

513

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

179A



**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 2003-347, 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 18031 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

MJS:JMP:JS:sh  
8.594

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

<b>FINANCIAL DATA</b>	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

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

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

**County Executive Office Signature** *[Signature]*

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

Prev. Agn. Ref.: 7/29/03 3.33 | District: 1, 2, 5 | Agenda Number:

**ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD**

9.4

RESOLUTION NO. 2003-347

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

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of Riverside County, State of California, in regular session assembled on August 26, 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 County to acquire the real property by eminent domain is contained in Article 1, Section 19 of the California Constitution; Sections 760 and 102 of the Streets and Highways Code; Section 25350.5 of the Government Code; Sections 1240.010, 1240.020, 1240.110, and 1240.420 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 Interstate 215/91/60 Sequencing Project, for road improvement purposes, including construction and maintenance, and for other uses incidental thereto and required.

5. That the real property sought to be condemned is necessary for the construction of the public improvement and is located adjacent to Interstate 215, State Route 91 and State Route 60 in the County of Riverside, State of California, generally described as Assessor's Parcel Number 291-040-040, also known as Caltrans Parcel

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#18031, and a specific description of the real property and the interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this reference made a part hereof.

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

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

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

FORM APPROVED  
COUNTY COUNSEL

AUG 15 2003

BY   
ASSISTANT COUNTY COUNSEL

JS:sh  
8/15/03  
8.591

**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 7, 2003

copy  
 45 day letter  
 NOT  
 legal



Kenneth Bley, Esq.  
 Cox, Castle & Nicholson, LLP  
 2049 Century Park East, 28<sup>th</sup> floor  
 Los Angeles, CA 90067-3284

8-RIV-215-61.40  
 Parcel No. 18031-1,2,3  
 E. A.. 334849

Re: Canyon Springs Marketplace Corporation

Dear Mr. Bley:

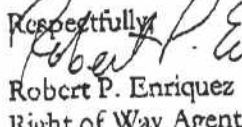
The law provides the procedure for public agencies to acquire private property for public use. It presently requires that every agency which intends to condemn property must notify the owners of that property of its intention to condemn. Such notice must be prior to submission of an authorizing resolution 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  
 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. 4<sup>th</sup> Street, 12<sup>th</sup> Floor  
 San Bernardino, CA 92401-1400  
 Phone: (909) 383-6211  
 Fax: (909) 383-6239