

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



519B

FROM: General Manager-Chief Engineer SUBMITTAL DATE: April 22, 2003

SUBJECT: Public Hearing - Murrieta Creek Flood Control Project
Project No. 7-0-0021
Authorizing Condemnation of Real Property

RECOMMENDED MOTION:

The Board approve Resolution No. F2003-14, Authorizing Condemnation of Real Property for Flood Control Purposes.

JUSTIFICATION:

The District, in conjunction with the U.S. Army Corps of Engineers, is planning to construct flood control improvements with appurtenances for Murrieta Creek, thereby preventing flooding in the Murrieta/Temecula area of Riverside County. Settlements have not been reached with the property owner, however, negotiations are still in progress.

WARREN D. WILLIAMS
General Manager-Chief Engineer

REQUIRES
4/5th's VOTE

C.E.O. RECOMMENDATION

APPROVE

County Executive Officer Signature

BOARD OF SUPERVISORS

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. F2003-14

AUTHORIZING CONDEMNATION OF REAL PROPERTY

FOR FLOOD CONTROL PURPOSES

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of Riverside County Flood Control and Water Conservation District, County of Riverside, State of California, not less than two-thirds of all members concurring, in regular session assembled on April 22, 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 District to acquire the real property by eminent domain is contained in Article 1, Section 19 of the California Constitution; the California Water Code-Appendix, Chapter 48, Section 48-9, Paragraph 9; Sections 1240.010, 1240.020, 1240.110 and 1240.410 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 construction of a public improvement consisting of an open channel and appurtenant works, for the control and flow of floodwaters and for other uses incidental thereto and required thereby, in order to protect from damage, life and property within the boundaries of the District, the project being known as Murrieta Creek.

5. That the real property sought to be condemned is necessary for the

1 construction of the public improvement and is located entirely within the boundaries of the District
2 Zone 7, thereof, in the city of Temecula, County of Riverside, State of California, generally
3 described as Parcel 7021-6 and a specific description of the real property and the interests sought to
4 be condemned are set forth in Exhibit "A", attached hereto and by this reference made a part hereof.

5
6 6. That the public improvement is planned and located in the manner that will
7 be most compatible with the greatest public good and the least private injury.

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

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

12 1. To acquire in the name of the District, fee simple estate in said real property
13 by condemnation in accordance with the Constitution and laws relating to eminent domain.

14 2. To prepare and prosecute in the name of the District such proceedings in the
15 proper court having jurisdiction thereof as are necessary for such acquisition.

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

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

23
24
25 GW:lib:bjp

FORM APPROVED
COUNTY COUNSEL

APR 10 2003

BY 
ASSISTANT COUNTY COUNSEL

**Murrieta Creek-Corps of Engineers
Parcel 7021-6**

Being a portion of Parcel 2 as shown on Parcel Map Book 32, Pages 16 through 18, records of Riverside County, California, within the city of Temecula, Riverside County, California, described as follows:

Beginning at the Southeast corner of said Parcel 2;

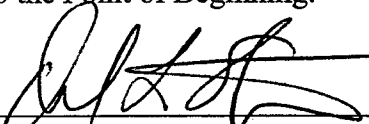
Thence South 74° 17' 55" West 69.99 feet along the Southerly line of said Parcel to the Southwest corner of said Parcel 2;

Thence North 15° 42' 05" West 1101.52 feet along the Westerly line of said Parcel, said line also being the Easterly line of Lot A per said Parcel Map;

Thence North 74° 17' 41" East 69.99 feet to the Easterly line of said Parcel 2;

Thence South 15° 42' 05" East 1101.52 feet to the Point of Beginning.





DAVID L. STONE

Land Surveyor No. 4758
Signed For: Riverside County Flood Control
and Water Conservation District

Date: 4/04/03

PARCEL 7021-6

BEING A PORTION OF PARCEL 2 AS SHOWN
ON PARCEL MAP BOOK 32, PAGES 16-18
RECORDS OF RIVERSIDE CO., CALIFORNIA

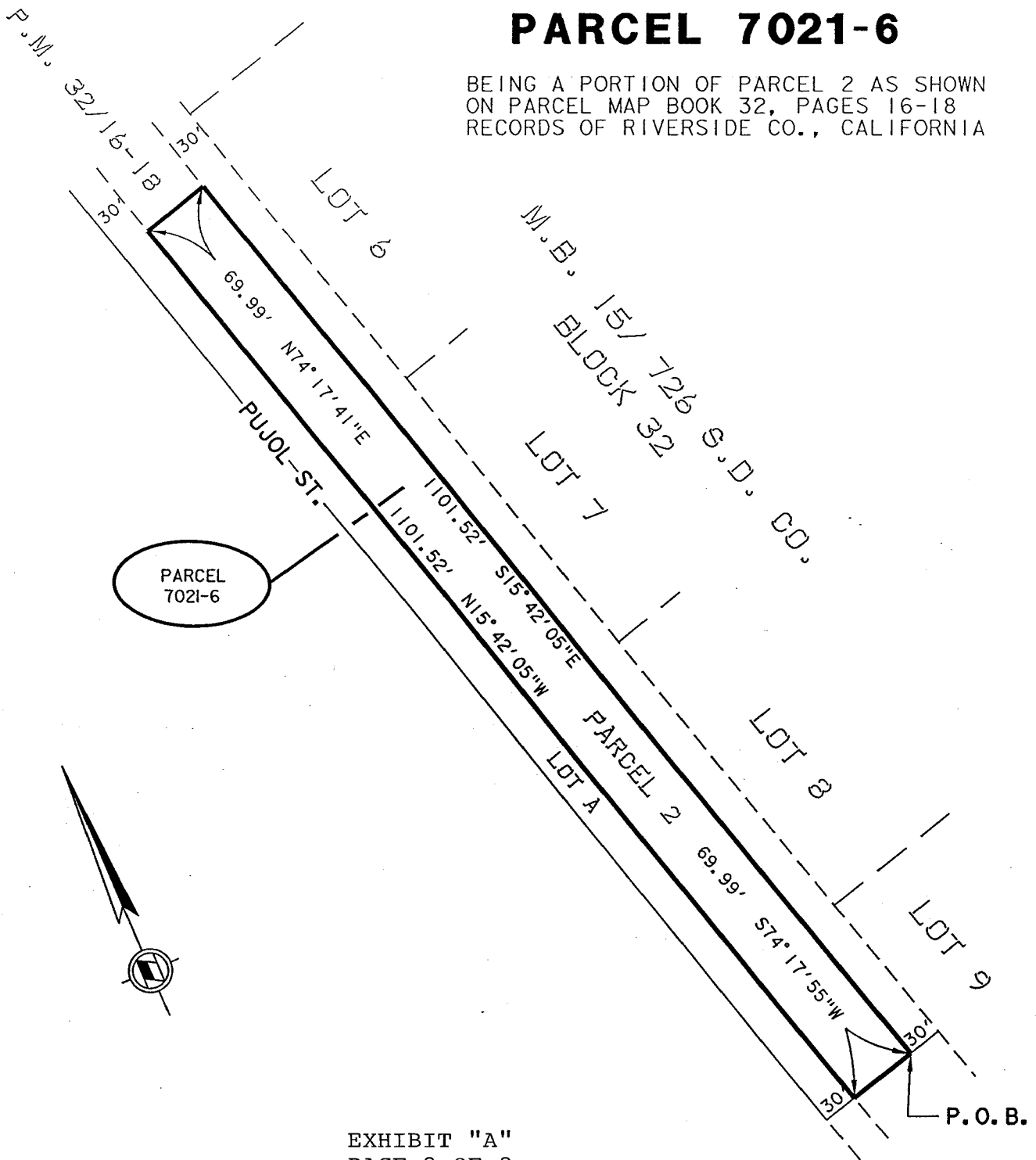


EXHIBIT "A"
PAGE 2 OF 2

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT: MURRIETA CREEK-U. S. A. C. E.

PARCEL: 7021-6

THIS PLAT IS SOLELY AN AID IN LOCATING
THE PARCEL(S) DESCRIBED IN THE
ATTACHED DOCUMENT. IT IS NOT A PART
OF THE WRITTEN DESCRIPTION THEREIN.

PREPARED BY: GLP

SCALE: NO SCALE

APPROVED BY:

[Signature]
4/04/03

DATE: 03/31/2003

DATE:

SHEET 1 OF 1

