



STAFF REPORT	
SUBJECT: Hearing to Consider a Resolution of Necessity to Acquire a Portion of the Hulett Property 12105 San Joaquin Avenue, Clearlake, CA	MEETING DATE: Feb. 20, 2025
SUBMITTED BY: Alan D. Flora, City Manager Dean Pucci, City Attorney	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

Conduct Hearing on the Resolution of Necessity and Determine if there is public use and necessity to acquire the property

BACKGROUND/ DISCUSSION:

The purpose of this hearing, and consideration of a Resolution of Necessity to acquire property by eminent domain, is to provide an opportunity for the property owner to comment or raise objections to the City’s use of eminent domain to acquire their property. The action by the City Council is to consider all relevant information provided by staff and any information or testimony from the property owner or their representative, and then determine whether or not:

- 1) The public interest, convenience and necessity require the acquisition of the property;
- 2) If the project is located in the manner that will be most compatible with the greatest public good and the least private injury;
- 3) If the property sought to be acquired is necessary for the City's landslide repair and ongoing landslide protection Project; and
- 4) That the offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired.

This hearing concerns the public necessity for acquiring the property and the amount of compensation is not the subject of this hearing or the action on the Resolution of Necessity. The City Council previously approved the appraisal and established the amount of just compensation based on that appraisal.

The City's Gooseneck Landslide Emergency Repair Project ("Project") is necessary because a storm event in February of 2024 caused a land slide that threatened the integrity of Lakeshore Drive. Lakeshore Drive is one of the main routes for thousands of residents, who if this area of roadway failed would have to take an approximately one-hour detour to get to their homes.

The required work consisted of removing landslide debris, installing two soil nail walls to permanently stabilize the landslide areas, new guardrail installation on Lakeshore Drive, hydro seeding disturbed soil, and restoring the areas to as close to their original condition as possible.

A large portion of the land slide was in the City Right of Way, but it was impossible to repair only the area of the land slide in the City Right of Way and not encroach onto private property. If only the City Right of Way portion of the land slide was repaired, it would have failed because an area of the landslide the on the Subject Property would have still been unstable. As a necessary part of the stabilization of the slope encroaching onto the Subject Property a permanent retaining structure was constructed. It is necessary to acquire the Subject Property so that the City may maintain this area and the permanent retaining structure to prevent further landslide events to the extent feasible.

The Project will require the acquisition of an approximately 790 square foot portion ("Subject Property") of the parcel located at 12105 San Joaquin Avenue, Clearlake, CA 95422 and identified as Lake County Tax Assessor's Parcel Number 037-171-100 ("Larger Parcel"). This small portion of property is on the edge of a larger 17,860 square foot parcel. The Subject Property is described more particularly in the exhibits to the draft Resolution of Necessity included in the agenda materials.

Should the Council act to proceed, after acquisition, the land area of the parent property will be enhanced with additional landslide protection from the City Project. The parent property home site will function in a similar fashion as in the "before" condition with no substantial impairment to the subject parent property. Property features such as drainage, present use, vehicular accessibility, configuration, highest and best use, along with overall building condition remain unchanged. The appraisal of the property found there are no severance damages that will accrue to the remainder.

The offer required by section 7267.2 of the Government Code has been made to the owners of record of the property to be acquired. The statutory written offer letter was sent to the Property Owner on January 23, 2025. This offer was made to the owners of record of the Subject Property, based on the appraisal for the fair market value of the Subject Property Interests prepared by Richard Thomas, a California Certified Real Estate Appraiser ("Appraisal Report") that used a date of value of August 1, 2024 ("Date of Value"). Full appraisal reports and summaries thereof were prepared by the appraiser. A summary of the August 1, 2024 inspection and resulting appraisal report is attached hereto as Exhibit C is an exhibit to the draft Resolution of Necessity.

Environmental Determination: The project qualifies for both statutory and categorical exemptions from the California Environmental Quality Act (CEQA) Guidelines. Those exemptions are listed in more detail in the draft resolution.

It is necessary to acquire the Subject Property so that the City may maintain this area and the permanent retaining structure to prevent further landslide events to the extent feasible. Funding for the City Project is reimbursable through the State of California. Under the requirements of CalTrans, because the City installed a permanent structure on the Subject Property the City must acquire the Subject Property as City Right of Way.

OPTIONS:

1. Receive update.
2. Direction to Staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

Attachments:

- 1. Resolution of Necessity**