

396

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

128



FROM: Department of Facilities Management  
and Department of Transportation

SUBMITTAL DATE: May 5, 2003

SUBJECT: ADOPTION OF RESOLUTION 2003-187, AUTHORIZING CONDEMNATION OF  
REAL PROPERTY FOR ROAD WIDENING PURPOSES/GILMAN SPRINGS ROAD,  
PHASE II IMPROVEMENT PROJECT/FIFTH SUPERVISORIAL DISTRICT

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2003-187,  
Authorizing Condemnation of Real Property for the Gilman Springs Phase II Improvement Project.

BACKGROUND: On April 29, 2003, the Board of Supervisors approved Resolution No. 2003-186,  
Notice of Intention to Condemn Real Property for road Widening Purposes. The Transportation  
Department of the County of Riverside is planning to widen and improve a section of Gilman Springs  
Road, from 0.8 KM to 3.10 KM northwest of the Route 79 intersection, in the Gilman Hot Springs area  
This section of Gilman Springs Road is narrow with sharp and blind curves. The first phase of the  
Gilman Springs Road Improvement Project has been completed and this portion of the project  
continues the improvements to the road. Offers to all of the owners have been made to all of the  
property owners, as required by Government Code Section 7267.2. Settlement has not yet been  
reached with the property owners, although negotiations are continuing.

*Michael J. Sylvester*  
MICHAEL J. SYLVESTER, Director  
Department of Facilities Management

*George A. Johnson*  
GEORGE A. JOHNSON  
Director of Transportation

MJS:GAJ:JS:sh  
8.266

REQUIRES  
4/5th's VOTE

FINANCIAL DATA:

CURRENT YEAR COST \$ 45,065  
NET COUNTY COST \$ -0-

ANNUAL COST \$ -0-  
IN CURRENT YEAR BUDGET: Yes  
BUDGET ADJUSTMENT: No FOR FY: 02/03

SOURCE OF FUNDS: Measure "A"/Western

C.E.O. RECOMMENDATION: **APPROVE**

*James G. Infus*  
County Executive Officer Signature

Policy  
 Policy

Consent  
 Consent

Department Recommendation:  
County Executive Office:

Prev. Agn. ref.

Dist. 5

AGENDA NO.

9.2

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

2 RESOLUTION NO. 2003-187

3 AUTHORIZING CONDEMNATION OF REAL PROPERTY  
4 FOR ROAD WIDENING PURPOSES

5 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of  
6 Supervisors of Riverside County, State of California, not less than four-fifths of all  
7 members concurring, in regular session assembled on June 3, 2003, as follows:  
8

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

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

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

19 4. That the use for which the real property is to be taken is for road  
20 improvements and for other uses incidental thereto and required thereby in order to  
21 complete the project being known as Gilman Springs Road, Phase II Improvement  
22 Project.  
23

24 5. That the real property sought to be condemned is necessary for the  
25 construction of the public improvement and is located entirely within the boundaries of  
26 the County of Riverside, State of California, generally described as Parcel Numbers  
27 0348-001A, 0348-001B, 0348-001C, 0348-001D, 0348-001E, 0348-001F, 0348-001G,  
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4 0348-001H, 0348-001I, 0348-001J, 0348-001K, 0348-001L, 0348-001M, 0348-002A,  
5 0348-002B, 0348-002C, 0348-002D, 0348-002E, 0348-002F, 0348-003A, 0348-003B,  
6 0348-003C, 0348-003D, 0348-003E, 0348-004A, 0348-004B, 0348-004C, 0348-004D,  
7 0348-004E, 0348-004F, 0348-004G, 0348-004H, 0348-004I, 0348-004J, 0348-004K,  
8 0348-004L and 0348-005, which are located within Riverside County, and a specific  
9 description of the real property and the interests sought to be condemned are set forth  
10 in Exhibit "A", attached hereto and by this reference made a part hereof.

11  
12 6. That the public improvement is planned and located in the manner  
13 that will be most compatible with the greatest public good and the least private injury.

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

16  
17 BE IT FURTHER RESOLVED that the County Counsel of the County of  
18 Riverside is hereby authorized and empowered:

19  
20 1. To acquire in the name of the County, perpetual utility and roadway  
21 easements and temporary construction easements by condemnation in accordance with  
22 the Constitution and laws relating to eminent domain.

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

26 3. To make application to the Court for an order to deposit the  
27 probable amount of compensation out of proper funds under the control of the County  
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Resolution No. 2003-187

Board of Supervisors

into the County Treasury and for an order permitting the County 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.

FORM APPROVED  
COUNTY COUNSEL

MAY 01 2003

BY Joe S. Park  
ASSISTANT COUNTY COUNSEL

JS:sh  
4/21/03  
8.264

EXHIBIT "A"

**PARCEL 0348-001A:**

A PERPETUAL ROADWAY AND UTILITY EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-002A:**

A PERPETUAL DRAINAGE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-002B:**

A PERPETUAL DRAINAGE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-002C:**

A PERPETUAL DRAINAGE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-003A:**

A PERPETUAL SLOPE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-003B:**

A PERPETUAL DRAINAGE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-003C:**

A PERPETUAL ROADWAY AND UTILITY EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-004A:**

A PERPETUAL SLOPE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-004B:**

A PERPETUAL DRAINAGE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-004C:**

A PERPETUAL SLOPE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-004D:**

A PERPETUAL SLOPE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-004E:**

A PERPETUAL SLOPE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-004F:**

A PERPETUAL DRAINAGE AND SLOPE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works,

including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-004G:**

A PERPETUAL SLOPE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-004H:**

A PERPETUAL SLOPE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.

**PARCEL 0348-004I:**

A PERPETUAL DRAINAGE EASEMENT, including, but not limited to, the construction, reconstruction, operation, maintenance and all appurtenant works, including ingress and egress in the real property in the County of Riverside, State of California, described on the attached legal description and plat map.