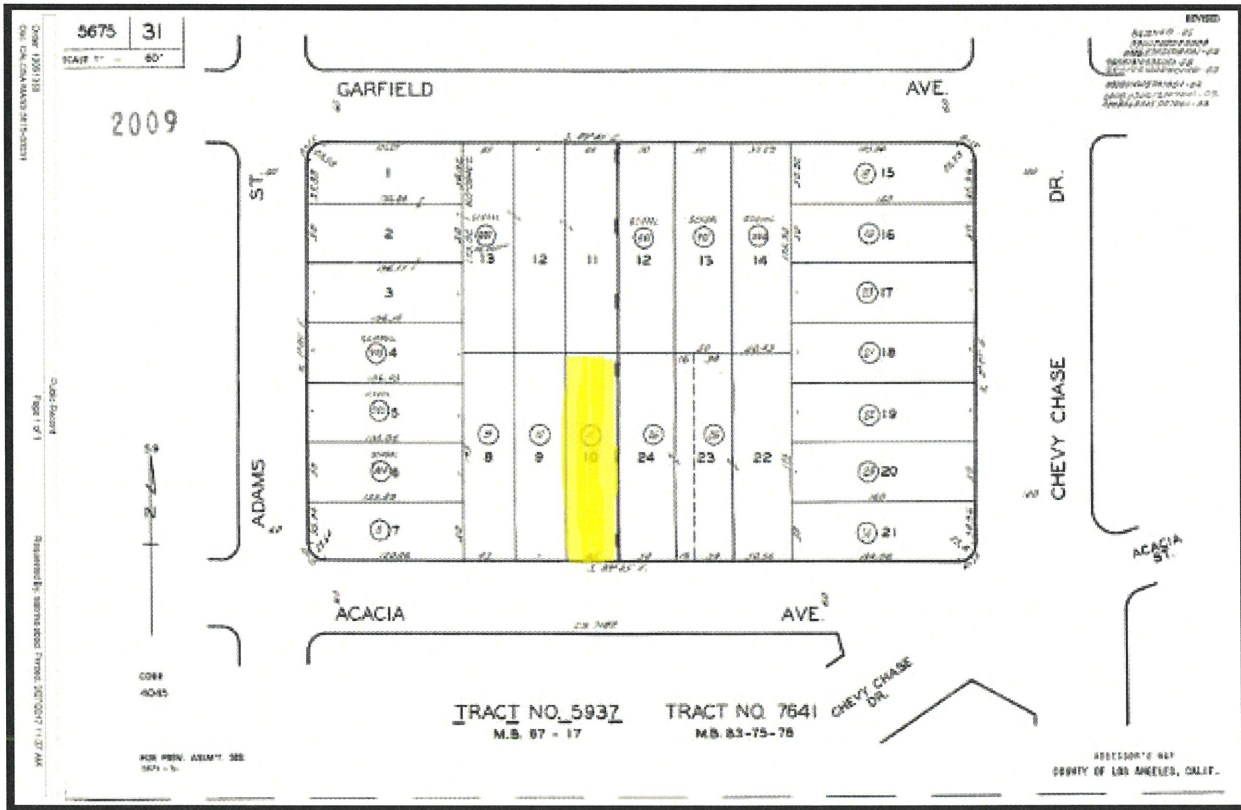


EXHIBIT F

1123 E. Acacia Avenue

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF GLENDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE WEST 16 FEET OF LOT 23 AND ALL OF LOT 24 OF TRACT NO. 7641, IN THE CITY OF GLENDALE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 83, PAGE(S) 75/76, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 5675-031-026

PARCEL MAP

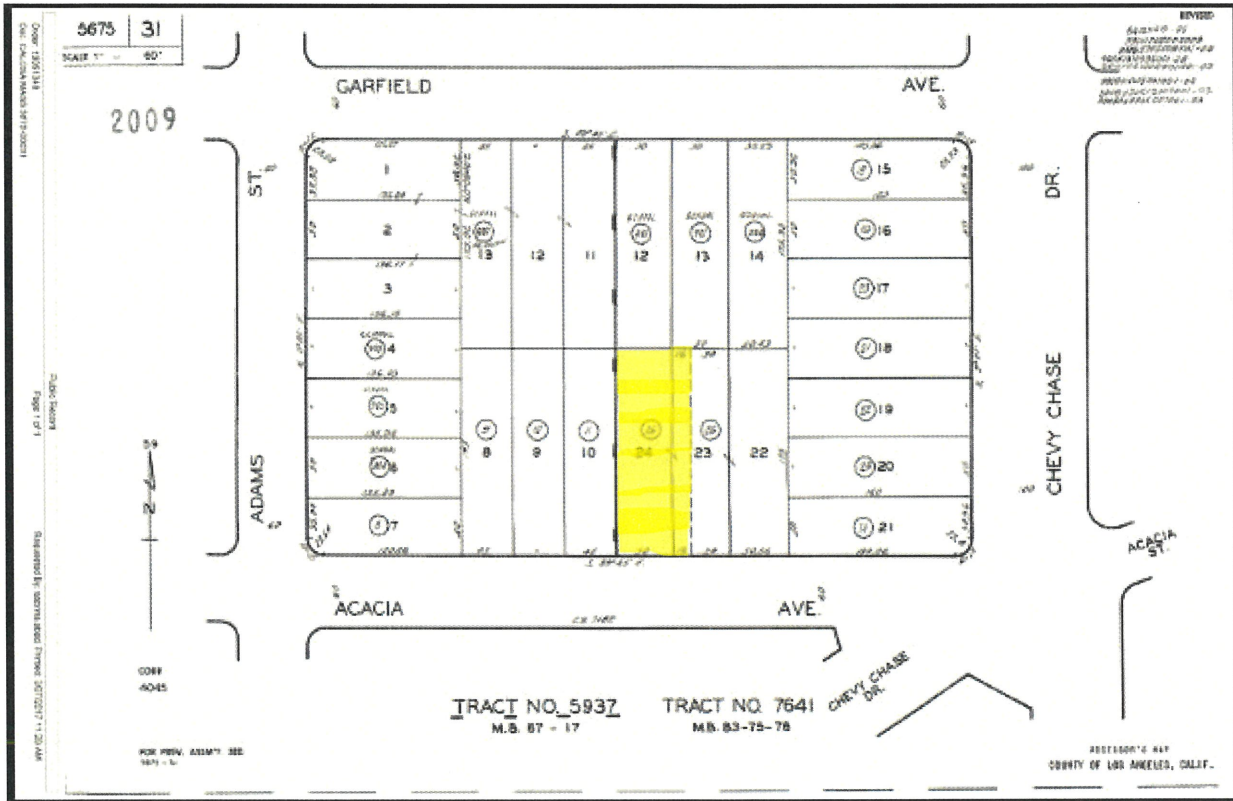


EXHIBIT G

Response to Notice of Public Hearing

Dear Glendale Community College Board of Trustees,

I, Sergey Manucharyan, as the Trustee of the "subject property" listed in your "Notice of Public Hearing RE Intent to Adopt Resolution of Necessity," dated April 18, 2019, am submitting this letter for your consideration in lieu of appearing at the hearing on May 21st, 2019 in Kreider Hall.

The "subject property" is a three unit complex, with a three bedroom front unit (926 S. Adams St.), an attached one bedroom unit (1105 E. Acacia Ave.), and a detached one bedroom unit (1109 E. Acacia Ave.). My intention for purchasing this property in 2012 was to move into the three bedroom unit upon my retirement, and use the income from the other two units to secure my retirement costs while simultaneously maintaining a close proximity to my children. My intention has not changed other than the fact that proximity has become an even greater necessity due to the arrival of my three grandchildren throughout the last three years.

As your notice restricts the topics to be addressed in your hearing to the four points outlined in California Code of Civil Procedure section 1240.030, I would like to express my objection to this project and to the resolution at the heart of this hearing based on the second point in the Code: 2) the project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury." While I am happy to admit that I support Glendale Community College in the expansion of its educational services, I cannot overstate the injury that my wife, my family, and I will sustain should the Board decide to move forward with this project as it is currently planned. If my property is taken from me by eminent domain, my wife and I will inevitably be forced out of Glendale due to rising property values in the city. We will be separated from the community that we have come to cherish over the last 28 years, from our children who both live a short distance away from the subject property, and from our three grandchildren who rely on my wife to care for them while their parents work. Given the emotional and financial damages that we will incur from this move, to say that this project poses an "injury" to my family is an understatement. I am not a lawyer and do not understand how the governing bodies determined "the least private injury," in this case, but the fact that no one spoke to me or my family about our circumstances indicates that Glendale Community College did not perform its due diligence before taking its first steps in beginning this project. I kindly ask that the Board please consider this fact and the circumstances which I detailed above in reaching its decision, and to consider removing my property from its future plans for expansion.

I thank you in advance for your time and consideration,



Sergey Manucharyan

GLENDALE COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 20-2018-2019

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE GLENDALE
COMMUNITY COLLEGE DISTRICT, ACTING AS THE GOVERNING BOARD OF
THE GLENDALE COMMUNITY COLLEGE DISTRICT, DECLARING CERTAIN
REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING
THE ACQUISITION THEREOF BY EMINENT DOMAIN**

WHEREAS the Glendale Community College District (“District”) is a community college district in the State of California;

WHEREAS the properties described below are to be acquired for public use; namely, for school facilities and all purposes necessary and convenient thereto;

WHEREAS the District is authorized to acquire the properties described below by eminent domain pursuant to California Education Code section 70902(b)(13), California Constitution Article I, section 19, and California Code of Civil Procedure sections 1230.010, et seq. (the California Eminent Domain Law) including without limitation sections 1240.010, 1240.020, 1240.110, 1240.120, and other provisions of the law;

WHEREAS the properties to be acquired are generally located at 926 S. Adams Street, 927 S. Chevy Chase Drive, 1119 E. Acacia Street and 1123 E. Acacia Street, more particularly described as Exhibits C through F attached hereto, which exhibits are incorporated herein by this reference;

WHEREAS notice was given to the affected property owners in accordance with California Code of Civil Procedure section 1245.235 of the date, time and place where the matters addressed herein would be heard and considered by the Board of Trustees;

WHEREAS a hearing was held in accordance with California Code of Civil Procedure section 1245.235 at which the matters addressed herein were heard and considered,

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE GLENDALE COMMUNITY COLLEGE DISTRICT DOES HEREBY FIND, DETERMINE, ORDER AND RESOLVE AS FOLLOWS:

Section 1. The Board finds and determines:

- A. There is a pressing need for additional parking at the Glendale Community College Garfield Campus;

- B. The Glendale Community College Garfield Campus Parking Improvement Project (the “Project”) will significantly help alleviate that need for additional parking by providing substantial additional parking for the students and staff of the Garfield Campus.

Section 2. The Board further finds and determines:

- A. The Board has complied with the California Environmental Quality Act by receiving and approving an Initial Study and Negative Declaration prepared by Meridian Consultants, finding no significant environmental impacts will be caused by the Project.

Section 3. The Board further finds and determines:

- A. The public interest and necessity require the Project;
- B. The 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 properties described herein and more particularly described in Exhibits C through F attached hereto are necessary for the Project; and
- D. The offers required by section 7267.2 of the Government Code were made to the owners of records of the properties described herein, or were not made because the owners could not be located with reasonable diligence.

Section 4. The findings and determinations contained in this Resolution are based on and incorporate the record before the Board of Trustees on May 21, 2019, which record includes the staff Board Report on this Resolution, the District’s environmental site assessment of the Project contained in the adopted Negative Declaration, the staff Board reports regarding CEQA compliance, and all other documents referenced above and in the staff Board Report to this Resolution. The findings and determinations contained herein are also based on any testimony, records and documents produced at the hearing, all of which are incorporated herein by this reference.

Section 5. The Board of Trustees hereby authorizes and directs the District’s outside counsel, California Eminent Domain Law Group, to forthwith take all steps necessary or appropriate to commence and prosecute legal proceedings in a court of competent jurisdiction to acquire by eminent domain the properties described on exhibits C through F, attached hereto. The Board further authorizes and directs California Eminent Domain Law Group to seek Orders for Prejudgment Possession of the properties to be acquired in order to enable implementation of the Glendale Campus Parking Enhancement Project.

Section 6. The Board of Trustees further authorizes and directs Anthony Culpepper, Executive Vice President, Administrative Services to forthwith make deposits with the California State Treasurer into the state's Condemnation Deposits Fund in the amounts of the District's appraised value for each of the properties described in Exhibits C through F attached hereto.

PASSED, APPROVED AND ADOPTED by a vote of at least two-thirds (2/3) of all members of the Board of Trustees of the Glendale Community College District, acting as the governing body of the Glendale Community College District, on this 21st day of May, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

Member, Board of Trustees

David Viar, Superintendent/President