

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



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**FROM:** General Manager-Chief Engineer      **SUBMITTAL DATE:** June 17, 2003

**SUBJECT:** Public Hearing – El Cerrito-Kayne Street Storm Drain  
Project No. 2-0-0112  
Authorizing Condemnation of Real Property

**RECOMMENDED MOTION:**

The Board approve Resolution No. F2003-21, Authorizing Condemnation of Real Property for Flood Control Purposes.

**JUSTIFICATION:**

The District is planning to construct subterranean flood control improvements with appurtenances for the El Cerrito-Kayne Street Storm Drain, thereby preventing flooding in this area of Riverside County. Negotiations have been conducted with all affected owners, but have not been successful with two (2) of the four (4). These negotiations will continue but in order to facilitate the construction of the flood control improvements in a timely manner, staff is requesting the approval of Resolution No. F2003-21.

WARREN D. WILLIAMS  
General Manager-Chief Engineer

**REQUIRES  
4/5th's VOTE**

C.E.O. RECOMMENDATION

**APPROVE**

County Executive Officer Signature

03 JUN 11 AM 8:03

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2 **BOARD OF SUPERVISORS**

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

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4 RESOLUTION NO. F2003-21  
5 AUTHORIZING CONDEMNATION OF REAL PROPERTY  
6 FOR FLOOD CONTROL PURPOSES

7 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of  
8 Supervisors of the Riverside County Flood Control and Water Conservation District, County of  
9 Riverside, State of California, not less than two-thirds of all members concurring, in regular session  
10 assembled on June 17, 2003, as follows:

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

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16 2. That the authority for the District to acquire the real property by eminent  
17 domain is contained in Article 1, Section 19 of the California Constitution; the California Water  
18 Code-Appendix, Chapter 48, Section 48-9, Paragraph 9; Sections 1240.010, 1240.020, 1240.110 and  
19 1240.410 of the Code of Civil Procedure.

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

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22 4. That the use for which the real property is to be taken is for the construction  
23 of a public improvement consisting of a underground storm drain, a water quality basin and  
24 appurtenant works, for the control and flow of flood waters and for other uses incidental thereto and  
25 required thereby, in order to protect from damage, life and property within the boundaries of the  
26 District, the project being known as El Cerrito-Kayne Street Storm Drain.

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2 5. That the real property sought to be condemned is necessary for the  
3 construction of the public improvement and is located entirely within the boundaries of the District  
4 Zone 2, thereof, in the County of Riverside, State of California, generally described as Parcels 2112-  
5 2, 2112-2T, 2112-3, 2112-4A, 2112-4B, 2112-4BT and 2112-5 and a specific description of the real  
6 property and the interests sought to be condemned are set forth in Exhibit "A", attached hereto and  
7 by this reference made a part hereof.

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

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

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

15 1. To acquire in the name of the District, underground easements, fee simple  
16 estate and temporary construction easements in said real property by condemnation in accordance  
17 with the Constitution and laws relating to eminent domain.

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

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

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

GW:seb  
PC\82709

FORM APPROVED  
COUNTY COUNSEL

JUN 09 2003

BY   
ASSISTANT COUNTY COUNSEL

EXHIBIT "A"

**El Cerrito-Kayne Street Storm Drain  
Parcel 2112-2**

Being a portion of Lot 109, Block C, as shown on the Overlook Addition #3 to Corona, Map Book 14, Pages 47 through 49, records of Riverside County, California, within the unincorporated territory of Riverside County, California, described as follows:

All of Parcel 2112-2 as shown on Record of Survey Book 114, Pages 66 through 70, records of Riverside County, California



DAVID L. STONE

Land Surveyor No. 4758

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: April 10, 2003

EXHIBIT "A"

**El Cerrito-Kayne Street Storm Drain  
Parcel 2112-2T**

Being a portion of Lot 109, Block C, as shown on the Overlook Addition #3 to Corona, Map Book 14, Pages 47 through 49, records of Riverside County, California, within the unincorporated territory of Riverside County, California, described as follows:

The Southerly 5 feet of the Northerly 25 feet of said Lot 109.



  
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DAVID L. STONE

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

Date: April 10, 2003

EXHIBIT "A"

**El Cerrito-Kayne Street Storm Drain  
Parcel 2112-3**

Being a portion of Lot 120, Block C, as shown on the Overlook Addition #3 to Corona, Map Book 14, Pages 47 through 49, records of Riverside County, California, within the unincorporated territory of Riverside County, California, described as follows:

All of Parcel 2112-3 as shown on Record of Survey Book 114, Pages 66 through 70, records of Riverside County, California



  
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DAVID L. STONE

Land Surveyor No. 4758

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: April 10, 2003


EXHIBIT "A"

**El Cerrito-Kayne Street Storm Drain  
Parcel 2112-4A**

Being a portion of Lot 56, Block C, as shown on the Overlook Addition #3 to Corona, Map Book 14, Pages 47 through 49, records of Riverside County, California, within the unincorporated territory of Riverside County, California, described as follows:

All of Parcel 2112-4A as shown on Record of Survey Book 114, Pages 66 through 70, records of Riverside County, California



  
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DAVID L. STONE

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

Date: April 10, 2003


EXHIBIT "A"

**El Cerrito-Kayne Street Storm Drain  
Parcel 2112-4B**

Being a portion of Lot 69, Block C, as shown on the Overlook Addition #3 to Corona, Map Book 14, Pages 47 through 49, records of Riverside County, California, within the unincorporated territory of Riverside County, California, described as follows:

All of Parcel 2112-4B as shown on Record of Survey Book 114, Pages 66 through 70, records of Riverside County, California



  
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DAVID L. STONE

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

Date: April 10, 2003

EXHIBIT "A"

**El Cerrito-Kayne Street Storm Drain  
Parcel 2112-4BT**

All of Lot 69, Block C, as shown on the Overlook Addition #3 to Corona, Map Book 14, Pages 47 through 49, records of Riverside County, California, within the unincorporated territory of Riverside County, California.

Excepting therefrom Parcel 2112-4B as shown on Record of Survey Book 114, Pages 66 through 70, records of Riverside County, California



  
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DAVID L. STONE

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

Date: April 10, 2003

EXHIBIT "A"

**El Cerrito-Kayne Street Storm Drain  
Parcel 2112-5**

All of Lots 76 and 77, Block C, as shown on the Overlook Addition #3 to Corona, Map Book 14, Pages 47 through 49, and shown as Parcel 2112-5 on Record of Survey Book 114, Pages 66 through 70, all records of Riverside County, California, within the unincorporated territory of Riverside County, California.



A handwritten signature in black ink, appearing to read "David L. Stone", written over a horizontal line.

DAVID L. STONE

Land Surveyor No. 4758

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: Apr. 10, 2003