

DATE ISSUED: August 9, 2000

REPORT NO. 00-163

ATTENTION: Honorable Mayor and City Council  
Docket of August 15, 2000

SUBJECT: Del Mar Mesa Road Project

### SUMMARY

Issue - Should the City Council authorize a condemnation action to acquire property rights necessary for the Del Mar Mesa Road Project.

Managers's Recommendation - Authorize the condemnation action to obtain the necessary property rights.

Other Recommendations - None

Fiscal Impact - The estimated costs of condemnation include: Value of the... property rights to be acquired: Land \$172,000; title, litigation, and miscellaneous expenses \$172,000. Total \$344,000. Funds for the condemnation are available in Developers Trust Fund - No. 63020 for Del Mar Mesa Road.

### BACKGROUND

This project provides for the construction of Del Mar Mesa Road as a two-lane residential local. Upon completion, Del Mar Mesa Road will accommodate 2,200 daily trips. The project is proposed as a means to provide a more acceptable level of service for both existing and planned traffic volumes.

The property rights required are an offsite condition of Mesa Verde Estates Vesting Tentative Map No. 96-0625 and Del Mar Mesa Road/Deer Canyon Sewer, Resource Protection Ordinance (RPO) Permit No. 99-0099. The developer, Mesa Verde-Del Mar, has been unsuccessful in its attempt to acquire these property rights and has requested the City to exercise its power of eminent domain to acquire the necessary property rights.

A final offer for the necessary property rights has been made to the property owner. The offer has not been accepted. Although negotiations will continue with this owner, condemnation is requested to insure acquiring the property prior to construction.

Eminent Domain law requires that any person subject to condemnation proceedings be given the

opportunity to speak and be heard regarding the following questions to which the Council must address itself:

**1. Does the public interest and necessity require the proposed project?**

Yes. Approval of this eminent domain action serves the public interest and is necessary because Del Mar Mesa Road is an integral part of the circulation network serving both existing residents, Mesa Verde Estates and other planned residential developments in the area.

Del Mar Mesa Road will be constructed as a two-lane residential local upon completion, in conformance with the Community Plan and the Del Mar Mesa Specific Plan and will accommodate 2,200 average daily trips. The majority of the trips are trips which are generated by the adjacent residential development and existing homeowners.

**2. Is the proposed project planned or located in the manner that will be most compatible with the greatest public good and the least private injury?**

Yes. Condemnation of property for Del Mar Mesa is in substantial conformance with the Del Mar Mesa Specific Plan. Other alternatives have been previously considered and rejected because of environmental impacts, construction costs, or traffic considerations. The adopted alignment is consistent with the Multiple Species Conservation Program, design of the street has minimized private injury by limiting the street dedication to approximately 52 feet of right of way.

**3. Is the property sought to be acquired necessary for the proposed project?**

Yes. The Property sought to be acquired is the minimum needed to provide the right of way required to construct Del Mar Mesa Road. The resultant project will provide a safe, efficient street system with all weather access as well as public utilities for the community.

ALTERNATIVE:

None.

Respectfully submitted,

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William T. Griffith      Approved: George I. Loveland  
Real Estate Assets Director      Deputy City Manager

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