

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING AN AGREEMENT FOR SALE AND PURCHASE OF REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS BETWEEN RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF TEMECULA (DISTRICT PARCELS 7021-32A AND 7021-18A1)

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. Pursuant to Government Code Section 37351, the City may control, dispose of, and convey its property for the benefit of the City.

B. The City is a local participant of the Murrieta Creek Flood Control, Environmental Restoration and Recreation Project (“Project”) pursuant to that certain Cooperative Agreement dated January 11, 2005 between the District, the City of Temecula, and the City of Murrieta. The Riverside County Flood Control and Water Conservation District (“District”) has been working with the U.S. Army Corps of Engineers on the Project. The Project is comprised of several funding sources, including local participation by the Cities of Temecula and Murrieta.

C. The Project was authorized as a multipurpose flood control, ecosystem restoration and recreation project. The Project is in the public interest and necessity and will benefit the community because it seeks to reduce the risk of flooding along Murrieta Creek in the Southwest area of Riverside County. The Project was originally anticipated to be constructed in the following four phases, subject to the necessary federal appropriations:

Phase I – Consists of a green-belt channel starting near the USGS gauging station located downstream of Old Town that extends approximately 3,000 feet upstream to First Street in Temecula.

Phase II – Consists of a green-belt channel starting at First Street in Old Town that extends approximately 15,000 feet upstream, to Winchester Road in Temecula.

Phase III – Consists of a 250-acre stormwater detention basin, located near the confluence of Santa Gertrudis, Warm Springs and Murrieta Creeks in Murrieta. An approximate 50-acre park and recreation area is included within the basin.

Phase IV – Consists of a green-belt channel starting from the basin that extends approximately 19,000 feet up stream to Vineyard Parkway (formerly Tenaja Road) in the City of Murrieta.

D. Pursuant to Resolution No. 14-68, the City and the District entered into an Agreement for Possession and Use of the Subject Property, which authorized the District to use and possess that certain approximate 32,314 square foot portion of the River Street right of way identified as District Parcel 7021-32A and District Parcel 7021-18A1 (“Subject Property”) located directly adjacent to the portions of the City’s South Side Parking Lot identified as Riverside County Tax Assessor’s Parcel Numbers 922-073-024 and 922-046-025 to construct Phase II of the Project. The District has completed the construction of Phase II, except for a headwall and landscaping that will be constructed on several properties. The District desires to purchase from the City in fee the Subject Property and the City wishes to sell to the District the Subject Property in fee.

Section 2. Approval of Agreement for Sale and Purchase of the Subject Property Identified as District Parcels 7021-32A and 7021-18A1 and Exhibits Thereto, and Authority of City Manager to Implement the Sale of the Subject Property. The City Council of the City of Temecula finds that the conveyance to the District of District Parcels 7021-32A and 7021-18A1 is for the common benefit and for the benefit of the City. The construction of the Project benefits the community because it seeks to reduce the risk of flooding along Murrieta Creek in the Southwest area of Riverside County. Accordingly, the City Council of the City of Temecula hereby approves that certain Agreement for Sale and Purchase of Real Property and Joint Escrow Instructions between Riverside County Flood Control and Water Conservation District and the City of Temecula (“Agreement”) attached hereto and incorporated herein by this reference, with such changes in the Agreement as may be mutually agreed upon by the District and the City Manager as are in substantial conformance with the form of the Agreement on file in the Office of the City Clerk. The City Manager is hereby authorized to execute the Agreement, Grant Deed conveying to the District the approximate 32,314 square foot portion of the River Street right of way described as District Parcels 7021-32A and 7021-18A1, and the Consent of First & Front, a California General Partnership in substantially the forms attached as Exhibits to the Agreement. A copy of the final Agreement and Consent, when executed by the City Manager, shall be placed on file in the Office of the City Clerk. A copy of the recorded Grant Deed shall also be placed on file in the Office of the City Clerk.

Section 3. Approval of Letter of Commitment Regarding Reconfiguration of South Side Parking Lot. The City Council of the City of Temecula hereby approves in the form substantially attached to this Agenda Report that certain letter entitled “Commitment Letter from the City of Temecula to First & Front Regarding Reconfiguration and Improvements of the South Side Parking Lot and Consent of First & Front and Other Conditions” confirming the City’s reconfiguration of the South Side Parking lot in substantially the form attached as Exhibit “A” to said letter, the City’s use of the cost-to-cure damages described in the Agreement for said reconfiguration, and confirming said sale will not impact the parking and related conditions and terms set forth in the Agreement and Grant of Real Property Subject to and Reserving Parking Easement recorded on May 13, 1999 as Document No. 1999-208241 of Official Records of the County of Riverside or certain approved development applications relating to the First & Front parcel located adjacent to the South Side Parking Lot.

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, the Grant Deed conveying the Subject Property described as District Parcel 7021-32A and 7021-18A1, escrow instructions, the Consent of First & Front described in said Agreement, Commitment Letter described above in Section 3, 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 District of the Subject Property.

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 28th day of July, 2020.

Maryann Edwards, Mayor Pro Tempore

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. 2020- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 28th day of July, 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk