

RESOLUTION NO. 9412

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ORANGE DECLARING THE PUBLIC
INTEREST AND NECESSITY OF ACQUIRING
CERTAIN REAL PROPERTY LOCATED AT 455
SOUTH MAIN STREET AND AUTHORIZING THE
ACQUISITION THEREOF.**

**Owner of Record: CHOCO Realty Corporation,
A California Nonprofit Corporation**

**THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY FIND,
DETERMINE, ORDER AND RESOLVE AS FOLLOWS:**

1. The City of Orange is a municipal corporation located in the County of Orange, State of California.
2. The property hereinafter described (the "Property") is to be taken in fee simple unless a lesser estate is described, along with a portion to be taken for a temporary construction easement.
3. The Property is to be taken for a public use, namely for the widening of La Veta Avenue.
4. The Property is to be acquired pursuant to the authority conferred upon the City of Orange to acquire property for public street purposes by eminent domain by California Code of Civil Procedure Section 1230.010 et seq. and California Government Code Sections 37350.5 and 40404.
5. The Property is located at 455 S. Main Street, as is more particularly described in the attached Exhibits "A" and "B" and the attached temporary construction easement, all of which are attached hereto and incorporated herein by this reference.
6. An Environmental Impact Report for the La Veta Avenue widening was prepared and adopted in 1992 and there are no conditions, changes in the project or new information that would require any further environmental review prior to condemning the Property.

**THE CITY COUNCIL OF THE CITY OF ORANGE FURTHER FINDS AND
DETERMINES AS FOLLOWS:**

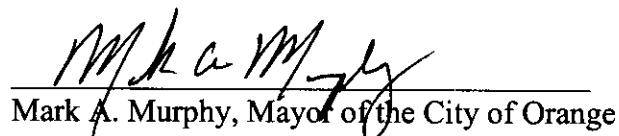
1. That the public interest and necessity require the acquisition of the Property for the proposed project;
2. That the proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;

3. That the Property is necessary for the proposed project; and
4. That an offer has been made to the owner of record of the Property pursuant to California Government Code Section 7267.2.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE AS FOLLOWS:

1. The City Attorney is hereby authorized and directed to take all steps necessary to institute and prosecute proceedings in a court of competent jurisdiction to acquire the Property by eminent domain.
2. The Director of Finance is hereby authorized and directed to draw such warrants as may be required by the Superior Court for deposit with the State Treasury for probable compensation in accordance with California Code of Civil Procedure Section 1255.010.

ADOPTED this 27th day of February, 2001.



Mark A. Murphy, Mayor of the City of Orange

ATTEST:



Cassandra J. Cathcart
Cassandra J. Cathcart, City Clerk of the City of Orange

I hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the 27th day of February, 2001, by the following vote:

AYES:	COUNCIL MEMBERS:	SLATER, ALVAREZ, MAYOR MURPHY, COONTZ
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE



Cassandra J. Cathcart
Cassandra J. Cathcart, City Clerk of the City of Orange

EXHIBIT A

PROJECT: La Veta Avenue Widening – City of Oranges
ASSESSOR PARCEL NO.: 390-682-06

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF ORANGE, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS:

THAT PORTION OF LOTS 16, 17, AND 18 OF TRACT NO. 1945, AS SHOWN ON A MAP RECORDED IN BOOK 54, PAGE 22 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 18 BEING A POINT ON THE NORTH LINE OF LA VETA AVENUE AS SHOWN ON SAID MAP; THENCE, ALONG THE NORTH LINE OF LA VETA AVENUE, NORTH 89°07'05" WEST 289.93 FEET TO THE SOUTHEASTERLY CORNER OF PARCEL 2 DESCRIBED IN A DEED TO THE CITY OF ORANGE, RECORDED FEBRUARY 27, 1974, IN BOOK 11083, PAGE 1563 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY; THENCE, ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 2 NORTH 44°01'05" WEST 24.00 FEET TO THE EAST LINE OF PARCEL 1 AS DESCRIBED IN SAID DEED ALSO BEING THE EAST LINE OF MAIN STREET; THENCE, ALONG SAID EAST LINE, NORTH 01°04'55" EAST 7.00 FEET; THENCE, SOUTH 44°01'05" EAST 24.00 FEET TO A LINE PARALLEL WITH AND DISTANT NORTHERLY 7.00 FEET MEASURED AT RIGHT ANGLES FROM SAID NORTHERLY LINE OF LA VETA AVENUE; THENCE, ALONG SAID PARALLEL LINE, SOUTH 89°07'05" EAST 200.94 FEET; THENCE, SOUTH 87°28'54" EAST 89.02 FEET TO THE EAST LINE OF SAID LOT 18; THENCE, ALONG SAID EAST LINE, SOUTH 00°58'37" WEST 4.46 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 2,035.38 SQUARE FEET, MORE OR LESS.


ROBERT MERRELL, R.C.E. C028100



EXHIBIT D

CITY OF ORANGE

DEPARTMENT OF PUBLIC WORKS
ORANGE COUNTY, CALIFORNIA

♦ MAIN STREET

N 01°04'55" E

40'

N 01°04'55" E

7.00'

N 44°01'05" W
24.00'

S 44°01'05" E
24.00'

7.00'

16

17

18

30'

N 89°07'05" W 200.94'

N 89°07'05" W 289.93'

TRACT NO. 1945
M.M. 54/22

S 87°28'54" E
89.02'

S 00°58'37" W
4.46'

POINT OF BEGINNING

N
SCALE: 1" = 50'



WORK DESCRIPTION STREET RIGHT-OF-WAY A.P. No. 390-682-06
LOCATION 455 MAIN STREET (NE CORNER OF LA VETA & MAIN) S.P. No. 3204 TRACT No. NA
VESTING CHOCO REALTY CORPORATION BOOK PAGE