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**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
January 13, 2004

SUBJECT: County Line Channel
Project No. 2-0-0300
Public Hearing to Condemn Real Property

RECOMMENDED MOTION:

Approve Resolution No. F2004-03, Authorizing Condemnation of Real Property for Flood Control Purposes.

BACKGROUND:

On July 29, 2003 the District entered into a Cooperative Agreement with the County of Riverside, the San Bernardino Flood Control District and the City of Ontario to construct, operate and maintain the County Line Channel project. This project is bound on the east by Hamner Avenue and on the west by its connection to the Cucamonga Creek Channel. It is contained primarily within the future right of way of Bellegrave Avenue and is within both the Counties of Riverside and San Bernardino.

Continued on Page 2.

GSW:ac

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$79,148	In Current Year Budget:	Yes
	Current F.Y. County Cost:	N/A	Budget Adjustment:	No
	Annual Net District Cost:	N/A	For Fiscal Year:	03-04

SOURCE OF FUNDS: 25120 947420 540040 Zone 2 Const / Maint/ Misc.	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

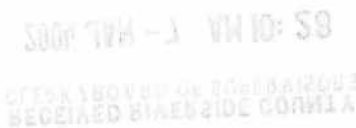
C.E.O. RECOMMENDATION: **APPROVE**

County Executive Office Signature

Policy

Consent

Dep't Recomm.:
per Exec. Ofc.:



**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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Page 2

BACKGROUND continued:

The District is planning to construct a reinforced concrete box from Hamner Avenue to immediately west of Haven Avenue, and the remainder of the project will be an open channel with appurtenances. Upon completion, the channel will be maintained and operated by the San Bernardino County Flood Control District. This project will help to prevent flooding in the Eastvale area of Riverside County as a part of the Master Drainage Plan. Negotiations have been conducted with all affected owners within the City of Ontario and have been successful with all property owners, except for a partial interest in one property, which is in Trust. On December 2, 2003 the City of Ontario adopted a Resolution authorizing the Riverside County Flood Control and Water Conservation District to condemn this property.

BOARD OF SUPERVISORS

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. F2004-03

AUTHORIZING CONDEMNATION OF REAL PROPERTY

FOR FLOOD CONTROL PURPOSES

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, County of Riverside, State of California, not less than two-thirds of all members concurring, in regular session assembled on January 13, 2004, 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 District to acquire the real property by eminent domain is contained in Article 1, Section 19 of the California Constitution; the California Water Code-Appendix, Chapter 48, Section 48-9, Paragraph 9; Sections 1240.010, 1240.020, 1240.110 and 1240.410 of the Code of Civil Procedure.

3. That the public interest and necessity requires the proposed project.

4. That the use for which the real property is to be taken is for the construction of a public improvement consisting of an open channel and appurtenant works, for the control and flow of floodwaters and for other uses incidental thereto and required thereby, in order to protect from damage, life and property within the boundaries of the District, the project being known as

1 County Line Channel.

2 5. That the real property sought to be condemned is necessary for the
3 construction of the public improvement and is located entirely within the boundaries of the District's
4 Zone 2, thereof, in the County of San Bernardino, State of California, generally described as Parcels
5 2300-4A, 2300-4B, 2300-4C, 2300-4T1, and 2300-4T2, also known as APNs: 0218-321-01, 0218-
6 321-04, 0218-321-07, 0218-321-07 and 0218-321-08, and a specific description of the real property
7 and the interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this
8 reference made a part hereof.

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

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

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

17 1. To acquire in the name of the District, fee simple estate, easement and
18 temporary construction easements in said real property by condemnation in accordance with the
19 Constitution and laws relating to eminent domain.

21 2. To prepare and prosecute in the name of the District such proceedings in the
22 proper court having jurisdiction thereof as are necessary for such acquisition.

23 3. To make application to the Court for an order to deposit the probable amount
24 of compensation out of proper funds under the control of the District into the County Treasurer and
25 for an order permitting the District to take prejudgment possession and use the real property for the
26 purpose of constructing the public improvement.

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

GW:ac

FORM APPROVED
COUNTY COUNSEL

DEC 30 2003

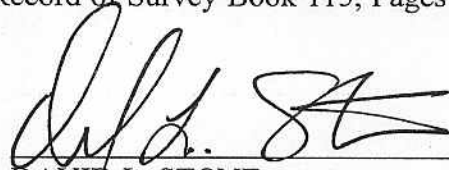
BY Joe S. Red
ASSISTANT COUNTY COUNSEL

**COUNTY LINE CHANNEL
PARCEL 2300-4A**

Being a portion of the Southeast one-quarter of Section 23, Township 2 South, Range 7 West, San Bernardino Base and Meridian, as shown on Record of Survey Book 118, Page 82 through 95, records of San Bernardino County, California, located in the City of Ontario, San Bernardino County, California, described as follows:

All of Parcel 2300-4A as shown on Record of Survey Book 118, Pages 82 through 95, records of San Bernardino County, California and Record of Survey Book 115, Pages 37 through 50, records of Riverside County, California.





DAVID L. STONE

Land Surveyor No. 4758
Signed For: Riverside County Flood Control
and Water Conservation District

Date: SEPT. 23, 2003

**COUNTY LINE CHANNEL
PARCEL 2300-4B**

Being a portion of the Southeast one-quarter of Section 23, Township 2 South, Range 7 West, San Bernardino Base and Meridian, as shown on Record of Survey Book 118, Page 82 through 95, records of San Bernardino County, California, locate in the City of Ontario, San Bernardino County, California, described as follows:

All of Parcel 2300-4B as shown on Record of Survey Book 118, Pages 82 through 95, records of San Bernardino County, California and Record of Survey Book 115, Pages 37 through 50, records of Riverside County, California.





DAVID L. STONE

Land Surveyor No. 4758
Signed For: Riverside County Flood Control
and Water Conservation District

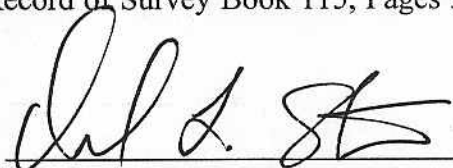
Date: SEPT 23, 2003

**COUNTY LINE CHANNEL
PARCEL 2300-4C**

Being a portion of the Southeast one-quarter of Section 23, Township 2 South, Range 7 West, San Bernardino Base and Meridian, as shown on Record of Survey Book 118, Page 82 through 95, records of San Bernardino County, California, located in the City of Ontario, San Bernardino County, California, described as follows:

All of Parcel 2300-4C as shown on Record of Survey Book 118, Pages 82 through 95, records of San Bernardino County, California and Record of Survey Book 115, Pages 37 through 50, records of Riverside County, California.





DAVID L. STONE

Land Surveyor No. 4758
Signed For: Riverside County Flood Control
and Water Conservation District

Date: SEPT. 23, 2003

COUNTY LINE CHANNEL
PARCEL 2300-4T1

Being a portion of Bonita Rancho Subdivision as shown in Map Book 20, Page 49, records of San Bernardino County, and also being a portion of fractional Section 23, Township 2 South, Range 7 West, San Bernardino Base and Meridian, located in the City of Ontario, as shown on Record of Survey, Book 31, Page 61, records of San Bernardino County, California.

A strip of land 40 feet wide, lying Northwesterly of, adjoining to, parallel and concentric with the sideline described as follows:

Commencing at the intersection of the East right-of-way line of Archibald Avenue as described in Deed Book 2040, Page 324, recorded April 5, 1947 in the Official Records of said San Bernardino County and the Jurupa Rancho Line as shown on said Record of Survey;

Thence North $06^{\circ} 08' 11''$ West, 34.35 feet, along said East right-of-way of Archibald Avenue, to the True Point of Beginning;

Thence North $69^{\circ} 59' 36''$ East, 320.06 feet, to the beginning of a tangent curve, concave Southeasterly, having a radius of 3032.00 feet;

Thence Northeasterly, 260.59 feet, along said curve through a central angle of $04^{\circ} 55' 28''$, to a point lying Northwesterly, 72.00 feet, measured at right angles from said Rancho Line;

Thence North $69^{\circ} 55' 04''$ East, 2224.99 feet, parallel with and distant Northwesterly, 72.00 feet, from said Rancho Line, to a point on the East line of Parcel No. 1 as described in Grant Deed, Instrument No. 90-462790, recorded in Official Records of said San Bernardino County. Said point also being the terminus.

The sidelines of said strip of land shall be lengthened or shortened as needed to terminate at said East right-of-way line of Archibald Avenue and the East line of said Parcel No. 1.



DAVID L. STONE

Land Surveyor No. 4758

Signed For: Riverside County Flood Control
and Water Conservation District

Date: 12/12/2002

**COUNTY LINE CHANNEL
PARCEL 2300-4T2**

Being a portion of Bonita Rancho Subdivision as shown in Map Book 20, Page 49, records of San Bernardino County, and also being a portion of fractional Section 23, Township 2 South, Range 7 West, San Bernardino Base and Meridian, located in the City of Ontario, as shown on Record of Survey, Book 31, Page 61, records of San Bernardino County, California.

A strip of land 40 feet wide, lying Northwesterly of, adjoining to, parallel and concentric with the sideline described as follows:

Commencing at the intersection of the West line of Parcel No. 2 as described in Grant Deed, Instrument No. 90-462790, recorded in the Official Records of said San Bernardino County and the Jurupa Rancho Line as shown on said Record of Survey;

Thence North 00° 56' 16" East, 77.13 feet, along the West line of said Parcel No. 2, to a point lying Northwesterly, 72.00 feet, measured at right angles from said Rancho Line. Said point also being the True Point of Beginning;

Thence North 69° 55' 04" East, 19.78 feet, parallel with and distant Northwesterly, 72.00 feet, from said Rancho Line;

Thence North 74° 29' 30" East, 50.16 feet, to a point lying Northwesterly, 68.00 feet, measured at right angles from said Rancho Line;

Thence North 69° 55' 04" East, 997.05 feet, parallel with and distant Northwesterly, 68.00 feet, from said Rancho Line;

Thence South 20° 04' 56" East, 21.17 feet, to the beginning of a non-tangent curve, concave Southerly, having a radius of 510.00 feet, a radial to said point bears North 13° 41' 30" West;


Thence Southeasterly, 40.16 feet, along said curve through a central angle of 04° 30' 43";

Thence North 80° 49' 13" East, 36.75 feet, to the beginning of a tangent curve, concave Northerly, having a radius of 490.00 feet;

Thence Southeasterly, 88.44 feet, along said curve through a central angle of 10° 20' 28", to the East line of said Parcel No. 2 and the terminus.

The sidelines of said strip of land shall be lengthened or shortened as needed to terminate at the West and East lines of said Parcel No. 2.





DAVID L. STONE

Land Surveyor No. 4758
Signed For: Riverside County Flood Control
and Water Conservation District

Date: 12/12/2002