

RESOLUTION NO. 2021-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THAT CERTAIN PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN THE CITY OF TEMECULA AND EVAN TISS AND DAVID TISS, SUCCESSOR CO-TRUSTEES IN CONNECTION WITH THE I-15/FRENCH VALLEY PARKWAY IMPROVEMENTS - PHASE II (PORTIONS OF APNS 910-060-004, 910-060-008, & 910-060-014)

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

Section 1. Findings.

A. The City of Temecula (City), in cooperation with the California Department of Transportation (Caltrans), seeks to construct the I-15/French Valley Parkway Improvements - Phase II (Phase II) to improve traffic congestion and improve operational efficiency within the limits of the I-15/French Valley Parkway Improvements Project (Project). City completed Phase I of the Project, which was designed to provide interim relief by widening the existing southbound off-ramp at Winchester Road, construction of the southbound off-ramp at the French Valley Parkway and construction of the westbound portion of French Valley Parkway between the new off-ramp and Jefferson Avenue. As part of Phase II, City proposes to construct a two-lane northbound collector/distributor system along I-15 from the Winchester Road/I-15 interchange northerly on-ramps to just north of the I-15/I-215 junction with connectors to I-15 and I-215.

B. Phase II is identified in the City's Capital Improvement Program Budget for Fiscal Years 2022-26.

C. On May 28, 2019, the City Council adopted Resolution No. 19-30 approving a Cooperative Agreement, Agreement 08-1667, with Caltrans for the design of Phase II. Pursuant to Agreement 08-1667, City is the implementing agency for right of way and is responsible for acquisition of the property interests needed for Phase II.

D. Evan Tiss and David Tiss, Successor Co-Trustees of the Pauline J. Brown Revocable Trust Agreement, dated March 6, 2001 (collectively "Seller") are the record owners of that certain real property located at 26101 Jackson Avenue, Murrieta, and identified as Riverside County Tax Assessor's Parcel Numbers 910-060-004, 910-060-008, & 910-060-014 ("Larger Parcel"). The Larger Parcel is approximately 164,359 square feet (3.77 acres) in size. The Larger Parcel is improved with two (2) manufactured homes that are not affected by Phase II. A billboard structure ("subject billboard") is located on the property line of the portion of the Larger Parcel identified as APN 910-060-004 that abuts the adjacent parcel identified as APN 910-060-002. The owners of the Larger Parcel receive income from the subject billboard's south advertising side based on a ground lease between Lamar Advertising Company (successor to the interests of Lamar

Companies) and Don Vernon Tiss. The lease is dated November 1, 2014 and is for a term of 30-years. Seller is the successor to the interests of Don Vernon Tiss in said ground lease.

E. Phase II requires the acquisition of an approximate 1,226 square foot portion of the Larger Parcel (“Subject Fee Property”) for public use, namely public street and highway purposes, retention wall construction, drainage, public utilities, and all uses necessary or convenient thereto in connection with the City’s proposed construction of Phase II. The subject billboard will be affected by the construction of Phase II.

F. Pursuant to Government Code Section 7267.2, on August 10, 2021, the City Council set just compensation for the Subject Fee Property and the loss of lease rent for the affected subject billboard (collectively “Subject Property Interests”) at the fair market value as determined by the City’s independent appraiser based on an October 7, 2020 date of value. The City Council also authorized the Director of Public Works/City Engineer to make offers and negotiate the acquisition of the Subject Property Interests.

G. On October 11, 2021, the City hand-delivered a written offer to Evan Tiss to purchase the Subject Property Interests at the fair market value established by the City’s independent appraiser.

H. The owners have accepted the City’s offer. The Purchase and Sale Agreement describes the details of the acquisition of the Subject Property Interests. The total purchase price for the Subject Property Interests is the fair market value of \$614,000.

I. At its meeting of February 23, 2010, the City Council approved the Mitigated Negative Declaration for the I-15/French Valley Parkway Improvements Project. The City Council found that based on the record before it (1) the Mitigated Negative Declaration was prepared in compliance with California Environmental Quality Act (CEQA); (2) there is no substantial evidence that the Project will have a significant effect on the environment that cannot be adequately and feasibly mitigated; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council. The City duly filed the Notice of Determination in accordance with CEQA.

Section 2. Approval of Purchase and Sale Agreement. The City Council hereby approves the Purchase and Sale Agreement and Joint Escrow Instructions Between City of Temecula and Evan Tiss and David Tiss, Successor Co-Trustees in Connection with the I-15/French Valley Parkway Improvements – Phase II (Portions of APNs 910-060-004, 910-060-008, & 910-060-014).

Section 3. Environmental Analysis. The environmental effects of the acquisition of the Subject Property Interests were studied as an integral part of the Mitigated Negative Declaration approved for the I-15/French Valley Parkway Improvements Project. The findings made by the City Council at its meeting on February 23, 2010 in approving the Mitigated Negative Declaration are the appropriate findings for the acquisition of the Subject Property Interests. A re-validation of the Mitigated Negative Declaration was approved on July 9, 2021. In connection with the attached Agreement, City staff reviewed all of the environmental documentation prepared in connection with the Phase II project, including, but not limited to, the re-validation of the

Mitigated Negative Declaration, the Mitigated Negative Declaration, the initial environmental study, the mitigation monitoring program and agenda report relating to the approval of the Mitigated Negative Declaration. 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 Phase II project and that 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.

Section 4. **City Manager's Authority.** The City Manager is authorized to execute the Agreement in substantially the form attached. A copy of the final Agreement shall be placed on file in the Office of the City Clerk. 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, execution of the Certificate of Acceptance, escrow instructions, and other similar agreements and documents as contemplated by or described in the Agreement or as necessary and convenient to effectuate the transaction contemplated therein.

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 23rd day of November, 2021.

Maryann Edwards, 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. 2021- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 23rd day of November, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk