

CITY OF AGOURA HILLS

OFFICE OF THE CITY ATTORNEY

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MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Craig A. Steele, City Attorney
DATE: September 26, 2005
SUBJECT: Approval of Purchase and Sale Agreement and Joint Escrow Instructions Regarding Portions of the Property Located at 29403 Agoura Road as Part of the Right of Way Acquisition for the Kanan Interchange Project – Los Angeles County Assessor Parcel Number 2061-004-010

REQUESTED ACTION

Approval of the Purchase and Sale Agreement and Joint Escrow Instructions Regarding Portions of the Property Located at 29403 Agoura Road, also identified as Los Angeles County Assessor Parcel Number 2061-004-010, as Part of the Right of Way Acquisition for the Kanan Interchange Project, authorizing the Mayor to execute the same.

BACKGROUND

The City is in the process of acquiring the additional right-of-way necessary to facilitate the construction of the Kanan Road interchange (“the Project”). A portion of the parcel located at 29403 Agoura Road is vital to the construction of the project. The property to be acquired is approximately 25,984 square feet in size, irregularly shaped, and located between Roadside Drive and Agoura Road. In addition, the City intends to acquire Temporary Construction Easements for 12-months over an additional 13,487 square feet of the property.

The site is currently owned by the Packard Family Ltd., a California Limited Partnership, which has agreed to the negotiated total compensation of \$441,728.00. This compensation amount was determined based on the per-square foot purchase price established by an appraiser. The amount is within the Project’s budget for right-of-way acquisition. This negotiated purchase eliminates the need for both parties to pursue and defend, respectively, a potentially costly eminent domain action. As part of the agreement, the property owners agree to indemnify and hold the City harmless for any claims or orders to remediate any environmental contamination on the site.

The attached agreement provides access and control of the site to the City as of October 1, 2005.

RECOMMENDATION

CITY OF AGOURA HILLS
MEMORANDUM

Honorable Mayor and City Council
September 26, 2005
Page 2

Staff respectfully recommends that the City Council approve the attached Purchase and Sale Agreement and Joint Escrow Instructions Regarding Portions of the Property Located at 29403 Agoura Road as Part of the Right of Way Acquisition for the Kanan Interchange Project, and authorize the Mayor to execute the same.