



Meeting Date: 5/8/2007

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Cynthia Daniels, AICP *CD* Agenda Item No. I-4  
 Reviewed By: City Manager *[Signature]* City Attorney *Gillig* Finance *SW* Other *[Signature]*

DATE: April 23, 2007

TO: City Council

FROM: *[Signature]*  
Lou Baidarra, City Engineer  
Public Works Department

**SUBJECT: Acquisition Settlement Agreement with Spas West at 2595 E. Ventura Blvd. for the Rice Ave./Santa Clara Ave. Interchange Improvements on Highway 101**

**RECOMMENDATION**

That City Council approve and authorize the Mayor to execute the agreement between the City and Spas West in the amount of \$140,000 for acquisition of property located at 2595 E. Ventura Blvd. for the Rice Avenue/Santa Clara Avenue interchange improvements on U.S. Highway 101 (Agreement No. A-6874).

**DISCUSSION**

The Project. On February 26, 2002 the City Council adopted a mitigated negative declaration and mitigation monitoring program, and approved the project to improve the Rice Avenue/Santa Clara Avenue interchange on U.S. Highway 101. The improvements include reconstruction and widening of the existing Rice Avenue/Santa Clara overcrossing from two to six through lanes (plus two southbound left turn lanes), reconfiguration of the existing U.S. 101 on- and off-ramps, and the realignment of Ventura Boulevard. The City made a written offer to the owner for just compensation based on professional appraisals of fair market value and business goodwill in compliance with federal and State laws, rules, and regulations. The property is needed for the construction of the interchange. The City Council adopted Resolution 12,950 on September 27, 2005 to authorize condemnation of the property. The court order for prejudgment possession gave the City possession of the property on May 4, 2006.

The Property. Spas West was a tenant on the site. The business sells pool equipment and spas. The business relocated off the City-owned property on March 6, 2006, which was when the City obtained a court order known as a writ of assistance. The settlement includes payment for fixtures and equipment, loss of business goodwill, personal property, improvements pertaining to the realty, and leasehold interest. The City deposited with the Office of the State Treasurer the amount of \$74,725 for the fixtures and equipment for Spas West in December 2005.

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## **FINANCIAL IMPACT**

The cost of the settlement agreement is \$140,000. The deposited funds in the amount of \$74,725 will be released to Spas West. There are sufficient funds in Account No. 308-9718-871-8605 Project No. 873114 to fund the balance of \$65,275 for this request.

LB:CD

Attachment #1 - Agreement No. A-6874

Note: The Agreement No. A-6874 has been provided to the City Council. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Monday.

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