

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

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Report

TO: Members of the Judicial Council

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DATE: May 16, 2005

SUBJECT: Facilities: Authorization for the Administrative Director of the Courts (or
Designee) to Approve Property Acquisition Agreement for a Building Site
for Court of Appeal, Fourth Appellate District Under Government Code
Section 69204(a) (Action Required)

Issue Statement

On April 15, 2005, the Judicial Council approved the selection of an approximately 1.87-acre parcel of land within the Santa Ana Civic Center as the site for a proposed new building for the Court of Appeal, Fourth Appellate District, Division Three, in Orange County. It then directed staff to complete a property acquisition agreement with the City of Santa Ana for approval by the council.

The Judicial Council is asked to authorize the Administrative Director of the Courts, or his designee, to approve and execute (when completed) a real property acquisition agreement and related documents for purchase of the selected site, under certain conditions, without further approval of the council.

Recommendation

Under rule 6.183(b)(1) of the California Rules of Court, the Office of Court Construction and Management (OCCM) of the Administrative Office of the Courts (AOC) recommends that the Judicial Council, effective immediately:

1. Authorize the Administrative Director of the Courts, or his designee, to approve the real property acquisition agreement and related documents for purchase of the selected site within the Santa Ana Civic Center as the site for the new Court of Appeal building, provided that the terms and conditions are substantially the same as those presented to the council at its April 15, 2005, business meeting.

2. In the event that the terms and conditions of the acquisition agreement are materially different from those presented at that meeting, then the council authorizes its Executive and Planning Committee either to approve the acquisition agreement and related documents or to send the matter to the Judicial Council for further consideration.

Rationale for Recommendation

Selection of the Santa Ana Civic Center site will necessitate completion of a property acquisition agreement between the State of California and the City of Santa Ana. The agreement will be completed under the terms and conditions outlined in the report to the Judicial Council, dated April 12, 2005, and attached as Exhibit B, and will incorporate additional and necessary terms and conditions. The acquisition agreement and related documents such as a reciprocal easement agreement will be prepared under the supervision of the AOC Office of the General Counsel (OGC). The final acquisition agreement and related documents are expected to be completed by June 30, 2005, but not in time to achieve the notice requirements for the June 22, 2005, Judicial Council business meeting. Approval of the acquisition agreement and related documents by the Administrative Director of the Courts or his designee would occur in collaboration with OGC; this procedure would be consistent with the duties and responsibilities of the Administrative Director. On approval of the mitigated negative declaration (a separate action) by the Judicial Council and approval of the acquisition agreement and related documents, OCCM staff will seek final approval of the site acquisition by the State Public Works Board (SPWB) at its August 12, 2005, meeting. Approval of the site acquisition by the SPWB is required before design can commence; any delay in such approval would in turn delay the start of construction, and occupancy.

Alternative Actions Considered

One alternative action would be for the Judicial Council itself to review and approve the final acquisition agreement and related documents; this would postpone consideration of the final acquisition agreement and related documents until the August 26 Judicial Council business meeting. Another alternative action would be to authorize the Executive and Planning Committee to act on behalf of the council to approve the acquisition agreement and related documents when they are complete.

Comments From Interested Parties

No public comments are needed for this authorization.

Implementation Requirements and Costs

There are no implementation requirements or costs related to authorization of the Administrative Director of the Courts, or his designee, to approve the real property acquisition agreement.

Attachments

EXHIBIT A

SUMMARY OF PROPERTY ACQUISITION TERMS AND CONDITIONS

(Excerpts from Report to the Judicial Council, Exhibit B, dated April 12, 2005)

SANTA ANA CIVIC CENTER SITE	
Property Size and Price	<ul style="list-style-type: none">• 1.87 acres, plus 0.6-acre exclusive easement (in favor of state) for parking on ground floor of adjacent city-constructed garage). Total site is 2.47 acres.• Property offered by the City of Santa Ana at \$1 (fee title).• Trapezoidal, with a portion below street level to be filled at seller's expense.• Previously developed site; existing structures to be demolished by seller; other site improvements to be retained.
Architectural	<ul style="list-style-type: none">• Site is in the Civic Center Plaza complex, near federal, state, and county agencies, and is close to the Superior Court of Orange County. Site is adjacent to the city hall, state office building, and county law library, and is across the street from the U.S. District Court.• Court has no control over future development on adjacent parcels.
Entitlements and Encumbrances	<ul style="list-style-type: none">• Seller combined portions of several parcels into one new parcel.• Site is in a government district. Zoning is GC (government center); street setback required; no limit on floor area ratio.• All existing easements terminated or revised to acceptable terms.• No liens or encumbrances.• Fee simple ownership.
Security	<ul style="list-style-type: none">• Adjacent buildings approximately 90 feet from the future court building.• Security provided by City of Santa Ana Police.• On-street parking adjoining the site is very limited and could be regulated or removed.

<p>Transit and Parking</p>	<ul style="list-style-type: none"> • Site is near bus stops, Amtrak, and Metrolink and is along the planned CenterLine light rail system. • Site is near five major freeways (Interstates 5 and 405 and State Routes 22, 55, and 57). • Court controls ground-floor parking structure with 70 to 75 spaces; within parking structure constructed by the city, parking provided free as long as the state owns the property; 30 or more spaces available on the site in an existing surface lot.
<p>Geotechnical and Physical</p>	<ul style="list-style-type: none"> • No extraordinary apparent geophysical issues. • Previously developed site; existing structures to be demolished by the seller; other site improvements to be retained. • City provides “all necessary engineered fill” (from parking structure excavation and additional imported fill); city will place, compact, and grade the fill to expand the available building pad at street level.