

**RESOLUTION NO. 4094**

**A RESOLUTION OF NECESSITY BY THE CITY COUNCIL OF THE CITY FINDING, DETERMINING, AND  
DECLARING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF THE  
STREETLIGHT FACILITIES BY EMINENT DOMAIN**

**WHEREAS**, the City Council of the City of Coalinga ("City") has considered the advisability of acquiring streetlight facilities owned by Pacific Gas & Electric ("PG&E"), which provide lighting to public streets within the public right-of-way; and

**WHEREAS**, the City has experienced ongoing issues with poor maintenance and untimely repairs to streetlight facilities owned by PG&E, including incomplete repairs on

- On Elm Ave. and Van Ness St. (South West Corner): Two Decorative lights are out.
- On Elm Ave. between 3<sup>rd</sup> and 4<sup>th</sup> St. (West side of road): Decorative light flickers on and off.
- On Elm Ave. and 3<sup>rd</sup> St. (South West Corner): Streetlight is out.
- On Elm Ave. between 3<sup>rd</sup> and 4<sup>th</sup> St. (West side of road): Two Decorative lights are not working.
- On Elm Ave. and 4<sup>th</sup> Street (Southwest corner): Streetlight pole struck by vehicle and is leaning over and remains unrepaired. (PG&E claims this is not their pole).

**WHEREAS**, City is authorized to acquire the streetlight facilities and exercise the right of eminent domain for the public use, pursuant to and in accordance with Article I, Section 19 of the California Constitution; Article XI, Section 9 of the California Constitution; California Code of Civil Procedure Sections 1240.110; California Code of Civil Procedure 1240.510; California Code of Civil Procedure Sections 1240.120; California Code of Civil Procedure 1245.230; Government Code Section 37350; Government Code Section 37350.5; Government Code Section 39732; and Government Code Section 40404(f);

**WHEREAS**, by this Resolution of Necessity, City proposes to acquire the streetlight facilities, which include the fixture, the arm, any and all wiring above the ground feeding the streetlight from PG&E, base (where applicable), and the pole (if the pole is for streetlight only) located within public right-of-way within the City boundaries, are for a public use, and are described on PG&E's rate schedule as LS1-A, LS1-C, LS1-E, and LS1-F. These components that the City wishes to acquire are hereafter referred to as "streetlight system" or "property." The streetlight system to be acquired is described in the attached Exhibit "A"; and

**WHEREAS**, the City provided at least (15) days' notice to PG&E, and held the hearing required by Section 1245.235 of the California Code of Civil Procedure, on October 6, 2022 for the purpose of allowing PG&E reasonable opportunity to appear and be heard on the following matters:

- a) Whether the public interest or necessity requires the project;
- b) Whether the project is planned or located in a manner which is most compatible with the greatest public good and least private injury; and
- c) Whether the property proposed to be acquired is necessary for the project; and

**WHEREAS**, the City Council of the City of Coalinga, as a result of said hearing, has determined that acquisition of the streetlight system is necessary in order to carry out the purpose of the City and no legal

impediment to proceeding with the acquisition has been shown.

**NOW, THEREFORE, IT IS HEREBY RESOLVED, FOUND AND DETERMINED BY** the City Council as follows:

1. The recitals contained herein are true and correct.
2. The public interest and necessity required proposed acquisition of streetlight system, which includes the fixture, the arm, any and all wiring above the ground feeding the streetlight from PG&E, base (where applicable), and the pole (if the pole is for streetlight only) located within public right-of-way within the City boundaries, are for a public use, and are described on PG&E's rate schedule as LS1-A, LS1-C, LS1-E, and LS1-F. Any wiring associated with the PG&E's distribution network is excluded. The general location of the Property to be acquired is described in the attached Exhibit "A", which is incorporated by reference.
3. The public interest and necessity require the acquisition of PG&E's streetlight system for the City's public use of streetlighting. The proposed project is planned and located in a manner that will be most compatible with the greatest public good and least private injury.
4. PG&E's property described is necessary for the proposed project.
5. The streetlight system is to be acquired pursuant to California Code of Civil Procedure section 1240.610 and, as provided in California Code of Civil Procedure section 1240.650, said system is a more necessary public use than the present use to which said system is appropriated.
6. An offer has been made to PG&E as required by Section 7267.2 of the Government Code, a diligent attempt was made to negotiate and end the matter without taking this action.
7. The City does hereby declare that it is the intention of City to acquire said property in accordance with the stipulations of the laws of the State of California with reference to condemnation procedures.
8. Legal counsel for City is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire the Property and to take such actions that Counsel deems advisable or necessary in connection therewith. Counsel is further authorized to correct any errors or to make or agree to non-material changes in the description of the Property interests to be acquired that are deemed necessary for the conduct of the condemnation action.
9. The City's Assistant City Manager, Sean Brewer, is hereby authorized and directed to attain a check for \$93,850 payable to the Treasury of the State of California and delivered to the City Attorney to be deposited as security for the order of immediate possession and use authorized by the court.
10. The City Clerk Administrator shall certify the adoption of this Resolution.

**PASSED AND ADOPTED** at a meeting of the City Council of Coalinga held this 6 day of October 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

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Ron Ramsey, Mayor

ATTEST:

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Shannon Jensen, City Clerk

Exhibit "A"  
(Coalinga Streetlight Inventory)