

RESOLUTION NO. 2025-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, DECLARING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF A PORTION OF ASSESSOR PARCEL NO. 3057-051-06.

WHEREAS, for the public purposes set forth herein, the City of Hesperia, California is authorized to acquire property through the exercise of eminent domain pursuant to Section 19 of Article 1 of the California Constitution, Sections 1240.010 through 1240.050 of the California Code of Civil Procedure, and Sections 37350, 37350.5, and 37361 of the California Government Code; and

WHEREAS, the “Project” for the purposes of this acquisition is the installation of a traffic signal and related improvements; and

WHEREAS, in order to carry out and make effective the principal purpose of the Project, it is necessary for the City of Hesperia to acquire a portion of privately-owned real property located at the southeast corner of Escondido Avenue and Sultana Street (APN 3057-051-06) (“Property”); and

WHEREAS, the subject portion the City seeks to acquire is described in Exhibit “A” which is attached hereto and incorporated by this reference, and depicted on the diagram attached hereto as Exhibit “B” which is incorporated by this reference; and

WHEREAS, in April 2025, the City made a written offer to acquire the subject portion to the record owners at an amount that was not less than the appraised fair market value in compliance with Government Code Section 7267.2(a), and some owners of the Property have expressed interest in selling the property, while others have not responded to the written offer, so the owners collectively have not conveyed the subject portion to the City as of the date of this Resolution; and

WHEREAS, on July 31, 2025, a Notice of Intent to Adopt a Resolution of Necessity for Acquisition of the subject portion (a copy of which is attached hereto as Exhibit “C” and incorporated by this reference) was mailed to all persons whose names appear on the last equalized County Assessment Roll as having an ownership interest in the subject portion, and to the address appearing on said Roll, which Notice of Hearing advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein; and

WHEREAS, the hearing that was the subject of said Notice of Hearing was held on August 19, 2025, at the time and place stated therein and all interested parties were given an opportunity to be heard on the following matters:

- (a) Whether the public interest and necessity require the 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 an offer meeting the requirements of Government Code Section 7267.2 has been made to the owner or owners of record;
- (e) Whether all other prerequisites for the exercise of eminent domain to acquire the Property have been met; and

WHEREAS, the City Council, as a result of such hearing, has determined that the public health, safety, and welfare require the City to acquire the subject portion for the stated purposes.

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby does find, determine, and declare based upon evidence presented to it as follows:

Section 1. The staff report presented regarding this matter at the August 19, 2025, hearing is incorporated herein by this reference. The facts referenced in this Resolution and the staff report, and specifically the recitals above, are found to be true and are incorporated herein by this reference. The findings made by the City Council herein are supported by substantial evidence contained in the record of this proceeding.

Section 2. The subject portion to be acquired is located within the City of Hesperia, County of San Bernardino, State of California, which is a portion of real property with Assessor's Parcel No. 3057-051-06, as described in Exhibit "A" and depicted in Exhibit "B".

Section 3. The public interest, convenience, and necessity require the Project for the installation of a traffic signal and related improvements. Incorporated in 1988, the City of Hesperia has experienced substantial economic growth and residential developments. With the increase in population, as well as vehicle and pedestrian traffic, additional infrastructure improvements to the City's streets and highways are necessary to improve public health and safety and ensure orderly and responsible growth. This Project will facilitate such improvements to public health and safety and responsible growth by promoting the orderly and safe flow of vehicular traffic and cross traffic at an important intersection. Accordingly, the Project is necessary to meet the needs of a growing City and improve the public health and safety of those traveling along Escondido Avenue and Sultana Street and the local vicinity.

Section 4. The Project is planned in the manner which will be the most compatible with the greatest public good and the least private injury. The Property is currently at the southeast corner and intersection of Escondido Avenue and Sultana Street. This intersection already exists and is highly traveled. Vehicular traffic along the north-south intersection of Escondido Avenue is fairly substantial and vehicles travel at a relatively high speed, making it difficult for cross traffic along Sultana Street to pass or merge onto Escondido Avenue. It is estimated that 22,000 vehicles utilize that intersection on a daily basis. Without the traffic signal improvements of the Project, traffic along Sultana would continue to worsen and jeopardize the public health and safety of those traveling through that intersection. Because the intersection already exists (and is part of the City's Circulation Element), relocating any portion of either Escondido Avenue or Sultana Street is not feasible. Additionally, all the surrounding property within the vicinity is privately owned, so additional street realignments would not provide the greatest good with least private injury. Other potential locations for the Project are technically infeasible or have greater adverse impacts.

Section 5. Acquisition of the subject portion is necessary to the Project, as the location of the subject portion makes it the only location on which to install traffic signals and related improvements. As already stated, other potential locations for the Project are technically

infeasible or have greater adverse impacts. Without the subject portion, the Project cannot be constructed. Acquisition of the subject portion is expressly authorized by Section 19 of Article 1 of the California Constitution, California Code of Civil Procedure Sections 1240.010 through 1240.050 and Government Code Sections 37350, 37350.5, and 37361.

Section 6. The offer required by Government Code Section 7267.2 has been made to the owners of record of the subject portion, by way of letter dated July 31, 2025. Most of the property owners are amenable to the acquisition, but one property owner has not responded, being out of the county and unavailable.

Section 7. The City hereby declares its intent to acquire the subject portion described in Exhibit "A" in the City's name, in accordance with the provisions of the law of the State of California and finds that all conditions, statutory requirements and prerequisites to the exercise of eminent domain to acquire the subject portion described herein and the Project have been complied with by the City.

Section 8. The law firm of Aleshire & Wynder, LLP, is hereby authorized and directed to prepare, institute, and prosecute in the name of the City such proceedings, in the Court having proper jurisdiction thereof, as may be necessary for the acquisition of the Property in accordance with the provisions of the California Eminent Domain Law and the Constitution of California. Said counsel are also authorized and directed to obtain any necessary order of the Court granting the City the right of immediate possession and occupancy of the Property.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council of the City of Hesperia this 19th day of August, 2025.

Allison Lee, Mayor

ATTEST:

Jessica Giber, Assistant City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF HESPERIA)

I, Jessica Giber, Assistant City Clerk of the City of Hesperia, California, do hereby certify that Resolution No. 2025-33 was adopted by the City Council of the City of Hesperia at a regular meeting held on the ____ day of _____, 2025, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jessica Giber, Assistant City Clerk

EXHIBIT "A"

**LEGAL DESCRIPTION
IRREVOCABLE OFFER OF DEDICATION**

APN: 3057-051-06

That portion of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23, T.4N., R.5W., San Bernardino Meridian, in the City of Hesperia, County of San Bernardino, State of California, described as follows:

Commencing at the Southwest corner of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, also being the centerline intersection of Escondido Avenue and Hollister Street; thence North $00^{\circ}15'57''$ West, 30.00 feet along the Westerly line of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23 and the centerline of Escondido Avenue as shown on Tract Map No. 16744, Map Book 301 at Pages 45 through 49 to the North right of way of Hollister Street; thence North $89^{\circ}58'01''$ West, 40.00 feet along the Northerly line of Hollister Street to the **Point of Beginning**; thence North $00^{\circ}15'57''$ West, 1,290.00 feet along a line parallel to and 40.00 feet East of the Westerly line of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23 and the centerline of Escondido Avenue to the centerline of Sultana Street as shown on Tract Map No. 16660-2, Map Book 316 at Pages 50 through 54; thence North $89^{\circ}34'38''$ East, 290.00 feet along the said centerline of Sultana Street; thence South $00^{\circ}15'57''$ East, 30.00 feet along the Easterly line of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23; thence leaving said Easterly line along a line parallel with and 30.00 feet South of said centerline of Sultana Street South $89^{\circ}34'38''$ West, 259.06 feet; thence South $34^{\circ}37'15''$ West, 36.57 feet to a point 50.00 East of said centerline of Escondido Avenue; thence South $00^{\circ}15'57''$ East, 1205.56 feet; thence South $40^{\circ}07'15''$ East, 32.57 feet to a line that is parallel with and 30.00 feet North of the centerline of Hollister Street as shown on Tract Map No. 17441, Map Book 320, Pages 84 through 87, said line also being the North right-of-way of Hollister Street, thence North $89^{\circ}58'01''$ West parallel to the said centerline of Hollister Street, 30.71 feet to the **Point of Beginning**.

The land described herein contains 21,758.75 square feet, 0.50 AC.

This real property has been described by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

See Exhibit "B" for a plat depicting the above-described property.

EXHIBIT "B"

PLAT MAP

IRREVOCABLE OFFER OF DEDICATION

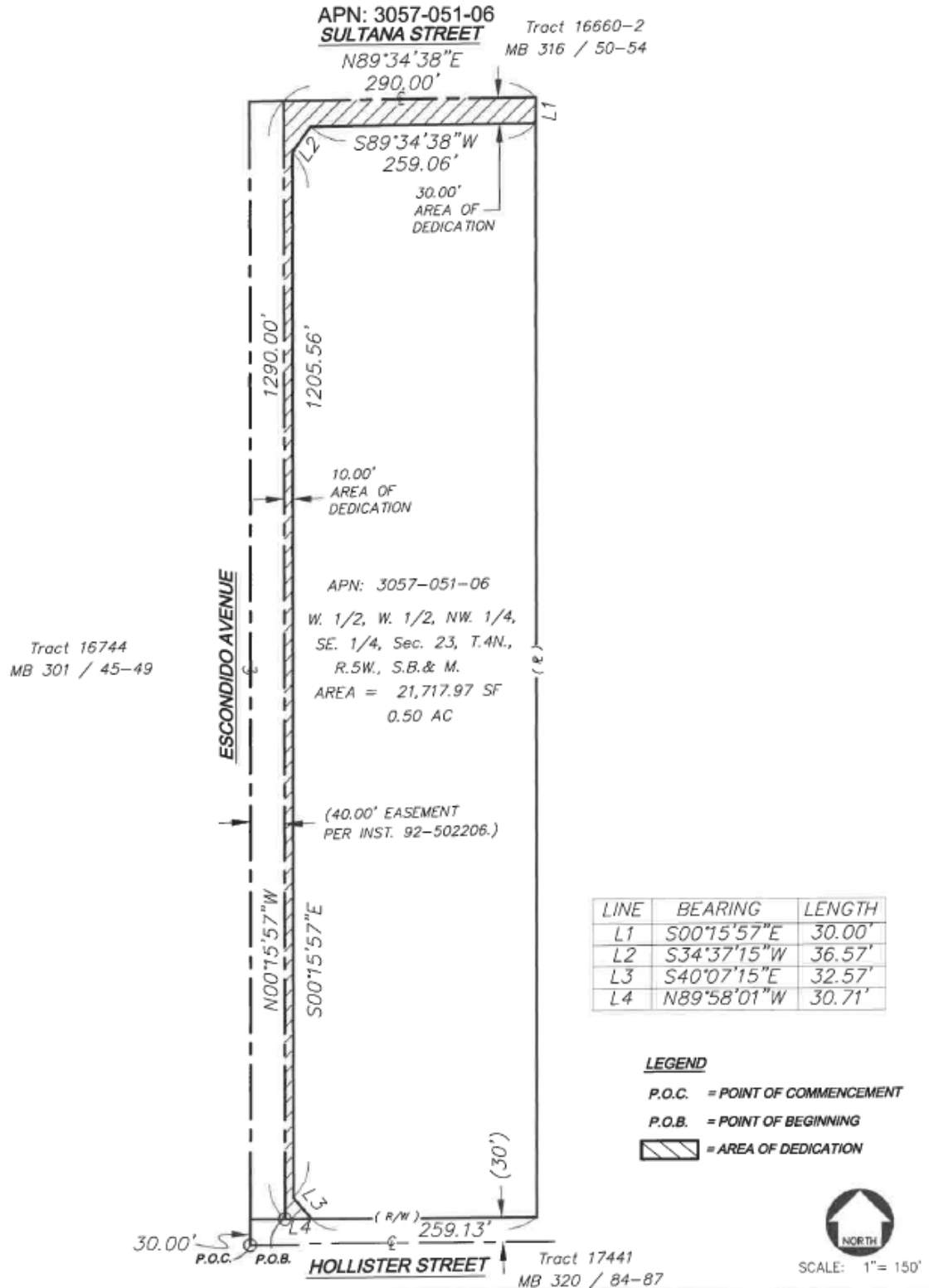


EXHIBIT “C”

NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY



City of Hesperia

Gateway to the High Desert

Aug 1, 2025

NOTICE OF INTENT TO ADOPT A
RESOLUTION OF NECESSITY FOR ACQUISITION
OF REAL PROPERTY IDENTIFIED AS
ASSESSOR PARCEL NO. 3057-051-06
IN THE CITY OF HESPERIA

VIA OVERNIGHT MAIL AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Owner 1
Address
Address 2

Owner 2
Address
Address 2

Re: Notice of Intent to Adopt a Resolution of Necessity for the Acquisition of Property at the
Southeast Corner of Escondido Avenue and Sultana Street (APN 3057-051-06)

Dear Property Owner(s):

In April 2025, the City of Hesperia (“City”) offered to acquire a portion of your property located at the southeast corner of Escondido Avenue and Sultana Street, in the City of Hesperia, County of San Bernardino (Assessor’s Parcel Number 3057-051-06), to facilitate the installation of a traffic signal and related improvements. Specifically, the City sought to acquire a fee simple interest in approximately 21,718 square feet of the property as described in the City’s original offer.

The City offered \$39,092 for this portion of the property, based on a fair market value appraisal dated December 30, 2024, prepared by a licensed professional real estate appraiser. That offer, along with the supporting appraisal summary, was included in prior correspondence to you and remains valid. This offer satisfies the requirements of California Government Code Section 7267.2, which mandates a written offer of just compensation before a public entity may initiate eminent domain proceedings.

Despite multiple attempts, the City has not received an executed Irrevocable Offer of Dedication (IOD) or other agreement to proceed with acquisition. As a result, and to move forward with this critical public infrastructure project, the City intends to consider adoption of a Resolution of Necessity to acquire the subject property interest through eminent domain.

The City’s governing body will consider this resolution at the following public meeting:

Date: Aug 19, 2025
Time: 6:30 p.m.
Location: City of Hesperia, City Hall, 9700 Seventh Avenue, Hesperia, CA 92345

You have the right to appear at the meeting and be heard on the following issues:

1. Whether the public interest and necessity require the project;
2. Whether the project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the property sought to be acquired is necessary for the project;
4. Whether the offer required by Section 7267.2 of the Government Code has been made to the owners(s) of record; and
5. Whether the offer required by Section 7267.2 of the Government Code was made in the form and substance required by law.

NOTICE: If you fail to file a written request to be heard at the hearing within 15 days after the date of this letter, then the City may decide not to hear or consider any evidence which you may have to present. Please also be advised that if you do not appear and present information to the City at the hearing, then you may be precluded from later challenging the City's authority to acquire the property through its use of the power of eminent domain.

Neither the pendency of the City's consideration of the Resolution of Necessity, nor the initiation of formal eminent domain proceedings, in any way prevents further negotiations from occurring for the acquisition of the property, and the City will be most willing to continue such negotiations.

If you have any questions or would like to request copies of the original offer and supporting documentation, please contact Eydee Jimenez, Economic Development Supervisor (760) 947-1202.

We appreciate your attention to this matter.

Sincerely,



Nathan R. Freeman
Development Services Director