

225C

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



FROM: Department of Facilities Management

SUBMITTAL DATE:
August 26, 2003

SUBJECT: RESOLUTION 2003-423, AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR ROADWAY PURPOSES/COUNTY COUNSEL/WARMINGTON LAND COMPANY/THIRD SUPERVISORIAL DISTRICT

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution No. 2003-423, Authorizing Condemnation of Real Property for Roadway Purposes.

BACKGROUND: As a condition of approval for Tract Map 29409, Warmington Land Company is planning to construct Pittman Lane in the unincorporated area of Menifee of the County of Riverside to provide access to the tract. An offer has been made to the property owner as required by Government Code Section 7267.2. A settlement has not been reached with the property owner although negotiations are still in progress. Resolution No. 2003-422, Notice of Intention to Condemn Real Property for Roadway Purposes will be submitted for approval on September 9, 2003.

Financial Date: Approval of this resolution will require the expenditure of \$27,400 for court deposits.

Departmental Concurrence

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

MJS:CNS:sh
8.578

| | | | | |
|-----------------------|-------------------------------|-----------|-------------------------|-------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 27,400 | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | 03/04 |

SOURCE OF FUNDS: Costs reimbursed to County Counsel 100% by developer.

| | |
|----------------------------------|-------------------------------------|
| 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.: Policy
- Per Exec. Ofc.: Policy
- Consent
- Consent

Prev. Agn. Ref.: | District: 3 | Agenda Number:

2 RESOLUTION NO. 2003-423

3 AUTHORIZING CONDEMNATION OF REAL PROPERTY
4 FOR ROADWAY 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 October 28, 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 2. That the authority for the County to acquire the real property by
13 eminent domain is contained in Article 1, Section 19 of the California Constitution;
14 Sections 940 and 943 of the Streets and Highways Code; Section 25350.5 of the
15 Government Code; Sections 1240.420 and Sections 1240.010, 1240.020, and 1240.110
16 of the Code of Civil Procedure.

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

18 4. That the use for which the real property is to be taken is for
19 roadway purposes, and for other uses incidental thereto and required thereby in order to
20 complete the project being known as Pittman Lane Construction, Menifee - Tentative
21 Tract No. 29409.

22 5. That the real property sought to be condemned is necessary for the
23 construction of the public street and is located entirely within the boundaries of the
24 County of Riverside, State of California, generally described as a portion of Assessor's
25 Parcel Numbers 372-160-005 which is located in the unincorporated area of Menifee of
26
27
28

1 the County of Riverside, and a specific description of the real property and the interests
2 sought to be condemned are set forth in Exhibits "A" and " B", attached hereto and by
3 this reference made a part hereof.

4
5 6. That the public street is planned and located in the manner that will
6 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 County Counsel of the County of
10 Riverside is hereby authorized and empowered:

11 1. To acquire in the name of the County, Perpetual Roadway, Utility,
12 Slope and Drainage Easements by condemnation in accordance with the Constitution
13 and laws relating to eminent domain.

14
15 2. To prepare and prosecute in the name of the County such
16 proceedings in the proper court having jurisdiction thereof as are necessary for such
17 acquisition.

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

23
24 4. To compromise and settle such proceedings, if such settlement can
25 be reached, and in that event, to take all necessary action to complete the acquisition,
26 including stipulations as to judgment and other matters, and causing all payments to be
27 made.
28

CNS:sh
8/21/03
108FM
8.576

FORM APPROVED
COUNTY COUNSEL

AUG 27 2003

BY 
ASSISTANT COUNTY COUNSEL

EXHIBIT "A"
ROAD & UTILITY CONDEMNATION
LEGAL DESCRIPTION

That portion of Parcel 1 of Parcel Map No. 6904, as shown by map on file in Book 21 of Parcel Maps at page 10 thereof, Records of Riverside County, California, lying in the southwest quarter of Section 13, Township 6 South, Range 3 West, San Bernardino Meridian.

BEGINNING at the northwest corner of said Parcel 1, said corner also being the southwest corner of Lot "H" (Loretta Avenue) (30.00 feet in half width) of Parcel Map No. Riverside County, California;

Thence South $89^{\circ} 31' 47''$ East along the north line of said Parcel 1 and along the south line of said Lot "H", a distance of 15.00 feet to a point on a line parallel with and distant east 15.00 feet, measured at a right angle, from the west line of said Parcel 1;

Thence South $00^{\circ} 28' 39''$ West along said parallel line, a distance of 689.28 feet to a point of intersection with the easterly prolongation of the south line of Lot "F" (Eagle Road) (60.00 feet wide) of Parcel Map No. 9998, as shown by map on file in Book 46 of Parcel Maps at page 51 thereof, Records of Riverside County, California;

Thence North $89^{\circ} 32' 39''$ West along said easterly prolongation, a distance of 15.00 feet to the southeast corner of said Lot "F";

Thence North $00^{\circ} 28' 39''$ East along the west line of said Parcel 1 and along the east line of said Lot "F" and along the east lines of Lot "E" and Parcel 2 of said Parcel Map No. 9998, a distance of 689.28 feet to the **POINT OF BEGINNING**.

Containing 0.24 acre, more or less

SEE PLAT ATTACHED HERETO AS EXHIBIT "B"

PREPARED UNDER MY SUPERVISION:

Matthew E. Webb 2/28/03
Matthew E. Webb, L.S. 5529 /Date

Prepared by: JB
Checked by: Alma



EXHIBIT "B"

PM 10489

PM 68/7

PM 45/76

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

LORETTA AVENUE LOT "E" 30' S89°31'47"E 15.00' LOT "H"



P.O.B.
NW COR PAR 1

WEST LINE PAR. 1

PAR 2

PM 9998
PM 48/51

PAR 1
PARCEL MAP 6904
PM 21/10

CL PITMAN LANE

N00°28'39"E 689.28'

S00°28'39"W 689.28'

10,339.20 S.F.
0.24 ACRES

CL EAGLE ROAD

LOT "E" 30'

LOT "F" 30'

PAR 3
PM 48/51

N89°32'39"W
15.00'



File :G:\2001\01-0304\01-0304_CONDEMN.pro Plotted: 2/28/2003

SEC. 13, T.6S, R.3W.

RIVERSIDE COUNTY

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

W.O.
01-304

SCALE: 1" = 100'

DRWN BY JS
CHKD BY Allen

DATE 2/28/03
DATE 2/28/03

SUBJECT: ROAD AND UTILITY CONDEMNATION

EXHIBIT "A"

That portion of Parcel 1 of Parcel Map No. 6904, as shown by map on file in Book 21 of Parcel Maps at page 10 thereof, Records of Riverside County, California, lying in the southwest quarter of Section 13, Township 6 South, Range 3 West, San Bernardino Meridian, described as follows:

COMMENCING at the northwest corner of said Parcel 1, said corner also being the southwest corner of Lot "H" (Loretta Avenue) (30.00 feet in half width) of Parcel Map No. 10489, as shown by map on file in Book 45 of Parcel Maps at page 76 thereof, Records of Riverside County, California;

Thence South 89°31'47" East along the north line of said Parcel 1 and along the south line of said Lot "H", a distance of 15.00 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing South 89°31'47" East along said north line and along said south line, a distance of 10.43 feet to a point thereon;

Thence South 02°20'48" East, a distance of 114.66 feet;

Thence South 00°35'02" East, a distance of 15.00 feet;

Thence South 01°03'55" West, a distance of 254.84 feet;

Thence South 01°11'46" West, a distance of 125.01 feet;

Thence South 01°54'05" West, a distance of 171.69 feet;

Thence North 89°31'21" West, a distance of 7.91 feet to a point on a line parallel with and distant east 15.00 feet, measured at a right angle, from the west line of said Parcel 1;

Thence North 00°28'39" East along said parallel line, a distance of 680.99 feet to **TRUE POINT OF BEGINNING**.

Containing 8,939 square feet, more or less

SEE PLAT ATTACHED HERETO AS EXHIBIT "B"

PREPARED UNDER MY SUPERVISION:

Matthew E. Webb
Matthew E. Webb, L.S. 5529

2/28/03
Date

Prepared by: JB
Checked by: [Signature]



EXHIBIT "B"

PM 10489

PM 68/7

PM 45/76

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

LORETTA AVENUE LOT "E" 30' S89°31'47"E 15.00' LOT "H"



P.O.C.
NW COR
PAR 1,
PM 21/10

T.P.O.B.

WEST LINE PAR 1

PAR 2

PM 9998
PM 48/51

Q PITMAN LANE

15'

N00°28'39"E 689.28'
N00°28'39"E 680.99'

S01°11'46"W 125.01'

S01°54'05"W 171.69'

N89°31'21"W 7.91'

S89°31'47"E 10.43'

S02°20'48"E 114.66'

S00°35'02"E 15.00'

254.84'

S01°03'55"W

8,939 S.F.
0.21 ACRES

PAR 1
PARCEL MAP 6904
PM 21/10

Q EAGLE ROAD

LOT "E" 30'

LOT "F" 30'

PAR 3
PM 48/51



File :G:\2001\01-0304\01-0304_slope-esmt.pro Plotted: 2/28/2003

SEC. 13, T.6S, R.3W.

RIVERSIDE COUNTY

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SHEET 1 OF 1

W.O.
01-304

SCALE: 1" = 100'

DRWN BY MS DATE 2/28/03
CHKD BY MS DATE 2/28/03

SUBJECT: SLOPE & DRAINAGE EASEMENT