

536A

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



FROM: County Counsel

SUBMITTAL DATE: December 15, 2003

SUBJECT: Condemnation of Real Property for Street Widening Purposes, County
Counsel/Communities Southwest First Supervisorial District.

RECOMMENDED MOTION: That the Board of Supervisors approve Revised Resolution No. 2003-132
Authorizing Condemnation of Real Property for Street Widening Purposes.

BACKGROUND: On May 20, 2003, the Board approved Resolution No. 2003-132 authorizing
Condemnation of Real Property for the Purposes of Street Widening in connection with the
Limonite/Wineville Road Project and according to Conditions of Approval placed on Tract Map 29213.
On September 8, 2003, the Superior Court found the Resolution as initially approved legally deficient
as to prohibit the County from proceeding with its Condemnation action. The present Revised
Resolution No. 2003-132 cures the deficiency in the resolution.


BEAUFORD T. MILLER JR.
Deputy County Counsel

REQUIRES
4/5th's VOTE

C.E.O. RECOMMENDATION:

APPROVE



County Executive Office Signature

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

3003 DEC 15 11:11 AM
RECEIVED RIVERSIDE COUNTY

Prev. Agn. ref.

Dist.

AGENDA NO.

2
3 **REVISED RESOLUTION NO. 2003-132**

4 **AUTHORIZING CONDEMNATION OF REAL PROPERTY**
5 **FOR STREET WIDENING PURPOSES**

6 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of
7 the County of Riverside, State of California, not less than four-fifths of all members concurring, in regular
8 session assembled on May 20, 2003, as follows:

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

12 THAT, the authority for the County to acquire the real property by eminent domain is contained in
13 Article 1, Section 19 of the California Constitution; Sections 940 and 943 of the Streets and Highways
14 Code; Section 25350.5 of the Government Code; Sections 1240.010, 1240.020, 1240.110, 1240.420 of the
15 Code of Civil Procedure.

16 THAT, the public interest and necessity require the proposed project.

17 THAT, the use for which the real property is to be taken is for street widening improvements, and
18 for other uses incidental thereto and required thereby in order to complete the project being known as the
19 Widening of Wineville Avenue.

20 THAT, the real property to be condemned is necessary for the proposed project.

21 THAT, the real property is located entirely within the boundaries of the County of Riverside, State
22 of California, generally described as a portion of Assessor's Parcel Number 157-250-010, which is
23 located in the Mira Loma area, Riverside County, and a specific description of the real property and the
24 interests sought to be condemned are set forth in Exhibits "A" through "D", attached hereto and by this
25 reference made a part hereof.

26 THAT, the proposed project is planned and located in the manner that will be most compatible
27 with the greatest good and the least private injury.

1 THAT, the offer required by Section 7267.2 of the Government Code has been made to the owner
2 or owners of record.

3 BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside is hereby
4 authorized and empowered:

5 To acquire in the name of the County, fee interests and a temporary construction easement by
6 condemnation in accordance with the Constitution and laws relating to eminent domain.

7 To prepare and prosecute in the name of the County such proceedings in the proper court having
8 jurisdiction thereof as are necessary for such acquisition.

9 To make application to the Court for an order to deposit the probable amount of compensation out
10 of proper funds under the control of the County into the County Treasury and for an order permitting the
11 County to take prejudgment possession and use the real property for the purpose of constructing the
12 public improvement.

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

16
17
18
19
20
21 G:\Property\MDKing\EMDOM\Chai\Revised Res 2003-132.doc

EXHIBIT "A"
STREET EASEMENT

That portion of Parcel 3 of Parcel Map No. 7139, as shown by map on file in Book 25 of Parcel Maps at page 65 thereof, Records of Riverside County, California, lying within Section 29, Township 2 South, Range 6 West, San Bernardino Meridian, described as follows:

BEGINNING at the northwest corner of said Parcel 3, said point also being the intersection of the southerly right of way line of Limonite Avenue (90.00 feet in half width) and the easterly right of way line of Wineville Avenue (20.00 feet in half width) as shown on said Parcel Map;

Thence North $89^{\circ}51'36''$ East along said southerly right of way line of Limonite Avenue, a distance of 24.00 feet to a point on a line, parallel with and distant east 24.00 feet, measured at right angles, from said easterly right of way line of Wineville Avenue;

Thence South $00^{\circ}08'17''$ East along said parallel line, a distance of 30.00 feet to the beginning of a tangent curve, concave to the west, having a radius of 1444.00 feet;

Thence southerly and southwesterly along said curve, to the right, through a central angle of $07^{\circ}30'26''$, an arc distance of 189.20 feet to the beginning of a reverse curve, concave to the east, having a radius of 1356.00 feet, the radial line from said point bears South $82^{\circ}37'51''$ East;

Thence southerly along said curve, to the left, through a central angle of $05^{\circ}02'32''$, an arc distance of 119.33 feet to a point on the southerly line of said Parcel 3, said point also being on the northerly right of way line of said 63rd Street (20.00 feet in width) of said parcel map;

Thence South $89^{\circ}51'43''$ West along said south line of Parcel 3 and along said northerly right of way line of 63rd Street, a distance of 1.25 feet to a point on said easterly right of way line of Wineville Avenue, said point also being on the westerly line of said Parcel 3;

Thence North $00^{\circ}08'17''$ West along said easterly right of way line of Wineville Avenue and along said westerly line of Parcel 3, a distance of 337.50 feet to the point of beginning.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B"

PREPARED UNDER MY SUPERVISION :

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

Date 10/29/02



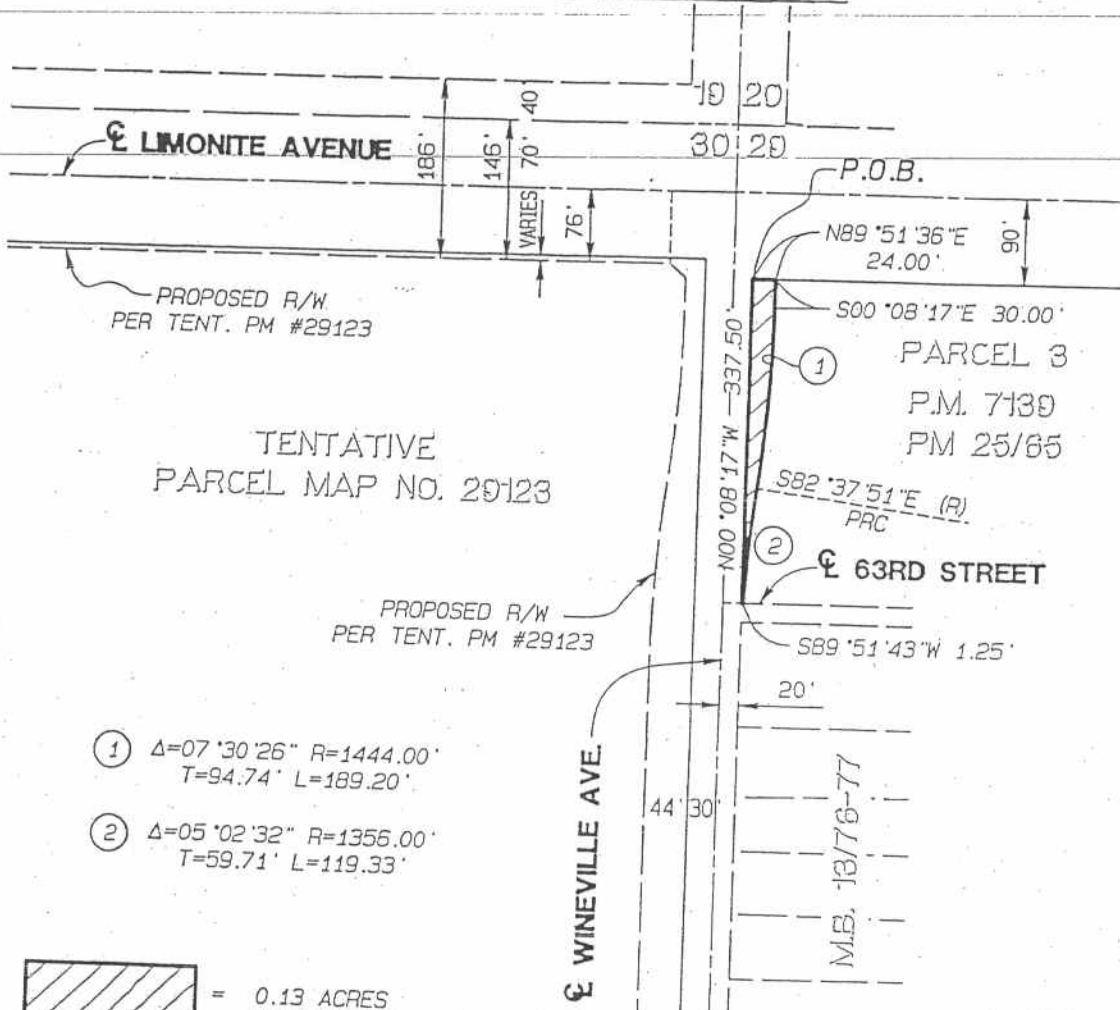
Prepared by: [Signature]
Checked by: [Signature]

EXHIBIT "B"

BEING A PORTION OF PARCEL 3 OF PARCEL MAP NO. 7139, AS SHOWN BY MAP ON FILE IN BOOK 25 OF PARCEL MAPS AT PAGE 65, THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 29, TOWNSHIP 2 SOUTH, RANGE 6 WEST, S.B.M.



STREET EASEMENT



TENTATIVE
PARCEL MAP NO. 29123

- ① $\Delta=07^{\circ}30'26''$ $R=1444.00'$
 $T=94.74'$ $L=189.20'$
- ② $\Delta=05^{\circ}02'32''$ $R=1356.00'$
 $T=59.71'$ $L=119.33'$

= 0.13 ACRES
5612 SQ. FT.



ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

COUNTY OF RIVERSIDE

-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 99-376 EASEMENT.PRO

SCALE: 1"=200' DRWN BY *AW* DATE *10/8/02* CHKD BY *NW* DATE *10-29-02* SUBJECT: DEDICATION

EXHIBIT "C"

TEMPORARY CONSTRUCTION EASEMENT

That portion of Parcel 3 of Parcel Map No. 7139, as shown by map on file in Book 25 of Parcel Maps at page 65 thereof, Records of Riverside County, California, lying within Section 29, Township 2 South, Range 6 West, of the Jurupa Rancho, as shown by map on file in Book 9 of Maps at page 33 thereof, Records of San Bernardino County, California, said portion being a strip of land 15.00 feet wide, the westerly line of said strip being described as follows:

COMMENCING at the northwest corner of said Parcel 3, said point also being the intersection of the southerly right of way line of Limonite Avenue (90.00 feet in half width) and the easterly right of way line of Wineville Avenue (20.00 feet in half width) as shown on said Parcel Map;

Thence North $89^{\circ}51'36''$ East along said southerly right of way line of Limonite Avenue, a distance of 24.00 feet to the **TRUE POINT OF BEGINNING**, said point being on a line, parallel with and distant east 24.00 feet, measured at right angles, from said easterly right of way line of Wineville Avenue;

Thence South $00^{\circ}08'17''$ East along said parallel line, a distance of 30.00 feet to the beginning of a tangent curve, concave to the west, having a radius of 1444.00 feet;

Thence southerly along said curve, to the right, through a central angle of $07^{\circ}30'26''$, an arc distance of 189.20 feet to the beginning of a reverse curve, concave to the east, having a radius of 1356.00 feet, the radial line from said point bears South $82^{\circ}37'51''$ East;

Thence southerly along said curve, to the left, through a central angle of $05^{\circ}02'32''$, an arc distance of 119.33 feet to a point on the southerly line of said Parcel 3 and the end of this line description, said point also being on the northerly right of way line of said 63rd Street (20.00 feet in width) of said Parcel Map.

The easterly line of said strip of land shall be prolonged or shortened so as to terminate northerly on the northerly line of said Parcel 3 and southerly on said southerly line of said Parcel 3.

Containing 0.12 acres, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B"

PREPARED UNDER MY SUPERVISION:

Matthew E. Webb, L.S. 5529



EXHIBIT "D"

TEMPORARY CONSTRUCTION EASEMENT

☉ LIMONITE AVENUE



P.O.C.
NW COR PAR 3

PROPOSED R/W
PER TENT. PM #29123

TENTATIVE
PARCEL MAP NO. 29123

PROPOSED R/W
PER TENT. PM #29123

☉ WINEVILLE AVE.

N89°51'36"E
24.00'

T.P.O.B.

PARCEL 3

P.M. 7139
PM 25/85

S62°37'51"E (R) PRC

0.12 AC.

☉ 63RD STREET

S87°40'23"E (R) 30'

C1 Δ=07°30'26" R=1444.00'
T=94.74' L=189.20'

C2 Δ=05°02'32" R=1356.00'
T=59.71' L=119.33'

44'

30'

S89°51'43"W 1.25'

20'

M.B. 13/76-77



SECTION 29, TOWNSHIP 2 SOUTH,
RANGE 6 WEST, JURUPA RANCHO

COUNTY OF RIVERSIDE

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.D. 89-376

SCALE: 1" = 100'

DRWN BY _____ DATE _____
CHKD BY _____ DATE _____

SUBJECT: TEMPORARY CONSTRUCTION EASEMENT

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS