

FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

414B



FROM: General Manager-Chief Engineer SUBMITTAL DATE: February 4, 2003

SUBJECT: San Jacinto MDP Line E, Stage 2
Resolution No. F2003-04 Authorizing Condemnation of Real Property
Public Hearing

RECOMMENDED MOTION:

That the Board approve Resolution No. F2003-04, Authorizing Condemnation of Real Property for Flood Control Purposes.

JUSTIFICATION:

The District is planning to construct an open channel and appurtenances to prevent flooding in the San Jacinto area of Riverside County as part of the Master Drainage Plan. Settlements have not been reached with two of the property owners, however negotiations are still in progress.

WARREN D. WILLIAMS
General Manager-Chief Engineer

C.E.O. RECOMMENDATION

APPROVE

REQUIRES
4/5th's VOTE

County Executive Officer Signature *A. Suggs*

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3 RESOLUTION NO. 2003-04

4 AUTHORIZING CONDIMENTATION OF REAL PROPERTY
5 FOR FLOOD CONTROL PURPOSES

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7 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of
8 Supervisors of the Riverside County Flood Control and Water Conservation District,
9 County of Riverside, State of California, not less than two-thirds of all members
10 concurring, in regular session assembled on February 4, 2003, as follows:

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12 THAT, notice of the intention to adopt this resolution was given to each person,
13 whose hereinafter described real property is to be acquired by eminent domain, in
14 accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was
15 conducted by the Board of the matters contained herein.
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18 THAT, the authority for the District to acquire the real property by eminent
19 domain is contained in Article 1, Section 19 of the California Constitution; the California
20 Water Code-Appendix, Chapter 48, Section 48-9, Paragraph 9; Sections 1240.010,
21 1240.020, 1240.110 and 1240.420 of the Code of Civil Procedure.
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24 THAT, the public interest and necessity require the proposed project.
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26 THAT, the use for which the real property is to be taken is for the construction of
27 a public improvement consisting of an open-channel and appurtenant works, for the
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1 control and flow of flood waters and for other uses incidental thereto and required
2 thereby in order to protect from damage, life and property within the boundaries of the
3 District, the project being known as the San Jacinto MDP, Line E, Stage 2.
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6 THAT, the real property sought to be condemned is necessary for the
7 construction of the public improvement and is located entirely within the boundaries of
8 the District's Zone 4 thereof, in the San Jacinto area of the County of Riverside, State of
9 California, generally described as APN: 431-160-010 (Full Acquisition); Parcels 4120-
10 27A, 4120-27B, 4120-27C, 4120-27D, 4120-27E, 4120-27G, 4120-27T1, 4120-T2,
11 4120-27T3 also known as APN's: 431-160-021, 431-160-018 and 431-160-034, and a
12 specific description of the real property and the interests sought to be condemned are
13 set forth in Exhibit "A", attached hereto and by this reference made a part hereof.
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16 THAT, the public improvement is planned and located in the manner that will be
17 most compatible with the greatest public good and the least private injury.
18 That the offer required by Section 7267.2 of the Government Code has been made to
19 the owner or owners of record.
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22 BE IT FURTHER RESOLVED that the County Counsel of the County of
23 Riverside is hereby authorized and empowered:

24 To acquire in the name of the District, fee simple absolute interests,
25 perpetual access easements and temporary construction easements in said real
26 property by condemnation in accordance with the Constitution and laws relating to
27 eminent domain.
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To prepare and prosecute in the name of the District such proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition.

To make application to the Court for an order to deposit the probable amount of compensation out of the proper funds under the control of the District into the County Treasury and for an order permitting the District to take prejudgment possession and use the real property for the purpose of constructing the public improvement.

To compromise and settle such proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made.

FORM APPROVED
COUNTY COUNSEL

JAN 22 2003

BY Joe S. Rand
ASSISTANT COUNTY COUNSEL

PKB:sh
1/22/03
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