

**RESOLUTION NO. 2022-89**

**RESOLUTION OF NECESSITY FOR THE ACQUISITION OF A FEE INTEREST IN CERTAIN REAL PROPERTY, BY EMINENT DOMAIN, LOCATED ON THE NORTH SIDE OF 52<sup>ND</sup> AVENUE, ONE LOT WEST OF HERNANDEZ STREET, IN THE CITY OF COACHELLA, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 763-412-040, IN RIVERSIDE COUNTY, CALIFORNIA, FOR THE CITY OF COACHELLA'S CENTRAL PARK PROJECT, IN RIVERSIDE COUNTY, CALIFORNIA**

**WHEREAS**, the City of Coachella ("City") proposes to acquire a fee interest in certain real property, located on the north side of 52<sup>nd</sup> Avenue, one lot west of Hernandez Street, in Coachella, California, more particularly described as Assessor Parcel No. 763-412-040, for the City of Coachella's Central Park Project in the City of Coachella, Riverside County, California, pursuant to the authority granted to it by section 37350.5 of the California Government Code; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, the City scheduled a public hearing for October 12, 2022, at 6:00 p.m., at the City of Coachella's City Council Chambers, located at City Hall, 1515 Sixth Street, Coachella, CA 92236, and gave to each person whose property is to be acquired and whose name and address appeared 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 section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by the City, and the affected property owners were afforded an opportunity to be heard on said matters; and

**WHEREAS**, the City may now adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure;

**NOW, THEREFORE, THE CITY DOES HEREBY RESOLVE AND DECLARE AS FOLLOWS:**

**SECTION 1. Compliance with the California Environmental Quality Act.** The City finds the acquisition of a fee interest for a public park is exempt from environmental review under the California Environmental Quality Act ("CEQA", Pub. Resources Code, § 21000 et seq.). Specifically, State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) section 15316 (transfer of ownership of land to create parks) exempts the acquisition of land in order to establish a park where the land is in a natural condition and a management plan for the park has not yet been prepared. The subject property is vacant except for the large power transmission poles located within the southerly 110 feet of the parcel. A review to determine environmental consistency with CEQA will be performed if a future management plan, land use changes, or physical improvements are proposed for the site. None of the exceptions to the categorical exemption listed above apply to the project.

**SECTION 2. Compliance with California Code of Civil Procedure.** There has been compliance by the City with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

**SECTION 3. Public Use.** The public use for the fee interest in certain real property to be acquired is for the construction and development of a new public park known as the City of Coachella's Central Park Project in the City of Coachella, Riverside County, California. Section 37350.5 of the California Government Code authorizes the City to acquire, by eminent domain, property necessary for such purposes.

**SECTION 4. Description of Property.** Attached and marked as Exhibit "A" are the legal definitions, and legal description, respectively, of the interest to be acquired by the City, which describe the general location and extent of the property with sufficient detail for reasonable identification.

**SECTION 5. Findings.** The City hereby finds and determines each of the following:

- (a) The public interest and necessity require the proposed project;
- (b) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The properties defined, described and depicted in Exhibit "A" are necessary for the proposed project; and
- (d) The offers required by section 7267.2 of the California Government Code was made.

**SECTION 6. Use Not Unreasonably Interfering with Existing Public Use.** Some or all of the real property affected by the interest 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. In the event the herein described use or uses will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, counsel for the City is authorized to acquire the herein described property subject to such existing public use(s) pursuant to section 1240.510 of the California Code of Civil Procedure.

**SECTION 7. More Necessary Public Use.** Some or all of the real property affected by the interest to be acquired is subject to easements and rights-of-way appropriated to existing public uses. To the extent that the herein described use or uses will unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, the City finds and determines that the herein described use or uses are more necessary than said existing public use. Counsel for the City is authorized to acquire the herein described real property appropriated to such existing public uses pursuant to section 1240.610 of the California Code of Civil Procedure. Staff is further authorized to make such improvements to the affected real property that it determines are reasonably necessary to mitigate any adverse impact upon the existing public use.

**SECTION 8. Further Activities.** Counsel for the City is hereby authorized to acquire the hereinabove described real property in the name of and on behalf of the City by eminent domain, and counsel is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Legal counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court, to permit the City to take possession of and use said real property at the earliest possible time. Counsel 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 are deemed necessary for the conduct of the condemnation action, or other proceedings or transactions required to acquire the subject real property.

**Section 9. Effective Date.** This Resolution shall take effect upon adoption.

**PASSED, APPROVED AND ADOPTED** this 14<sup>th</sup> day of December, 2022

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. 2022-85 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the day of 14<sup>th</sup> September 2022 by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Andrea J. Carranza, MMC  
Deputy City Clerk

## **Legal Definition**

The following is the definition of legal rights to be acquired by the City of Coachella:

“**Fee,**” also known as fee simple or fee simple absolute, grants to the City of Coachella absolute ownership of the property.

**EXHIBIT A**  
**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF COACHELLA, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 8 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF COACHELLA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY.

[APN: 763-412-040](#)

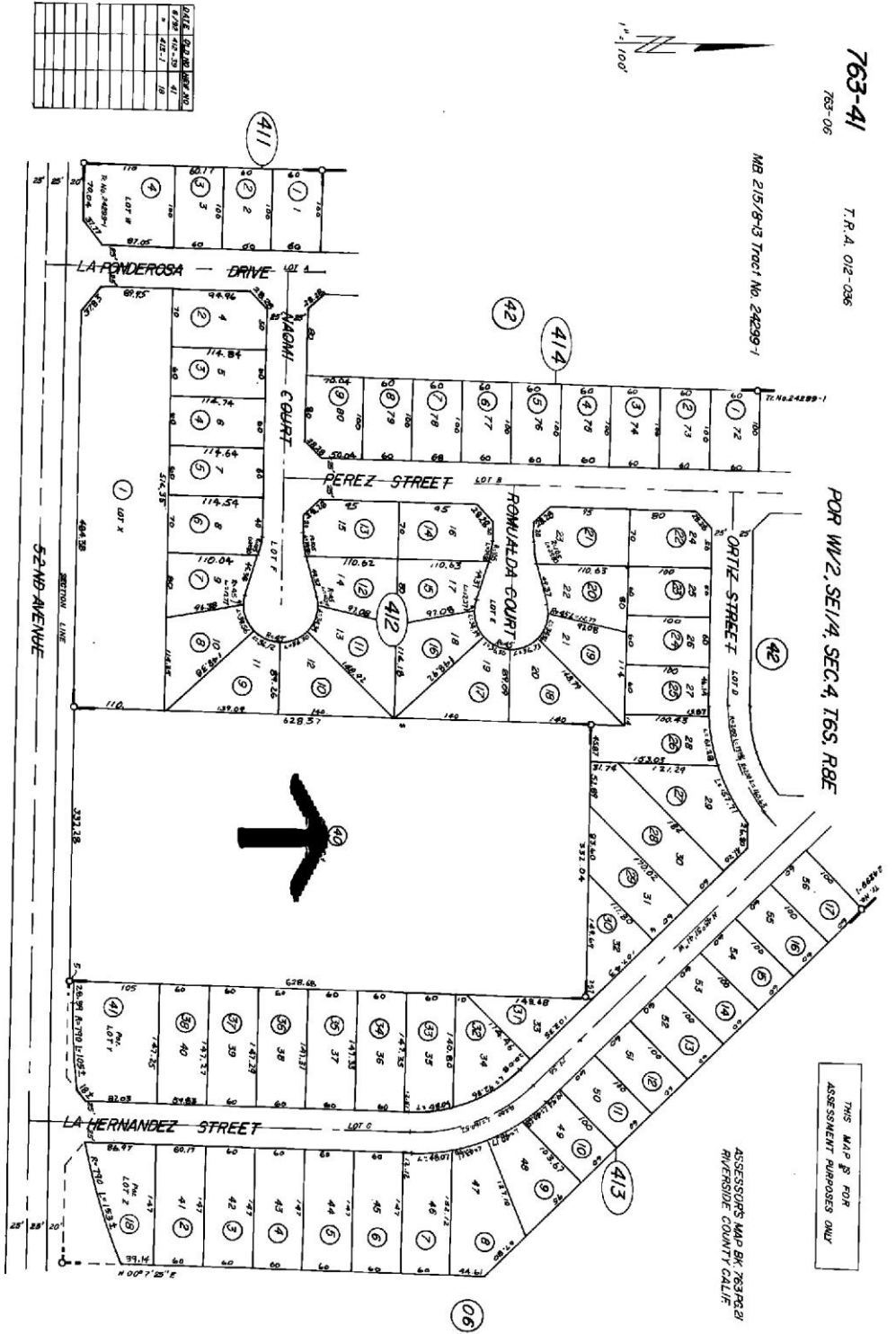
763-41  
 763-06

T.R. 4. 012-036

POR W/2, SE1/4, SEC. 4, T6S, R8E

THIS MAP IS FOR  
 ASSESSMENT PURPOSES ONLY

ASSESSOR'S MAP BK 763/06/21  
 RIVERSIDE COUNTY CALIF



Lot #	Area	Acres	Area	Acres
1	114.54	2.61	114.54	2.61
2	114.54	2.61	114.54	2.61
3	114.54	2.61	114.54	2.61
4	114.54	2.61	114.54	2.61
5	114.54	2.61	114.54	2.61
6	114.54	2.61	114.54	2.61
7	114.54	2.61	114.54	2.61
8	114.54	2.61	114.54	2.61
9	114.54	2.61	114.54	2.61
10	114.54	2.61	114.54	2.61
11	114.54	2.61	114.54	2.61
12	114.54	2.61	114.54	2.61
13	114.54	2.61	114.54	2.61
14	114.54	2.61	114.54	2.61
15	114.54	2.61	114.54	2.61
16	114.54	2.61	114.54	2.61
17	114.54	2.61	114.54	2.61
18	114.54	2.61	114.54	2.61
19	114.54	2.61	114.54	2.61
20	114.54	2.61	114.54	2.61
21	114.54	2.61	114.54	2.61
22	114.54	2.61	114.54	2.61
23	114.54	2.61	114.54	2.61
24	114.54	2.61	114.54	2.61
25	114.54	2.61	114.54	2.61
26	114.54	2.61	114.54	2.61
27	114.54	2.61	114.54	2.61
28	114.54	2.61	114.54	2.61
29	114.54	2.61	114.54	2.61
30	114.54	2.61	114.54	2.61
31	114.54	2.61	114.54	2.61
32	114.54	2.61	114.54	2.61
33	114.54	2.61	114.54	2.61
34	114.54	2.61	114.54	2.61
35	114.54	2.61	114.54	2.61
36	114.54	2.61	114.54	2.61
37	114.54	2.61	114.54	2.61
38	114.54	2.61	114.54	2.61
39	114.54	2.61	114.54	2.61
40	114.54	2.61	114.54	2.61
41	114.54	2.61	114.54	2.61
42	114.54	2.61	114.54	2.61
43	114.54	2.61	114.54	2.61
44	114.54	2.61	114.54	2.61
45	114.54	2.61	114.54	2.61
46	114.54	2.61	114.54	2.61
47	114.54	2.61	114.54	2.61
48	114.54	2.61	114.54	2.61
49	114.54	2.61	114.54	2.61
50	114.54	2.61	114.54	2.61

THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.