

RESOLUTION NO. 2750

THE CITY COUNCIL OF THE CITY OF PERRIS DECLARING THE PUBLIC INTEREST AND NECESSITY OF ACQUISITION OF PORTIONS OF PROPERTY LOCATED IN THE CITY OF PERRIS, CALIFORNIA, IDENTIFIED AS ASSESSOR'S PARCEL NO. 302-160-11, FOR THE PURPOSES OF CONSTRUCTING ROADWAY IMPROVEMENTS ON EVANS ROAD FROM RAMONA EXPRESSWAY NORTH TO OLEANDER

WHEREAS, the City of Perris has been investigating the acquisition of various interests in property, including a permanent, perpetual interest, in property located in the City of Perris and identified as Assessor Parcel No. 302-160-11, for the purposes of constructing roadway improvements on Evans Road from Ramona Expressway north to Oleander, known as the Evans Road Project; and

WHEREAS, on September 28, 1999, after no less than 15 days written notice to the record owner of the property referenced above and more specifically described and depicted in the legal descriptions and sketches attached hereto as Exhibits "A" and "B", respectively, which legal descriptions and sketches are incorporated herein by reference, the City Council of the City of Perris held a hearing for the purpose of allowing the record owner of the property a reasonable opportunity to appear and be heard on the following matters:

1. Whether the public interest and necessity require the project;
2. Whether the project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
3. Whether the property proposed to be acquired is necessary for the project; and

4. Whether the offer required by Government Code Section 7267.2 had been given;
and
5. Whether the City had properly exercised all of its statutory responsibilities and
duties antecedent to the exercise of eminent domain against the Property; and

WHEREAS, the City Council, as a result of such hearing, has determined that the public health, safety, and welfare require that the City acquire various interests in the Property more particularly described herein (the "Property"), for the purposes of constructing roadway improvements on Evans Road; and

WHEREAS, the Project for which the Property to be acquired is sought has had a finding of no significant impact approved by the City Council on September 14, 1999; and

WHEREAS, the City of Perris is authorized to acquire the Property under authority of its own charter, and Government Code §§ 37350.5 and 40404; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Perris, California, that the City Council does hereby find, determine and declare upon evidence presented to the City Council as follows:

SECTION 1: The property to be acquired is located within the City of Perris, County of Riverside, State of California, and is located on Evans, and otherwise identified as Assessor's Parcel No. 302-160-11. The portions of Property the City seeks to acquire, and the Property interests sought, consist of a perpetual, permanent easement to approximately

11,300 square feet of frontage along the Property, as more specifically described in Exhibit "A" hereto.

SECTION 2: The public interest and necessity require the Project, in that the City's General Plan, specifically the Circulation Element, call for the construction of the Evans Road segment in the manner contemplated by the Project. In addition, the construction of the Evans Road segment is designed to alleviate school traffic along Perris Boulevard, which is currently operating beyond its established design capacity.

SECTION 3: The Project is located in a manner most compatible with the greatest public good and least private injury, in that the design of the roadway improvements must of necessity occupy land between Ramona Expressway and Oleander for a distance of one mile, in order to accommodate the construction of an access road to Rancho Verde High School. The project is designed in a manner compatible with the greatest public good, in that the Project will involve construction of roadway improvements which will extend Evans Road from Ramona Expressway north to Oleander and which will provide traffic safety and circulation for all those travelling from along Evans Road to Rancho Verde High School. The Project will result in the least private injury in that, where possible, consistent with safe roadway design restrictions, the property chosen for potential acquisition was done so to minimize the number of property owners affected, and to avoid impacts to existing residences.

SECTION 4: The Property to be acquired is necessary for the Project, in that the contemplated roadway improvements must occur on property on the proposed Evans Road extension, north of Ramona Expressway and north of the existing Evans Road to insure the continuity of the roadway to accommodate the extension of Evans Road.

SECTION 5: The offer required by Government Code Section 7267.2 has been made to the record owner on June 11, 1999. Staff has attempted to negotiate with the record owner, subsequent to this offer, but such negotiations have not proved successful in securing the necessary property interests outside of more formal proceedings.

SECTION 6: To the extent any of the property to be taken herein is devoted to a public use, the City finds that the proposed use for the Project is compatible with, or more necessary to, such public use, and that the City is authorized to acquire the Property pursuant to Code of Civil Procedure §§ 1240.510 and 1240.610.

SECTION 7: The Project has been examined as part of the City's General Plan Update in 1990. As part of the adoption of the updated General Plan, the City prepared and certified Environmental Impact Report No. SCH#90020558 and prepared and adopted a Master Environmental Assessment, and the City Council finds and determines that since the time of that certification there have been no subsequent changes with respect to the circumstances under which the Project is to be undertaken, no new information of substantial importance regarding significant effects or mitigation measures or alternative which has become available, and no subsequent changes have been proposed in the Project which would require important revisions to the previous environmental impact reports, such that no further environmental review attending this proposed acquisition is necessary.

SECTION 8: The Project has been reviewed by the City Council for conformity with the City's General Plan as required by Government Code § 65101. The City Council has found that the Project conforms with the City's General Plan.

SECTION 9: The City Council hereby declares it is its intent to acquire a permanent, perpetual easement in a portion of the above-referenced Property, as more particularly described in Exhibits "A" and "B" attached hereto, in the City's name in accordance with the provisions of the laws of the State of California.

SECTION 10: The law firm of Rutan & Tucker, LLP, City Attorney for the City of Perris ("City Attorney") is hereby authorized and directed to prepare 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 Property described herein, and to prepare and file such pleadings, documents, and otherwise prosecute such actions as may be necessary in the opinion of such attorneys to acquire for the City the Property. Such attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the Eminent Domain Law of the State of California, including, but not limited to, seeking orders for prejudgment possession of the property.

APPROVED and ADOPTED this 28th day of September, 1999.

Mayor of the City of Perris

ATTEST:

City Clerk
City of Perris

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

I, Margaret Rey, duly elected City Clerk of the City of Perris, California, hereby certify that the foregoing Resolution Number 2750 duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 28th day of September, 1999, by the following called vote:

Ayes:	5	Larios, Larragoitiy, Torres, Yarbrough, Landers
Notes:	0	
Absent:	0	

Margaret Rey
CITY CLERK

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EXHIBIT "A"

LEGAL DESCRIPTION(S)

[INSERT]

EXHIBIT "B"

SKETCH(ES)

[INSERT]