

RESOLUTION 2020.15

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST VALLEY WATER DISTRICT,
SAN BERNARDINO COUNTY, CALIFORNIA,
DESCRIBING A CERTAIN PROJECT; MAKING STATEMENT OF THE
PUBLIC USE FOR WHICH CERTAIN PROPERTIES ARE TO BE TAKEN AND
REFERENCE TO STATUTORY AUTHORITY TO ACQUIRE SAID
PROPERTIES BY EMINENT DOMAIN; DESCRIBING GENERAL LOCATION
AND EXTENT OF SAID PROPERTIES TO BE TAKEN; DECLARING
FINDINGS AND DETERMINATIONS OF PUBLIC INTEREST AND
NECESSITY FOR SAID PROPERTIES; AUTHORIZING AND DIRECTING
EMINENT DOMAIN PROCEEDINGS TO BE COMMENCED IN SUPERIOR
COURT TO ACQUIRE SAID PROPERTIES INCLUDING APPLICATION FOR
POSSESSION OF SAID PROPERTIES PRIOR TO JUDGMENT; AND MAKING
OTHER DETERMINATIONS**

WHEREAS, the East Valley Water District (hereinafter the “District”), is a County Water District organized and existing pursuant to the laws of the State of California and vested with statutory authority to exercise the power of eminent domain to acquire certain properties for public purposes; and

WHEREAS, the Board of Directors has undertaken a certain project for public purposes, known as the Sterling Natural Resource Center (“Project”) for the treatment of municipal wastewater and production of recycled water. An environmental impact report for the Project was certified on March 15, 2016; and

WHEREAS, in order to accomplish the Project, this Board of Directors believes that it is necessary to acquire by eminent domain certain properties, hereinafter collectively called “Subject Property;” and

WHEREAS, pursuant to Section 1245.235 of the Code of Civil Procedure, this Board of Directors has fixed a time and place for public hearing on the matters referred to in Section 1240.030 of the Code of Civil Procedure; and

WHEREAS, the Board of Directors has given each person who owns or claims a right in the Subject Property proposed to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to be heard in the time, form and manner required by Section 1245.235 of the Code of Civil Procedure; and

WHEREAS, at the public hearing, this Board of Directors did hear and consider all testimony, written and oral, to the matters referred to in Section 1240.030 of the Code of Civil Procedure:

NOW, THEREFORE, the Board of Directors of District does hereby
RESOLVE, DETERMINE AND ORDER as follows:

- Section 1. That the above recitals are true and correct.
- Section 2. That the Subject Property to be taken by eminent domain is for a public use.
- Section 3. That the District is authorized and empowered to commence eminent domain proceedings to acquire the Subject Property, pursuant to Section 31040 of the Water Code; and 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 the Subject Property to be taken by eminent domain are set forth in Exhibit “A”, attached hereto and made a part of hereof.

- Section 5. That this Board of Directors does find, determine and declare as follows:
 - (a) That, to the extent acquisition of the Subject Property results in a remnant or remnants, such remnant(s) shall be acquired by eminent domain herein, pursuant to Section 1240.410 of the Code of Civil Procedure.
 - (b) That, to the extent the Subject Property or interest herein are already appropriated to a public use, the use proposed herein will not unreasonably interfere with or impair the continuance of the public use as they presently exist or may be expected to exist in the future, pursuant to Section 1240.510 of the Code of Civil Procedure; and
 - (c) That, to the extent the Subject Property or interest therein is already appropriated to a public use, the use proposed herein is a more necessary public use than the use to which the Subject Property is presently appropriated, pursuant to Section 1240.610 of the Code of Civil Procedure, or, in the alternative, the use proposed herein 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.

Section 6. The Board of Directors further finds, determines and declares as follows:

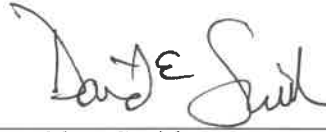
- (a) That the public interest and necessity require the Project;
- (b) That the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury;
- (c) That the Subject Property sought to be acquired is necessary for said Project; and
- (d) That a written offer of just compensation has been made to the owners of record of the Subject Property in the time, form and manner required by Section 7267.2 of the Government Code.

Section 7. That the District shall retain counsel who is hereby authorized and directed to commence an action in the Superior Court of the State of California, for the County of San Bernardino, in the name and on behalf of the District, against those persons who appear on record or who are known to have a claim or interest in the Subject Property described in Exhibit "A" for the purpose of acquiring the Subject Property by eminent domain for the public use described herein and to make application for possession of the Subject Property prior to judgment.

Section 8. That the offices of the District 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 the Subject Property described in Exhibit "A".

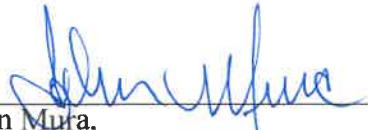
Section 9. That the officers of the District are hereby authorized and directed to take any appropriate action consistent with the purposes of this Resolution.

ADOPTED this 10th day of June 2020.



David E. Smith
Board President

Attest:



John Mura,
Board Secretary/CEO

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO)


I, John Mura, Secretary of the East Valley Water District, DO HEREBY CERTIFY that the foregoing Resolution being No. 2020.15, was adopted at a regular meeting on June 10, 2020, of said District by the following vote:

AYES: Directors: Carrillo, Coats, Goodrich, Smith

NOES: None

ABSTAIN: None

ABSENT: Director Morales



Secretary, John Mura