

RESOLUTION NO. 2024-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, FINDING AND DETERMINING THE PUBLIC INTEREST AND
NECESSITY FOR ACQUIRING AND AUTHORIZING THE CONDEMNATION
OF EASEMENTS IN AND TO CERTAIN REAL PROPERTY WITHIN THE CITY
OF LAKE ELSINORE**

Whereas, the City Council is being asked to consider the adoption of a Resolution of Necessity to acquire interests in and to real property by eminent domain for (1) a trail right of way easement, and (2) a temporary construction easement, for the Murrieta Creek Regional Trail Project ("Project").

Whereas, when constructed, the proposed Project will provide an important link in the regional active transportation network consistent with the East Lake Specific Plan, General Plan and the City's Active LE goals and will connect the existing Lake Elsinore Levee Trail to the Palomar Trail and the trail system in our southeast neighboring communities.

Whereas, the necessary easements are located on two separate parcels.

Whereas, APN 370-120-001 (hereinafter Parcel 001) is owned by NP Lake Elsinore Commerce, LLC and is located at the southeast corner of Stoneman Street and Como Street adjacent to a residential neighborhood (Tract 26142). The parcel is 116.69 acres. The easement area is unimproved with no site improvements.

Whereas, the City has completed an appraisal and made an offer to the owner of Parcel 001 for a trail easement (111,078 SF) and temporary construction easement (28,314 SF) in the amount of \$59,600. The easements in and to a portion of Parcel 001 are described in the legal descriptions and depictions attached as Exhibit "A" to this Resolution (hereinafter the Parcel 001 Easements).

Whereas, APN 370-120-063 (hereinafter Parcel 063) is located at the northern terminus of Skylark Drive. The parcel is 130.06 acres. The owner of record is The Paul Pribble and Patricia Lenore Pribble Family Trust. The easement area is unimproved with no site improvements.

Whereas, The City has completed an appraisal and made an offer to the owner of Parcel 063 for a trail easement (32,234 SF) and temporary construction easement (19,602 SF) in the amount of \$24,500. The easements in and to a portion of Parcel 063 are described in the legal descriptions and depictions attached as Exhibit "B" to this Resolution (hereinafter the Parcel 063 Easements). The Parcel 001 Easements and the Parcel 063 Easements are collectively referred to as the "Project Easements."

Whereas, the City proposes to construct a trail utilizing the Project Easements for the Project.

Whereas, the City is authorized to acquire property for park and recreation purposes by statutes including, without limitation, Government Code Section 37350.5.

Whereas, the Project Easements described in Exhibit "A" and Exhibit "B" are necessary to complete the Project.

Whereas, the location, purpose, and extent of the proposed acquisition of the Project Easements conforms with the East Lake Specific Plan, the City's General Plan and the City's Active LE goals.

Whereas, all persons whose names and addresses appear on the last equalized assessment roll for the real property upon which the Project Easements are located were given notice of the intention of the City Council to adopt a Resolution of Necessity and to direct the institution of eminent domain proceedings, and informing them of their right to be heard on this matter pursuant to Code of Civil Procedure Section 1245.235.

Whereas, a public hearing was held by the City Council on July 9, 2024, 2024, at which the matters set forth above and in Code of Civil Procedure Section 1240.030 were discussed, including the following matters: (a) whether the public interest and necessity require the acquisition of the Project Easements; (b) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (c) whether the Project Easements are necessary for the Project; and (d) whether an offer of just compensation pursuant to Government Code Section 7267.2 has been made to the owners of record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, BY A VOTE OF NOT LESS THAN TWO-THIRDS OF ITS MEMBERS, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: The above Recitals are true and correct and are incorporated herein.

Section 2: The Project Easements are located within the City of Lake Elsinore. The acquisition of the Project Easements is for the following public use: Murrieta Creek Regional Trail Project ("Project") which will also provide an important link in the regional active transportation network. The City is authorized to acquire the Project Easements pursuant to the Eminent Domain Law.

Section 3: On the basis of the information contained in that certain staff report to the Mayor and City Council dated July 9, 2024, which is incorporated herein by reference, and all other written and oral evidence and testimony presented to the City Council, the City Council declares, finds and determines that:

1. Public interest and necessity require the Project. The proposed Project Easements are necessary to serve the recreational needs and promote community health of the community consistent with the standards established in the East Lake Specific Plan, the City's General Plan and the City's Active LE goals. The proposed Project, which necessarily include the Project Easements, will provide an important link in the regional active transportation network. The Project Easements are a critical component of the Project necessary to connect the Project to existing Lake Elsinore Levee Trail to the Palomar Trail and the trail system in southeast neighboring communities.
2. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury. The Project Easements are located on property that is currently unimproved. No other properties are impacted

and no new services will be required to complete the Project lying within the Project Easements.

3. The Project Easements are necessary for the Project. Acquisition of the Project Easements is necessary to complete the proposed regional trail.
4. The offers required by Section 7267.2 of the Government Code were made and good faith efforts to acquire the Project Easements by negotiation have not resulted in a negotiated purchase.

Section 4: The City is hereby authorized and empowered to acquire by condemnation the title to the Project Easements.

Section 5: The City Attorney is hereby authorized to retain the law firm of Murphy & Evertz, as the City Attorney's designee and to represent the City in these matters, in an amount not to exceed \$50,000.

Section 6: The City Attorney or designee, is hereby authorized and directed to prepare and prosecute in the name of the City, such proceeding or proceedings in the proper court having jurisdiction thereof, as are necessary for such acquisitions; and to prepare and file all pleadings, documents, briefs, and other instruments, and to make such arguments and to take such actions as may be necessary in their opinion to acquire the interests in real property. The City Attorney and designee are specifically authorized to take whatever steps and/or procedures are available to under the Eminent Domain Law,

Section 7: The City Attorney or designee is further authorized and directed to make applications to the Court for an Order for Possession Before Judgment in these proceedings.

Section 8: With respect to Parcel 001, the City Manager or his designee are further authorized and directed to draw a warrant from the account containing the Active Transportation Program Grant in the amount of \$59,600, the warrant to be made payable to the Clerk of the Riverside Superior Court and deliver to the City Attorney or designee to be deposited with the payee as security for the Order for Possession Before Judgment authorized.

Section 9: With respect to Parcel 063, the City Manager or his designee are further authorized and directed to draw a warrant from the account containing the Active Transportation Program Grant in the amount of \$24,500, the warrant to be made payable to the Clerk of the Riverside Superior Court and deliver to the City Attorney or designee to be deposited with the payee as security for the Order for Possession Before Judgment authorized

Section 10: That the City Clerk shall certify to the passage and adoption of this Resolution.

Passed and Adopted at a meeting of the City Council of the City of Lake Elsinore, California, on the 9th day of July 2024.

Steve Manos
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, hereby certify that Resolution No. 2024-___ was adopted by the City Council of the City of Lake Elsinore, California, at a regular meeting held on the 9th day of July 2024 and that the same was adopted by the following vote:

AYES: NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk