

RESOLUTION NO. 83- 62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, DESCRIBING PROJECT AND PROPERTY FOR EMINENT DOMAIN PROCEEDINGS AND AUTHORIZING THAT SAID PROCEEDINGS BE COMMENCED TO ACQUIRE SAID PROPERTY

WHEREAS, the CITY COUNCIL of the CITY OF RIDGECREST, CALIFORNIA, has previously adopted a Resolution setting time and place for Public Hearing on Adoption of Resolution of Necessity to order acquisition by Eminent Domain proceedings for the construction of certain public improvements, together with appurtenances and acquisition, where necessary, for construction of Public Works of Improvement known as:

CONSTRUCTION OF
DRUMMOND AVE.
BETWEEN
NORMA ST. AND PEG ST.

(hereinafter referred to as the "project"); and

WHEREAS, in order to accomplish construction of the works of improvement on said project, it is necessary to acquire by eminent domain certain property, hereinafter called "Subject Property"; and

WHEREAS, pursuant to Section 1245.235 of the Code of Civil Procedure, a time and place for public hearing on the matters referred to in Section 1240.030 of the Code of Civil Procedure has been fixed, and each person who owns or claims a right in said Subject Property proposed to be acquired by eminent domain and whose name and address appears on the last equalized County Assessment Roll has been given Notice and a reasonable opportunity to be heard in the time, form and manner required by law; and

WHEREAS, all testimony and evidence has now been heard and considered.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That said Subject Property to be taken by eminent domain is for a public use, to-wit:

Grading, excavation, relocation of utilities, construction of street base and pavement, and utilities, including but not limited to water, sanitary sewer, drainage, electrical, street lights, gas and communication facilities and related and appurtenant improvements to serve and benefit the public interest.

SECTION 3. That this City Council is authorized and empowered to commence eminent domain proceedings to acquire said Subject Property, pursuant to the statutes specified as follows:

- Sections 37350 and 37350.5 of the Government Code;
- Eminent Domain Law, being Title 7, Part III of the Code of Civil Procedure;

SECTION 4. That a description of the general location and extent of said Subject Property to be taken by eminent domain is set forth on Exhibit "A" attached hereto and made a part hereof.

SECTION 5. That it is found, determined and declared as follows:

- (a) That, to the extent acquisition of said Subject Property results in a remnant, said remnant shall be acquired by eminent domain herein, pursuant to Section 1240.410 of the Code of Civil Procedure; and
- (b) That, to the extent said Subject Property or interest therein is already appropriated for a public use, the use as proposed will not unreasonably interfere with or impair the continuance of said public use as it presently exists or may reasonably be expected to exist in the future, pursuant to Section 1240.510 of the Code of Civil Procedure; and
- (c) That, to the extent said Subject Property or interest therein is already appropriated to a public use, the use proposed is a more necessary public use than the use to which said Subject Property is presently appropriated, pursuant to Section 1240.610 of the Code of Civil Procedure, or, in the alternative, the use proposed is a compatible public use which will not unreasonably interfere with the continuance of the existing public use, pursuant to Section 1240.630(a) of the Code of Civil Procedure; and
- (d) That an offer of just compensation has been made to the owner or owners of record of the Subject Property in the time, form and manner required by law.

SECTION 6. That it is hereby further found, determined and declared as follows:

- (a) That the public interest and necessity require completion of the improvements proposed for said project.
- (b) That the improvements in said project are planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and,
- (c) That said Subject Property sought to be acquired is necessary for the successful completion of the improvements within said project.

SECTION 7. That Brown & Nazarek, Attorneys at Law, are hereby authorized and directed to commence an action in the Superior Court of the State of California, for the COUNTY OF KERN, in the name and on behalf of the City, against those persons who appear on record or who are known to have a claim or interest in said Subject Property described in Exhibit "A", for the purpose of acquiring said Subject Property by eminent domain for the public use described herein and to make application for possession of said Subject Property prior to judgment.

SECTION 8. That the officers of the City are hereby authorized and directed to withdraw necessary sums to deposit with the Superior Court as the probable amount of compensation that will be awarded in the eminent domain proceedings to acquire said Subject Property described in Exhibit "A".

SECTION 9. That the officers of the City are hereby authorized and directed to take any appropriate action consistent with the purposes of this Resolution.

APPROVED and ADOPTED this 6th day of September, 1983, by the following vote:

AYES: Mayor Cheshire, Vice-Mayor Webb, Councilmembers Rieger and Padgett

NOES: None

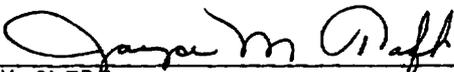
ABSENT: None

ABSTAIN: Councilmember Bergens

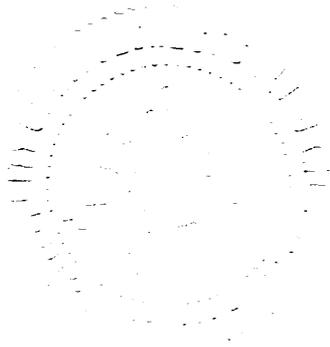


MAYOR
CITY OF RIDGECREST
STATE OF CALIFORNIA

ATTEST:



CITY CLERK
CITY OF RIDGECREST
STATE OF CALIFORNIA



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EXHIBIT "A"

THE SOUTH 30 FEET OF THE SOUTHEAST 1/4, OF THE SOUTHEAST 1/4
OF THE SOUTHWEST 1/4 OF SECTION 28, T. 26 S., R. 40 E., M.D.M.
IN THE CITY OF RIDGECREST, COUNTY OF KERN.

STATE OF CALIFORNIA
COUNTY OF KERN
CITY OF RIDGECREST

I, JOYCE M. TAFT, CITY CLERK of the CITY OF RIDGECREST, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 83-62, was duly passed, approved and adopted by the City Council, approved and signed by the Mayor, and attested by the City Clerk, all at the regular meeting of said City Council held on the 6th day of September, 1983, and that the same was passed and adopted by the following vote:

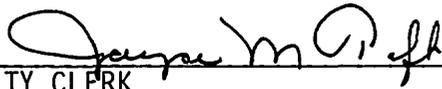
AYES: Mayor Cheshire, Vice-Mayor Webb, Councilmembers Rieger and Padgett

NOES: None

ABSENT: None

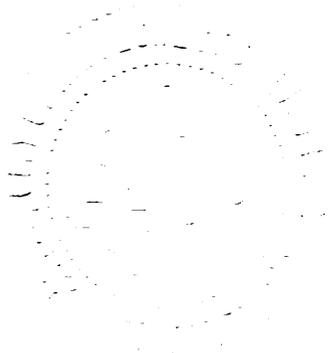
ABSTAIN: Councilmember Bergens

EXECUTED this 7th day of September, 1983, at Ridgecrest, California.



CITY CLERK
CITY OF RIDGECREST
STATE OF CALIFORNIA

(Seal)



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