

CITY COUNCIL POLICY

 SUBJECT: ACQUISITION OF REAL PROPERTY

NO.: H-1

 PURPOSE:

To authorize the City Manager or his/her designee to acquire real property for the City in recognition that implementation of a comprehensive development program requires delegation to the administration provided adequate protection and controls are utilized.

POLICY:

1. The City's Real Property Program Administrator in the Public Works Department ("Administrator") leads property acquisition efforts as the designee of the City Manager.
2. The Real Property Program Administrator follows California Government Code Section 7267 *et seq.* and 25 California Code of Regulations Section 6000 *et seq.*, California Relocation Assistance and Real Property Acquisition Guidelines in all acquisitions.
3. The City adopted the California Code of Regulations as its own rules and regulations as modified by the City Council, Resolution No. 17051, Series 2005 (attached herein).
4. The City shall use the process set forth in this Policy for all property acquisitions associated with right-of-way, easement, and fee title.
5. The City Manager is authorized to acquire for, and in the name of, the City necessary easements and rights-of-way, including improvements thereon previously determined by the City Council to be necessary in connection with the completion of the construction of Public Works projects and improvements authorized by the City Council subject to the following conditions:
 - a. The City Manager may acquire any such easement and right-of-way where the purchase price ~~therefor~~ does not exceed ~~\$1,000~~ 110 percent of the appraised value for an authorized project.
 - b. The City Manager may acquire such easements and rights-of-way having a purchase price that does not exceed 110 percent of the appraised value for an authorized project ~~in excess of \$1,000 where the purchase price does not~~

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- ~~exceed the fair market value, as The said~~ fair-market value is determined by an appraisal made by an expert appraiser; provided, however, that where special circumstances or conditions exist in connection with said easement or right-of-way to be acquired, which clearly establish that the fair-market value is in excess of said appraised value, the said purchase price may exceed the appraisal by an amount not to exceed 10 percent thereof.
- c. That in each such situation where it appears that the fair-market value may be in excess of said appraised value, the City Manager shall confer with the City Attorney concerning the legal effect of such special circumstances or conditions prior to purchasing said easement and right-of-way at a price exceeding the appraisal.
2. The City Manager is authorized to execute contracts of purchase and sales, certificates of acceptance, and to take such other steps as are necessary to carry out the purposes of this policy.

Effective Date: December 4, 2018, Resolution No.

Effective Date: May 11, 1959, Resolution No. 2726

Attachment: California Code of Regulations, Title 25, Division 1, Chapter 6, Article 6, California Relocation Assistance and Real Property Acquisition Guidelines (adopted by the City Council by Resolution No. 17051, Series 2005)

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