



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: SEPTEMBER 13, 2016

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT WARDS: 3, 5, 6 & 7

SUBJECT: NOTICED HEARING: RESOLUTIONS OF THE CITY OF RIVERSIDE FINDING AND DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUIRING AND AUTHORIZING THE CONDEMNATION OF CERTAIN REAL PROPERTY INTERESTS WITHIN THE CITY OF RIVERSIDE, AND AUTHORIZING THE CITY ATTORNEY TO FILE COMPLAINTS IN EMINENT DOMAIN, AND THE TAKING OF ALL OTHER ACTIONS REQUIRED UNDER THE CITY'S EMINENT DOMAIN AUTHORITY – RIVERSIDE TRANSMISSION RELIABILITY PROJECT HIGH VOLTAGE LINES – FOR MINIMUM EXPENDITURE OF \$919,500

ISSUE:

Adopt thirty-two (32) Resolutions of Necessity authorizing the initiation of eminent domain proceedings to acquire the necessary real property interests for the proposed Riverside Transmission Reliability Project; and approve the minimum expenditure of \$919,500 for deposit into the State Condemnation Fund for condemnation of certain real property interests necessary for the Riverside Transmission Reliability Project.

RECOMMENDATIONS:

That the City Council:

1. Conduct a public hearing to consider the adoption of thirty-two (32) Resolutions of Necessity (Resolutions) and provide all parties that have an interest in the affected properties, or their representatives, an opportunity to be heard on the issues related to the Resolutions; and
2. Make the following findings hereinafter described in this report: (a) the public interest and necessity require the proposed public project described in this report; (b) the proposed public project is planned and located in a manner to be most compatible with the greatest public good and the least private injury; (c) the real property interests being sought to be acquired as described in the Resolutions are necessary for the proposed public project; and (d) that the offers required by Government Code 7267.2 have been made to the owners of record; and
3. Adopt the Resolutions, in the form presented at this meeting, declaring that the City Council's formal decision has been made relative to each of the foregoing findings to acquire the subject real property interests through eminent domain proceedings; and

4. Authorize the City Attorney to prepare and file the complaints in eminent domain and take all other actions necessary to acquire the subject real property interests; and
5. Approve the minimum expenditure of \$919,500 for deposit into the State Condemnation Fund as part of the eminent domain process based on City of Riverside's approved independent appraisals; and
6. Except on matters involving policy determinations to be made by the City Council, authorize the City Manager, or his designee, to prepare and execute the appropriate documents and take all other actions as required under the City's eminent domain authority.

BOARD RECOMMENDATION:

On August 8, 2016, seven of the eight Riverside Public Utilities' Board members present unanimously approved the recommendation that City Council consider adoption of thirty-two (32) Resolutions of Necessity authorizing the initiation of eminent domain proceedings to acquire the necessary real property interests to construct the sub-transmission lines connecting the Riverside Energy Resource Center to Harvey Lynn and Freeman Substations as part of the Riverside Transmission Reliability Project; and the expenditure of \$957,800 for deposit into the State Condemnation Fund as part of the eminent domain process based on City of Riverside approved independent appraisals.

BACKGROUND HISTORY:

Riverside Transmission Reliability Project (RTRP) is the largest capital project in the history of Riverside and was approved by the Board of Public Utilities (Board) on January 20, 2006. RTRP is a joint project with Southern California Edison (SCE) to provide Riverside Public Utilities (RPU) a second connection to the state electric transmission grid addressing long-term capacity and reliability needs of the City.

SCE's portion of RTRP includes construction of 230kV transmission lines and a 230kV switchyard. RPU's portion of the project includes construction of a new substation, improvements to existing substations, construction of 69kV sub-transmission lines in the, relocation of existing distribution lines, and installation of new telecommunication lines. The subject easements in this report are for the lines internal to the City of Riverside only.

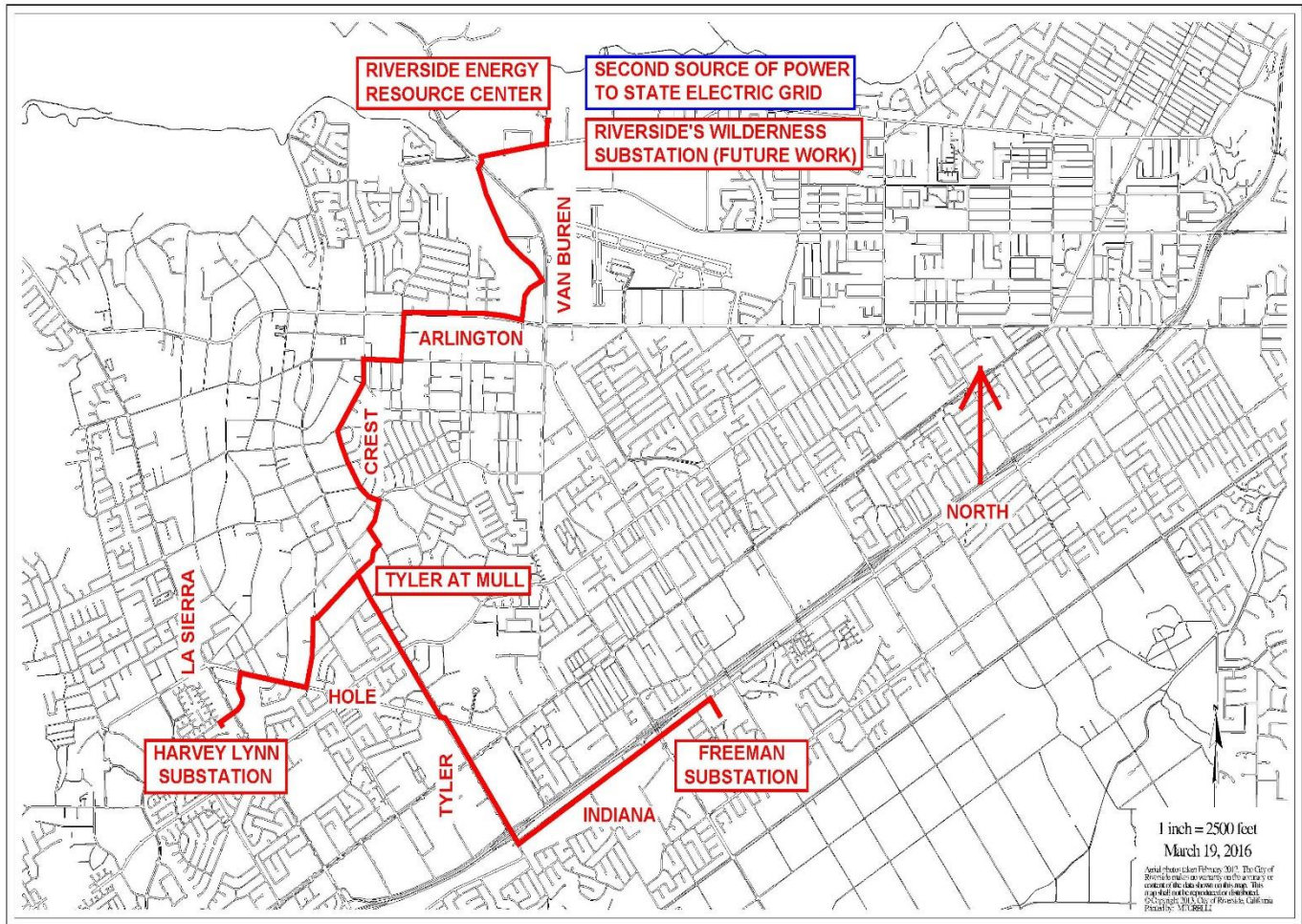
RTRP is comprised of multiple work segments. One hundred (100) property acquisitions are required for construction of the first of the remaining three segments of RTRP. The work includes construction of 13 circuit miles of 69 kilo-Volt (kV) transmission lines connecting the Riverside Energy Resource Center (RERC) to the Harvey Lynn and Freeman Substations within the City and is dependent on RPU acquiring all easements for this segment of work. The projected construction start date is the fall of 2017.

The total authorized funds for RTRP Work Order No. 642975 is currently \$42,605,521 as approved by the Public Utilities' Board at its October 17, 2014 meeting. As of May 31, 2016, the total expenditures including encumbrances for Work Order No. 642975 are \$29,341,173.

DISCUSSION:

The focus of this proposed Council action is the acquisition of the easements to construct the next major segment of RTRP which is the construction of the 69kV circuits between RERC and Harvey

Lynn and Freeman Substations (see map below).



Route of 69kV high voltage lines in the City of Riverside

RPU made every reasonable effort to minimize public impact. One hundred (100) acquisitions comprised of ninety-four (94) permanent and overhead easements and six (6) temporary construction easements are needed to construct the RERC to Harvey Lynn and Freeman lines. RPU project staff, RPU's consulting engineer, and the Community & Economic Development Department's Real Property Services Division has worked closely with one another and, where possible, made design changes to minimize property impacts.

The route selection process was based on the least impact to property owners and in accordance with all California Environmental Quality Act (CEQA) requirements including subject matter expert evaluations and public outreach. The environmentally preferred routes were identified and the Final Environmental Impact Report (FEIR) was certified by City Council on February 5, 2013, and the Notice of Determination (NOD) was filed with the County of Riverside's County Clerk and Recorder and the Office of Planning and Research.

The City of Jurupa Valley legally challenged the FEIR. The Second District Court of Appeal ruled in favor of City Council's approval and upheld the certification of the FEIR. That decision was filed on November 6, 2015.

RPU staff has been coordinating the easement acquisition process for RTRP with the Real Property Services Division and the City Attorney's Office. Notice of Decision to Appraise letters

were sent out and statutory Offers to Purchase were made to the owners of record between July 2014 and June 2016. Offers for the easements were based on independent appraisals of fair market value completed by independent third party appraisers. Since initiating negotiations of the 100 real property interests impacted by RTRP, sixty-three (63) have now been acquired. The remaining thirty-six (36) properties are owned by thirty-two (32) property owners. This report includes thirty-two (32) Resolutions of Necessity, one for each property owner, to potentially initiate eminent domain proceedings (Attachments 1 – 32). The ownerships, assessor's parcel numbers, and property addresses of the affected parcels, and the related property interests that are the subject of this action are as follows:

1. Owner: Bowlus Pacific Ventures, LLC
 - a. APN: 143-030-009
 - b. Address: Jones Avenue south of Mobley Avenue, Riverside, CA 92505
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement, and a 60-day Temporary Construction Easement
2. Owner: Miguel P. Solis and Emma Solis
 - a. APN: 143-040-016
 - b. Address: 4698 Jones Avenue, Riverside, CA 92505
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
3. Owner: Riverside County Flood Control and Water Conservation District
 - a. APNS: 143-342-043, 146-253-026, and 155-290-030
 - b. Addresses: Hole Avenue west of Jones Avenue, Riverside, CA 92505 (La Sierra Channel/Jones Lateral); Hole Avenue west of Bayonne Drive, Riverside, CA, 92505 (La Sierra Channel); and Arlington Avenue west of Van Buren Blvd., Riverside, CA 92505 (Anza Channel)
 - c. Interest: Permanent and Overhead Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
4. Owner: United States Postal Service
 - a. APN: 145-210-037
 - b. Address: 10275 Hole Avenue, Riverside, CA 92503
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
5. Owner: Poston Family Revocable Living Trust No. 1 dated August 22, 1994 and Daniel Greg Lamola Living Trust, dated July 16, 2014
 - a. APN: 145-220-005
 - b. Address: 3971 Tyler Street, Riverside, CA 92503
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement

6. Owner: Bank of America National Trust and Savings Association
 - a. APN: 145-220-032
 - b. Address: 10297 Magnolia Avenue, Riverside, CA 92503
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
7. Owner: Panagiotis, LLC
 - a. APNS: 146-253-015, 146-253-016, and 146-253-017
 - b. Addresses: 10812, 10818 & 10824 Hole Avenue, Riverside, CA 92505
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
8. Owner: Lennox Investments, LP
 - a. APN: 146-253-034
 - b. Address: 10976 Hole Avenue, Riverside, CA 92505
 - c. Interest: Permanent and Overhead Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
9. Owner: Hugo and Imelda Vejar
 - a. APN: 147-060-020
 - b. Address: 5314 Crest Avenue, Riverside, CA 92503
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
10. Owner: Daniel De La Torre & Liseth De La Torre and Juan J. De La Torre & Maria De La Torre
 - a. APN: 147-240-029
 - b. Address: 10373 Mull Avenue, Riverside, CA 92505
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
11. Owner: Win Nguyen and Anh Nguyen, and Tin Tran
 - a. APN: 147-252-014
 - b. Address: 10225 Mull Avenue, Riverside, CA 92503
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
12. Owner: Myriam Rodriguez and Steven H. Rivera
 - a. APN: 147-252-016
 - b. Address: 10263 Mull Avenue, Riverside, CA 92503
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
13. Owner: Slack Family Trust dated December 6, 1991
 - a. APN: 147-260-002
 - b. Address: 4771 Tomlinson Avenue, Riverside, CA 92503
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement

14. Owner: Romulo Martinez and Eugenio Martinez
a. APN: 147-301-002
b. Address: 4739 Tomlinson Avenue, Riverside, CA 92503
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
15. Owner: Salvador F. Arteaga and Gloria Arteaga
a. APNS: 150-232-008 and 150-232-009
b. Addresses: 5938 and 5930 Crest Avenue, Riverside, CA 92503
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
16. Owner: Teresita C. Cano
a. APN: 150-232-014
b. Address: 5910 Crest Avenue, Riverside, CA 92503
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
17. Owner: Julian Alcantar
a. APN: 150-232-015
b. Address: 5918 Crest Avenue, Riverside, CA 92503
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
18. Owner: Carlos L. Solis and Laura Solis
a. APN: 150-232-019
b. Address: 5836 Crest Avenue, Riverside, CA 92503
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
19. Owner: Antonio Aguilera and Angelica Aguilera, and Juana Aguilera
a. APN: 151-051-024
b. Address: 9464 Crest Avenue, Riverside, CA 92503
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
20. Owner: Ramon Solis and Maria de la Luz Solis
a. APN: 151-052-001
b. Address: 5980 Rutland Avenue, Riverside, CA 92503
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
21. Owner: 7509 Arlington Avenue Trust/Family Trust of Heinz F. Zwingler and Betty Lee Zwingler, dated July 15, 2002
a. APN: 155-290-017
b. Address: 7509 Arlington Avenue, Riverside, CA 92503
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement, and a 60-day Temporary Construction Easement

22. Owner: Sunnycreek, LLC
a. APNS: 155-290-044 and 155-290-053
b. Addresses: 8151 and 8201 Arlington Avenue, Riverside, CA 92503
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
23. Owner: Stonegate Apartments Property Management, LP
a. APN: 155-290-048
b. Address: 6506 Doolittle Avenue, Riverside, CA 92503
c. Interest: Overhead Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
24. Owner: Donald Cooper
a. APN: 155-290-050
b. Address: 8207 Arlington Avenue, Riverside, CA 92503
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
25. Owner: Arthur Demirchyan and Narine Demirchyan
a. APN: 155-290-061
b. Address: West side of Van Buren Blvd., north of Arlington Avenue, Riverside, CA 92503
c. Interest: 60-day Temporary Construction Easement
26. Owner: Patrick Michael McRae & Elizabeth H. M. McRae and Brian H. Mendoza and Indira Mendoza
a. APN: 189-150-008
b. Address: 5942 Acorn Street, Riverside, CA 92504
c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
27. Owner: Paul and Peggy Doiron Living Trust 2006 dated October 25, 2006
a. APN: 189-150-012
b. Address: 7297 Jurupa Avenue, Riverside, CA 92504
c. Interest: Permanent and Overhead Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
28. Owner: Thrifty Oil Company
a. APN: 233-150-004
b. Address: 3399 Van Buren Blvd., Riverside, CA 92503
c. Interest: Overhead Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement

29. Owner: Macy's West Stores, Inc., an Ohio corporation by merger with Macy's California Realty, LLC, a Delaware limited liability company
- a. APNS: 234-020-010 and 234-020-046
 - b. Addresses: 3475 and 3535 Tyler Street, Riverside, CA 92503
 - c. Interest: Permanent and Overhead Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
30. Owner: Wells Fargo Bank, N. A.
- a. APN: 234-020-037
 - b. Address: 3765 Tyler Street, Riverside, CA 92503
 - c. Interest: Permanent and Overhead Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
31. Owner: Jimmy Phai Chu and Lang Du Chau Family Trust
- a. APN: 234-020-040
 - b. Address: 10290 Magnolia Avenue, Riverside, CA 92503
 - c. Interest: Permanent and Overhead Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement
32. Owner: Leen Commercial, LLC
- a. APN: 234-030-009
 - b. Address: 10251 Indiana Avenue, Riverside, CA 92503
 - c. Interest: Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement

As of the date of publication for this report, the subject real property interests have not been obtained, but negotiations are continuing in hopes of reaching mutually acceptable settlements. Since these negotiations may continue for some time and may not close, staff recommends that Resolutions of Necessities be adopted and eminent domain actions be filed in court in order to assure timely acquisition of the property interests necessary for the project.

HEARING AND REQUIRED FINDINGS:

On August 23, 2016, the required notices of hearing were sent by first class mail to the property owners of record. The notices specified the City's intent to consider the adoption of the Resolutions, the right to appear and be heard on the issues noted below, and that failure to file a written request would result in a waiver of the right to appear and be heard. The City has scheduled this hearing at which all persons who filed a written request may appear and be heard. This hearing has also been scheduled in order for City Council to make the required findings for the Resolutions.

The Resolutions require a two-thirds majority vote to adopt and the City Council must make four (4) findings. The required findings and facts in support thereof are as follows:

- I. Whether the public interest and necessity require the proposed project.

Discussion: Riverside Public Utilities (RPU) has an obligation to provide a safe and reliable energy supply and electrical infrastructure to all customers, including government, education, and health facilities within the City limits. The Riverside Transmission Reliability Project (RTRP) is a joint project with Southern California Edison (SCE) to provide RPU a second connection to the state electric transmission grid addressing the long term electric capacity and reliability needs of the City. SCE performed a System Impact Study and a Facilities Study in 2005 at the request of RPU. Both studies indicated the need for the project. In June, 2006, the California Independent System Operator's Board of Governors affirmed construction of RTRP.

The rapid population growth and commercial development in the City have led to an increase in local electric customers and in their use of electric energy. Currently, the sole source of bulk electrical energy supply for RPU electric customers is through SCE's Vista Substation located within the City of Grand Terrace. Beginning in 2006, RPU's electrical demand has exceeded the available 557 MW of capacity from Vista Substation, requiring local generation during peak load conditions. A new interconnection to SCE's transmission system is urgently needed to provide capacity for existing as well as new electrical load and an additional point of interconnection for reliability purposes. Without this addition, load shedding and area electrical blackouts will eventually be required. Load shedding is the intentional, controlled interruption of electrical load. It is performed by system operators, or by automatic equipment, in order to protect the majority of the electric system from permanent damage, such as from an overload.

In addition to increasing capacity, the RTRP would substantially reduce the impact of an outage similar to that which occurred to the City of Riverside in October 2007, when service from Vista Substation was interrupted. All electric customers, including government, school, university, and hospital facilities, within the City lost power for up to four hours.

RERC and Springs generation have already been constructed within the City in part to address the capacity limit at Vista Substation. The internal generation reduces the power that must flow through the transformers at Vista Substation by generating and supplying it locally. However, these generators are "peaking" units. As such, the number of hours that the units can operate is limited by the permit requirements issued by the South Coast Air Quality Management District (SCAQMD). It is not prudent utility practice to defer transformer capacity additions by continued installation of peaking units.

In addition, reinforcement is urgently needed to the existing 69 kV subtransmission system to meet standard reliability criteria. Without reinforcements, load shedding may occur following 69 kV line outages during peak load conditions. As a part of RTRP, RPU's local system would need to be divided into two systems: the east system, served from Vista Substation, and the west system, served from the new Wilderness Substation. This division would include the remaining subtransmission line reinforcements that are needed.

This project will accommodate the current needs of the population as well as the needs of future population growth and energy demand. As such, the project will protect the health, safety and welfare of the general public by supplying reliable and safe electrical energy.

- II. Whether the proposed public project is planned and located in a manner that would be most compatible with the greatest public good and the least private injury.

Discussion: A number of alternatives were considered and eliminated from further consideration when they failed to meet most of the basic project objectives, were infeasible, or would not avoid significant impacts on the environment and private property interests. As such, the proposed project is planned and located in a manner that will be most compatible with the least private injury to the parcels and property interests that are necessary to complete the project in a manner that enhances the health, safety and welfare of the general public by supplying reliable and safe electrical energy.

Furthermore, on February 5, 2013, Riverside's City Council adopted a resolution certifying that the Final Environmental Impact Report for RTRP was completed in compliance with the California Environmental Quality Act (CEQA). The Report affirms that the project is planned and located in a manner that would be most compatible with the greatest public good and the least private injury.

III. Whether the property interests sought to be acquired is necessary for the proposed Project.

Discussion: The City Council at its February 5, 2013 meeting found that there were no proposed feasible alternatives that would avoid or substantially lessen the project impacts. RTRP is designed to minimize impacts to private property. The real property interests sought to be acquired are necessary for the construction of the needed transmission lines. The property sought is necessary for the general health, safety and welfare of the public by addressing the energy delivery needs of the City as a whole. (See Finding I [Public Interest and Necessity] incorporated herein by reference.)

IV. Whether the offer required by Section 7267.2 of the Government Code has been made to each of the owners of record.

Discussion: Confirmation and identity of the record owners of the parcels affected by this proposed Project was made by ordering litigation guarantees and by obtaining the last equalized tax rolls. The statutory offers were then made to those property owners of record, based on approved independent appraisals of fair market value.

FISCAL IMPACT:

The minimum cost to acquire the real property interests is \$919,500, which is based on approved independent appraisals. This amount is required to be deposited into the State Condemnation Fund as part of the eminent domain process at this time. Any subsequent expenditure/settlements exceeding \$50,000 per transaction, will require additional authorization from the Riverside Public Utilities Board and the City Council, where applicable. The minimum fiscal impact differs from the total presented to the Riverside Public Utilities Board on August 8, 2016 of \$957,800, as four parcels have closed escrow between that date and August 31, 2016.

Sufficient funds are available in the Public Utilities' Electrical Capital Account No. 6130000-470685.

Prepared by:	Rafael Guzman, Community & Economic Development Director
Certified as to availability of funds:	Scott G. Miller PhD, Chief Financial Officer/Treasurer
Approved by:	Al Zelinka, FAICP, Assistant City Manager
Approved as to form:	Gary G. Geuss, City Attorney

Attachments:

1. Presentation
2. Resolution of Necessity: Bowlus Pacific Ventures, LLC (APN 143-030-009)
3. Resolution of Necessity: Miguel P. Solis and Emma Solis (APN 143-040-016)
4. Resolution of Necessity: Riverside County Flood Control and Water Conservation District (APN's 143-342-043, 146-253-026 & 155-290-030)
5. Resolution of Necessity: United States Postal Service (APN 145-210-037)
6. Resolution of Necessity: Poston Family Revocable Living Trust No. 1 dated August 22, 1994 and Daniel Greg Lamola Living Trust, dated July 16, 2014 (APN 145-220-005)
7. Resolution of Necessity: Bank of America National Trust and Savings Association (APN 145-220-032)
8. Resolution of Necessity: Panagiotis, LLC (APN's 146-253-015, -016 & -017)
9. Resolution of Necessity: Lennox Investments, LP (APN 146-253-034)
10. Resolution of Necessity: Hugo Vejar and Imelda Vejar (APN 147-060-020)
11. Resolution of Necessity: Daniel De La Torre & Liseth De La Torre and Juan J. De La Torre & Maria De La Torre (APN 147-240-029)
12. Resolution of Necessity: Win Nguyen and Anh Nguyen; and Tin Tran (APN 147-252-014)
13. Resolution of Necessity: Myriam Rodriguez and Steven H. Rivera (APN 147-252-016)
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15. Resolution of Necessity: Romulo Martinez and Eugenio Martinez (APN 147-301-002)
16. Resolution of Necessity: Salvador F. Arteaga & Gloria Arteaga (APN's 150-232-008 & -009)
17. Resolution of Necessity: Teresita C. Cano (APN 150-232-014)
18. Resolution of Necessity: Julian Alcantar (APN 150-232-015)
19. Resolution of Necessity: Carlos L. Solis and Laura Solis (APN 150-232-019)
20. Resolution of Necessity: Antonio Aguilera & Angelica Aguilera, and Juana Aguilera (APN 151-051-024)
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24. Resolution of Necessity: Stonegate Apartments Property Management, LP (APN 155-290-048)
25. Resolution of Necessity: Donald Cooper (APN 155-290-050)
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