

Son Fights City for Return of Old Family Home

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Orange County
By STEVE EMMONS, *Times Staff Writer*

It doesn't look like a house worth fighting about. It is plain, rather run-down and old — built in Huntington Beach a few years after the turn of the century. Even with its beachfront location, it rents for only \$300 a month.

But 69-year-old Tim Talbert says the house is his old family homestead, and if the city hadn't forced him to sell back in 1971, he'd still be living there. He wants the city to let him buy back the house and land.

Forced him to sell? He asked us to buy it, say the people at city hall. He only wants the land back now because it is worth so much more, they say.

It is the name Talbert that makes this more than the usual condemnation squabble. In the city library, which is located on Talbert Avenue and has a room called the Talbert Room, almost every book on local

history contains references to Thomas Benjamin Talbert.

The farmer-subdivider-real estate agent was one of the city's earliest promoters. He later served 17½ years on the Orange County Board of Supervisors, including eight terms as chairman, and was the city's mayor for a while. Fountain Valley was built around the village of Talbert. Until Gen. Douglas MacArthur became a national hero, his boulevard coming out of Newport Beach was named Talbert.

Talbert bought the then-new house down by the beach in 1917 and lived there until his death in 1968. His son, Thomas Van Talbert (but better known as Tim), inherited the property, the only home he knew, he said.

The city, envisioning a parking lot along the inland side of the coast highway, filed

condemnation suits in 1970 against the Talbert land and others near the pier. The suits languished on the books for two years, however, while the city tried to deal with intense opposition to the parking plan. The suits were finally withdrawn in 1972 after the parking plan was abandoned.

In 1971, however, Talbert had sold his five lots, about a third of an acre at the southeast corner of 6th Street and Pacific Coast Highway, to the city for \$144,500.

He did it reluctantly, he said, because his father, one of the city's early, highly successful real estate salesman, had drummed into his head, "Never sell oceanfront!"

But Talbert said the threat of condemnation had driven off his two business tenants — Texaco, which operated a service station at the corner, and Greyhound, which used

Please see TALBERT, Page 8

HISTORY - -
BUILDINGS
(city)

TALBERT: Seeking Return of Old Home

Continued from First Page

the site as a bus depot. Their rent had amounted to about \$700 a month, Talbert said. When they left, he lost the income, and property taxes were mounting at \$300 a month, he said.

The condemnation also scared away buyers, Talbert said. "I wound up with only one buyer, the city."

Talbert said that after he sold his house and land, he moved into a mobile home in Westminster. He lived in a few other places, finally marrying his third wife, Edie, and moving into her house in Huntington Beach.

All that time, he said, he yearned for his Huntington Beach house and land. It was home to him and should be a point of historical interest to the city, he said.

His father had come to Orange County as a boy, accompanying Tim's grandfather, James T. Talbert, a Long Beach dairyman, to the wilds of Gospel Swamp outside Santa Ana.

Subdivided Into Farms

James Talbert bought 322½ acres of land with the idea of draining, farming and subdividing it into smaller farms for sale. He set up a general store near present-day Talbert Avenue and Bushard Street and called the spot Talbert.

Tom helped out but, by his own account, decided the future lay in real estate. After selling his interest in the land, he looked for a place to begin dealing in real estate and settled on Huntington Beach.

The town had been created by real estate promoters, who named it Pacific City, hoping to make it the western counterpart of Atlantic City, N.J. Henry E. Huntington, owner of the Pacific Electric Rail Road, became interested and began running his Red Cars there. The city's real estate and tourist business began to boom, and a grateful town renamed itself after its benefactor.

Talbert moved to Huntington Beach in 1904 and set up his household on the second story of a barn. He made his living growing and selling vegetables while he built his real estate business.

He was, it appears, the archetypical Chamber of Commerce, Rotary Club, Republican, city booster. If there was something worth promoting for the town's economy, Talbert seemed to have a hand in it.

"He was mixed up in about everything," said Delbert (Bud) Higgins, the town's unofficial historian. He helped promote a new pier, a cannery, an oilcloth and linoleum factory, oil leases. "He made money, but he was never a rich man," Higgins said.

Talbert married, fathered his son, Tim, and made enough money to move to the beach house he warned his son never to sell.

Finally, after 11 years of informal approaches to regain the property, Talbert made a formal request last Sept. 7.

His attorney wrote to the City Council asking for the return of the property. "He would prefer to live in his family home for his remaining few years," the letter states. The City Council referred the request to the city attorney's office for report.

The reaction in the city attorney's office, however, has been less than sympathetic.

Please see TALBERT, Page 9



TALBERT: Return of Old Home Sought

Continued from 8th Page

William Amsbury, the assistant city attorney, helped represent the city during the turmoil of the 1970s parking lot controversy. He scoffs at Talbert's claims.

That area is now run-down and rowdy, Amsbury said. "He doesn't want to spend his dying days listening to the beach bums vomiting in the alley behind him. He wants to get on the gravy train," he said.

Prospect of Redevelopment

The "gravy train," in Amsbury's view, is the prospect of genuine downtown redevelopment, something city councils have been toying with since the 1960s. Last Monday, the City Council adopted an ordinance that introduces a new sort of redevelopment plan that casts existing landowners in a much stronger role than usual.

The redevelopment area is the same that has concerned the city all along — the blocks that face Pacific Coast Highway near the pier, from Lake Street on the south to 6th Street on the north.

But, unlike traditional redevelopment, in which the government buys the land and sells it to developers willing to follow the government plan, the city's new plan calls for retaining the present ownership where possible.

According to Tom Tischer, the city's director of business and industrial enterprise, no redevelopment action can be taken without (1) 60% of the redevelopment area landowners approving and (2) owners of 60% of the redevelopment land approving.

The arrangement gives present owners veto power over any city plans, Tischer said. The city's role will be to provide the benefits of redevelopment financing — revenue bonds, certain tax exemptions, certain special tax revenues.

'I'm Entitled to It'

Talbert conceded that he has eyes for the opportunity his old land would offer him. One real estate office in Huntington Beach guessed that the land, even vacant, would be worth about \$600,000.

"But I figure I'm entitled to it. If they hadn't condemned my land for a parking lot they never built, I'd have that land today and be living there today," he said.

Amsbury, however, said that Talbert "simply wanted the money" when he sold his land. The pressure to sell was coming not from the city but from a long list of liens on the property, liens Talbert said came from his father's estate, from taxes and from some of his own debts.

"I was keeping up with it all until I lost my tenants," Talbert said, "and they left because of the condemnation suit."

"It could never be maintained that the city's action caused him to market his property," said City Atty. Gail Hutton. "It was a willing seller and a willing buyer."

That is the sort phrasing you read in lawsuits, and Talbert's attorney, E.A. Bouveron, said it could lead to

that. He believes Talbert might recover his land under a state law that says condemned land has to be used for its intended purpose within seven years. "The city would probably claim, however, that the pending redevelopment plan gives them another seven years," Bouveron said.

He said, however, that the City Council should decide the matter on what is proper, not necessarily what is legal.

"Mr. Talbert's property should have been returned to him" when it became apparent the parking lots would not be built, he said. If the city holds the land and the redevelopment project succeeds, "the city will profit from improperly pushing him out," he said.