



July 26, 2017

**Via Email and US Mail**

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**Re: Town & Country Center**

I submit this letter on behalf of the Palm Springs Preservation Foundation (“PSPF”) to initiate City efforts to preserve the Town & Country Center, a Class 1 Historic Site designated property in Palm Springs. PSPF, which is well known to the City, is a non-profit organization dedicated to public education and promotion of public awareness of the importance of preserving the historical resources and the unique architecture of the City of Palm Springs and the Coachella Valley area.

PSPF is deeply concerned about the poor state of the Town & Country Center, which the owners have deliberately failed to maintain. The PSPF believes the City must take swift action to ensure this historically valuable property is preserved for the benefit of all residents of Palm Springs. To that end, the PSPF and its allies formally requests that the City exercise its constitutional power of eminent domain to acquire this property and begin its rehabilitation.

There is no question that legislative bodies such as the City Council may acquire property through eminent domain specifically for the preservation or development of a historical landmark. Prentiss v. City of South Pasadena (1993) 15 Cal.App.4th 85, 93, (“government may acquire privately owned historic property by **eminent domain** (Gov.Code, §§ 37361, 25373),” City government may promote conservation and rehabilitation of historically significant landmarks by means of low interest loans and favorable tax treatments. Id.

The goal of the eminent domain process is to render the greatest public good and the least private injury or inconvenience. There are many forms of public benefits from historic preservation. Historic preservation is a public benefit that advances the education and welfare of citizens, while providing economic and aesthetic benefits as well. Preserving architecture is a representation of history and place, which allows generations to share a visual and tangible conservation of cultural identity. Here, eminent domain would preserve the architectural gravitas of the Town & Country Center while also restoring the vibrant City center.

Not only is it imperative for the City to acquire the Town & Country Center property, to ensure its long-term preservation and redevelopment; it must find a willing private partner to rehabilitate and reuse this iconic structure through a private/public partnership. This will not happen unless the City finds a new partner as the current owner/developer, Mr. Michael Braun (and formerly John Wessman), has shown no interest in preserving the Town & Country Center as he has deliberately allowed the property to languish and decay. Mr. Braun has made no recent effort to renovate, restore, or refurbish this Class 1 Historic Site. Instead, the Town & Country Center has become an eyesore which sits boarded up and unused, becoming more unstable with each passing day. The City simply cannot allow Mr. Braun's strategy of demolition by neglect to succeed.

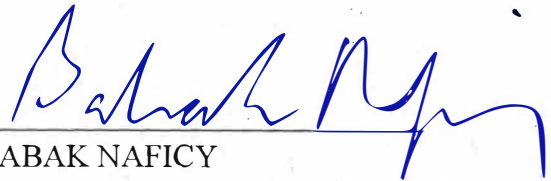
Now is the time for the City to step up, take the historic site out of the hands of a disinterested developer and use the City's power of eminent domain to acquire the historic site and to devise a bold plan for its preservation.

It is important to recognize that Palm Springs is no stranger to using eminent domain to acquire and redevelop historically significant properties for the public good. Recently a push has been made to purchase the Palm Springs Mall through eminent domain for use by the College of the Desert. The Palm Springs Mall is similar to the Town & Country Center as they are both mostly unused mall space. Utilizing these properties for the public benefit is wholly within the City's power and the residents' interests.

In pursuing eminent domain, PSPF is aware that the City of Palm Springs must be able to provide just compensation. Just compensation is the highest price currently obtainable in the open market. Considering the effects of the current dilapidated state of the property combined with the limitations placed upon the property as a designated Class 1 Historic Site, there is a substantial basis to conclude the property's valuation would be significantly lower than the last market price paid. This works strongly in the City's favor in its ability to provide just compensation. In addition, once the property is acquired by the City, the City has wide latitude in its development. By providing incentives to developers to protect and enhance the property, the City seeks to gain much in the way of property value and historic preservation by pursuing eminent domain.

In sum, PSPF believes it is necessary for the preservation of the Town & Country Center for the City to use its eminent domain power to obtain and preserve the property. Not only would this be a wise monetary investment, it would protect the Class 1 Historic Site from further decay. It is the City's responsibility to help ensure that the structures awarded historic designation maintain their architectural integrity.

Sincerely,



BABAK NAFICY

Palm Springs Preservation Foundation

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