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

176A



FROM: Department of Facilities Management

SUBMITTAL DATE:
August 15, 2003

SUBJECT: AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR FREEWAY IMPROVEMENT PURPOSES-STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION - INTERSTATE 215/91/60 SEQUENCING PROJECT

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution 2003-344, Authorizing Condemnation of Real Property for Freeway Improvement Purposes, on behalf of the State of California, Department of Transportation (Caltrans), for the Interstate 215/91/60 Sequencing Project.

BACKGROUND: On July 29, 2003, the Board adopted the Resolution for the Notice of Intent to Condemn Real Property for Caltrans Parcel 17784 affected by this freeway improvement project. By authorizing condemnation of the above-referenced property, Caltrans will be able to begin the process to obtain possession, which will expedite the construction of the new interchange configuration. Negotiations are continuing with the property owners involved in this project.

Departmental Concurrence

MICHAEL J. SYLVESTER, Director
Department of Facilities Management

MJS:JMP:JS:sh
8.588

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	0	Budget Adjustment:	N/A
	Annual Net County Cost:	0	For Fiscal Year:	N/A

SOURCE OF FUNDS: State of California, Department of Transportation	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

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

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent
- Dep't Recomm.:
- Per Exec. Ofc.:

2 RESOLUTION NO. 2003-344

3 AUTHORIZING CONDEMNATION OF REAL PROPERTY
4 FOR I-215/60/91 FREEWAY IMPROVEMENT PURPOSES

5
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 August 26, 2003, as follows:

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
14 2. That the authority for the County to acquire the real property by
15 eminent domain is contained in Article 1, Section 19 of the California Constitution;
16 Sections 760 and 102 of the Streets and Highways Code; Section 25350.5 of the
17 Government Code; Sections 1240.010, 1240.020, 1240.110, 1240.420 and 1263.610 of
18 the Code of Civil Procedure.

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

20
21 4. That the use for which the real property is to be taken is for the
22 Interstate 215/91/60 Sequencing Project, for road improvement purposes, including
23 construction and maintenance, and for other uses incidental thereto and required.

24 5. That the real property sought to be condemned is necessary for the
25 construction of the public improvement and is located adjacent to Interstate 215, State
26 Route 91 and State Route 60 in the County of Riverside, State of California, generally
27 described as Assessor's Parcel Numbers 210-140-002 and 210-140-003, also known as
28

1 Caltrans Parcel #17784, and a specific description of the real property and the interests
2 sought to be condemned are set forth in Exhibit "A", attached hereto and by this
3 reference made a part hereof.

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

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

9 BE IT FURTHER RESOLVED that the State of California, Department of
10 Transportation, after approval of the Authorization of Condemnation by the County of
11 Riverside Board of Supervisors, will continue with the processes necessary to acquire,
12 in the name of the State of California, fee simple title and temporary construction
13 easements in accordance with the Constitution and laws relating to eminent domain.
14

15
16 FORM APPROVED
COUNTY COUNSEL

17 AUG 15 2003

18 BY 
19 ASSISTANT COUNTY COUNSEL

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25
26
27 JS:sh
28 8/15/03
8.587

DEPARTMENT OF TRANSPORTATION
SOUTHERN RIGHT OF WAY REGION
District 12 R/W Field Office
3337 Michelson Drive, Suite 380
Irvine, California 92612-8894
Phone: (949) 724-2884
FAX (949) 724-2411/724-2622



July 15, 2003

Edward G. Burg, Esq.
Berger & Norton, A Law Corp.
12121 Wilshire Blvd., Ste. 1300
Los Angeles, CA 90025

8-RIV-215-68.96
Parcel No. 17784-1
E. A. 334849

Re: U-Haul Real Estate Company

Dear Mr. Burg:

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 legal description 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) 724-2406.

Respectfully,
Robert P. Enriquez
Robert P. Enriquez
Right of Way Agent

Enclosures

Southern Right of Way Region
21073 Pathfinder, Suite 100
Diamond Bar, CA 91765
Phone: (909) 468-1500
Fax: (909) 468-1501

District 07 R/W Field Office
120 South Spring Street
Los Angeles, CA 90012-3606
Phone: (213) 897-1861
Fax: (213) 897-8902

District 08 R/W Field Office
464 W. 4th Street, 12th Floor
San Bernardino, CA 92401-1400
Phone: (909) 383-6211
Fax: (909) 383-6239

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 940 and 943 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)

July 15, 2003

To: Edward G. Burg, Esq.
Berger & Norton, A Law Corp.
12121 Wilshire Blvd., Ste. 1300
Los Angeles, CA 90025

8-RIV-215-68.96
Parcel No. 17784-1
E.A. 334849

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, acting on behalf of the California Transportation Commission at its meeting to be held on September 9, 2003, at 4080 Lemon Street, Riverside, California, 92501 at 10:00 a.m., will be asked to decide if the above conditions are met concerning your property and, if so, to adopt a Resolution of Necessity. 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.