

**RESOLUTION NO. 2025-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF FOR THE CONSTRUCTION OF PUBLIC STREET AND RELATED IMPROVEMENTS, AND ALL USES NECESSARY OR CONVENIENT THERETO IN CONNECTION WITH THE VINCENT MORAGA IMPROVEMENTS (CERTAIN PROPERTY INTERESTS ON APN 921-280-002) 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.

B. On January 9, 2018, the City adopted Ordinance No. 18-01 approving the Altair Specific Plan #15 and Ordinance No. 18-02 approving and authorizing the execution of that certain Development Agreement between the City and Temecula West Village, LLC recorded on January 30, 2018 as Document No. 2008-0036259 in the Official Records of the County of Riverside (“Development Agreement”). The approval of the Altair Specific Plan and Development Agreement authorized development within a 270 -acre area in the southwesterly portion of Temecula, west of Old Town, to include up to 1,750 residential units, an elementary school, up to 7,000 square feet of neighborhood commercial area, a clubhouse, civic site, parks, trails, hillside preservation, and off-site improvements for public infrastructure, including constructing portions of the Western Bypass Corridor connecting the Temecula Parkway (SR-79) to Rancho California Road via Vincent Moraga Drive (collectively, “Development Approvals” and “Altair Project”). SB Altair, LLC, a Delaware limited liability company and Brookfield Temecula, LLC, a Delaware limited liability company (collectively, the Developer”) are the successors to certain of these approved applications for development and propose to construct the Altair Project.

C. To facilitate the orderly development of the Altair Project, the Development Agreement was approved subject to certain conditions, including the construction of certain off-site public improvements. Specifically, Conditions 171, 172, 204 through 207, 211, and 212 of the Final Conditions of Approval require the Developer to design and construct certain improvements to portions of Vincent Moraga Drive, Rancho California Road, and portions of the Western Bypass Corridor (“Vincent Moraga Improvements” or “Project”)):

Description of Public Improvements. Complete engineering design and construct full Vincent Moraga Improvements.

Condition 171. Developer, at its sole cost, shall design and improve Vincent Moraga Road to ensure that all driveways providing access from the right-of-way to adjoining properties shall be allowed for safe ingress and/or egress.

Improvements may include, but not be limited to, truck deceleration, acceleration, and turn-in lanes. The improvements shall conform to the standards adopted by the City of Temecula for public roadway and rights of way consistent with the Specific Plan and the Tentative Tract Map.

Condition 172. Developer, at its sole cost, shall fund the acquisition and installation of traffic signals and related roadway and right of way improvements, when warranted. The design and installation shall conform to the standards adopted by the City of Temecula, consistent with the Specific Plan and the Tentative Tract Map.

Condition 204. Acquisition of right-of-way on the east side of Vincent Moraga between Felix Valdez and Rancho California Road and construction of the designed Western Bypass Corridor northbound right turn lane improvements within this road segment.

Condition 205. Acquisition of right-of-way on the south side of Rancho California Road between Vincent Moraga Drive and the Murrieta Creek Bridge and construction of all intersection improvements within this road segment including an additional westbound left turn lane on Rancho California Road to Vincent Moraga Drive.

Condition 206. Traffic signal and utility relocation where needed and construction of the ultimate build-out of the Rancho California Road, Diaz Road and Vincent Moraga Drive intersection.

Condition 207. Construction of the designed onsite Western Bypass Corridor Phase 1 improvements from the project's northern property line to the future Altair Vista intersection.

Condition 211. Acquisition of right-of-way on the west side of Vincent Moraga Drive between Felix Valdez and Rancho California Road and construction of the designed Western Bypass Corridor improvements within this road segment.

Condition 212. Acquisition of right-of-way on the east side and west side of Vincent Moraga Drive between Felix Valdez and Ridge Park Drive and construction of the designed Western Bypass Corridor improvements within this road segment.

D. The Project will construct certain public street and related improvements in connection with the Vincent Moraga Improvements that are required as part of the Altair Specific Plan development. Specifically, the Altair Development was required to construct certain public street and related improvements in connection with the Western Bypass Corridor improvements designed for the subject portion of Rancho California Road and Vincent Moraga Drive, including widening of Vincent Moraga Drive, relocation and installation of traffic signals and related right-of-way improvements, construction of sidewalk, curb and gutter, and related improvements, utility relocation, relocation of the adding Double Check Detector Assembly (DCDA) facility on one of the impacted parcels, and driveway reconstruction to provide ingress and egress to the new Vincent Moraga Drive improvements.

E. The Project (as described further in Section 5 below) requires the acquisition of an approximate 1,016 square foot permanent easement and an approximate 427 square foot temporary construction easement with a term of twelve months on the vacant real property located on the south side of Rancho California road, second parcel east of Vincent Moraga Road, in the City of Temecula, and identified as Riverside County Tax Assessor's Parcel Number 921-280-002 described more particularly at Section 3 below.

F. Pursuant to California Government Code Section 66462.5, when a condition of a subdivision map approval or a development agreement requires the installation or construction of improvements on offsite property not owned or controlled by a developer, and the developer cannot obtain title by negotiated acquisition, a city is required to acquire the off-site property by negotiated acquisition or to commence proceedings to acquire the off-site property by eminent domain or such off-site improvement conditions will be waived. Pursuant to Government Code Section 66462.5(c), a city and a developer may enter into an agreement to allocate the costs and responsibilities for acquisition of such off-site property. The City and the Developer of the Altair Project entered into that certain Agreement Pursuant to Government Code Section 66462.5 Between SB Altair, LLC and Brookfield Temecula, LLC and City of Temecula for Acquisition of Certain Real Property Interests (Rancho California Road and Vincent Moraga Improvements) entered into as of February 13, 2024 in connection with the subject offsite public improvements.

Section 2. Adoption of Resolution of Necessity. The City Council of the City of Temecula adopts Resolution No. 2025-XX, A Resolution of the City Council of the City of Temecula Declaring Certain Real Property Interests Necessary for Public Purposes and Authorizing the Acquisition Thereof for the Construction of Public Street and Related Improvements, and all Uses Necessary or Convenient Thereto in Connection with the Vincent Moraga Improvements (Certain Property Interests on APN 921-280-002) 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.

A. The City hereby adopts the Resolution of Necessity authorizing the acquisition by eminent domain of an approximate 1,016 square foot permanent easement and an approximate 427 square foot temporary construction easement with a term of twelve months described more particularly in Section 3 below for public use, namely for the construction of certain off-site public improvements, consisting of public street and related improvements, and all uses necessary or convenient thereto in connection with the Vincent Moraga Improvements pursuant to the authority conferred on the City of Temecula to acquire real property by eminent domain by Section 19 of

Article 1 of the California Constitution, Government Code Sections 37350, 37350.5, 37351, 40404, and 66462.5, California Code of Civil Procedure Section 1230.010 et seq. (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.510, 1240.610, 1240.650 and by other provisions of law. Code of Civil Procedure, Section 1240.010 provides that “[t]he power of eminent domain may be exercised to acquire property only for a public use. Where the Legislature provides by statute that a use, purpose, object, or function is one for which the power of eminent domain may be exercised, such action is deemed to be a declaration by the Legislature that such use, purpose, object, or function is a public use.” Government Code Section 66462.5(c) authorizes the City and the developer of a project for which the construction of offsite improvements are required to enter into an agreement requiring the developer to complete the improvements pursuant to Government Code Section 66462 at such time as the City acquires an interest in the land that will permit such improvements to be constructed. Government Code Section 66462.5(a) provides that a city or county may “acquire by negotiation or commence eminent domain proceedings pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property under Article (commencing with Section 1255.410) of Chapter 6 of that title.”

Section 3. Subject Property Interests. The City hereby authorizes the acquisition by eminent domain of the following property interests (referred to below collectively as the “Subject Property Interests”) on the vacant real property located on the south side of Rancho California road, second parcel east of Vincent Moraga Road, in the City of Temecula, and identified as Riverside County Tax Assessor’s Parcel Number 921-280-002 for public use, namely for the construction of certain public improvements, consisting of public street and related improvements, and all uses necessary or convenient thereto in connection with the Vincent Moraga Improvements:

- An approximate 1,016 square foot permanent easement described more particularly on EXHIBIT A and depicted on EXHIBIT B attached hereto and incorporated herein by this reference.
- An approximate 427 square foot temporary construction easement with a term of twelve months described more particularly on EXHIBIT A-1 and depicted on EXHIBIT B-1 attached hereto and incorporated herein by this reference.

Section 4. Environmental Review.

A. 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 Altair 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 December 12, 2017, the City Council adopted Resolution 17-86, A Resolution of the City Council of the City of Temecula Certifying the Final Environmental Impact Report, Adopting Findings Pursuant to the California Environmental Quality Act, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program for the Altair Project, Consisting of approximately 270 Acres, Generally Located South and West of the Intersection of Ridge Park Drive and Vincent Moraga; West of Pujol Street and Murrieta Creek; and North of Santa Margarita River (APNs 922-

210-049, 940-310-013, 940-310-015, 940-310-016, 940-310-044 through 9440-310-048, and 940-320-001 through 940-320-007). On October 26, 2020, the City entered into that certain Settlement and Release Agreement, by and between the City of Temecula and the City of Temecula City Council; Ambient Communities, LLC and Temecula West Village, LLC; Center for Biological Diversity, Sierra Club, Mountain Lion Foundation, and The Cougar Connection; and Endangered Habitats League by which the parties agreed to additional and modified measures to be taken and implemented by the City and the Developer to further minimize and mitigate the environmental impacts of the Altair Project. Said agreement and the above-referenced environmental documents are referred to below collectively as the “Environmental Documents” and are incorporated herein by this reference.

B. On October 9, 2025, City Staff reviewed the Environmental Documents in connection with Staff’s review of the proposed acquisition of the Subject Property Interests for the Project. Based on their review of the Environmental Documents, City Staff determined that the Project and acquisition of the Subject Property Interests needed for the Project are consistent with the EIR. Pursuant to the criteria of Section 15162 of the CEQA Guidelines, 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 5. The Project, as planned and designed, is in the public interest and necessity and is needed to construct certain off-site public street and related improvements in connection with the Vincent Moraga Improvements, which are required as part of the Altair Project. Pursuant to the Altair Specific Plan and Development Agreement, the Altair Project includes the design and construction of a portion of the Western Bypass Corridor project connecting the Temecula Parkway (SR-79) to Rancho California Road via Vincent Moraga Drive. The Vincent Moraga Improvements are required and include, as specified in the Final Conditions of Development, the design and construction of certain off-site improvements to portions of Vincent Moraga Drive and Rancho California Road to facilitate the Western Bypass Corridor improvements, which are to be completed as part of the Altair Project. The Project requires the Subject Property Interests for the construction of public street and related improvements necessary to complete the Western Bypass Corridor improvements designed for the related portions of Rancho California Road and Vincent Moraga Drive, including widening Vincent Moraga Drive, relocation and installation of traffic signals and related right-of-way improvements, additional turn lanes at the intersection of Vincent Moraga Drive and Rancho California Road, construction of sidewalk, curb and gutter, and related improvements, and utility relocation.

A. The Project, as planned and located, is consistent with Circulation Element of the City of Temecula General Plan, which identifies the Western Bypass Corridor from SR-79 South to French Valley Parkway as a designated project in the City’s Five Year Capital Improvement Program. The Project, as planned and located, is also consistent with Goal 2 of the Circulation Element of the City of Temecula General Plan, which is to create a “regional transportation system that accommodates the safe and efficient movement of people and goods to and from the community.” The Project’s public street improvements are necessary to the completion of the Western Bypass Corridor connection to Rancho California Road via Vincent Moraga Drive, which

once completed will ease traffic congestion, increase circulation, and result in less vehicle through-traffic in Old Town and will facilitate a more pedestrian-friendly environment.

B. The Project is planned and located in the manner that is most compatible with the greatest public good and the least private injury. The Project, as planned and designed, seeks to minimize the impact on private parcels. The Property of which the Subject Property Interests are a part is vacant, and the construction of the Project will not impact the utility or future development of the Property and will not require the relocation of any persons or businesses.

C. The Subject Property Interests are necessary for the Project. The Subject Property Interests are required to construct the necessary public street and related improvements in connection with the Vincent Moraga Improvements, and they are necessary to complete the Western Bypass Corridor improvements designed for the related portions of Rancho California Road and Vincent Moraga Drive. The Project cannot be constructed without the acquisition of the Subject Property Interests. Based on the timing of the Project, it is necessary that the City consider the acquisition by eminent domain of the Subject Property Interests to proceed with the construction of the public street and related improvements for the Project.

D. The public use for which the City seeks to acquire the Subject Property Interests in connection with the Project, namely for public street and related improvements, and all uses necessary or convenient thereto in connection with the Project will not unreasonably interfere with or impair the continuance of the public use to which any easement holders may have appropriated the areas (Code of Civil Procedure Section 1240.510). To the extent that the Project will require the relocation of the interests/facilities of easement holders located in the area of the Subject Property Interests and impacted by the Project, the City's use of the Subject Property Interests for the Project is a more necessary public use within the meaning of Code of Civil Procedure Section 1240.650 than the uses to which said public utility easement holders have appropriated any easements located in the area of the Subject Property Interests. Accordingly, the City is authorized to acquire the Subject Property Interests pursuant to Code of Civil Procedure Sections 1240.510, 1240.610, and 1240.650.

Section 6. Offer Letter. Pursuant to Government Code Section 7260 et seq., the City of Temecula obtained a fair market value appraisal of the Subject Property Interests and the Property. The City set just compensation for the Subject Property Interests in accordance with the fair market values. On October 24, 2024, the City extended a written offer pursuant to Government Code Section 7267.2 to the owner of record, An Bang Luo. The City had extended the same written offer to the former owner of the Luo Parcel, SPX Investment LLC, on October 2, 2024, before learning of the change in ownership. Pursuant to the Grant Deed recorded on June 17, 2024 as Document Number 2024-0175314 of Official Records of the County of Riverside, Diane Luo of SPX Investments LLC granted the Luo Parcel to An Bang Luo. The offer letter contained an appraisal summary statement that described the zoning, highest and best use of the parcel, explained the appraiser's valuation methodology, and included the comparable sales data relied on by the appraiser. The offer letter offered to pay the reasonable costs, up to \$5,000, of an independent appraisal pursuant to Code of Civil Procedure Section 1263.025. Further, the offer letter included an eminent domain pamphlet that explained the eminent domain process and the rights of the record owner. City Staff received no response from the owner to its written offer to purchase the Subject Property Interests. City Staff attempted to make contact with the owner by

phone, but these attempts were unsuccessful. The parties have not reached an agreement for the City's acquisition of the Subject Property Interests at this time.

Section 7. Notice Pursuant to Code of Civil Procedure Section 1245.235. Pursuant to Code of Civil Procedure Section 1245.235, the City sent a letter and a notice by certified and first-class mail dated October 1, 2025 to An Bang Luo, the owner of record of the Subject Property Interests. The letter and notice informed the owner of the City's intent to consider at its October 28, 2025 meeting, the adoption of a Resolution of Necessity for the acquisition by eminent domain of the Subject Property Interests in connection with the Project. The notice advised the record owner of its right to appear and be heard regarding the City's proposed adoption of the Resolution of Necessity by filing, within fifteen (15) days of the date the notice was mailed, a written request with the City to appear at the hearing. The notice specifically informed the record owner that it has an opportunity to appear before the City Council and raise questions about whether the public interest and necessity require the Project; 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; and whether the Subject Property Interests the City seeks to acquire from the owner of record are necessary for the Project.

Section 8. Based on the evidence presented at the hearing regarding the acquisition of the Subject Property Interests for the Project, including the Agenda Report, the documents referenced therein, and any oral or written testimony at the hearing, the City Council hereby finds and determines that:

- A. The public interest and necessity require the Project;
- B. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- C. The Subject Property Interests, consisting of the approximate 1,016 square foot permanent easement described more particularly on EXHIBIT A and depicted on EXHIBIT B hereto and the approximate 427 square foot temporary construction easement with a term of twelve months described more particularly on EXHIBIT A-1 and depicted on EXHIBIT B-1 hereto are necessary for the Project; and
- D. The City has made the offer required by Government Code Section 7267.2 to the owner of record of the Subject Property Interests the City seeks to acquire.

Section 9. The findings and declarations contained in this Resolution are based upon the record before the City Council, including the Agenda Report, and all documents referenced therein, all of which are incorporated herein by this reference and testimony and/or comments submitted to the City by the record owner or the owner's representative(s). These documents include, but are not limited to the City of Temecula General Plan, the documents relating to the Altair Project Development, offer letter sent to the owner pursuant to Government Code Section 7267.2, notice pursuant to Code of Civil Procedure Section 1245.235, and Environmental Documents relating to the Altair Project.

Section 10. Authorization to File Eminent Domain Proceeding. The City Attorney's Office is authorized to take all steps necessary to commence and prosecute legal proceedings in a court

of competent jurisdiction to acquire the Subject Property Interests, consisting of the approximate 1,016 square foot permanent easement described more particularly on EXHIBIT A and depicted on EXHIBIT B hereto and the approximate 427 square foot temporary construction easement with a term of twelve months described more particularly on EXHIBIT A-1 and depicted on EXHIBIT B-1 hereto.

Section 11. City Manager Authority. The City Manager is authorized to execute all necessary documents in connection with the eminent domain proceeding.

Section 12. 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 28<sup>th</sup> day of October, 2025.

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Brenden Kalfus, Mayor

ATTEST:

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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. 2025-     was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 28<sup>th</sup> day of October, 2025, by the following vote:

AYES:                    COUNCIL MEMBERS:

NOES:                    COUNCIL MEMBERS:

ABSTAIN:                COUNCIL MEMBERS:

ABSENT:                 COUNCIL MEMBERS:

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Randi Johl, City Clerk