

RESOLUTION NO. 2021-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF SANTA ANA AT 1313 W. MEMORY LANE (APN NO. 002-261-29) FOR THE BRISTOL STREET AND MEMORY LANE INTERSECTION IMPROVEMENTS PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. On August 17, 2021, the City Council of the City of Santa Ana, after written notice duly provided to all those claiming ownership in the property described hereafter, as they appeared on the last equalized County assessment roll, held a hearing pursuant to California Code of Civil Procedure section 1245.235 for the purpose of allowing the owners thereof a reasonable opportunity to be heard on the following matters:

- A. Whether the public interest and necessity requires the project described above ("Project");
- B. Whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury;
- C. Whether the property proposed to be acquired is necessary for the Project;
- D. Whether the offer required by California Government Code section 7267.2 has been made;
- E. Whether the City has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property described herein, as well as any other matter regarding the right to take said property by eminent domain; and
- F. Whether the City has statutory authority to acquire the property by eminent domain.

Section 2. The City Council has, as a result of its consideration and the evidence presented at the hearings on this matter, and in accordance with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, determined that the proposed project has been adequately evaluated in the previously prepared Environmental Impact Statement/Environmental Impact Report No. 89-01 and all subsequent addenda, including the addendum prepared for the Bristol Street and Memory

Lane Intersection Improvements Project, which was approved on December 5, 2017 by City Council Resolution No. 2017-077.

Section 3. Pursuant to Title XIV, California Code of Regulations, section 753.5(c)(1), the City Council has determined that, after considering the record as a whole, there is no evidence that the Project will have the potential for any significant adverse effect on fish and wildlife. The Project exists in an urban environment characterized by paved concrete, roadways, surrounding buildings and human activity. Therefore, the payment of Fish and Game Department filing fees is not required in conjunction with this Project.

Section 4. The City of Santa Ana hereby finds and determines each of the following:

- A. The public interest and necessity require the proposed Project.
- B. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- C. The Property located at 1313 W. Memory Lane (APN No. 002-261-29), as described in Exhibit A, is necessary for the Project.
- D. The offer required by Section 7267.2 of the California Government Code was made.

Section 5. The City hereby finds, determines and declares that the public interest, convenience, and necessity require the acquisition by the City of the property described in Section 4 above, including any and all leaseholds and related improvements, for the purposes of the Bristol Street and Memory Lane Intersection Improvements Project. The location of the Project is the intersection of Bristol Street and Memory Lane. Included in the Project will be street pave-out, and the installation of concrete curbs, gutters, and sidewalks in a manner which will be most compatible to the greatest public good and the least private injury.

Section 6. The taking of the interest in the property described in Section 4 above is necessary for the public right of way and is authorized by Section 19 of Article I of the California Constitution; Section 200 of the Santa Ana Charter; Santa Ana Municipal Code section 41-781; California Code of Civil Procedure sections 1240.010, 1240.110; California Government Code sections 37350.5 and 40404; California Streets and Highways Code sections 5101, 5101.5, 5102; and other applicable law.

Section 7. The City hereby declares that it is the intention of the City of Santa Ana to acquire in its name, in accordance with the provisions of the laws of the State of California with reference to condemnation procedures, all interests in and to the property described in Section 4 above.

Section 8. If any of the property described in Section 4 above has been appropriated for some public use, the public use to which it is to be applied and taken under this proceeding is a more necessary and paramount public use.

Section 9. The property described in Section 4 above is located within the City of Santa Ana, County of Orange, State of California, and is more particularly described in Section 4 hereof.

Section 10. The City of Santa Ana is authorized to acquire by eminent domain as provided in the California Code of Civil Procedure.

Section 11. The City Attorney is hereby authorized and directed to prepare, institute and prosecute in the name of the City such proceedings, in the proper court having jurisdiction thereof, as may be necessary for the acquisition of the interests in the property described in Section 4 above. The City Attorney is also authorized and directed to obtain a necessary order of immediate possession and occupancy of such property, at the discretion of the City Attorney.

Section 12. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this _____ day of _____, 2021.

Vicente Sarmiento
Mayor

APPROVED AS TO FORM:
Sonia A. Carvalho, City Attorney

By: John M. Funk
John M. Funk
Sr. Assistant City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

NOT PRESENT: Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Daisy Gomez, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2021-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on _____.

Date: _____

Clerk of the Council
City of Santa Ana

R307513.03

04-06-18

Revised

04-12-18

EXHIBIT "A"
LEGAL DESCRIPTION
RIGHT-OF-WAY ACQUISITION
A.P. NO. 002-261-29

That portion of Lot 25 of the Potts Borden and Sidwell Tract, in the City of Santa Ana, County of Orange, State of California, as shown on a map filed in Book 4, Page 624 of Miscellaneous Records, in the office of the County Recorder of the County of Los Angeles, California, and more particularly shown on Record of Survey filed in Book 64, Page 46 of Records of Survey, in the office of the County Recorder of said Orange County, described as follows:

Commencing at the Easterly terminus of that certain course in the Northerly Right-of-Way line of Memory Lane, shown as having a bearing and distance of "N 89°57'30" W 70.12' " on said Record of Survey; thence along said Northerly Right-of-Way line North 89°03'28" West 17.74 feet; thence leaving said Northerly Right-of-Way line North 45°57'17" East 37.96 feet to a line parallel with and 61.00 feet Westerly of the centerline of Bristol Street as shown on said Record of Survey; thence along said parallel line North 01°09'50" East 108.17 feet to a point on a line being parallel with and 185.00 feet Northerly of the centerline of Memory Lane as shown on said Record of survey, said point being the TRUE POINT OF BEGINNING; thence leaving said parallel line North 01°09'50" East 115.06 feet to a point on that certain course shown as having a bearing and distance of "N 89°53'50" W 160.00' " on said Record of Survey; thence along said line South 88°58'50" East 11.00 feet to the Westerly Right-of-Way line of Bristol Street as described as Parcel 2 in that certain Grant Deed recorded October 7, 1985, as Instrument No. 85-382990, of Official Records in said office of the County Recorder; thence along said Westerly Right of Way line and continuing along the Westerly Right of Way line of said Bristol Street as shown on said Record of Survey South 01°09'50" West 115.05 feet to last said parallel line; thence leaving said Westerly Right of Way line along said parallel line North 89°03'28" West 11.00 feet to the TRUE POINT OF BEGINNING.

Containing an area of 1,266 square feet, more or less.

Subject to covenants, conditions, reservations, restrictions, rights-of-way and easements, if any, of record.

EXHIBIT "A"
LEGAL DESCRIPTION-CONTINUED
RIGHT-OF-WAY ACQUISITION
A.P. NO. 002-261-29
PAGE 2

R307513.03
04-06-18
Revised
04-12-18

All as shown on Exhibit "B" attached hereto and by this reference made a part hereof.



JEFFREY J. LENHERR, PLS 9305





POTTS BORDEN AND SIDWELL TRACT

R.S.B. 64 / 46
A.P.N. 002-261-29
LOT 25
M.R.L.A. 4 / 624

A.P.N. 002-261-29

N88°58'50"W 11.00'

N88°58'50"W 160.00'
(N89°53'50"W 160.00')

PARCEL 2, INST. NO. 85-382990, O.R.

W'LY RIGHT OF WAY LINE BRISTOL STREET

BRISTOL STREET

N01°09'50"E

N89°03'28"W

T.P.O.B.

N01°09'50"E 108.17'

11'

N01°09'50"E

108.17'

11'

50'

61'

185'

N45°57'17"E 37.96'

N46°03'35"E 28.34'

P.O.C.

(N89°57'30"W 70.12')

N89°03'28"W 17.74'

N89°03'28"W

MEMORY LANE

(XXX) INDICATES RECORD DATA PER R.S.B. 64/46



REVISED: 4/12/18

HUITT-ZOLLARS

Huitt-Zollars, Inc. Irvine
2603 Main Street, Suite 400, Irvine, CA 92614
Phone (949) 988-5815 Fax (949) 988-5820

APPROVED BY

Jeffrey J. Lender

4/13/18

SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION

EXHIBIT 'B'
RIGHT OF WAY
ACQUISITION
A.P.N. 002-261-29

SCALE 1"=50'

DRAWN BY DWM

CHECKED BY JLL

DATE 4/6/2018

JOB NO. R307513.03

R307513.03

04-06-18

Revised

04-12-18

EXHIBIT "A"
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
A.P. NO. 002-261-29

That portion of Lot 25 of the Potts Borden and Sidwell Tract, in the City of Santa Ana, County of Orange, State of California, as shown on a map filed in Book 4, Page 624 of Miscellaneous Records, in the office of the County Recorder of the County of Los Angeles, California, and more particularly shown on Record of Survey filed in Book 64, Page 46 of Records of Survey, in the office of the County Recorder of said Orange County, being a strip of land, 5.00 feet in width, the Southeasterly and Easterly lines of said strip described as follows:

Commencing at the Easterly terminus of that certain course in the Northerly Right-of-Way line of Memory Lane, shown as having a bearing and distance of "N 89°57'30" W 70.12' " on said Record of Survey; thence along said Northerly Right-of-Way line North 89°03'28" West 17.74 feet; thence leaving said Northerly Right-of-Way line North 45°57'17" East 37.96 feet to a line parallel with and 61.00 feet Westerly of the centerline of Bristol Street as shown on said Record of Survey; thence along said parallel line North 01°09'50" East 108.17 feet to a point on a line being parallel with and 185.00 feet Northerly of the centerline of Memory Lane as shown on said Record of survey, said point also being the TRUE POINT OF BEGINNING; thence leaving said parallel line North 01°09'50" East 65.17 feet to a point hereinafter referred to as Point "A"; thence continuing North 01°09'50" East 29.22 feet to a point hereinafter referred to as Point "B"; thence continuing North 01°09'50" East 20.67 feet to a point on that certain course shown as having a bearing and distance of "N 89°53'50" W 160.00' " on said Record of Survey, said point being the Point of Terminus.

Said strip of land is 5.00 feet wide from the TRUE POINT OF BEGINNING to said Point "A"; 17.77 feet wide from said Point "A" to said Point "B"; and 5.00 feet wide from said Point "B" to said Point of Terminus.

The Westerly line of said strip of land to be lengthened or shortened so as to originate in said line being parallel with and 185.00 feet Northerly of said centerline of Memory Lane and to terminate in said line having a bearing and distance of "N 89°53'50" W 160.00' ".

Containing an area of 948 square feet, more or less.

Subject to covenants, conditions, reservations, restrictions, rights-of-way and easements, if any, of record.

EXHIBIT "A"
LEGAL DESCRIPTION-CONTINUED
TEMPORARY CONSTRUCTION EASEMENT
A.P. NO. 002-261-29
PAGE 2

R307513.03
04-06-18
Revised
04-12-18

All as shown on Exhibit "B" attached hereto and by this reference made a part hereof.



JEFFREY J. LENHERR, PLS 9305





POTTS BORDEN AND SIDWELL TRACT

R.S.B. 64 / 46

A.P.N.
002-261-29

LOT 25

N89°03'28"W

M.R.L.A. 4 / 624

185'

N'LY RIGHT OF WAY
LINE MEMORY LANE

(N89°57'30"W
70.12')

N89°03'28"W

☒ MEMORY LANE

P.O.T.

50'

POINT 'B'

POINT 'A'

948
SQ. FT.

T.P.O.B.

W'LY RIGHT OF WAY
LINE BRISTOL STREET

N01°09'50"E

☒ BRISTOL STREET

5'

11'

50'

61'

N45°57'17"E
37.96'

P.O.C.

N89°03'28"W
17.74'

(XXX) INDICATES RECORD
DATA PER R.S.B. 64/46



REVISED 4/12/18

HUITT-ZOLLARS

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APPROVED BY

Jeffrey J. Lenher

4/13/18

SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION

EXHIBIT 'B'
TEMPORARY
CONSTRUCTION EASEMENT
A.P.N. 002-261-29

SCALE 1"=50'

DRAWN BY DWM

CHECKED BY J.J.L.

DATE 4/6/2018

JOB NO. R307513.03