

RESOLUTION NO. 06-10

A RESOLUTION OF THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS ON CERTAIN PROPERTY (Owners of record: Gregory R. Hurwich & Barbara J. Hurwich)

This Resolution of Necessity is adopted with reference to the following facts, among others:

A. It is desirable and necessary for the Richmond Community Redevelopment Agency (the "Agency") to acquire the fee simple interests in and to certain real property commonly known as 1221 Macdonald Avenue and commonly identified as Assessor Parcel Number 540-081-020-5, City of Richmond, County of Contra Costa, California, which is described and depicted in Exhibits A and B, respectively, each of which is incorporated herein by reference (the "Subject Property"), for redevelopment purposes authorized by the Community Redevelopment Law, including the elimination of blight within the Downtown Redevelopment Project Area 10A by the elimination of vacant buildings and revitalization of underutilized sites through mixed use project development the ("Project").

B. The potential environmental impacts for the aforementioned redevelopment have been analyzed, including without limitation through the Environmental Impact Report certified by the City Environmental Assessment Panel on May 18, 1999, regarding project area amendments and mergers and the Environmental Impact Report certified on June 21, 2005, on the Amendment to the 10B Redevelopment Plan, as confirmed by the Agency pursuant to CEQA Guidelines sections 15162 and 15168(c)(4).

C. The Agency is vested with the power of eminent domain to acquire real property by virtue of article 1, section 19 of the Constitution of the State of California; California's Eminent Domain Law, including sections 1240.010, 1240.110, and 1240.120 of Code of Civil Procedure; California's Community Redevelopment Law, including section 33391 of the Health & Safety Code; and Part VI.B.1 of the Agency's Redevelopment Plan for the Downtown Redevelopment Project Area 10A.

D. Pursuant to the provisions of section 7267.2 of the California Government Code, the Agency has made an offer to the owner(s) of record--Gregory R. Hurwich & Barbara J. Hurwich--to acquire the Subject Property for just compensation, as set forth in correspondence dated January 10, 2006. Negotiations have continued since the offer date; however, they have been unsuccessful.

E. Pursuant to the provisions of section 1245.235 of the California Code of Civil Procedure, on May 15, 2006, written notice (which is incorporated herein by reference) was duly given to Gregory R. Hurwich & Barbara J. Hurwich, whose property is to be acquired by eminent domain and whose name and address appear on the last Contra Costa County equalized assessment roll, and said property owners have been given a reasonable opportunity to appear and be heard before the Agency's governing board on the following matters:

Whether the public interest and necessity require the Project;

Whether the Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;

Whether the property sought to be acquired is necessary for the Project; and

Whether the offer required by Government Code section 7267.2 has been made to the record owners of the Subject Property.

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED IN THE REPORT TO THE AGENCY DATED MAY 15, 2006, AS WELL AS INFORMATION SUBMITTED TO THE AGENCY DURING THE PUBLIC HEARING OR CONSIDERED BY

Approved:

IRMA L. ANDERSON
Agency Chair

Approved as to form:

JOHN EASTMAN
Agency Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 06-10, finally passed and adopted by the Redevelopment Agency at a regular meeting held on June 6, 2006 and published in accordance with the law.