

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

9078



FROM: General Manager-Chief Engineer **SUBMITTAL DATE:** May 20, 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. F2003-19, 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 owners, 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 SUPERVISORSRIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2003-19

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 June 3, 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, 1240.410, 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 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 construction of the public improvement and is located entirely within the boundaries of the District Zone 7, thereof, in the city of Temecula, County of Riverside, State of California, generally described as Parcel 7021-1A, 7021-1B, 7021-1C, 7021-2, 7021-3A, 7021-3B, 7021-3C, 7021-3AT, 7021-4, 7021-5T, 7021-7, 7021-8A, 7021-8B, 7021-9, 7021-9T, 7021-10A, 7021-10B, 7021-10C, 7021-11, 7021-11T, 7021-12, 7021-13, 7021-14, 7021-14T, 7021-15, 7021-15T, 7021-16, 7021-17A, 7021-17B and 7021-17C and a specific description of the real property

1 and the interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this reference
2 made a part hereof.

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

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

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

9 1. To acquire in the name of the District, fee simple estate in said real property, except
10 Parcels 7021-1A, 7021-1B and 7021-1C, which are easements, by condemnation in accordance with the
11 Constitution and laws relating to eminent domain.

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

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

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

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22 GSW:lib

FORM APPROVED
COUNTY COUNSEL

MAY 09 2003

BY 
ASSISTANT COUNTY COUNSEL

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MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

11.7

1:30 p.m. being the time set for public hearing on Adoption of Resolution F2003-19 Authorizing Condemnation of Real Property for Flood Control Purposes for the Murrieta Creek Flood Control Project, 1st & 3rd District, the Chairman called the matter for hearing.

Dusty Williams, Flood Control District Director, presented the matter noting they have reached agreement with three property owners.

Maury Reynolds, Flood Control District, gave a staff presentation.

Lauren Brainard, Metropolitan Water District, spoke regarding their two 96" inside diameter pipelines that cross the Murrieta Creek, and asked that their parcels be taken out of this resolution so the parties can work out a coordinated use agreement.

Mr. Williams asked for a two-week continuance to look into the matter further.

Mr. Lanflisi stated he is not against project.

On motion of Supervisor Tavaglione, seconded by Supervisor Venable and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, June 3, 2003 at 1:30 p.m.

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on May 20, 2003 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: May 20, 2003

Nancy Romero, Clerk to the Board of Supervisors, in and for the County of Riverside, State of California.

By:  Deputy

(seal)

AGENDA NO.

11.7

xc: Flood, COB