

**RESOLUTION NUMBER 3230**

**A RESOLUTION OF THE CITY OF PERRIS, CALIFORNIA,  
DECLARING THE PUBLIC INTEREST AND NECESSITY  
REQUIRE ACQUISITION OF A FEE INTEREST IN A  
PORTION OF TE PROPERTY KNOWN AS ASSESSOR  
PARCEL NO. 310-082-030**

**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 Government Code §§ 37350, 37353, 37350.5 and 40404; and

**WHEREAS**, the “Project” for the purposes of this acquisition consists of the construction of a roundabout with landscaping at the intersection of Southbound I-215 exit ramp and State Route 74 (Fourth Street) and Redlands Avenue in the City of Perris (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 a fee interest in portion of certain privately-owned real property for street right-of-way purposes in a portion of the property commonly known as 428 S. Redlands Avenue, Perris, California 92570, Assessor’s Parcel No. 310-082-030, which is located on the Southwest corner of 4<sup>th</sup> Street and Redlands Avenue in the City of Perris, as more particularly described in Exhibit “A”, attached hereto and incorporated by this reference, (hereinafter the “Property”) and to be located as depicted on the diagram attached hereto as Exhibit “B” which is incorporated by this reference; and

**WHEREAS**, on or about September 23, 2003, the City made written offers to acquire a fee interest in the Property to the record owner of the Property at an amount that was not less than the appraised fair market value in compliance with Government Code § 7267.2(a), and the owner of the Property has not accepted said offer or otherwise conveyed the interests in the Property to the City as of the date of this Resolution; and

**WHEREAS**, on May 5, 2004, a Notice of Intention to Adopt a Resolution of Necessity to Acquire a Fee Interest in a Portion of Real Property Located at Assessors Parcel No. 310-082-030 (a copy of which are 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 set out in said Notice of Hearing was held on May 18, 2004, 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 property proposed to be acquired is necessary for the project;
- (d) Whether the offer meeting the requirements of Government Code Section 7267.2 has been given; and
- (e) Whether all other prerequisites for the exercise of eminent domain to acquire the Property have been met.

**WHEREAS**, the City Council, as a result of such hearing, has determined that the public health, safety, and welfare require the City to acquire a fee interest in the Property for street purposes.

**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 facts and conclusions referenced in this Resolution, and the findings made by the City Council herein, are supported by substantial evidence contained in the record of this proceeding.

**Section 2.** The property to be acquired consists of a fee interest for landscaping and street right-of-way purposes in a portion of the property located within the City of Perris, County of Riverside, State of California, also known as 428 S. Redlands Blvd., Perris, California 92570, Assessor Parcel No. 310-082-030, and more specifically described above and in Exhibit "A".

**Section 3.** That the public interest, convenience, and necessity require the acquisition by the City of a fee interest for landscaping and street right-of-way purposes in the Property. The public interest and necessity require the Project, to relieve congestion of traffic at the intersection of the Southbound I-215 exit ramp and State Route 74 (Fourth Street) and Redlands Avenue in the City of Perris. The Project will relieve congestion and increase traffic flow through the Project area. The Property is located within the boundaries of the City of Perris and will improve traffic safety, provide a means of access to the properties located adjacent to the Project, and will provide an identity to this revitalized area and enhance property values. The Project is planned and located in a manner which will be the most compatible with the greatest public good and the least private injury, in that the Project is located directly at the intersection of the Southbound I-215 exit ramp and State Route 74 (Fourth Street) and Redlands Avenue in the City of Perris and will have a minimal impact on the owner of the Property. The acquisition only includes that amount of land necessary for the Project. The taking of the fee interest in said Property as described above is necessary for the Project because the Project cannot be constructed without the Property and the acquisition is authorized by Section 19 of Article 1 of

the California Constitution, Section 1230.010, et seq., of the California Code of Civil Procedure, and Sections 37350, 37350.5, 37353, and 40404 of the Government Code.

**Section 4.** The total square footage of the Property necessary for the Project is approximately 1,728 square feet. The design of the Project, however, will create approximately 1,058 square feet of excess property which is not part of the Property to be acquired (hereinafter "Excess Property"). The Excess Property created by the design of the Project is currently part of the existing right-of-way and adjacent to Assessor Parcel No. 310-082-030. After construction of the Project, the City will taken any and all action to transfer its interests and rights in the Excess Property to the owner of Assessor Parcel No. 310-082-020 within thirty (30) days of completion of the Project thereby limiting the impact on the property owner caused by the Project.

**Section 5.** The offer required by Government Code Section 7267.2 has been made to the owner of record of the Property, by way of letter dated September 23, 2003, and the City has pursued negotiations thereafter, and negotiations with the owner of the fee interest in the Property have not been successful.

**Section 6.** The environmental impacts and effects of the Project were fully addressed and all obligations imposed by the California Environmental Quality Act have been complied with for the Project.

**Section 7.** The City hereby declares its intent to acquire a fee interest in the Property described in Exhibit "A" 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 Property described herein 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 a fee interest in 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** at a special meeting of the City of Perris  
this 18<sup>th</sup> day of May, 2004.

---

Mayor, Daryl R. Busch

ATTEST:

---

City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3230 was duly and regularly adopted by the City Council of the City of Perris at a special meeting thereof held on the 18th day of May, 2004, and that it was so adopted by the following called vote:

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

---

City Clerk, Margaret Rey