

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THAT CERTAIN PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN LAM NGO & HUYEN LAM TRAN AND THE CITY OF TEMECULA IN CONNECTION WITH THE CALLE GIRASOL/NICOLAS ROAD CONNECTION STREET AND DRAINAGE IMPROVEMENTS (PORTIONS OF APN 957-090-022) AND MAKING FINDINGS THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES AND SECTION 21166 OF THE PUBLIC RESOURCES CODE

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings.

A. The City of Temecula (“City”) is a municipal corporation, located in the County of Riverside, State of California. Pursuant to Government Code Section 37350, the City is authorized to purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of it for the common benefit.

B. The City is a participant of the proposed extension of Nicolas Road from Butterfield Stage Road to the Calle Girasol/Nicolas Road Connection (“Project”) pursuant to the Development Agreement originally approved between the City of Temecula and Ashby USA, LLC (also known as the Pre-annexation and Development Agreement) pursuant to Ordinance No. 02-14. As the Developer, Woodside 05S, LP, a California Limited Partnership and Wingsweep Corporation, a California corporation are the successors to certain of these approved applications for development and propose to construct the Sommers Bend Project. To facilitate the orderly development of the Sommers Bend Project, the Third Amendment to the Development Agreement was approved subject to certain conditions set forth on Exhibit D (New Attachment 5-A to Development Agreement) to said Third Amendment. Specifically, Condition 3(A) to Exhibit D contains a specific condition of approval requiring Developer to construct certain public improvements in connection with Nicolas Road from Butterfield Stage Road to the Calle Girasol/Nicolas Connection.

C. The Project will construct the public street, drainage, access, public utility and related improvements in connection with the proposed extension of Nicolas Road from Butterfield Stage Road to the Calle Girasol/Nicolas Road. In furtherance of the Project, the City seeks to acquire (i) approximate 51,003 square foot conservation easement, and (ii) an approximate 83,324 square foot temporary construction easement with a term of twelve months and covenant authorizing the construction of certain permanent improvements in portions of said 83,324 square foot area (collectively “Subject Property Interests”) on portions of the real property located at

31249 Indian Summer Road in the City of Temecula, California, and identified as Riverside County Tax Assessor's Parcel Number 957-090-022 ("Property").

D. The City seeks to acquire the Subject Property Interests for public use, namely for conservation purposes and for the construction of certain public off-site improvements, consisting of public street, drainage, and related improvements, and all uses necessary or convenient thereto in connection with the proposed extension of Nicolas Road from Butterfield Stage Road to the Calle Girasol/Nicolas Road connection ("Project"). The Irrevocable Offer of Dedication dedicates to the City pursuant to Government Code Section 7050 that certain 51,003 square foot conservation easement described in the Irrevocable Offer. The City seeks to acquire the Conservation Easement for the benefit of Fallbrook Lands Conservancy. The authorization to use the approximate 83,324 square foot temporary construction easement area ("TCE Area") will facilitate the construction of the public street, drainage, and related improvements in connection with the Project. The grant of the rights to use the 83,324 square foot TCE Area will also authorize the City to construct certain permanent rip-rap and related drainage improvements in portions of said 83,324 square foot TCE Area to protect the street improvements from erosion and to minimize flooding. These permanent rip-rap and related drainage improvements will also help minimize flooding in the remainder portions of the Property.

E. The City wishes to proceed with the proposed acquisition of the Subject Property Interests in connection with the Project and the owners of record, Lam Ngo and Huyen Lam Tran ("Owners"), wishes to sell the Subject Property Interests to the City pursuant to the terms of the attached Purchase and Sale Agreement and Joint Escrow Instructions Between Lam Ngo & Huyen Lam Tran and the City of Temecula in Connection with the Calle Girasol/Nicolas Road Connection Street and Drainage Improvements (Portions of APN 957-090-022).

F. The Project, as planned and designed, is in the public interest and necessity and is needed to construct the public street, drainage, access, public utility and related improvements in connection with the proposed extension of Nicolas Road from Butterfield Stage Road to the Calle Girasol/Nicolas Road Connection. The Subject Property Interests are required for conservation easement purposes, to facilitate the construction of the Project, and for the construction of permanent rip-rap and related drainage improvements in portions of the approximate 83,324 square foot TCE Area. The Project, as planned and located, is consistent with the circulation and street system in the Roadway Plan depicted in the City of Temecula General Plan.

Section 2. Approval of Purchase and Sale Agreement and Joint Escrow Instructions Between Lam Ngo & Huyen Lam Tran and the City of Temecula in Connection with the Calle Girasol/Nicolas Road Connection Street and Drainage Improvements (Portions of APN 957-090-022) and Exhibits Thereto. The City Council of the City of Temecula finds that the acquisition of the Subject Property Interests located on portions of the Property is in the public interest and necessity and is necessary for the construction of the Project. The City Council of the City of Temecula hereby approves that certain Purchase and Sale Agreement and Joint Escrow Instructions Between Lam Ngo & Huyen Lam Tran and the City of Temecula in Connection with the Calle Girasol/Nicolas Road Connection Street and Drainage Improvements (Portions of APN 957-090-022) and Exhibits Thereto ("Agreement") attached hereto and incorporated herein by this reference, with such changes in the Agreement as may be mutually agreed upon by Lam Ngo and Huyen Lam Tran and the City Manager as are in substantial conformance with the form of the

Agreement on file in the Office of the City Clerk. A copy of the final Agreement, when executed by the City Manager, shall be placed on file in the Office of the City Clerk. Copies of the recorded Irrevocable Offer of Dedication of Conservation Easement and the Grant of Temporary Construction Easement and Covenant for Construction of Certain Permanent Improvements shall also be placed on file in the Office of the City Clerk.

Section 3. Environmental Review. The environmental effects of the Project and the acquisition of the real property interests needed for the Project were studied and analyzed as an integral part of the Environmental Impact Report for the Roripaugh Ranch Specific Plan (“EIR”) pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 et seq., and the CEQA Guidelines, 14 Cal. Code Regs. Section 15000 et seq. (“CEQA Guidelines”).

On November 26, 2002, the City Council adopted Resolution 02-111, A Resolution of the City Council of Temecula, California, Certifying the Final Environmental Impact Report Prepared for the Roripaugh Ranch Specific Plan and Related Planning Applications Actions and Adopting the Environmental Findings Pursuant to the California Environmental Quality Act, and the State CEQA Guidelines, a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, in Connection therewith for the Roripaugh Ranch Specific Plan, Located near the Future Intersection of Butterfield Stage Road and Nicolas Road (Planning Application 94-0076). Said environmental documents are incorporated herein by this reference.

Since the adoption of the EIR, five EIR Addendums have been prepared for the Development Project area. The most recent Addendum to the EIR was adopted on January 14, 2020.

On July 11, 2023, City Staff reviewed the environmental documentation prepared in connection with the Development Project in connection with Staff’s review of the proposed acquisition of the Subject Property Interests for the Project. City Staff reviewed the EIR, the First Addendum to the EIR adopted on April 23, 2013, the Second Addendum to the EIR adopted on March 22, 2016, the Third Addendum to the EIR adopted on January 23, 2018, the Fourth Addendum to the EIR adopted on November 6, 2019, the Fifth Addendum to the EIR adopted on January 14, 2020, and determined that the Project and acquisition of the Subject Property Interests needed for the Project are consistent with the EIR and Addenda to the EIRs. Pursuant to the criteria of Section 15162 of the CEQA Guidelines and Section 21166 of the Public Resources Code, City Staff concluded that no substantial changes have occurred in the Development Project, no substantial changes have occurred in the circumstances under which the Development Project is undertaken, and the City has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project.

Section 4. City Manager’s Authority. The City Manager (or the City Manager’s designee), is hereby authorized, on behalf of the City, to take all actions necessary and convenient to carry out and implement the Agreement, and to administer the City’s obligations, responsibilities, and duties to be performed under the Agreement, including but not limited to (i) execution of the (i) Agreement (ii) consent to recordation of the Irrevocable Offer of Dedication of the Conservation Easement, and (iii) the Temporary Construction Easement and Covenant for

Construction of Certain Permanent Improvements in connection with the dedication to the City of the approximate 51,003 square foot conservation easement, and the approximate 83,324 square foot temporary construction easement with a term of twelve months and covenant authorizing the construction of certain permanent improvements in portions of said 83,324 square foot area. the City Manager is further authorized to execute any applicable documents to complete the transactions contemplated by the Agreement, including escrow instructions, and other similar agreements and documents as contemplated by or described in the Agreement or as necessary and convenient to implement the Agreement and to effectuate the transfer to the City of the Subject Property Interests and terms of the Irrevocable Offer of Dedication.

Section 5. Certification. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 25th day of July, 2023.

Zak Schwank, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2023- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 25th day of July, 2023, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk