

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

937



FROM: Department of Facilities Management

SUBMITTAL DATE: May 9, 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 consider approving Resolution 2003-195, Notice of Intention to Condemn Real Property for freeway improvement purposes on behalf of the State of California Department of Transportation for the Interstate 215/91/60 sequencing project, and to set a public hearing for Resolution 2003-198, Authorizing Condemnation of Real Property for Freeway Improvement Purposes, on June 24, 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 consider adopting Resolutions of Notice of Intent to Condemn Real Property for parcels affected by the project.

MJS:JS:sh
8.328

for T.L. Miller
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: Yes
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. 1, 2 & 5

AGENDA NO.

3.20

2
3 RESOLUTION NO. 2003-195

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 May 20, 2003, and NOTICE IS HEREBY GIVEN as follows:

9 1. That this Board consider passing a resolution of necessity
10 authorizing the condemnation of certain parcels of real property for freeway
11 improvement purposes described as Assessor's Parcel Number 250-140-031 and 250-
12 140-036, also known as Caltrans Parcel #18985, shown as legal descriptions and plat
13 maps on file in the Office of the Clerk of the Board, and located in Riverside, and to hold
14 a public hearing on June 24, 2003, at 10:00 a.m. in the meeting room of the Board of
15 Supervisors located on the 1st Floor, County Administrative Center Annex, 4080 Lemon
16 Street, Riverside, California, at which time the person or entity whose real property is
17 sought to be condemned and whose name and address appears on the last equalized
18 County Assessment Roll and who has filed a timely written request to appear and be
19 heard, will be given an opportunity to be heard on the following matters:

20 a. Whether the public interest and necessity require the
21 construction of the public improvement.

22 b. Whether the public improvement is planned and located in
23 the manner that will be most compatible with the greatest public good and the least
24 private injury.


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

27 2. That the failure of any person, whose real property is sought to be
28 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 map 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

MAY 09 2003

BY 
ASSISTANT COUNTY COUNSEL

JS:sh
5/9/03
8.321

DEPARTMENT OF TRANSPORTATION**SOUTHERN RIGHT OF WAY REGION**

District 12 R/W Field Office
3337 Michelson Drive, Suite 380
Irvine, California 92612-0661

Phone: (949) 724-2418

FAX (949) 724-2622



April 28, 2003

EVANGELICAL FORMOSAN CHURCH

David Oulee, General Manager
1363 W. Linden St
Riverside, CA. 92507

8/23-RIV-215-67.45KP

Parcel: 18985-1

E.A.: 334849

Dear Mr. David Oulee, General Manager for Evangelical Formosan Church:

The law provides the procedure for public agencies to acquire private property for public use. It presently requires that every agency which intends to condemn property must notify the owners of that property of its intention to condemn. Such notice must be prior to submission of an authorizing resolution to the appropriate venue for adoption. The purpose of the attached Notice of Intent is to advise you that acquisition of your property will be sought through judicial process if an amicable agreement is not reached.

Agreement between an owner and the State may be delayed for a variety of good reasons; however, in order to maintain a schedule for construction of this project, certain procedural steps must be taken. One such step is to advise an owner of our intent to acquire property through court proceedings. The project which requires your property is now scheduled for construction in the near future. A Right of Way Map of the required property is also attached.

The attached Notice of Intent gives you an opportunity to appear before the Riverside Board of Supervisors and raise questions concerning the public interest, necessity, and location of the project as it affects your property. The subject of the amount of compensation for your property is not an issue for the Board and it will not be considered by them. If the Resolution is adopted, the Department has the authority to file an eminent domain action in the Superior Court. In that Superior Court proceeding the amount of compensation is determined.

If you desire to appear before the Board of Supervisors, and give proper notice of appearance as expressed in the attached Notice of Intent, you will be notified of a date and time of a meeting with Caltrans to determine if resolution of your issues would alleviate having to appear before the Board. A full address of the meeting place will accompany this notification.

If you have any questions regarding the procedure, you can reach me by telephone at (949) 756-7696.

Sincerely,

Jane Levy
Right of Way Agent

Enclosures

RIVERSIDE COUNTY BOARD OF SUPERVISORS
NOTICE OF INTENT TO ADOPT RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL PROPERTY
OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN
(Article 1, Section 19 of the California Constitution; Section 760 of the Streets and Highways
Code; Section 25350.5 of the Government Code; Sections 1240.010, 1240.020, 1240.110,
1240.420 of the Code of Civil Procedure and 1245.235 of the Code of Civil Procedure)

To: EVANGELICAL FORMOSAN CHURCH
David Oulee, General Manager
1363 W. Linden St.
Riverside, CA. 92507

California Code of Civil Procedure, Section 1240.030, provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following conditions are established:

- a) The public interest and necessity require the project.
- b) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- c) The property sought to be acquired is necessary for the project.
- d) The offer required by Section 7267.2 of the Government Code has been made to the owner of record

You are hereby notified the County of Riverside Board of Supervisors intends to approve the Resolution of Necessity, and will set a public hearing on the matter to be held on June 24, 2003, at the County Administrative Center at 4080 Lemon Street, Riverside, CA 92502-1147 at 10:00 am. If the above conditions are met concerning your property, the Board of Supervisors intends to adopt a Resolution Authorizing Condemnation at the June 24, 2003 hearing. Questions regarding the amount of compensation to be paid are not part of this proceeding and the Board does not consider such in determining whether a Resolution should be adopted.

The State of California is authorized to acquire the property by eminent domain pursuant to Streets and Highways Code Section 102.

If adopted, the Resolution will authorize the California Department of Transportation to acquire the property by eminent domain. A Right of Way Map of the required property is attached to this Notice.

If you file a written request to appear (within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution. Objections are limited as set forth below.

All requests to appear must be sent for filing to the Riverside Board of Supervisors, Attention Clerk of the Board, County Administrative Center at 4080 Lemon Street, Riverside, California 92502-1147. Also, forward a copy of your written appearance request to the State of California, Department of Transportation at 3337 Michelson Drive, Suite 380, Irvine, Ca. 92612-8894, Attention: Lou Valle, Acquisition Chief, or if sent by facsimile to (949) 724-2622.

The written request must actually be on file within the 15-day period. Failure to file a written request results in a waiver of your rights to appear and be heard.

Your written request to appear should include a statement of the conditions(s) which you feel are pertinent to your property. The three conditions which may affect your property are set forth on Page 1 of this letter (designated as (a), (b), and (c). By designating which condition forms the basis of your concerns, and why, you will enable the Board of Supervisors to have a full and expeditious review made of the project's effect on your property.

For your convenience, the Riverside Board of Supervisors will consider any written observations you may wish to submit, so long as such written observations are sent to The County of Riverside Board of Supervisors within the 15-day period. Also, forward a copy of your written observations to the State of California, Department of Transportation at 3337 Michelson Drive, Suite 380, Irvine, CA 92612-8894, Attention: Lou Valle, Acquisition Chief, or if sent by facsimile to (949) 724-2622.

The Riverside Board of Supervisors must adopt a Resolution of Necessity before an eminent domain proceeding can be commenced. Within six months of the adoption of the Resolution of Necessity, the Department will commence eminent domain proceedings in the Superior Court in the County where the property is located. In that proceeding, the court will determine the amount of compensation to which you are entitled.

If you have any questions, please call Jane Levy at (949) 756-7696.

Date: April 28, 2003

By:

Clerk,
The Riverside County Board of Supervisors

1 **Parcel 18985-1**

2 A temporary easement for construction purposes over, under and across that
3 portion of Lot 44 of the East Riverside Land Company, in the City of Riverside, County
4 of Riverside, State of California, as shown on the map filed in Book 6, Page 44 of Maps,
5 records of San Bernardino County, California, described as follows:

6 BEGINNING at the most easterly corner of Lot 4 of Tract No. 23765 as shown on
7 the map filed in Book 216, Pages 64 and 65 of Maps, records of said Riverside County,
8 said corner being on the southwesterly line of State Route 215; thence
9 South 41°29'20" East 4.166 meters (13.67 feet) along said southwesterly line to an angle
10 point therein; thence South 42°36'33" East 89.090 meters (292.29 feet) along said
11 southwesterly line to the westerly line of Iowa Avenue, having a westerly half-width of
12 16.764 meters (55.00 feet); thence South 0°46'15" West 26.009 meters (85.33 feet) along
13 said westerly line to a non-tangent curve concave northwesterly with a radius of
14 14.478 meters (47.50 feet), a radial line to said curve bears South 62°41'46" East; thence
15 southwesterly 9.340 meters (30.64 feet) along said curve through a central angle of
16 36°57'41" to the northerly line of Linden Street, having a northerly half-width of
17 13.411 meters (44.00 feet); thence North 89°12'34" West 33.558 meters (110.10 feet)
18 along said northerly line; thence leaving said northerly line North 00°47'26" East
19 10.000 meters (32.81 feet); thence South 89°12'34" East 30.046 meters (98.58 feet);
20 thence North 00°46'15" East 25.799 meters (84.64 feet); thence North 42°36'33" West
21 79.870 meters (262.04 feet); thence North 41°29'20" West 8.755 meters (28.72 feet) to
22 the southerly line of said Lot 4; thence South 89°15'02" East 6.754 meters (22.16 feet)
23 along said southerly line to the POINT OF BEGINNING.

24 / / / /

25 All rights acquired herein shall terminate on October 1, 2007.

26 / / / /

27 / / / /

28 **(continued)**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Parcel 18985-1 (continued)

/ / / /

The bearings and distances used in the above description are on the California Coordinate System of 1983 Zone 6. Multiply distances shown by 1.000022150 to obtain the ground level distance.

/ / / /

This real property description has been prepared by me or under my direction in conformance with the Land Surveyor's Act.

Signature: Jeremy L. Evans
Professional Land Surveyor

/ / / /

Date: June 17, 2002



CITY OF RIVERSIDE



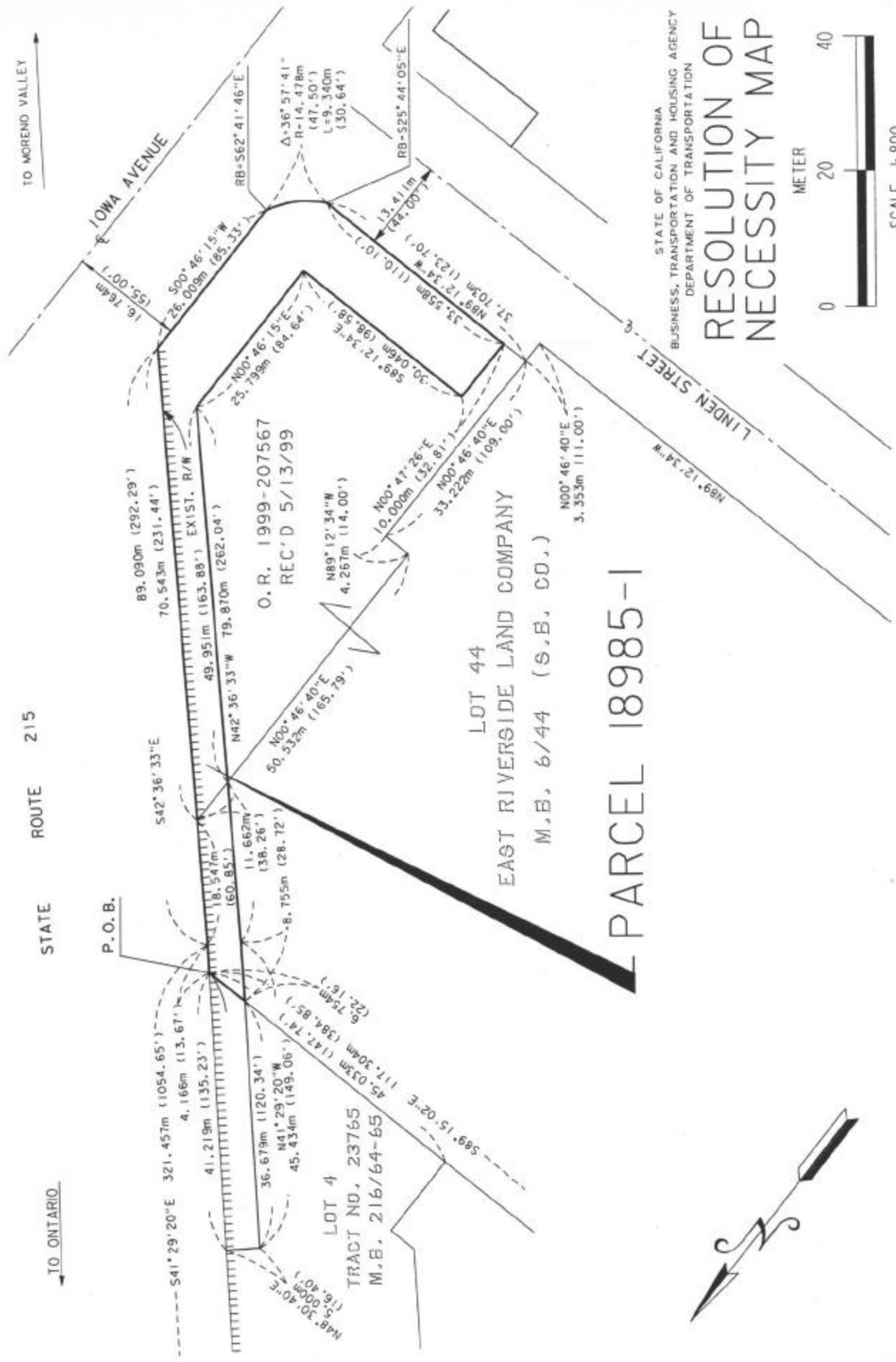
DIST.	COUNTY	ROUTE	KILOMETER POST
08	RIV	215	67.45

EXHIBIT "B"

TO MORENO VALLEY

STATE ROUTE 215

TO ONTARIO



STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION

RESOLUTION OF NECESSITY MAP



DECLARATION OF MAILING

RW 9-14(9/93)

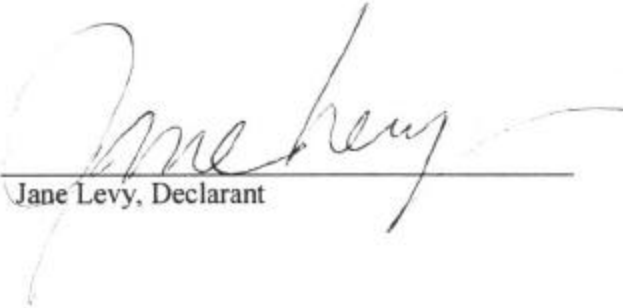
I, the undersigned, say: I am, and was at all times herein mentioned, a citizen of the United States and employed in the County of Orange, State of California, over the age of 18 years and not a party to the within action or proceeding; that my business address is 3337 Michelson Drive, Suite Ste. 380, Irvine California; that on April 28, 2003, I enclosed a true copy of the attached **Notice of Intent to Adopt Resolution of Necessity to Acquire Certain Real Property or Interest in Real Property by Eminent Domain** in a separate envelope for each of the persons named below, addressed for each of the persons named below, addressed as set forth immediately below the respective names, as follows:

EVANGELICAL FORMOSAN CHURCH
David Oulee, General Manager
1363 W. Linden St
Riverside, Ca. 92507

Each said envelope was sealed and with postage thereon full prepaid as First Class mail; I deposited the same on the aforesaid date, in a mailing facility regularly maintained by the United States Postal Service for the mailing of letters at my above stated place of business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 28, 2003, at Irvine, California.



Jane Levy, Declarant