

RESOLUTION NUMBER 4495

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS
APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF PERRIS
AND EMPIRE OUTDOOR ADVERTISING, LLC**

WHEREAS, Empire Outdoor Advertising (Empire) entered into a license agreement (the “License Agreement”) with Riverside County Transportation Commission (“RCTC”) for an outdoor billboard located on the east side of “D” Street, approximately 330 feet north of 10th Street, on a parcel owned by RCTC (the “Property”) under a license from RCTC (the “License”) that has since expired, but has continued month-to-month; and

WHEREAS, RCTC transferred the property to the City of Perris (City) by grant deed in November 2011; in which the terms of the transfer of the property included language that the License Agreement between RCTC and EMPIRE was to be assigned to the City; and

WHEREAS, the terms of the License Agreement provide that the License is revocable at any time with or without cause by either party upon thirty (30) days' notice in writing to be served upon the other party; and

WHEREAS, on March 29, 2012, the City gave Empire notice in writing that the City would terminate the License Agreement for outdoor advertising on the City’s property effective April 29, 2012, and requested that Empire remove all outdoor advertising improvements (“Sign”) at no cost to the City within 30 days after the effective date of termination or by May 29, 2012; and

WHEREAS, Empire subsequently requested compensation for the City’s forced removal of the Sign pursuant to eminent domain laws; and

WHEREAS, the City and Empire desire to resolve all issues related to the termination of the License Agreement and removal of the Sign and enter into a Settlement Agreement, to finally, fully and comprehensively settle the aforementioned issues.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, as follows:

Section 1. That the City of Perris approves the Settlement Agreement between the City and Empire, effective with the date of this resolution.

Section 2. Delegates authority to the City Manager and City Attorney to sign all documents which may be necessary for the execution of the Settlement Agreement.

ADOPTED, SIGNED AND APPROVED this 8th day of May 2012.

Daryl R. Busch, Mayor

ATTEST:

Judy L. Haughney, C.M.C., City Clerk

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

I, Judy L. Haughney, City Clerk of the City of Perris, California, do hereby certify that the foregoing Resolution Number 4495 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 8th day of May 2012, by the following called vote:

Ayes: Landers, Evans, Rogers, Yarbrough, Busch

Noes:

Abstain:

Absent:

Judy L. Haughney, C.M.C., City Clerk