

RESOLUTION NO. 2024-08

A RESOLUTION OF THE MISSION SPRINGS WATER DISTRICT FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC PURPOSES

THE MISSION SPRINGS WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Mission Springs Water District (hereafter "District"), after consideration of the staff report, staff presentation, discussion, oral testimony and evidence presented at its Board Meeting on Monday, April 15, 2024, at 3p.m. hereby finds, determines and declares as follows:

- (a) The District is authorized by statute to acquire property by eminent domain within the City of Desert Hot Springs, County of Riverside, CA for the Mission Springs Water District Sewer Main Construction Project ("Sewer Main Project" or "Project"); and
- (b) The public interest, convenience and necessity require the proposed Sewer Main Project in Riverside County, City of Desert Hot Springs, State of CA; and
- (c) The interests in real property to be acquired are a permanent easement and a three-month temporary construction easement in the real property described on Exhibits A attached hereto and incorporated herein by this reference ("Property"). The Property is located within Riverside County and the City of Desert Hot Springs, State of CA. Maps showing the general location of the Property are attached hereto, marked Exhibits B and are incorporated herein by reference and made a part hereof;
- (d) The Sewer Main Construction Project is planned and located in a manner that will be most compatible with the greatest public good and least private injury in the City of Desert Hot Springs, County of Riverside, State of CA.
- (e) The taking of the Property is necessary for the Sewer Main Construction Project and such taking is authorized by Section 19, Article I of the California Constitution, Sections 6500 et seq., 37350.5, 40401 et seq. and 40404 of the California Government Code, Section 1230.010 et seq., 1240.020 and 1240.410 of the California Code of Civil Procedure, and other applicable law; and
- (f) The offer to purchase required by California Government Code Section 7267.2 has been made to the owner of the Property.

(g) The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235.

(h) The District has fully complied with the California Environmental Quality Act ("CEQA").

SECTION 2. The District hereby declares that it is its intention to acquire said Property in accordance with the provision of the laws of the State of California governing condemnation procedures.

SECTION 3. The District further finds that if any portion of the area of the Property has been appropriated to some public use, the public uses to which it is to be applied by Mission Springs Water District, as described above, are more necessary and paramount public uses, pursuant to Code of Civil Procedure section 1240.610 or, alternatively, are compatible with those other uses pursuant to Code of Civil Procedure section 1260.510.

SECTION 4. Mission Springs Water District Legal Counsel is authorized and directed to prepare, institute and prosecute such proceedings in the proper Court having jurisdiction thereof as may be necessary for the acquisition of said Property, including the filing of an application for an Order for Possession prior to judgment.

SECTION 5. This Resolution shall be effective immediately upon its adoption.

SECTION 6. The Board President shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

PASSED, APPROVED AND ADOPTED this ____ day of April, 2024 by the following vote

Ayes:

Noes:

Abstain:

Absent:

Ivan Sewell
President of Mission Springs Water District
and its Board of Directors

Brian Macy
Secretary of Mission Springs Water District
and its Board of Directors