

2 RESOLUTION NO. 2004-004

3 AUTHORIZING CONDEMNATION OF REAL PROPERTY  
4 FOR DRAINAGE PURPOSES  
5 OFFSITE DRAINAGE/TRACT 30110  
35785 SUNNY HILLS ROAD, WINCHESTER

6  
7 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of  
8 Supervisors of Riverside County, State of California, not less than four-fifths of all members  
9 concurring, in regular session assembled on Feb. 10, 2004, as follows:

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

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17 2. That the authority for the County to acquire the real property by  
18 eminent domain is contained in Article 1, Section 19 of the California Constitution; Section  
19 25350.5 of the Government Code; Sections 1240.010, 1240.020, and 1240.110 of the  
20 Code of Civil Procedure.

21  
22  
23 3. That the public interest and necessity require the proposed project.

24  
25 4. That the use for which the real property is to be taken is for drainage  
26 improvements and for other uses incidental thereto and required thereby in order to  
27  
28

FORM APPROVED  
COUNTY COUNSEL

NOV 15 2003

*B. J. M. K. J.*

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3 complete the project being known as Offsite Drainage/Tract 30110/35785 Sunny Hills  
4 Road, Winchester.

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7           5.       That the real property sought to be condemned is necessary for the  
8 construction of the public improvement and is located entirely within the boundaries of the  
9 County of Riverside, State of California, generally described as a portion of Assessor's  
10 Parcel Number 467-380-002, which is located within the Winchester area, Riverside  
11 County, and a specific description of the real property and the interests sought to be  
12 condemned are set forth in Exhibits "A" and "B", 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  
17 will be most compatible with the greatest public good and the least private injury.

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19

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

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

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1 Resolution No. 2004-004

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3 1. To acquire in the name of the County, a permanent drainage  
4 easement by condemnation in accordance with the Constitution and laws relating to  
5 eminent domain.  
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7  
8 2. To prepare and prosecute in the name of the County such proceedings  
9 in the proper court having jurisdiction thereof as are necessary for such acquisition.  
10

11 3. To make application to the Court for an order to deposit the probable  
12 amount of compensation out of proper funds under the control of the County into the  
13 County Treasury and for an order permitting the County to take prejudgment possession  
14 and use the real property for the purpose of constructing the public improvement.  
15

16 4. To compromise and settle such proceedings, if such settlement can be  
17 reached, and in that event, to take all necessary action to complete the acquisition,  
18 including stipulations as to judgment and other matters, and causing all payments to be  
19 made.  
20

21  
22  
23 JS:db  
24 12/03/03  
25 114FM  
26 8.790  
27  
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**LEGAL DESCRIPTION  
DRAINAGE EASEMENT  
OVER  
PARCEL 2 P.M. 16915, FRENCH VALLEY**

All that certain real property in the unincorporated territory of Riverside County, State of California, being a portion of Parcel 2 of Parcel Map 16915 as per plat recorded in Book 90, page 86 of Parcel Maps, records of said county, said portion being described as follows:

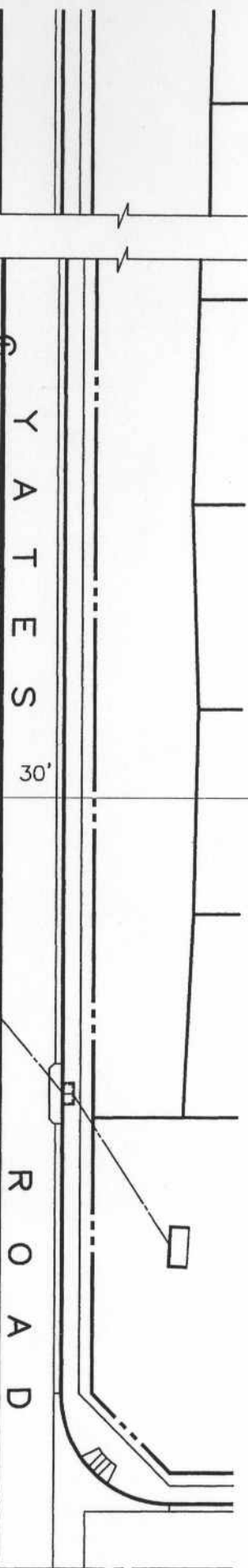
- Commencing at the northwesterly corner of said Parcel 2;
- Thence along the northerly line of said Parcel 2, North 89°33'36" East 420.05 feet to the true point of beginning;
- Thence continuing North 89°33'36" East, 47.80 feet along said northerly line;
- Thence leaving said northerly line South 49°44'22" West, 46.15 feet;
- Thence North 38°35'50" West 20.00 feet;
- Thence North 00°26'24" West 13.83 feet to the true point of beginning.

The hereinabove described parcel is show on Exhibit "B" attached hereto and by this reference made a part hereof.



*Larry L. Walker* 11/29/02  
Larry L. Walker LS 4463  
License Expires 9-30-2005

TRACT 30110



P.O.C.  
NE CORNER  
PARCEL 2  
PM 16915

PARCEL 2  
P.M.  
P.M.B. 90/85



792 SQ FT

INDICATES EASEMENT AREA

| Vertex | Bearing      | Length |
|--------|--------------|--------|
| 1      | N 49°44'22"E | 46.15  |
| 2      | N 38°35'50"W | 20.00  |
| 3      | N 00°26'24"W | 13.83  |

APN 467-380-02

Scale: 1"=50'



EXHIBIT "B"  
DRAINAGE EASEMENT  
FOR TRACT 30110  
FRENCH VALLEY  
COUNTY OF RIVERSIDE

**WJ**  
**W.J. MCKEEVER, INC.**  
CIVIL ENGINEERING  
647 NORTH MAIN STREET, SUITE 2A  
RIVERSIDE, CALIFORNIA 92501  
PH: (909) 341-3700  
FAX: (909) 341-3740

LARRY L. WALKER L.S. 4463 DATE

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

813



**FROM:** Department of Facilities Management

**SUBMITTAL DATE:**  
December 30, 2003

**SUBJECT:** ADOPTION OF RESOLUTION 2004-004, AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR DRAINAGE PURPOSES, OFFSITE DRAINAGE/TRACT 30110/35785 SUNNY HILLS ROAD, WINCHESTER

**RECOMMENDED MOTION:** That the Board of Supervisors adopt Resolution No. 2004-004, Authorizing Condemnation of Real Property for Drainage Purposes, Offsite Drainage/Tract 30110/35785 Sunny Hills Road, Winchester.

**BACKGROUND:** As a condition of approval for Tentative Tract Map 30110, Fieldstone French Valley LLC is planning to install drainage facilities adjacent to Yates Road in the Winchester area of the County of Riverside. On December 23, 2003, the Board of Supervisors approved Resolution No. 2003-533, Notice of Intention to Condemn Real Property for Drainage Purposes, Offsite Drainage/Tract 30110/35785 Sunny Hills Road, Winchester. Offers to the owners have not been finalized, although

(Continued on Page 2)

MJS:JMP:JS:db  
8.791

  
MICHAEL J. SYLVESTER, Director  
Department of Facilities Management

|                       |                                      |         |                                |       |
|-----------------------|--------------------------------------|---------|--------------------------------|-------|
| <b>FINANCIAL DATA</b> | <b>Current F.Y. Total Cost:</b>      | \$5,932 | <b>In Current Year Budget:</b> | Yes   |
|                       | <b>Current F.Y. Net County Cost:</b> | \$-0-   | <b>Budget Adjustment:</b>      | No    |
|                       | <b>Annual Net County Cost:</b>       | \$-0-   | <b>For Fiscal Year:</b>        | 03/04 |

|   |   |                          |
|---|---|--------------------------|
| <b>SOURCE OF FUNDS:</b> Costs reimbursed to County Counsel<br>100% by developer | <b>Positions To Be Deleted Per A-30</b> | <input type="checkbox"/> |
| <b>Requires 4/5 Vote</b>  |   |                          |

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

**APPROVE**

County Executive Office Signature



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

Prev. Agn. Ref.: 12/23/03, Item #  District: 3 Agenda Number:

COUNTY OF RIVERSIDE  
DEC 30 11:22 AM '03

BOARD OF SUPERVISORS

Form 11: ADOPTION OF RESOLUTION 2004-004, AUTHORIZING CONDEMNATION OF  
REAL PROPERTY FOR DRAINAGE PURPOSES, OFFSITE DRAINAGE/TRACT  
30110/35785 SUNNY HILLS ROAD, WINCHESTER

December 30, 2003

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**BACKGROUND:** (Continued)

negotiations are continuing. Resolution No. 2003-533, Notice of Intent to Condemn Real Property for Drainage Purposes, was approved by the Board on December 23, 2003.

Financial Data: Approval of this resolution will require the expenditure of \$5,932 for court deposits to be reimbursed 100% by developer.