

RESOLUTION NUMBER 6472

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DECLARING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF INTERESTS IN A PORTION OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NOS. 320-010-005, 320-010-006, AND 320-010-007

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 Orange Avenue, which generally consists of the widening of Orange Avenue between North Perris Boulevard and Medical Center Drive (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 street right-of-way in fee simple and a temporary construction easement (hereinafter the “Interests”) in a portion of certain privately-owned real property located at the south side of Orange Avenue, east of North Perris Boulevard, in the City of Perris, County of Riverside, California, Assessor’s Parcel Nos. 320-010-005, 320-010-006, and 320-010-007 (hereinafter the “Property”); and

WHEREAS, the portion of the Property in which the City seeks to acquire the fee simple interest is described in Exhibit “A-1” which is attached hereto and incorporated by this reference, and depicted on the diagram attached hereto as Exhibit “B-1” which is incorporated herein by this reference; and

WHEREAS, the portion of the Property in which the City seeks to acquire the temporary construction easement, which will be in effect for 12 months, commencing upon written notice to the owners of the Property from the City of Perris, is described in Exhibit “A-2” which is attached hereto and incorporated herein by this reference, and depicted on the diagram attached hereto as Exhibit “B-2” which is incorporated herein by this reference; and

WHEREAS, on or about October 31, 2022 and January 23, 2023, the City made a written offers to acquire the Interests to the record owners 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 owners of the Property have not accepted said offer or otherwise conveyed the Interests to the City as of the date of this Resolution; and

WHEREAS, on July 15, 2024 a Notice of Intent to Adopt a Resolution of Necessity for Acquisition of the Interests in certain real property identified as Assessor’s Parcel Nos. 320-010-005, 320-010-006, and 320-010-007 (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 July 30, 2024, 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 Interests proposed to be acquired are 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 Interests 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 Interests in the Property for the stated purposes; and

WHEREAS, environmental impacts of this Project were addressed in the Negative Declaration No. 2223 approved by the City of Perris Community Development Department on June 23, 2007.

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 July 30, 2024 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 street right-of-way to be acquired is located within the City of Perris, County of Riverside, State of California, Assessor's Parcel Nos. 320-010-005, 320-010-006, and 320-010-007, comprising a total of 2,806 square feet, is described in Exhibit "A-1" and depicted in Exhibit "B-1". The temporary construction easement to be acquired, which will be in effect for 12 months, commencing upon written notice to the owner of the Property from the City of Perris, comprising a total of 1,651 square feet, is described in Exhibit "A-2" and depicted in Exhibit "B-2".

Section 3. The public interest, convenience, and necessity require the Project to accommodate growth and development as anticipated in the Land Use Element. Currently, Orange Avenue consists of four lanes for a portion of the length between North Perris Boulevard and Medical Center Drive while the remaining portion consists of only three lanes – one lane on

the south side and two lanes on the north side. The Project includes rehabilitating existing pavement, installing curb, gutter, and sidewalk, and re-striping and widening the remaining portion of the south side of Orange Avenue from one to two lanes, making the width consistent with the rest of Orange Avenue between North Perris Boulevard and Medical Center Drive. The existing traffic signal at Orange Avenue and North Perris Boulevard is being replaced 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. Orange 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 Orange 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 Interests in the Property is necessary for the Project because without the Interests, the Project cannot be completed. Acquisition of the Interests 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 owners of record of the Property, by way of letter dated October 31, 2022, and the owners of record of the Property have not accepted the City's offer or, as of the date of this resolution, finalized an agreement based on an acceptable counteroffer.

Section 7. The City hereby declares its intent to acquire the Interests in the portion of the Property described in Exhibits "A-1" and "A-2" 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 Interests 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 Interests 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.

ADOPTED, SIGNED and APPROVED this 30th day of July, 2024.

Michael M. Vargas, Mayor

ATTEST:

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 6471 was adopted by the City Council of the City of Perris at a regular meeting held on the 30th day of July, 2024, and that the same was adopted by the following vote:

AYES: NAVA, CORONA, RABB, ROGERS, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Nancy Salazar, City Clerk

EXHIBIT "A-1"

LEGAL DESCRIPTION FOR FEE SIMPLE INTEREST

EXHIBIT "A"
A.P.N. 320-010-005, -006, -007

THE NORTHERLY 17.00 FEET OF LOTS A, B AND THE NORTHERLY 17.00 FEET OF THE WEST HALF OF LOT C IN BLOCK 2 OF FIGADOTA FARMS NO. 13, AS SHOWN BY MAP ON FILE IN BOOK 16 PAGE 83 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING IN SECTION 20, TOWNSHIP 4 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

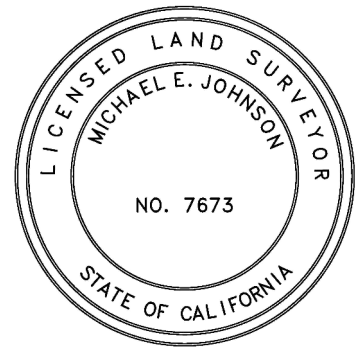
CONTAINING 2806 SQUARE FEET, MORE OR LESS.

SEE PLAT ATTACHED HERETO AS **EXHIBIT "B"** AND MADE A PART HEREOF. PREPARED UNDER MY SUPERVISION



MICHAEL E. JOHNSON, L.S. 7673

3/11/20
DATE



PREPARED BY: AL
CHECKED BY: mf

EXHIBIT "A-2"

LEGAL DESCRIPTION FOR TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"
A.P.N. 320-010-005, -006, -007

THE NORTHERLY 17.00 FEET OF LOTS A, B AND THE NORTHERLY 17.00 FEET OF THE WEST HALF OF LOT C IN BLOCK 2 OF FIGADOTA FARMS NO. 13, AS SHOWN BY MAP ON FILE IN BOOK 16 PAGE 83 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING IN SECTION 20, TOWNSHIP 4 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

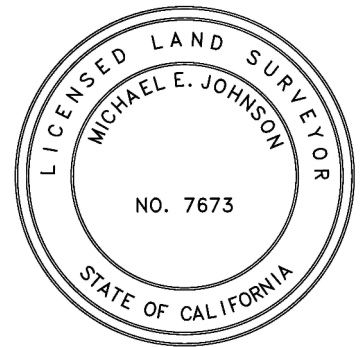
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3/11/20
DATE



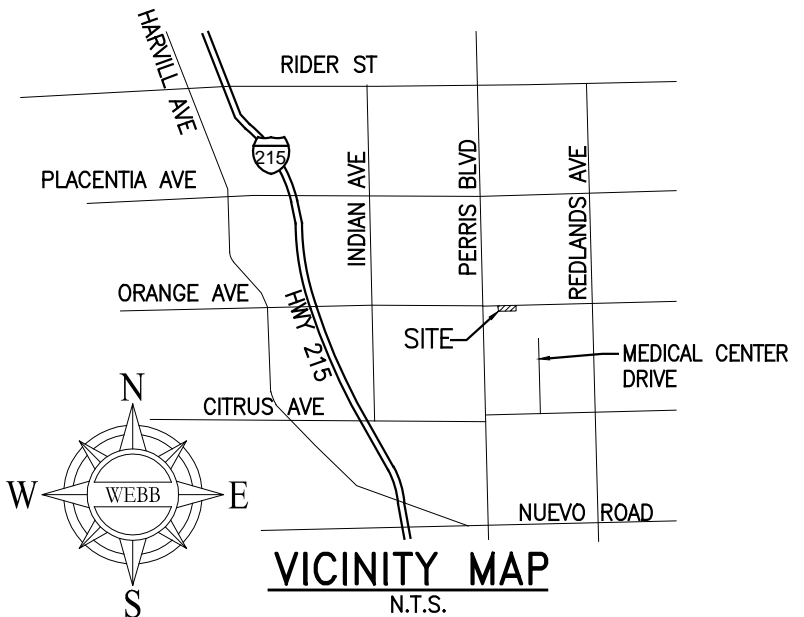
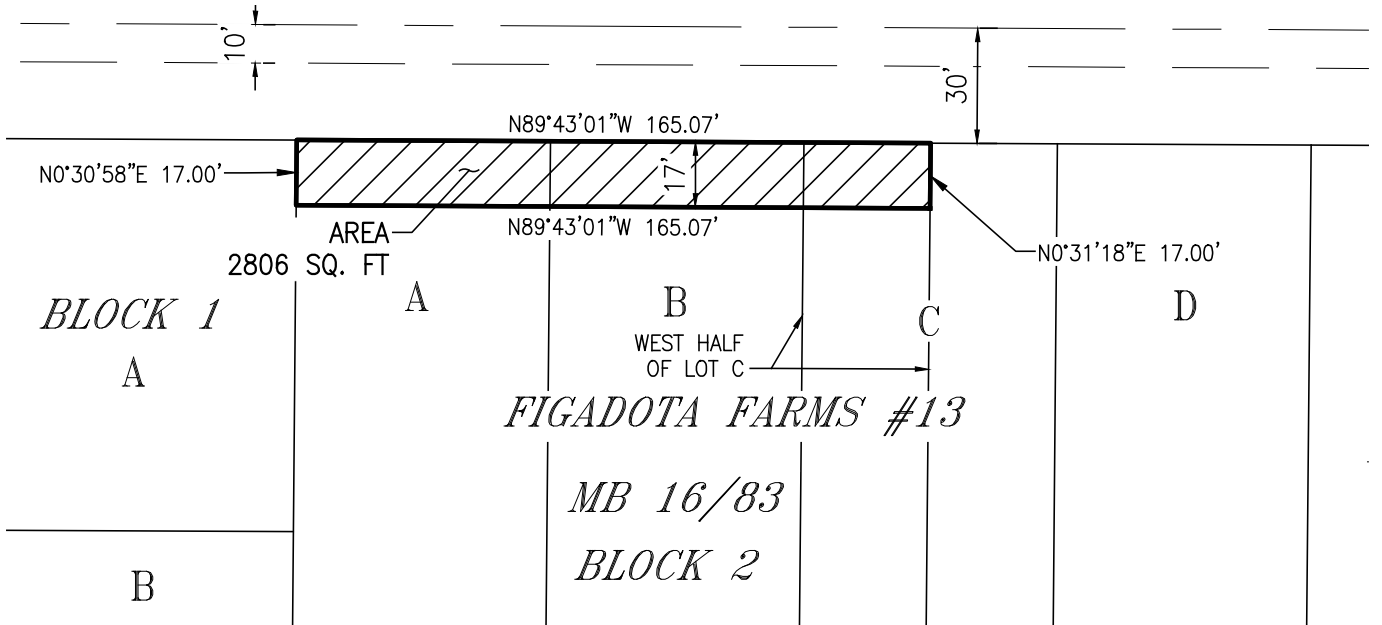
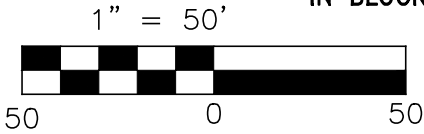
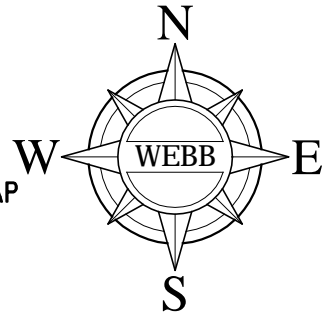
PREPARED BY: AL
CHECKED BY: mf

EXHIBIT "B-1"

PLAT MAP FOR FEE SIMPLE INTEREST

EXHIBIT "B"

SHOWING THE DEDICATION OF RIGHT-OF-WAY OF
 THE NORTHERLY 17.00 FEET OF LOTS A, B, AND
 THE NORTHERLY 17.00 FEET OF THE WEST HALF OF LOT C
 IN BLOCK 2 OF FIGADOTA FARMS NO. 13, AS SHOWN BY MAP
 ON FILE IN BOOK 16, PAGE 83 OF MAPS,
 RECORDS OF RIVERSIDE COUNTY, CALIFORNIA



SEC. 20, T4S, R3W, SBM

ALBERT A. WEBB ASSOCIATES

CITY OF PERRIS

\\Elsinore\wo4\2019\19-0006\Drawings\Mapping\Legals & Plats\Right of Way\19-0006_ROW.dwg
 3/9/2020 11:35 AM

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
 ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 1

W.O.
 19-0006

SCALE: 1"=50'

DRWN BY ALR
 CHKD BY MJ

DATE 4/29/19
 DATE 4/29/19

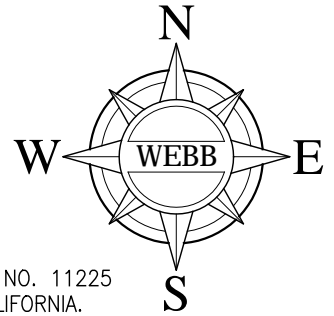
SUBJECT: APN 320-010-005,-006,-007

EXHIBIT "B-2"

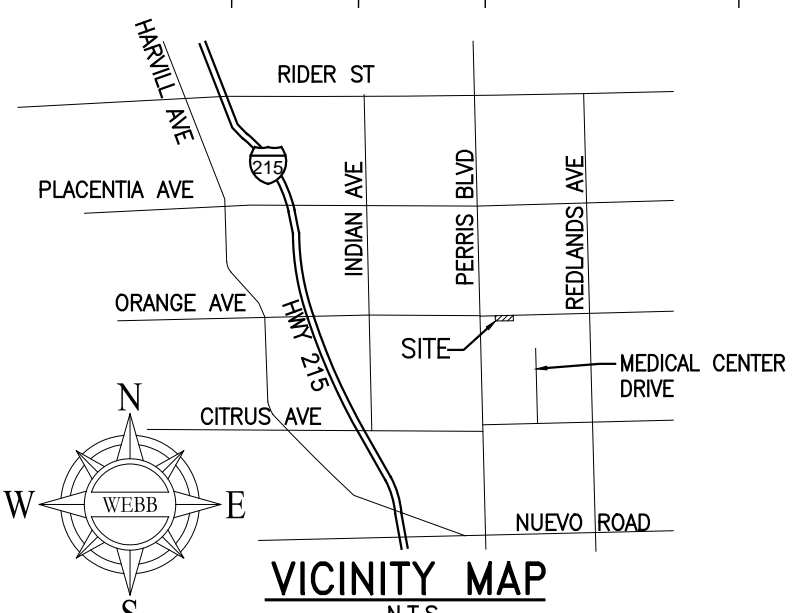
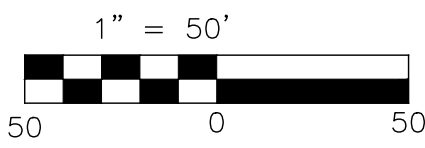
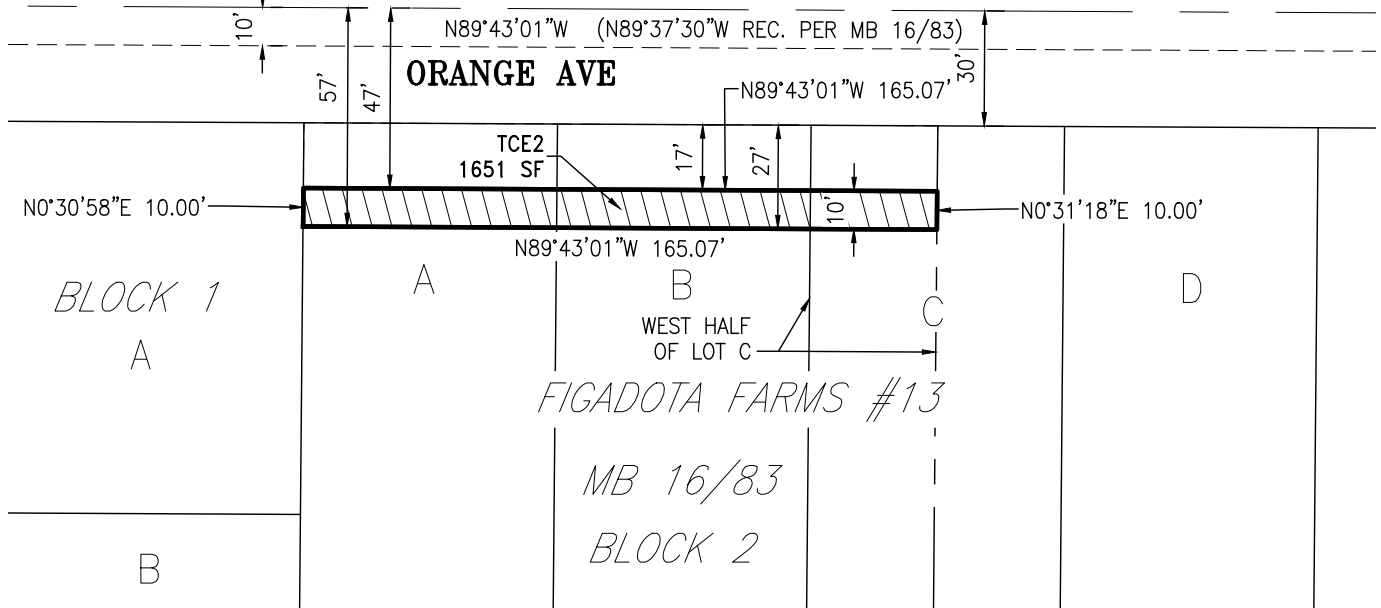
PLAT MAP FOR TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "B"

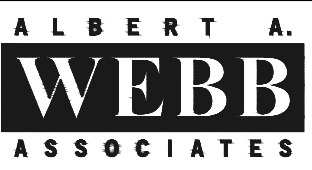
SHOWING THE TEMPORARY CONSTRUCTION EASEMENT OF
 THE SOUTHERLY 10.00 FEET OF THE NORTHERLY 27.00 FEET OF LOTS A, B, AND
 THE SOUTHERLY 10.00 FEET OF THE NORTHERLY 27.00 FEET THE WEST HALF OF
 LOT C IN BLOCK 2 OF FIGADOTA FARMS NO. 13, AS SHOWN BY MAP
 ON FILE IN BOOK 16, PAGE 83 OF MAPS,
 RECORDS OF RIVERSIDE COUNTY, CALIFORNIA



EASEMENT FOR PUBLIC UTILITIES REC FEB. 4, 1970 AS INST. NO. 11225
 OF O.R., IN FAVOR OF GENERAL TELEPHONE COMPANY OF CALIFORNIA.



SEC. 20, T4S, R3W, SBM



CITY OF PERRIS

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THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
 ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 1
 W.O. 19-0006

SCALE: 1"=50' DRWN BY ALR DATE 8/28/20 SUBJECT: APN 320-010-005,-006,-007
 CHKD BY JCR DATE 8/28/20

EXHIBIT "C"

NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY

July 15, 2024

Balu V. Patel and Malti B. Patel
701 South Brookhurst Street
Anaheim, CA 92804

Balu V. Patel and Malti B. Patel
119 Union Jack Mall
Marina del Rey, CA 90292

Re: APN: 320-010-005, 320-010-006, and 320-010-007
Property: South side of Orange Avenue, east of N Perris Boulevard,
City of Perris, Riverside County
Subject: Resolution of Necessity

Dear Property Owners:

This firm serves as the City Attorney's Office for the City of Perris. On October 31, 2022, the City of Perris (the "City") made an offer to purchase portions of the property identified as Assessor's Parcel Numbers 320-010-005, 320-010-006, and 320-010-007 in the City of Perris, California, located on the south side of Orange Avenue, east of N Perris Boulevard, City of Perris, County of Riverside, California. The City reiterates its previous offer of \$4,900.00, which includes the temporary construction easement, subject to the conditions stated in the offer.

You are also hereby notified that the City intends to consider the adoption of a resolution of necessity authorizing acquisition of said property by eminent domain. The City's governing body will consider that resolution at a meeting to be held at the following time and place:

Date: July 30, 2024
Time: 6:30 p.m.
Location: City of Perris, City Hall, Council Chambers, 101 North D Street, Perris, California

You have the right to appear at the meeting and be heard on the following issues:

1. Whether the public interest and necessity require the project;
2. Whether the project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the interests sought to be acquired are necessary for the project;
4. Whether the offer required by Section 7267.2 of the *Government Code* has been made to the owners(s) of record; and

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Balu V. Patel and Malti B. Patel
Notice of Intent
July 15, 2024
Page 2

5. Whether the offer required by Section 7267.2 of the *Government Code* was made in the form and substance required by law.

NOTICE: If you fail to file a written request to be heard at the hearing within 15 days after the date of this letter, then the City may decide not to hear or consider any evidence which you may have to present. Please also be advised that, if you do not appear and present information to the City at the hearing, then you may be precluded from later challenging the City's authority to acquire the interests through its use of the power of eminent domain. Information may be presented in writing if it is received before the hearing.

Neither the pendency of the City's consideration of the resolution of necessity, nor the initiation of formal eminent domain proceedings, in any way prevents negotiations from occurring for the acquisition of said property, and the City will be most willing to engage in such negotiations. If you have any comments or questions, please do not hesitate to contact me at (510) 319-7288 or Clara Miramontes, City Manager, at (951) 943-6100.

Thank you for your cooperation in this matter.

Very truly yours,

ALESHIRE & WYNDER, LLP



Jonathan Belaga
Partner

JB:JB

cc: Robert Khuu, City Attorney (via email)
June Ailin, Special Counsel (via email)