

**ORDINANCE NUMBER 1222**

**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 1987 REDEVELOPMENT PROJECT AREA BY THE REDEVELOPMENT AGENCY OF THE CITY OF PERRIS**

**WHEREAS**, the City Council of the City of Perris, California, (“City Council”) adopted Ordinance Number 687 on June 29, 1987, approving and adopting the Redevelopment Plan for the 1987 Redevelopment Project, amended by Ordinance Number 996 on December 12, 1994, by Ordinance Number 1171 on September 27, 2005, and by Ordinance Number 1181 on February 14, 2006 (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 1222, 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 1222)**

**1987 Redevelopment Project – 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 provide or assist in the provision of needed public facilities and improvements in the Project Area, including construction of drainage and sewerage facilities, water distribution facilities, and provision of traffic circulation and street improvements to serve the Project Area;
2. To enhance and expand shopping facilities in Perris by encouraging the development of new commercial uses and rehabilitation of existing commercial uses in conformance with the Perris General Plan and Zoning Ordinance;
3. To upgrade the physical appearance of the Project Area, and thus the community, particularly as viewed from State Highway 215;
4. To encourage the cooperation and participation of property owners, public agencies, and community organizations in the elimination of blighting conditions in the Project Area;
5. To encourage investment in the Project Area by the private sector;
6. To remove economic impediments to land assembly and in-fill development in areas which are not properly subdivided for development;
7. To consolidate parcels as needed to induce new, quality commercial residential or industrial development in the Project Area;
8. To eliminate incompatible, non-conforming land uses from the Project Area;
9. To protect the health and general welfare of low- and moderate- income persons by increasing and improving the community’s supply of housing affordable to these persons;
10. To mitigate potential relocation impacts resulting from changes in Project Area land use from non-conforming and dilapidated uses to development in conformance with the Perris General Plan and Zoning Ordinance;
11. As required by law, to provide replacement housing when dwellings housing low- or moderate- income persons or families are destroyed or removed from the low- or moderate-income housing market;
12. To provide relocation assistance to all displacees in order to mitigate possible hardships due to relocation activities;

13. To promote the development of new and diverse employment opportunities;
14. To provide a procedural and financial mechanism by which the Agency can assist, complement and coordinate public and private development, redevelopment, revitalization and enhancement of the community.

The use of the power of eminent domain is limited by the CRL, by Section 321 of the Redevelopment Plan and by the Agency's program to acquire real property by eminent domain as set forth in Ordinance No. 1181 approved and adopted by the City Council on February 14, 2006. 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 the power of eminent domain to acquire any real property within the East San Jacinto Avenue Sub Area.
3. The Agency may 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.
4. The Agency is not authorized to use the power of eminent domain to acquire any other Project Area properties outside the East San Jacinto Avenue Sub Area.
5. The Agency is not authorized to commence any eminent domain proceedings to acquire any real property within the East San Jacinto Sub Area after February 14, 2018.
6. The Agency is not authorized to 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.

7. The Agency is not authorized to 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.
8. The Agency is not authorized to 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;
9. The Agency is authorized to acquire any other interest in real property in the East San Jacinto Sub Area less than a fee interest.
10. The Agency is authorized to acquire property or interest from its members or officers only by commencing eminent domain proceedings.