

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



FROM: General Manager-Chief Engineer      SUBMITTAL DATE: February 25, 2003

SUBJECT: Gavilan Hills-Smith Road Channel  
Project No. 2-0-0290  
Authorizing Condemnation of Real Property

**RECOMMENDED MOTION:**

The Board approve Resolution No. F2003-07, 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 Gavilan Hills-Smith Road area of Riverside County as part of the Master Drainage Plan. Settlements have not been reached with the property owners, however, negotiations are still in progress.

WARREN D. WILLIAMS  
General Manager-Chief Engineer

C.E.O. RECOMMENDATION

**APPROVE**

County Executive Officer Signature

FISCAL PROCEDURES APPROVED  
Sandi Henry, Finance Director  
By Date 2/13/03

03 FEB 13 11:02

CLERK OF SUPERIOR COURT

03 FEB 13 11:02

CLERK OF SUPERIOR COURT

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3 RESOLUTION NO. F2003-07

4 AUTHORIZING CONDEMNATION 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 Riverside County Flood Control and Water Conservation District, County of  
9 Riverside, State of California, not less than two-thirds of all members concurring, in regular session  
10 assembled on February 25, 2003, as follows:

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13 1. That notice of intention to adopt this resolution was given to each person,  
14 whose hereinafter described real property is to be acquired by eminent domain in accordance with  
15 Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board of the  
16 matters contained herein.

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19 2. That the authority for the District to acquire the real property by eminent  
20 domain is contained in Article 1, Section 19 of the California Constitution; the California Water  
21 Code-Appendix, Chapter 48, Section 48-9, Paragraph 9; Sections 1240.010, 1240.020, 1240.110 and  
22 1240.410 of the Code of Civil Procedure.

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25 3. That the public interest and necessity require the proposed project.

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27 4. That the use for which the real property is to be taken is for the construction  
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of a public improvement consisting of an open channel and appurtenant works, for the control and  
1 flow of flood waters and for other uses incidental thereto and required thereby, in order to protect  
2 from damage, life and property within the boundaries of the District, the project being known as  
3 Gavilan Hills-Smith Road Channel.  
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6 5. 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 the District  
8 Zone 2, thereof, in the County of Riverside, State of California, generally described as Parcels 2290-  
9 2A, 2290-2B, 2290-2BT, 2290-3A, 2290-3B, 2290-3AT, 2290-4A, 2290-4B, 2290-4AT, 2290-5A,  
10 2290-5B, 2290-5C, 2290-5AT, 2290-5BT, 2290-5CT, 2290-6A, 2290-6B, 2290-6AT, 2290-7A, 2290-  
11 7B, and 2290-7AT and a specific description of the real property and the interests sought to be  
12 condemned are set forth in Exhibit "A", attached hereto and by this reference made a part hereof.  
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15 6. That the public improvement is planned and located in the manner that will  
16 be most compatible with the greatest public good and the least private injury.  
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19 7. That the offer required by Section 7267.2 of the Government Code has been  
20 made to the owner or owners of record.  
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22 BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside  
23 is hereby authorized and empowered:  
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26 1. To acquire in the name of the District, fee simple estate and temporary  
27 construction easements in said real property by condemnation in accordance with the Constitution  
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and laws relating to eminent domain.

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2. 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.

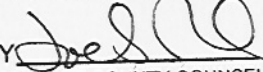
3. To make application to the Court for an order to deposit the probable amount of compensation out of proper funds under the control of the District into the County Treasury and for an order permitting the District to take prejudgment possession and use the real property for the purpose of constructing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

4. 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.

GW:lib  
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FORM APPROVED  
COUNTY COUNSEL

FEB 13 2003

BY:   
ASSISTANT COUNTY COUNSEL