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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

924



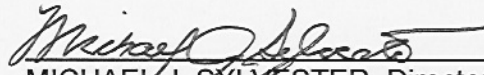
FROM: Department of Facilities Management **SUBMITTAL DATE:** March 10, 2003

SUBJECT: NOTICE OF INTENTION TO CONDEMN REAL PROPERTY FOR
FREEWAY IMPROVEMENT PURPOSES/CALIFORNIA DEPARTMENT OF
TRANSPORTATION – INTERSTATE 215/91/60 SEQUENCING PROJECT

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution 2003-36, a Notice of Intention to Condemn Real Property for freeway improvement purposes on behalf of the State of California Department of Transportation (Caltrans) for the Interstate 215/91/60 sequencing project, and to set a public hearing for Resolution 2003-46, Authorizing Condemnation of Real Property for Freeway Improvement Purposes, on April 15, 2003.

BACKGROUND: Pursuant to Minute Order 3.33 approved by the Board of Supervisors on November 26, 2002, a resolution was passed agreeing to hear Resolutions Authorizing Condemnation on behalf of the State of California Department of Transportation. As a prelude thereto, it is necessary for the Board to adopt Resolutions of Notice of Intent to Condemn Real Property for parcels affected by the project.

MJS:JS:sh
8.204


MICHAEL J. SYLVESTER, Director
Department of Facilities Management

FINANCIAL DATA:

CURRENT YEAR COST \$ -0-
NET COUNTY COST \$ -0-

ANNUAL COST \$ -0-
IN CURRENT YEAR BUDGET:
BUDGET ADJUSTMENT: N/A FOR FY: N/A

SOURCE OF FUNDS: State of California, Department of Transportation

C.E.O. RECOMMENDATION:

APPROVE.

County Executive Officer Signature 

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist. 5

AGENDA NO.

3.15

3 RESOLUTION NO. 2003-36

4 NOTICE OF INTENTION TO CONDEMN REAL PROPERTY
5 FOR FREEWAY IMPROVEMENT PURPOSES

6 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of
7 Supervisors of Riverside County, State of California, in regular session assembled on
8 March 18, 2003, and NOTICE IS HEREBY GIVEN as follows:

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10 1. That this Board intends to adopt a resolution of necessity
11 authorizing the condemnation of certain parcels of real property for freeway
12 improvement purposes described as portions of Assessor's Parcel Numbers 263-030-
13 046, 263-030-053, 263-030-050, 263-030-042, 263-030-036, 263-030-045, 263-030-
14 051, 263-030-047 and 263-030-052, also known as Caltrans Parcels #18023 and
15 #18025, shown as legal descriptions and plat maps on file in the Office of the Clerk of
16 the Board, and located in Riverside, and to hold a public hearing on April 15, 2003, at
17 10:00 a.m. in the meeting room of the Board of Supervisors located on the 1st Floor,
18 County Administrative Center Annex, 4080 Lemon Street, Riverside, California, at which
19 time the person or entity whose real property is sought to be condemned and whose
20 name and address appears on the last equalized County Assessment Roll and who has
21 filed a timely written request to appear and be heard, will be given an opportunity to be
22 heard on the following matters:

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26 a. Whether the public interest and necessity require the
27 construction of the public improvement.
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b. Whether the public improvement is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

c. Whether the real property sought to be acquired is necessary for the construction of the public improvement.

2. That the failure of any person, whose real property is sought to be condemned, to file a written request to appear and be heard with the Clerk of the Board within 15 days after a copy of the resolution is mailed to, or personally served upon such person, will result in his or her waiver of the right to appear and be heard.

BE IT FURTHER RESOLVED that the State of California, Department of Transportation, has caused a letter of intent (see attached) and a copy of the right of way to be mailed to or personally served upon each person or entity whose real property is sought to be condemned and whose name and address appears on the last equalized County Assessment Roll.

FORM APPROVED
COUNTY COUNSEL

MAR 10 2003

BY 
ASSISTANT COUNTY COUNSEL

JRF:sh
3/6/03
8.130

RESOLUTION NO. 2003-46

AUTHORIZING CONDEMNATION OF REAL PROPERTY
FOR I-215/60/91 FREEWAY IMPROVEMENT PURPOSES

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of Riverside County, State of California, in regular session assembled on April 15, 2003, as follows:

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

2. That the authority for the County to acquire the real property by eminent domain is contained in Article 1, Section 19 of the California Constitution; Sections 940, 941.1 and 943 of the Streets and Highways Code; Section 25350.5 of the Government Code; Sections 1240.010, 1240.020, 1240.110, 1240.410, 1240.420, 1240.510 and 1240.610 of the Code of Civil Procedure.

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

4. That the use for which the real property is to be taken is for the Interstate 215/91/60 Sequencing Project, for road improvement purposes, including construction and maintenance, and for other uses incidental thereto and required.

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5. That the real property sought to be condemned is necessary for the construction of the public improvement and is located adjacent to Interstate 215, State Route 91 and State Route 60 in the County of Riverside, State of California, generally described as Assessor's Parcel Number 263-030-046, 263-030-053, 263-030-050, 263-030-042, 263-030-036, 263-030-045, 263-030-051, 263-030-047 and 263-030-052, also known as Caltrans Parcels #18023 and 18025, and a specific description of the real property and the interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this reference made a part hereof.


6. That the public improvement is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

7. That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

BE IT FURTHER RESOLVED that the State of California, Department of Transportation, after approval of the Authorization of Condemnation by the County of Riverside Board of Supervisors, will continue with the processes necessary to acquire, in the name of the State of California, fee simple title and temporary construction easements in accordance with the Constitution and laws relating to eminent domain.

FORM APPROVED
COUNTY COUNSEL

MAR 10 2003

BY 
ASSISTANT COUNTY COUNSEL

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3/6/03
8.178