

392 SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA 837C



FROM: Department of Facilities Management SUBMITTAL DATE: May 2, 2003

SUBJECT: RESOLUTION NO. 2003-213, AUTHORIZING CONDEMNATION OF
REAL PROPERTY FOR ROADWAY AND DRAINAGE PURPOSES, COUNTY
COUNSEL/WILLIAM LYONS HOMES, INC./FIRST SUPERVISORIAL DISTRICT

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2003-213,
Authorizing Condemnation of Real Property for Roadway and Drainage Purposes.

BACKGROUND: As a condition of approval for Tract Map 29622-1, William Lyon Homes, Inc. is
planning to extend and improve Washington Street in the Woodcrest area of the County of Riverside
to provide access to the tract. Offers have been made to the property owners as required by
Government Code Section 7267.2. Settlements have not been reached with the property owners,
although negotiations are still in progress. Resolution No. 2003-212, Notice of Intention to Condemn
Real Property for Roadway and Drainage Purposes, was approved by the Board on May 13, 2003.

Financial Data: Approval of this resolution will require the expenditure of \$77,304 for court deposits.

MJS:CNS:sh
8.297

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

REQUIRES
4/5th's VOTE

FINANCIAL DATA:		
CURRENT YEAR COST	\$ 77,304	ANNUAL COST \$ 77,304
NET COUNTY COST	\$ -0-	IN CURRENT YEAR BUDGET: Yes
		BUDGET ADJUSTMENT: N/A FOR FY: N/A
SOURCE OF FUNDS:	Costs reimbursed to County Counsel 100% by developer	

C.E.O. RECOMMENDATION:

APPROVE.

County Executive Officer Signature

[Signature]

Department Recommendation: Policy Policy
 Consent Consent
Per Executive Office:

Prev. Agn. ref.

Dist. 1

AGENDA NO.

9.1

03 MAY - 3 10:33

2 RESOLUTION NO. 2003-213

3 AUTHORIZING CONDEMNATION OF REAL PROPERTY
4 FOR ROADWAY AND DRAINAGE 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 10, 2003, as follows:

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

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 1240.420 and Sections 1240.010, 1240.020, and 1240.110
17 of the Code of Civil Procedure.
18

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

20 4. That the use for which the real property is to be taken is for
21 roadway and drainage improvements, and for other uses incidental thereto and required
22 thereby in order to complete the project being known as Washington Street Road
23 Improvement (Bridle Creek) Tract No. 29622-1.
24

25 5. That the real property sought to be condemned is necessary for the
26 construction of the public improvement and is located entirely within the boundaries of
27 the County of Riverside, State of California, generally described as portions of
28 Assessor's Parcel Numbers 273-290-017, 273-520-038, 273-310-003, 273-310-050 and

1 273-300-004, which is located in the Woodcrest area of the County of Riverside, and a
2 specific description of the real property and the interests sought to be condemned are
3 set forth in Exhibits "A" and " B", attached hereto and by this reference made a part
4 hereof.

5
6 6. That the public improvement is planned and located in the manner
7 that will 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
9 has been made to the owner or owners of record.

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

13
14 1. To acquire in the name of the County, Perpetual Roadway and
15 Drainage Easements and Temporary Construction Easements by condemnation in
16 accordance with the Constitution and laws relating to eminent domain.

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

20
21 3. To make application to the Court for an order to deposit the
22 probable amount of compensation out of proper funds under the control of the County
23 into the County Treasury and for an order permitting the County to take prejudgment
24 possession and use the real property for the purpose of constructing the public
25 improvement.

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

FORM APPROVED
COUNTY COUNSEL

MAY 05 2003

BY *J. S. L.*
ASSISTANT COUNTY COUNSEL

CNS:sh
5/2/03
8.295