

**RESOLUTION NUMBER 5759**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DECLARING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF AN EASEMENT IN A PORTION OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 303-120-009***

**WHEREAS**, for the public purposes set forth herein, the City of Perris, California is authorized to acquire property through the exercise of eminent domain pursuant to Section 19 of Article 1 of the California Constitution, Section 1240.010 through 1240.050 of the California Code of Civil Procedure, and Sections 37350, 37350.5, 37353, and 40404 of the California Government Code; and

**WHEREAS**, the “Project” for the purposes of this acquisition is the widening and improvement of Redlands Avenue, which generally consists of the widening of Redlands Avenue between Ramona Expressway and Morgan Street (referred to herein as the “Project”); and

**WHEREAS**, in order to carry out and make effective the principal purpose of the Project, it is necessary for the City of Perris to acquire an overhang easement (hereinafter the “Easement”) in a portion of certain privately-owned real property located at the southwest corner of Redlands Avenue and East Morgan Street, in the City of Perris, County of Riverside, California, Assessor’s Parcel No. 303-120-009 (hereinafter the “Property”); and

**WHEREAS**, the portion of the Property in which the City seeks to acquire the Easement is described in Exhibit “A” which is attached hereto and incorporated by this reference, and depicted on the diagram attached hereto as Exhibit “B” which is incorporated by this reference; and

**WHEREAS**, on or about December 14, 2020 the City made a written offer to acquire the Easement to the record owner of the Property at an amount that was not less than the appraised fair market value in compliance with Government Code Section 7267.2(a), and the owner of the Property has not accepted said offer or otherwise conveyed the Easement to the City as of the date of this Resolution; and

**WHEREAS**, on December 28, 2020 a Notice of Intent to Adopt a Resolution of Necessity for Acquisition of the Easement in certain real property identified as Assessor’s Parcel No. 303-120-009 (a copy of which is attached hereto as Exhibit “C” and incorporated by this reference) was mailed to all persons whose names appear on the last equalized County Assessment Roll as having an ownership interest in the Property, and to the address appearing on said Roll, which Notice of Hearing advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein; and

**WHEREAS**, the hearing that was the subject of said Notice of Hearing was held on January 12, 2021, at the time and place stated therein and all interested parties were given an opportunity to be heard on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- (c) Whether the Easement proposed to be acquired is necessary for the Project;
- (d) Whether an offer meeting the requirements of Government Code Section 7267.2 has been made to the owner or owners of record;
- (e) Whether all other prerequisites for the exercise of eminent domain to acquire the Easement have been met; and

**WHEREAS**, the City Council, as a result of such hearing, has determined that the public health, safety, and welfare require the City to acquire the Easement in the Property for the stated purposes; and

**WHEREAS**, environmental impacts of this Project were addressed in the Environmental Impact Report for the Rider Distribution Center, certified on March 31, 2009.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council hereby does find, determine, and declare based upon evidence presented to it as follows:

**Section 1.** The staff report presented regarding this matter at the January 12, 2021 hearing is incorporated herein by this reference. The facts referenced in this Resolution and the staff report, and specifically the recitals above, are found to be true and are incorporated herein by this reference. The findings made by the City Council herein are supported by substantial evidence contained in the record of this proceeding.

**Section 2.** The Easement to be acquired is located within the City of Perris, County of Riverside, State of California, Assessor's Parcel No. 303-120-009, comprising a total of 1,167 square feet, is described in Exhibit "A" and depicted in Exhibit "B".

**Section 3.** The public interest, convenience, and necessity require the Project to accommodate growth and development as anticipated in the Land Use Element. Currently, Redlands Avenue consists of three lanes between Morgan Street and Ramona Expressway. The Project is rehabilitating existing pavement, re-striping and widening Redlands Avenue five to ten feet along the east side of the roadway to provide for one continuous turn pocket. The existing signal at Redlands Avenue and Ramona Expressway is being modified to match new improvements. The Project will improve traffic safety and emergency vehicle response times.

**Section 4.** The Project is planned in the manner which will be the most compatible with the greatest public good and the least private injury. Redlands Avenue is designated as a Secondary Arterial in the Circulation Element of the City's General Plan. Widening the existing roadway is the only practical means of achieving the necessary traffic capacity. Re-routing Redlands Avenue would be cost prohibitive and have a greater impact on private property owners because more private property would need to be acquired than is necessary for widening the existing roadway.

**Section 5.** The acquisition of the Easement in the Property is necessary for the Project because without the Easement, the Project cannot be completed. The Easement will

facilitate relocation of power lines on Redlands Avenue that must be accomplished to complete the Project. Acquisition of the Easement is expressly authorized by Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Sections 1240.010 through 1240.050 and Government Code Sections 37350, 37350.5, 37353, and 40404.

**Section 6.** The offer required by Government Code Section 7267.2 has been made to the owner of record of the Property, by way of letter dated December 14, 2020, and the owner of record of the Property has not accepted the City’s offer or made an acceptable counter offer.

**Section 7.** The City hereby declares its intent to acquire the Easement in the portion of the Property described in Exhibit “A” in the City’s name, in accordance with the provisions of the law of the State of California and finds that all conditions, statutory requirements and prerequisites to the exercise of eminent domain to acquire the Easement described herein and the Project have been complied with by the City.

**Section 8.** The law firm of Aleshire & Wynder, LLP, is hereby authorized and directed to prepare, institute, and prosecute in the name of the City such proceedings, in the Court having proper jurisdiction thereof, as may be necessary for the acquisition of the Easement in a portion of the Property in accordance with the provisions of the California Eminent Domain Law and the Constitution of California. Said counsel are also authorized and directed to obtain any necessary order of the Court granting the City the right of immediate possession and occupancy of the Property.

***PASSED, APPROVED and ADOPTED*** this 12<sup>th</sup> day of January, 2021.

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MICHAEL M. VARGAS  
MAYOR OF THE CITY OF PERRIS

ATTEST:

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NANCY SALAZAR  
CITY CLERK

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) §  
CITY OF PERRIS                 )

I, NANCY SALAZAR, City Clerk of the City of Perris, California, do hereby certify that Resolution Number 5759 was adopted by the City Council of the City of Perris at a regular meeting held on the 12<sup>th</sup> day of January, 2021, and that the same was adopted by the following vote:

AYES: MAGAÑA, CORONA, RABB, ROGERS, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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NANCY SALAZAR  
CITY CLERK

**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR EASEMENT**

**EXHIBIT "B"**  
**PLAT FOR EASEMENT**

**EXHIBIT "C"**

**NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY**