

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Ron Moreno, Director of Public Works/City Engineer

DATE: March 24, 2026

SUBJECT: Consider Adoption of Resolution of Necessity for Acquisition by Eminent Domain for Public Purpose of Real Property Located on Northeast Side of Ynez Road Between Tierra Vista and Rancho Vista (APNS 944-290-015, 944-290-016, and 944-290-017) for Public Street Construction and Related Improvements for Ynez Road Improvements - Phase I (PW23-02)

PREPARED BY: Ron Moreno, Director of Public Works/City Engineer
Anissa Sharp, Senior Management Analyst
Paula Gutierrez Baeza, City Attorney's Office

RECOMMENDATION: That the City Council take the following actions:

1. Consider adoption of a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA DECLARING CERTAIN REAL PROPERTY INTEREST NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF FOR RETAINING WALL, SLOPE STABILIZATION AND EROSION CONTROL, DRAINAGE, ACCESS, AND MAINTENANCE IN CONNECTION WITH THE CONSTRUCTION OF PUBLIC STREET AND RELATED IMPROVEMENTS FOR YNEZ ROAD IMPROVEMENTS - PHASE I, PW23-02 (PERMANENT EASEMENT ON APNS 944-290-015, 944-290-016, AND 944-290-017) 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

2. Open and conduct a hearing on the adoption of the proposed Resolution of Necessity, receive the evidence stated and referred to in this Agenda Report ("Report"), take testimony from any person wishing to be heard on related issues, and consider all evidence to determine whether to adopt the proposed Resolution of Necessity.

3. If the City Council finds, based on the evidence contained and referred to in this Report and the testimony and comments submitted to the City Council, that the evidence warrants the necessary findings with respect to the proposed Resolution of Necessity, then staff recommends that the City Council, in the exercise of its discretion, adopt the proposed Resolution of Necessity, which requires a 4/5ths vote of the entire City Council, authorizing the acquisition by eminent domain of the real property interest summarized and described more particularly in the exhibits to the Resolution of Necessity as follow: Approximate 54,235-square-foot (1.25 acres) permanent easement described more particularly on EXHIBIT “A” and depicted on EXHIBIT “B” (Subject Easement) to the proposed Resolution of Necessity on the vacant parcels located on the northeast side of Ynez Road, in the City of Temecula, California, and identified as Assessor’s Parcel Numbers 944-290-015, 944-290-016, and 944-290-017 (Property). The Property is a vacant lot located off of Ynez Road between Tierra Vista Road and Rancho Vista Road in the City of Temecula and is known as Parcels 1, 2 and 3 as shown on Parcel Map 14395, on file in Book 121, pages 77 and 78 of Parcel Maps of Riverside County.
4. If the City Council adopts the proposed Resolution of Necessity, authorize the City Attorney’s Office to file and prosecute an eminent domain proceeding for the acquisition of the subject easement by eminent domain.
5. Authorize the City Manager to execute all necessary documents.
6. Authorize the City Clerk to certify the adoption of the Resolution of Necessity.

BACKGROUND:

Background and Summary

The City Council has before it a proposed Resolution of Necessity for the acquisition by eminent domain of the approximate 54,235-square-foot Subject Easement described above and in EXHIBIT “A” and EXHIBIT “B” to the Resolution of Necessity for public use. The City seeks to acquire the Subject Easement for public use, namely for retaining wall purposes, slope stabilization and erosion control, drainage, access, and maintenance in connection with the public street and related improvements the City will construct as part of the proposed Ynez Road Improvements - Phase I, PW 23-02 (Project). The Project is a City public works project that proposes to construct public street improvements to widen approximately 1,763 linear feet of Ynez Road between Tierra Vista Road and Rancho Vista Road to match the four-lane configuration and infrastructure that exists along Ynez Road north and south of this segment, and includes sidewalk improvements, curb and gutter, streetlights, a Class II bike lane, relocation of utilities, installation of medians with turn pockets, as well as grading outside of the right-of-way on the east side to facilitate the construction. The Project will construct certain missing segments of curb and gutter and the Americans with Disabilities Act (ADA) improvements within the public right of way along Ynez Road. In addition, the Project will construct traffic signal modifications, safety lighting, cross walks, retaining wall, guardrail and fencing. The proposed street widening and sidewalk improvements for the Project will close the sidewalk gap that exists in this area and eliminate the

traffic bottleneck at this section of Ynez Road. The Project will also provide mitigation for impacts to a drainage adjacent to the alignment.

Authorization for Acquisition of Subject Property Interest by Eminent Domain and Findings Required for Adoption of Resolution of Necessity

The City seeks to acquire the approximate 54,235-square-foot Subject Easement for public use, namely for retaining wall purposes, slope stabilization and erosion control, drainage, access, maintenance, and all uses necessary or convenient thereto in connection with the public street and related improvements for the Project 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, and 40404, 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. Specifically, the City seeks to acquire the Subject Easement to (i) install, construct, operate and maintain the retaining wall, (ii) grade to create the necessary slopes, (iii) install rip rap, consisting of large rocks for stabilization and protection of the Property and Ynez Road street improvements from erosion, (iv) construct an access ramp to allow the City vehicles to maintain the constructed retaining wall and related improvements, and (v) construct an approximate 24 inch-wide concrete ditch along the retaining wall for drainage and erosion control elements together with the right of ingress to and egress from the Subject Easement.

To adopt the proposed Resolution of Necessity for the acquisition by eminent domain of the Subject Easement, the City Council must find and determine 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 Easement described in the Resolution of Necessity is necessary for the Project; and**
- D. The City has made an offer as required by Government Code Section 7267.2 to the owners of record of the Subject Easement the City seeks to acquire.**

The amount of just compensation is not an issue before the City Council at this hearing. The hearing relates to issues A, B, C, and D above. The amount of just compensation would be determined in the eminent domain proceedings that the City will file if the City Council, in its sole discretion, adopts the proposed Resolution of Necessity.

Environmental Analysis

The environmental effects of the Project and the acquisition of the Subject Easement needed for the Project were studied and analyzed as an integral part of the Initial Study/Mitigated Negative Declaration (IS/MND) for Ynez Road Improvements - Phase I Project (Between Rancho Vista Road and Tierra Vista Road) 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 January 27, 2026, the City Council adopted Resolution 2026-06, A Resolution of the City Council of the City of Temecula Approving the Initial Study and Adopting a Mitigated Negative Declaration; Adopting a Mitigation Monitoring and Reporting Program; and Approving Plans and Specifications in Substantial Form, All for the Ynez Road Improvements - Phase I Project, PW23-02.

In approving the IS/MND, the City Council found that based upon the findings contained in the Initial Study, City Staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment, and a mitigated negative declaration was prepared in full compliance with CEQA. Specifically, the IS/MND identified no impact or a less-than-significant impact for the following environmental areas: aesthetics, agriculture and forestry resources; air quality; energy; greenhouse gas emissions; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation; utilities and service systems; and wildfire. The IS/MND identified the following areas of potential concern that will be reduced to a less-than-significant impact with the implementation of mitigation measures identified in the IS/MND: biological resources; cultural resources; geology and soils; hazards and hazardous materials; and tribal cultural resources.

Further, in approving the IS/MND, the City Council found that in accordance with Public Resources Code Section 21080(c)(2), the IS/MND determined that an IS/MND is appropriate for the Project and that the IS/MND includes mitigation measures to reduce potential impacts to a level of less-than-significant, and a separate Mitigation Monitoring and Reporting Program (MMRP) was prepared pursuant to the Public Resources Code Section 21081.6(a)(1). In adopting the IS/MND, the City Council found that (i) the IS/MND and the MMRP were prepared in accordance with CEQA; (ii) there is not substantial evidence supporting a fair argument that the Project may actually produce any significant environmental impacts that cannot be mitigated to a less-than-significant level through implementation of the mitigation measures identified in the IS/MND; and (iii) the IS/MND and the MMRP reflect the independent judgment and analysis of the City Council. The City Council authorized and directed the Director of Public Works/City Engineer to file a Notice of Determination in accordance with CEQA. The City duly filed a Notice of Determination with the Riverside County Clerk on January 27, 2026, in accordance with the provisions of Public Resources Code Section 21152. The IS/MND and related documents, City Council Resolution No. 2026-06, and the Notice of Determination are referred to below collectively as the Environmental Documents.

The IS/MND considered the impact of the street improvements proposed for the Project and the need for a permanent easement on the Property for grading and for construction and maintenance of the retaining wall to provide road stability due to the steep grade that exists on the north side of the alignment and the drainage adjacent to the alignment in connection with the Project.

On October 9, 2025, City Staff reviewed the Environmental Documents in connection with Staff's review of the proposed acquisition of the Subject Easement for the Project. Based on City Staff's review of the Environmental Documents, City Staff determined that the Project and acquisition of the Subject Easement needed for the Project are consistent with the IS/MND. Pursuant to the criteria of Section 15162 of the CEQA Guidelines, City Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under

which the 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 Easement for the Project.

City's Actions Pursuant to Government Code Section 7260 et seq.

Pursuant to Government Code Section 7260 et seq., the City of Temecula obtained a fair market value appraisal of the Subject Easement and the larger parcel (Property) of which it is a part. The City set just compensation for the Subject Easement in accordance with the fair market value set forth in the appraisal. The City extended to the following Owners of Record of the Property a written offer dated August 6, 2025 for the purchase of the Subject Easement at the address shown on the last Riverside County Tax Assessor's Records: Don B. Norris and Karen R. Norris, Trustees of the Norris Family Trust, Dated January 18, 2019 or Successor Trustee Thereof; Edward Damian Amorosi, Trustee under The Amorosi Family Trust Dated July 25, 1988; Bruce A. Wittenberg, As Trustee of the Wittenberg Family Trust Dated September 21, 1990-SPH; Rosemary Liegler, As Trustee of the Liegler Family Trust, Survivor's Trust, Dated April 4, 1987, as to an Undivided 1.5152% Interest; Charles Arlington Russell and Marjorie Marie Russell, Trustees of The Charles Arlington Russell Revocable Trust under Agreement Dated May 2, 2013, an Undivided One-Half Interest; Marjorie Marie Russell and Charles Arlington Russell, Trustees of The Marjorie Marie Russell Revocable Trust under Agreement Dated May 2, 2013, an Undivided One-Half Interest, as May Be Amended; Phillip William Tekunoff; Norman Yamauchi and Nora Yamauchi; Donald D. Kaiserman and Joyce S. Kaiserman; and Humberto A. Galleno and Ana Galleno, as Trustees F/T Galleno Family Trust Dated 7-23-88 (referred to below collectively as the Owners of Record). The City also sent a courtesy copy of the Offer Letter to the Owners of Record at addresses located through additional research.

The Offer Letter contained an appraisal summary statement that described the zoning, highest and best use of the Property, 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 Owners of Record.

The City attempted to negotiate in good faith with the Owners of Record to purchase the Subject Easement. Susan Lamson, counsel for one of the Owners of Record, Karen Norris, Trustee, contacted the City to confirm that Ms. Norris is interested in obtaining an independent appraisal and to request certain information regarding the Project and acquisition. The City provided the requested information to Ms. Lamson and notified her of the documentation that her client may submit for reimbursement of the costs of an independent appraisal pursuant to Code of Civil Procedure Section 1263.025. Ms. Lamson confirmed that she does not represent the remaining Owners of Record. The City has not received any correspondence or calls from any of the other Owners of Record.

As of March 3, 2026, the City and Owners of Record have not reached a negotiated agreement for the City's purchase of the Subject Easement. Based on the timing of the Project, it is necessary for the City to consider the adoption of the Resolution of Necessity at the March 24, 2026 meeting.

The adoption of the Resolution of Necessity does not preclude the City and Owners of Record from reaching a negotiated agreement for the City's acquisition of the Subject Easement for the Project.

City's Actions 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 March 3, 2026 to the Owners of Record at the address shown on the last Riverside County Tax Assessor's Records and to the addresses for the Owners of Record obtained by additional research. The City also provided a copy of the letter and notice pursuant to Code of Civil Procedure section 1245.235 to Ms. Lamson, counsel for Karen Norris, Trustee. The letter and notice informed the Owners of Record of the City's intent to consider at its March 24, 2026 meeting, the adoption of the Resolution of Necessity for the acquisition by eminent domain of the Subject Easement in connection with the Project. The notice advised the Owners of Record of their 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 Owners of Record that they have 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 Easement the City seeks to acquire from the Owners of Record is necessary for the Project.

REQUIRED FINDINGS FOR ADOPTION OF RESOLUTION OF NECESSITY

A. The Public Interest and Necessity Require the Project

The Project, as planned and designed, is in the public interest and necessity and is needed to alleviate traffic congestion and traffic bottlenecks on this section of Ynez Road. The City's 2005 General Plan identifies Ynez Road as a six-lane, north-south Principal Arterial between Winchester Road (north) and Rancho Vista Road (south). The Project, as planned and located, is consistent with the Circulation Element of the General Plan. Ynez Road accommodates four turn lanes between Rancho California Road, south of Winchester, and Rancho Vista. Ynez Road between Tierra Vista (north) and Rancho Vista Road (south), is striped for three lanes (one northbound lane and two southbound lanes) and provides a left turn lane at the intersections with Tierra Vista and Rancho Vista. In the current condition, the lane constriction of this three-lane segment creates a bottleneck between Tierra Vista Road and Rancho Vista Road. The Project seeks to widen this section of Ynez Road to improve traffic circulation and flow between Tierra Vista Road and Rancho Vista Road consistent with the City's General Plan.

As planned and designed, the Project will construct public street improvements to widen approximately 1,763 linear feet of Ynez Road between Tierra Vista Road and Rancho Vista Road to match the four-lane configuration and infrastructure that exists along Ynez Road north and south of this segment, and includes sidewalk improvements, curb and gutter, streetlights, a Class II bike lane, relocation of utilities, installation of medians with turn pockets, as well as grading outside of the right-of-way on the east side to facilitate the construction. The Project will construct certain missing segments of curb and gutter and ADA improvements within the public right of way along

Ynez Road. In addition, the Project will construct traffic signal modifications, safety lighting, cross walks, retaining wall, guard railing and fencing. The proposed street widening and sidewalk improvements for the Project will close the sidewalk gap that exists in this area and eliminate the traffic bottleneck at this section of Ynez Road. The Project will also provide mitigation for impacts to a drainage adjacent to the alignment.

The construction of the public street and related improvements for the Project requires the construction of a retaining wall in the area of the Subject Easement for slope stabilization and erosion control, drainage, access, maintenance, and all uses necessary or convenient thereto. Specifically, as part of the Project, the City will construct a retaining wall within the Subject Easement, grade to create the necessary slopes, install rip rap, consisting of large rocks for stabilization and protection of the Property and Ynez Road street improvements from erosion, construct an access ramp to allow the City vehicles to maintain the constructed retaining wall and related improvements, construct an approximate 24 inch-wide concrete ditch along the retaining wall for drainage and erosion control elements together with the right of ingress to and egress from the Subject Easement.

The Project is a designated project in the City's Five-Year Capital Improvement Program (CIP). The Project is in the public interest and necessity and seeks to meet Goal 1 of the Circulation Element by improving traffic circulation and flow at the intersections of Ynez Road and Tierra Vista and Rancho Vista to eliminate bottlenecks to maintain a Level of Service "D" or better at these intersections and a Level of Service "C" or better during non-peak hours. Further, the Project will construct bicycle lanes consistent with Policy 3.3 of Goal 3 of the Circulation Eminent, which is to create an efficient City circulation system through the use of transportation system management and travel demand management strategies. The construction of bicycle lanes, sidewalks, crosswalks, and ADA improvements will improve access and safety for pedestrians and bicyclists in this area.

The Project, as planned and designed, seeks to minimize the impact on private parcels. The Property is vacant and undeveloped. The construction of the Project will not impact the highest and best use or potential future development of the remainder portions of the Property. The Project will not impact any existing access rights in connection with the Property. A potential future development of the Property would likely require the construction of the retaining wall and related improvements that the City is constructing on the Property as part of the Project.

The public use for which the City seeks to acquire the Subject Easement 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 Easement and impacted by the Project, the City's use of the Subject Easement 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 Easement. Accordingly, the City is authorized to acquire the Subject Easement pursuant to Code of Civil Procedure Sections 1240.510, 1240.610, and 1240.650.

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

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 is planned and designed to construct necessary public street and related improvements on the subject portion of Ynez Road consistent with the Circulation Element of the General Plan. Specifically, as planned and designed, the Project will construct public street improvements to widen approximately 1,763 linear feet of Ynez Road between Tierra Vista Road and Rancho Vista Road to match the four-lane configuration and infrastructure that exists along Ynez Road north and south of this segment, and includes sidewalk improvements, curb and gutter, streetlights, a Class II bike lane, relocation of utilities, installation of medians with turn pockets, as well as grading outside of the right-of-way on the east side to facilitate the construction. The Project will construct certain missing segments of curb and gutter and ADA improvements within the public right of way along Ynez Road. In addition, the Project will construct traffic signal modifications, safety lighting, cross walks, retaining wall, guard railing and fencing. The proposed street widening and sidewalk improvements for the Project will close the sidewalk gap that exists in this area and eliminate the traffic bottleneck at this section of Ynez Road. The Project will also provide mitigation for impacts to a drainage adjacent to the alignment.

The Project is a designated project in the City's Five-Year CIP. The Project, as planned and located, seeks to meet Goal 1 of the Circulation Element by improving traffic circulation and flow at the intersections of Ynez Road and Tierra Vista and Rancho Vista to eliminate bottlenecks to maintain a Level of Service "D" or better at these intersections and a Level of Service "C" or better during non-peak hours. The Project, as planned and designed, will construct bicycle lanes consistent with Policy 3.3 of Goal 3 of the Circulation Eminent, which is to create an efficient City circulation system through the use of transportation system management and travel demand management strategies.

The Project, as planned and designed, seeks to minimize the impact on private parcels. The Property is vacant and undeveloped. The Subject Easement is needed to construct the retaining wall and related improvements for slope stabilization. The construction of the Project will not impact the highest and best use or potential future development of the remainder portions of the Property. The Project will not impact any existing access rights in connection with the Property. A potential future development of the Property would likely require the construction of the retaining wall and related improvements that the City is constructing on the Property as part of the Project.

The public use for which the City seeks to acquire the Subject Easement in connection with the Project, namely for retaining wall purposes, slope stabilization and erosion control, drainage, access, maintenance, and all uses necessary or convenient thereto in connection with the public street and related improvements for 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 Easement and impacted by the Project, the City's use of the Subject Easement 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 Easement. Accordingly, the City is authorized to acquire the Subject Easement pursuant to Code of Civil Procedure Sections 1240.510, 1240.610, and 1240.650.

C. The Subject Easement Described in the Resolution of Necessity is Necessary for the Project

The City seeks to construct the Project, as planned and designed, to construct necessary public street and related improvements in connection with the widening of approximately 1,763 linear feet of Ynez Road between Tierra Vista Road and Rancho Vista Road to match the four-lane configuration and infrastructure that exists along Ynez Road north and south of this segment consistent with the Circulation Element. As noted above, the Project includes the construction of sidewalk improvements, curb and gutter, streetlights, a Class II bike lane, relocation of utilities, installation of medians with turn pockets, as well as grading outside of the right-of-way on the east side to facilitate the construction. The Project will construct certain missing segments of curb and gutter and ADA improvements within the public right-of-way along Ynez Road.

The Subject Easement is necessary for the Project. The Subject Easement is required for the construction of a retaining wall for slope stabilization and erosion control, drainage, access, maintenance, and all uses necessary or convenient thereto. Specifically, as part of the Project, the City will construct a retaining wall within the Subject Easement, grade to create the necessary slopes, install rip rap, consisting of large rocks for stabilization and protection of the Property and Ynez Road street improvements from erosion, construct an access ramp to allow the City vehicles to maintain the constructed retaining wall and related improvements, and construct an approximate 24 inch-wide concrete ditch along the retaining wall for drainage and erosion control elements together with the right of ingress to and egress from the Subject Easement. These improvements are necessary to protect and stabilize the subject public street and related street improvements.

As stated above, the public use for which the City seeks to acquire the Subject Easement in connection with the Project, namely for retaining wall purposes, slope stabilization and erosion control, drainage, access, maintenance, and all uses necessary or convenient thereto in connection with the public street and related improvements for 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 Easement and impacted by the Project, the City's use of the Subject Easement 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 Easement. Accordingly, the City is authorized to acquire the Subject Easement pursuant to Code of Civil Procedure Sections 1240.510, 1240.610, and 1240.650.

D. The City has Made an Offer as Required by Government Code Section 7267.2 to the Owners of Record of the Subject Easement

The City's actions under Government Code Section 7260 et seq. in connection with the acquisition of the Subject Easement are detailed above. On August 6, 2025, the City extended to the Owners of Record a written offer pursuant to Government Code Section 7267.2. The Offer Letter contained an appraisal summary statement that described the zoning, highest and best use of the

Property, 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 Owners of Record.

City Staff received a response from Susan Lamson, counsel for Karen Norris, Trustee, one of the Owners of Record. The City communicated with Ms. Lamson and provided the information she requested regarding the Project and regarding the documents her client may submit for reimbursement for costs of an independent appraisal. Ms. Lamson confirmed that she did not represent the remaining Owners of Record. As of March 3, 2026, the City and Owners of Record have not reached an agreement for the purchase of the Subject Easement. Based on the timing of the Project, it is necessary that the City consider the adoption of the Resolution of Necessity at this time. The adoption of the Resolution of Necessity does not preclude the City and Owners of Record from reaching a negotiated agreement for the City’s acquisition of the Subject Easement for the Project.

INCORPORATION OF DOCUMENTS

The following documents referenced above are on file with the City Clerk’s Office and/or the Public Works Department and are incorporated herein by this reference:

- Resolution No. 2026-XX, Resolution of Necessity with EXHIBIT “A” and EXHIBIT “B” (attached hereto)
- City of Temecula General Plan
- Offer Letter to the Owners of Record
- Notice pursuant to Code of Civil Procedure Section 1245.235 to Owners of Record
- Environmental Documents for Project
- Project Plans

FISCAL IMPACT:

The City would plan to deposit the probable amount of just compensation for the Subject Easement in the State Condemnation Fund of the State Treasurer’s Office to obtain an order for prejudgment possession of the Subject Easement. The City will also incur additional costs in connection with any filed eminent domain proceeding, including expert witness costs and attorney’s fees.

ATTACHMENTS:

1. Resolution – Resolution of Necessity
2. Exhibits A and B to the Resolution
3. Map Roughly Depicting Limits of Project