

**RESOLUTION NO. 2021-13**  
**[APN # 763-02-021]**

**A RESOLUTION OF THE CITY OF COACHELLA DECLARING THAT  
THE ACQUISITION OF CERTAIN REAL PROPERTY BY EMINENT  
DOMAIN IS NECESSARY FOR THE AVENUE 50 EXTENSION  
PROJECT.**

**WHEREAS**, the City of Coachella (“City”) proposes to acquire a fee simple interest in certain real property for the purpose of constructing the Avenue 50 Extension Project (“Project”) pursuant to the authority granted to the City; and

**WHEREAS**, pursuant to Code of Civil Procedure section 1245.235, the City scheduled a public hearing for February 10, 2021, at City Council Chambers, located at 1515 Sixth Street, Coachella, California, and gave to each person whose property is to be acquired and whose name and address appears on the last equalized county assessment roll, notice and a reasonable opportunity to appear at said hearing and be heard on the matters referred to in Code of Civil Procedure section 1240.030; and

**WHEREAS**, said hearing has been held by the City and each person whose property is to be acquired by eminent domain was afforded the opportunity to be heard on said matters; and

**WHEREAS**, the City may now adopt a resolution of necessity pursuant to Code of Civil Procedure section 1240.040;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COACHELLA AS FOLLOWS:**

**Section 1.**     Notice and Hearing Compliance.

The City has provided notice of this hearing as required by Code of Civil Procedure section 1245.235.

**Section 2.**     Public Use.

The public use for which the real property is to be acquired is to construct the Avenue 50 Extension Project, which is a public improvement project planned to connect existing Avenue 50 at Fillmore Street to the proposed Avenue 50 Interchange at Interstate 10. The project design includes approximately 7,200 lineal feet of 6 lane arterial roadway with neighborhood electric vehicle and bike lanes. The roadway alignment requires crossing the Coachella Canal and the existing thirty-foot high East Side Dike. The project also includes other traffic circulation and improvement elements. The City is authorized to acquire by eminent domain property necessary for such a purpose.

**Section 3.**     Description of Property.

Avenue 50 west of State Route 86, in Coachella, California (designated as Assessor Parcel No. 763-02-021).

**Section 4. Findings.**

The City hereby finds and determines the following:

- a. The public interest and necessity require the proposed project; and
- b. The proposed project is planned or located in the manner that will be the most compatible with the greatest public good and with the least private injury; and
- c. The property is necessary for the proposed project; and
- d. The offers required by Government Code section 7267.2 were made.

**Section 5. Condemnation for a Compatible Use.**

Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. The legal descriptions of these easements and rights-of-way are on file with the City and describe the general location and extent of the easements and rights-of-way with sufficient detail for reasonable identification. The proposed use is a compatible use and will not unreasonably interfere or impair the continuance of the public use now existing or may reasonably be expected to exist in the future. The City is authorized to acquire the property subject to such existing public uses pursuant to Code of Civil Procedure section 1240.510.

**Section 6. Mitigation Features.**

As part of the Project as proposed, the City shall work with the owners of the property to be acquired to reconstruct access and improvements currently located on the subject property which will be impacted by the Project. The City finds and determines these features are part of the Project as proposed and are to be taken into account under Code of Civil Procedure section 1263.450.

**Section 7. Further Activities.**

Best Best & Krieger, as special counsel to the City, is hereby authorized to acquire the described real property in the name of and on behalf of the City by eminent domain. Best Best & Krieger is further authorized to institute and prosecute such legal proceedings as may be required. Best Best & Krieger may take such steps as may be authorized and required by law, and make such deposits as may be required by order of the court, to permit the City to take possession of and use said real property at the earliest possible time. Best Best & Krieger is further authorized to correct any errors or to make or agree to non-material changes in the legal description of the real property that is deemed necessary for the conduct of the condemnation action, or any other proceedings or transactions required to acquire the subject real property.

**PASSED, APPROVED and ADOPTED** this 10<sup>th</sup> day of February 2021.

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Steven A. Hernandez  
Mayor

**ATTEST:**

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Angela M. Zepeda, City Clerk

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

STATE OF CALIFORNIA                    )  
COUNTY OF RIVERSIDE                ) ss.  
CITY OF COACHELLA                    )

I HEREBY CERTIFY that the foregoing Resolution No. 2021-13 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 10<sup>th</sup> day of February 2021, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Andrea J. Carranza, MMC  
Deputy City Clerk