

RESOLUTION NUMBER 6706

A RESOLUTION OF NECESSITY OF THE CITY OF PERRIS, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF EASEMENT INTERESTS IN CERTAIN REAL PROPERTY (APN NOS. 294-200-006 AND 294-200-007) FOR THE PURPOSE OF FLOOD CONTROL

WHEREAS, for the public purposes set forth herein, the City of Perris, California, (“City”) is authorized to acquire property through the exercise of eminent domain pursuant to California Health and Safety Code Sections 33342 and 33391 and provisions of the California Eminent Domain Law [Code of Civil Procedure Section 1230.010 *et seq.*]; and

WHEREAS, as part of the development of Parcel Map 38259, Master Drainage Plan (MDP) facility Lateral B-8, a storm drain facility, was designed to connect a Caltrans storm drain facility to the future MDP facility, Lateral B, which would be located within certain real properties identified as 5007 and 5027 Patterson Avenue, Perris, CA, 92571, Riverside County Assessor’s Parcel Numbers (APNs) 294-200-006 and 294-200-007 (collectively the “Property”); and

WHEREAS, in order to carry out and make effective the principal purpose of the Project, it is necessary for the City to acquire an approximately 24,374 square foot storm drain easement called “Easement Lateral B-8”), as well as a temporary construction easement (singularly the “Easement”) over the Property, along on APN 294-200-007’s southern property line, as depicted on the diagram attached hereto as **Exhibit A**; and

WHEREAS, the owner of record for both parcels of the Property is MV Land, LLC, and the City is informed and believes that Bruce Springer is the owner and/or operator of MV Land, LLC (hereinafter referred to as the “Property Owner”); and

WHEREAS, on or about December 5, 2024, the City sent to the Property Owner a Notice of Decision to Appraise the subject Easement, along with a legal description of the Easement; and

WHEREAS, on or about April 1, 2025, the appraisal firm Doverspike & Associates completed the preparation of an Appraisal Report for the proposed acquisition of the Easement to establish the fair market value of the Easement; and

WHEREAS, on May 30, 2025, the City sent to the Property Owner an Offer to Purchase the Easement in an amount that was not less than the appraised fair market value of the Property in compliance with Government Code Section 7267.2(a); however, the Property Owner has not accepted said offer or otherwise conveyed the Property to the City as of the date of this resolution; and

WHEREAS, on July 9, 2025, a Notice of Intent to Consider Adopting Resolution of Necessity to Acquire an Easement Interest in Certain Real Property by Eminent Domain (“Notice of Intent”) was sent to the Property Owner by email and first class mail, notifying the Property Owner of its to be heard on the matters referred to therein on the date and at the time and place stated therein, which was the City Council’s regular meeting on July 29, 2025, at 6:30 p.m.; and

WHEREAS, on July 22, 2025, an Amended Notice of Intent to Consider Adopting Resolution of Necessity to Acquire an Easement Interest in Certain Real Property by Eminent Domain (“Amended Notice of Intent”) was sent to the Property Owner by email and first class mail, notifying the Property Owner of its to be heard on the matters referred to therein on the date and at the time and place stated therein, which was the City Council’s regular meeting on August 26, 2025, at 6:30 p.m.; and

WHEREAS, the hearing set out in said Amended Notice of Intent was held on August 26, 2025, at the time and place state 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; and
- (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; and
- (c) Whether the Property proposed to be acquired is necessary for the project; and
- (d) Whether the offer, meeting the requirements of Government Code Section 7267.2, has been given; and

WHEREAS, the City, as a result of such hearing, has determined that the public health, safety, and welfare require the City to acquire the easement interests in the Property for the purpose of flood control; and

WHEREAS, the Project for which the Property is sought has previously been reviewed under applicable environmental procedures conducted by the City.

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

Section 1. The above-stated recitals are hereby incorporated by reference.

Section 2. The property to be acquired consists of easement interests for the purpose of a storm drain for flood control on property located within the City of Perris,

County of Riverside, State of California, located at 5027 Patterson Avenue, Perris, CA, 92571, Riverside County Assessor's Parcel Numbers (APNs) 294-200-006 and 294-200-007 (collectively the "Property"), for a Riverside County Flood Control and Water Conservation District easement called "Easement Lateral B-8"), as well as a temporary construction easement (singularly the "Easement") over the Property, as depicted on the diagram attached hereto as **Exhibit A**.

Section 3. That the public interest, convenience, and necessity require the acquisition by the City of the easement interests in the Property.

Section 4. That the Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

Section 5. The taking of the easement interest in said Property as described above is necessary for the Project, and the City is authorized to acquire the above-described Property by eminent domain pursuant to Section 19, Article 1 of the California Constitution, Section 1230.010 *et seq.* of the California Code of Civil Procedure, and Sections 37350 and 37350.5 of the Government Code.

Section 6. The offer required by Government Code Section 7267.2 has been made to the owners of record of the properties to be acquired by way of letter dated May 30, 2025, and no agreement has been reached with the Property Owner.

Section 7. The City hereby declares its intent to acquire the easement interests in the above-referenced Property in the City's name in accordance with the provisions of the law of the State of California.

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 of Perris such proceedings in the Court having proper jurisdiction thereof, as may be necessary for the acquisition of the fee simple interest to such Property. Said counsel is 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 26th day of August, 2025

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO
HEREBY CERTIFY that the foregoing Resolution Number 6706 was duly and regularly
adopted by the City Council of the City of Perris at a regular meeting held the 26th day of
August, 2025, by the following called vote:

AYES: CORONA, RABB, VALLEJO, NAVA, VARGAS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Nancy Salazar