

## **BALDWIN HILLS REGIONAL CONSERVATION AUTHORITY**

October 25, 2011— Agenda Item V

Resolution No. 11-05

### **RESOLUTION OF THE GOVERNING BOARD OF THE BALDWIN HILLS REGIONAL CONSERVATION AUTHORITY CONSUMMATING THE AUTHORITY'S ACQUISITION OF APPROXIMATELY 5.05 ACRES OF IMPROVED LAND FOR PUBLIC PARK PURPOSES**

WHEREAS, the Baldwin Hills Regional Conservation Authority (BHRCA) seeks to acquire the certain real property located at 5950 Stoneview Drive, in the City of Culver City, County of Los Angeles, State of California, consisting of approximately 5.05 acres of land improved with approximately 14,821 square feet of building improvements, consisting of Assessor's Parcel Numbers 4204-014-024, 4204-014-025, and 4204-014-026 (the Property) to preserve land for public park purposes; and

WHEREAS, acquisition of the Property is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Section 15325 of the State CEQA Guidelines; and

WHEREAS, the Governing Board had authorized staff to pursue eminent domain proceedings in furtherance of acquiring the Property, and to that end an appraisal of the Property determined the fair market value of the Property to be Three Million One Hundred and Ten Thousand Dollars (\$3,110,000);

WHEREAS, in lieu of initiating eminent domain proceedings, staff has negotiated a voluntary Agreement of Purchase and Sale and Joint Escrow Instructions with the owner of the Property, Ohr Eliyahu Academy, for a purchase price of Three Million Four Hundred Fifty Thousand Dollars (\$3,450,000), subject to consummation of the acquisition by your Board; and

WHEREAS, in light of the significant cost savings of foregoing eminent domain proceedings to acquire the Property, and avoidance of the risk that the valuation of the Property will be determined at trial to be greater than BHRCA's appraised value, staff recommends acquiring the Property for the negotiated purchase price; and

WHEREAS, pursuant to Government Code section 25350 and the terms and conditions of the BHRCA Joint Exercise of Powers Agreement, the Governing Board notified the public of its intent to acquire the Property and set October 25, 2011 as the date for consummation of the acquisition in accordance therewith; and

WHEREAS, in compliance with Government Code section 25350 and the terms and conditions of the Agreement of Purchase and Sale and Joint Escrow, the BHRCA must consummate its acquisition of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of BHRCA, hereby finds that acquisition of the Property is categorically exempt from the provisions of CEQA pursuant to Section 15325 of the State CEQA Guidelines.

BE IT FURTHER RESOLVED that the Governing Board of BHRCA hereby consummates the acquisition of the Property for the purchase price of Three Million Four Hundred Fifty Thousand Dollars (\$3,450,000), on the basis of and for the reasons set forth in the recitals, and approves, and directs the Executive Officer to execute on behalf of BHRCA, the Agreement of Purchase and Sale and Joint Escrow for acquisition of the Property, in substantially similar form as presented, upon approval as to form by County Counsel.

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Chair

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing resolution was adopted at a special meeting of the Governing Board of the Baldwin Hills Regional Conservation Authority, duly noticed and held according to law, on the 25th day of October, 2011.

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Executive Officer