

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

834B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
January 27, 2004

SUBJECT: Perris Valley, Lateral B
Project No. 4-0-0009
Public Hearing to Condemn Real Property

RECOMMENDED MOTION:

Approve Resolution No. F2004-07, Authorizing Condemnation of Real Property for Flood Control Purposes.

BACKGROUND:

The District is planning to construct and widen the existing earthen channel with appurtenances for the Perris Valley, Lateral B, thereby reducing flooding in this area of the Cities of Moreno Valley and Perris. Negotiations have been conducted with all affected owners, but have not been successful with ten (10) of the eighteen (18). These negotiations will continue but in order to facilitate the construction of the flood control improvements in a timely manner, staff is requesting the adoption of Resolution No. F2004-07.

Deanna Ray - Hawkins
Departmental Concurrence

GSW:ac

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$76,311	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: 25140 947460 540040 Zone 4 Construction/Maintenance/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
- Policy
- Consent
- Consent
- Dep't Recomm.:
- Per Exec. Ofc.:

RECEIVED BY RIVERSIDE COUNTY
OFFICE EXECUTIVE
JAN 29 12 51 PM '04

Prev. Aan. Ref.: 11.1 of 1/06/04 District: 5th Agenda Number: **11.3**
ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

SCT

BOARD OF SUPERVISORS

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

RESOLUTION NO. F2004-07

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 27, 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 Perris Valley, Lateral B Storm Drain Project.

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 4, thereof, in the County of Riverside, State of California, generally described as Parcels
5 4010B-14 and 4010B-14T, also known as APN 302-020-022; Parcels 4010B-16 and 4010B-16T,
6 also known as APN 302-020-024; Parcels 4009-9, 4010B-17 and 4010B-17T, also known as APN
7 302-020-025; Parcel 4010B-3AT2, also known as APN 302-100-006; Parcel 4010B-3AT1, also
8 known as APN 302-100-016; Parcel 4010B-21T, also known as APN: 302-170-002; Parcels 4009-2
9 and 4010B-1T, also known as APN 312-250-022; Parcels 4009-1 and 4010B-5AT, also known as
10 APN 316-100-008; Parcels 4009-10 and 4010B-12T, also known as APN 316-210-024; and Parcel
11 4010B-11T, also known as APN 316-210-025, and a specific description of the real property and the
12 interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this reference
13 made a part hereof.
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16 6. That the public improvement is planned and located in the manner that will
17 be most compatible with the greatest public good and the least private injury.

18 7. That the offer required by Section 7267.2 of the Government Code has been
19 made to the owner or owners of record.
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21 BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside is
22 hereby authorized and empowered:

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

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

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

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

JAN 14 2004

BY 
ASSISTANT COUNTY COUNSEL