

533

478

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



FROM: Department of Facilities Management

SUBMITTAL DATE:
August 28, 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 2003-414, 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.

Departmental Concurrence

BACKGROUND: On August 26, 2003, the Board adopted the Resolution for the Notice of Intent to Condemn Real Property for Caltrans Parcel Numbers 18084 and 18085 affected by this freeway improvement project. By authorizing condemnation of the above-referenced parcels, 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.

T. L. Miller

MJS:JMP:JS:sh
8.626

for MICHAEL J. SYLVESTER, Director
Department of Facilities Management

| | | | | |
|-----------------------|-------------------------------|------|-------------------------|-----|
| 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 *[Signature]*

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

Prev. Agn. Ref.: 8/26/03, 3.25 | District: 1, 2 and 5 | Agenda Number:

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

9.9

2 RESOLUTION NO. 2003-414

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 September 23, 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 102, 760, 940 and 943 of the Streets and Highways Code; Section 25350.5 of
17 the Government Code; Sections 1240.010, 1240.020, 1240.030, 1240.420 and
18 1263.270 of the Code of Civil Procedure.

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 the
21 Interstate 215/91/60 Sequencing Project, for road improvement purposes, including
22 construction and maintenance, and for other uses incidental thereto and required.

23
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 250-080-001 and 250-030-002, also known as
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Caltrans Parcel Numbers 18084 and 18085, 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.

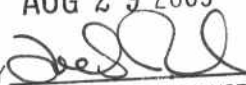
6. That the public improvement is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

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 29 2003

BY 
ASSISTANT COUNTY COUNSEL

JS:sh 27
8/27/03
8.627 28

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) 724-2271
FAX (949) 724-2411



August 7, 2003

Our Way Development Company, a limited partnership
22875 Savi Ranch Parkway, Suite A
Yorba Linda, CA 92887-4629
Attn: Vince Mazzetti and Tom Mazzetti

8/23-RIV-60/91/215 KP-68.45
Parcel: 18084-1,-2
E.A.: 334849

Dear Mr. Mazzetti:

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 and exhibit map 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 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) 724-2271.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diana Staudinger".

Diana Staudinger
Right of Way Agent

Cc: Douglas J. Dennington

Enclosures

Southern Right of Way Region
21073 Pathfinder, Suite 100
Diamond Bar, CA 91765
Phone: (909) 468-1500
Fax: (909) 468-1501
TDD: (800) 735-2929

Los Angeles Field Office
801 Grand Avenue
Los Angeles, CA 90017
Phone: (213) 897-1861
Fax: (213) 897-1962

San Bernardino Field Office
464 W. 4th Street, 12th Floor
San Bernardino, CA 92401-1400
Phone: (909) 383-6211
Fax: (909) 383-6877