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



FROM: Economic Development Agency **SUBMITTAL DATE:** January 21, 2003

SUBJECT: Adoption of Resolution No. 2003-11, Authorization to Condemn Real Property for El Cerrito Community Park Project.
Second Supervisorial District.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Hold a public hearing to hear comments from those persons affected by this project as stated in Resolution No. 2003-10;
2. Adopt Resolution No. 2003-11, Authorization to Condemn Real Property for El Cerrito Community Park; and
3. Authorize and direct the Assistant County Executive Officer/EDA to take the necessary actions to proceed with eminent domain activities.

BACKGROUND: On August 27, 2002, the Board authorized the acquisition of Assessor's Parcel Number 277-210-003 Items No. #3.3, located on the northeast corner of I-15 and El Cerrito Road as the preferred site for the development of a much needed community park for the El Cerrito area. Currently, there are no parks in the area, which has approximately 4,600 residents in the immediate community and over 10,000 in outlying areas. The subject site is adjacent to the new junior high school and is one of the few sites available large enough to accommodate the proposed project.


Bradley J. Hudson
Assistant County Executive Officer/EDA

BH:RZ:DML:AMV:AMG:sj
F:\Shared\RealProperty\Real Property\DIST2\02-2-243.condempck.doc

FINANCIAL DATA:

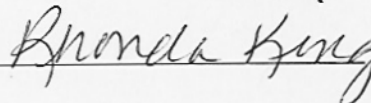
CURRENT YEAR COST: \$1,070,000.00
NET COUNTY COST: N/A
BUDGET ADJUSTMENT: N/A
COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No
SOURCE OF FUNDS: Developer Agreement Funds

ANNUAL COST: N/A
IN CURRENT YEAR BUDGET: Yes
FOR FY: 02/03

C.E.O. RECOMMENDATIONS:

APPROVE

**REQUIRES
4/5th's VOTE**

County Executive Officer Signature: 

Department Recommendation: Consent Policy
Per Executive Office: Consent Policy

Prev. Agn. Ref.
, 2-4-03

Dist.
2

AGENDA NO.

9.1

FORM 11, Page 2

Submittal to the Board of Supervisors – Authorization to Condemn Real Property for El Cerrito
Community Park
January 21, 2003

BACKGROUND:

An offer to purchase the parcel has been made to the property owners, but no settlement has been reached as of this date. Notice of the County's intent to exercise its eminent domain powers has been given as required. Negotiations with the property owners will continue in hopes of reaching a mutually acceptable agreement.

Guided by Government Code Section 7267: "In order to encourage and expedite the acquisition and relieve congestion in the courts, to assume consistent treatment for owners in the public programs, and to promote public land acquisition practices, public entities shall, to the greatest extent practicable be guided by the provision of Section 7267.1: 'The public entity shall make every reasonable effort to acquire expeditiously, real property by negotiation'."

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3 RESOLUTION NO. 2003-11
4 AUTHORIZATION TO CONDEMN REAL PROPERTY FOR
5 EL CERRITO COMMUNITY PARK

6 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of
7 Supervisors of the County of Riverside, State of California, not less than four-fifths of all
8 members concurring, in regular session assembled on April 1, 2003, as follows:

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

13 2. That the authority for the County to acquire the real property by eminent
14 domain is contained in Article 1, Section 19 of the California Constitution; Title 7, Part III of the
15 Code of Civil Procedure; Section 25350.5 of the Government Code; Sections 1230.01 et seq.;
16 1240.010 thru 1240.050, and 1240.110 of the Code of Civil Procedure.

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

18 4. That the use for which the real property is to be taken for a community
19 park, and for other uses incidental thereto and required thereby in order to complete the project
20 being known as El Cerrito Community Park.

21 5. That the real property sought to be condemned is necessary for the
22 construction of the public improvement and is located in the El Cerrito area of the County of
23 Riverside, State of California, generally described as Assessor's Parcel Number 277-210-003,
24 which is located within that portion of Government Lots 10 and 11 in Section 8, Township 4
25 South, Range 6 West, San Bernardino Base and Meridian in Riverside County, and a specific
26 description of the real property and the interest sought to be condemned is set forth in Exhibit
27 "A", attached hereto and by this reference made a part hereof.

28 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.

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

3 BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside is
4 hereby authorized and empowered:

5 1. To acquire in the name of the County of Riverside, fee simple title by
6 condemnation in accordance with the Constitution and laws relating to eminent domain.

7 2. To prepare and prosecute in the name of the County such proceedings in
8 the proper court having jurisdiction thereof as are necessary for such acquisition.

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

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

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FORM APPROVED
COUNTY COUNSEL

JAN 02 2003

BY Joe S. Red
ASSISTANT COUNTY COUNSEL

EXHIBIT "A"

FEE SIMPLE ESTATE in the real property in the El Cerrito area, County of Riverside, State of California, described as follows:

THAT PORTION OF GOVERNMENT LOTS 10 AND 11 IN SECTION 8, TOWNSHIP 4 SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 11; THENCE SOUTH $00^{\circ} 22'$ WEST ALONG THE EASTERLY LINE OF SAID GOVERNMENT LOT 11, 200.13 FEET TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND KNOWN AS RUDELL ROAD, CONVEYED TO THE COUNTY OF RIVERSIDE, BY DEED FILED FOR RECORD JULY 6, 1959 AS INSTRUMENT NO. 58484; THENCE SOUTH $88^{\circ} 17'$ WEST, ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID PARCEL CONVEYED TO THE COUNTY OF RIVERSIDE, 238.91 FEET THENCE SOUTHWESTERLY ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 20 FEET, THROUGH AN ANGLE OF $90^{\circ} 00'$ AN ARC LENGTH OF 31.42 FEET; THENCE SOUTH $01^{\circ} 43'$ EAST, 130 FEET; THENCE SOUTHEASTERLY ON A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 470 FEET THROUGH AN ANGLE OF $33^{\circ} 28' 10''$ AND ARC LENGTH OF 274.55 FEET; THENCE NORTH $67^{\circ} 18' 20''$ EAST 143.57 FEET TO THE SOUTHWESTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO CORONA UNIFIED SCHOOL DISTRICT, BY DEED RECORDED IN BOOK 1785 PAGE 155 OF OFFICIAL RECORDS, RIVERSIDE COUNTY RECORDS; THENCE SOUTH $22^{\circ} 41' 40''$ EAST ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL CONVEYED TO CORONA UNIFIED SCHOOL DISTRICT, 320.04 FEET TO THE CENTER LINE OF SAID 10 INCH STEEL WATER LINE OF THE CAJALCO WATER COMPANY, AS LOCATED ON THE GROUND; THENCE SOUTH $66^{\circ} 53' 10''$ WEST, ALONG THE CENTER LINE OF SAID 10 INCH STEEL WATER LINE, 777.97 FEET; THENCE NORTHWESTERLY ON A CURVE CONCAVE TO THE NORHTEAST HAVING A RADIUS OF 900 FEET, THROUGH AN ANGLE OF $19^{\circ} 39' 20''$ AN ARC LENGTH OF 308.75 FEET, (THE INITIAL RADIAL LINE BEARS SOUTH $43^{\circ} 00' 40''$ WEST); THENCE NORTH $27^{\circ} 20''$ WEST, 990 FEET TO THE NOTHERLY LINE OF SAID GOVERNMENT LOT 11; THENCE NOTRH $88^{\circ} 24'$ EAST ALONG THE NORTHERLY LINE OF SAID GOVERNMENT LOT, 1270 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DEEDED TO THE STATE OF CALIFORNIA FOR FREEWAY PURPOSES BY DEED RECORDED MAY 4, 1965 AS INSTRUMENT NO. 51444.