

**ORDINANCE NUMBER 1221**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBING THE PROGRAM FOR THE USE OF EMINENT DOMAIN WITHIN THE CENTRAL PERRIS AND NORTH PERRIS REDEVELOPMENT PROJECTS BY THE REDEVELOPMENT AGENCY OF THE CITY OF PERRIS**

**WHEREAS**, the City Council of the City of Perris, California, (“City Council”) adopted Ordinance No. 580 on July 11, 1983, approving and adopting the Redevelopment Plan for the Central Perris and North Perris Redevelopment Projects (“Project Area”), amended by Ordinance No. 995 on December 12, 1994, and by Ordinance No. 1171 on September 27, 2005 (collectively, the “Redevelopment Plan”);

**WHEREAS**, the Perris Redevelopment Agency (the “Agency”) has been designated as the official redevelopment agency in the City of Perris to carry out the functions and requirements of the Community Redevelopment Law of the State of California, constituting Health and Safety Code Section 33000, *et seq.*, (“CRL”), and to implement the Redevelopment Plan;

**WHEREAS**, Section 33342.7 of the California Health and Safety Code became effective on January 1, 2007;

**WHEREAS**, pursuant to Section 33342.7 of the California Health and Safety Code, the City Council is required to adopt an ordinance on or before July 1, 2007, describing the Agency’s program to acquire real property by eminent domain (the “Program”) for any redevelopment plan adopted before January 1, 2007;

**WHEREAS**, the Redevelopment Plan includes a Program whose power is to be used when necessary for the execution of the Redevelopment Plan and adequate provisions have been made for payment of property as provided by law;

**WHEREAS**, this Ordinance does not change the Program in the Redevelopment Plan as it currently exists and is implemented;

**THE CITY COUNCIL OF THE CITY OF PERRIS DOES FIND AND ORDAIN AS FOLLOWS:**

**Section 1.** Pursuant to Section 33342.7 of the Health and Safety Code, a description of the Agency’s Program is set forth in Exhibit “A”, attached hereto and incorporated herein by this reference. The Agency’s Program may be amended only by amending the Redevelopment Plan pursuant to Article 12 of the Community Redevelopment Law (commencing with Health and Safety Code Section 33450).

**Section 2.** If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

**Section 3.** The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

**ADOPTED, SIGNED and APPROVED** this 12<sup>th</sup> day of June, 2007.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Judy L. Haughney

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

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1221, introduced at a regular meeting of the City Council of the City of Perris held on the 29<sup>th</sup> day of May, 2007, was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 12<sup>th</sup> day of June, 2007, and that it was so adopted by the following called vote:

AYES:           Motte, Yarbrough, Landers, Busch  
NOES:  
ABSENT:        Rogers  
ABSTAIN:

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City Clerk, Judy L. Haughney

**EXHIBIT “A”**  
**(RESOLUTION NUMBER 1221)**

**Central Perris and North Perris Redevelopment Projects**  
**– Eminent Domain Program**

The provisions of the Redevelopment Plan authorize the use of the power of eminent domain by the Agency to acquire any interest in real property in the Project Area. In eliminating and preventing such conditions of blight, the Agency proposes:

1. To encourage the cooperation and participation of property owners, public agencies, and community organizations in the elimination of blighting conditions and the development of the Project Area;
2. To encourage investment in the Project Area by the private sector;
3. To remove economic impediments to land assembly and development in commercial, industrial and residential areas caused by the need for public improvements;
4. To provide storm drain facilities which will protect lands in the Project Area from storm flows generated in the Project Area and from areas located outside the Project Area;
5. To improve Project Area and regional traffic circulation by constructing or improving streets in the Project Area;
6. To provide additional public improvements and facilities, such as water lines and sewer lines, as identified in this Plan;
7. To provide for the construction of water supply systems which provide adequate hydrants and fire flows;
8. To protect the health and general welfare of Project Area residents by rehabilitating and otherwise improving the supply of housing in the Project Area;
9. To promote the preservation of historic structures in the core of the City and facilitate the expansion of the City’s tax base through the preservation and improvement of historic areas;
10. To provide a mechanism for ensuring the long-term viability of the Central Business District, utilizing commercial rehabilitation and planned new commercial developments;
11. To provide for new housing as required to satisfy the needs of the various age, income, and ethnic groups in the City, maximizing the opportunity for individual choice.

The use of the power of eminent domain is limited by the CRL and by Section 321 of the Redevelopment Plan. The applicable limitations are as follows:

1. The Agency shall comply with all applicable laws in acquiring real property by eminent domain.
2. The Agency is authorized to use eminent domain to acquire real property if a determination is made that one or more of the following conditions exists:
  - a. The building must be removed in order to assemble land into parcels of reasonable size and shape to eliminate that impediment to land development;
  - b. The building is substandard as determined by the Building Department of the City of Perris after inspection;
  - c. The building must be removed in order to eliminate an environmental deficiency, including but not limited to, incompatible land uses and small and irregular lot subdivisions;
  - d. The building must be removed to provide land for needed public improvements, including among others, rights-of-way, public safety facilities, public recreational facilities, open space and other public utilities.
3. The Agency shall not use the power of eminent domain to acquire any residential property located in any “residential or Core Area Mixed Use” areas as shown on the City’s General Plan and the Redevelopment Plan Map.
4. The Agency shall not use the power of eminent domain to acquire any property owned by public bodies which do not consent to such acquisition. However, the Agency is authorized to acquire property devoted to a public use.
5. The Agency shall not use the power of eminent domain to acquire any real property to be retained by an owner, either as a conforming owner or pursuant to a participation agreement, if the owner fully performs under the agreement.
6. The Agency shall not use the power of eminent domain to acquire any real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless: (i) such building requires structural alteration, improvement, modernization or rehabilitation; or (ii) the site or lot on which the building is situated requires modification in size, shape, or use; or (iii) it is necessary to impose upon such property any of the standards, restrictions, and controls of the Redevelopment Plan and the owner fails or refuses to participate in said Plan by executing a participation agreement;

7. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located.
8. The Agency is authorized to acquire any other interest in real property less than a fee interest.