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

440
A



FROM: Department of Facilities Management

SUBMITTAL DATE:
February 24, 2004

SUBJECT: AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR FREEWAY IMPROVEMENT PURPOSES-STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION - INTERSTATE 215/91/60 SEQUENCING PROJECT

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution 2004-080, Authorizing Condemnation of Real Property for Freeway Improvement Purposes, on behalf of the State of California, Department of Transportation (Caltrans), for the Interstate 215/91/60 Sequencing Project.

BACKGROUND: On February 24, 2004, the Board adopted the Resolution for the Notice of Intent to Condemn Real Property for Caltrans Parcel Number 18078 affected by this freeway improvement project. By authorizing condemnation of the above-referenced property, Caltrans will be able to begin the process to obtain possession, which will expedite the construction of the new interchange configuration. Negotiations are continuing with the property owners involved in this project.

Departmental Concurrence

MJS:JMP:JS:db
8.908

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

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	0	Budget Adjustment:	N/A
	Annual Net County Cost:	0	For Fiscal Year:	N/A

SOURCE OF FUNDS: State of California, Department of Transportation	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	

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

County Executive Office Signature

Terence J. ...

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

Prev. Agn. Ref.: 2/24/04, 3.9 | District: 1, 2, 5 | Agenda Number:

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

9.1

RESOLUTION NO. 2004-080

AUTHORIZING CONDEMNATION OF REAL PROPERTY
FOR I-215/60/91 FREEWAY IMPROVEMENT PURPOSES

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of Riverside County, State of California, in regular session assembled on March 16, 2004, at least four-fifths of all members concurring, 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 County to acquire the real property by eminent domain is contained in Article 1, Section 19 of the California Constitution; Sections 102, 940 and 943 of the Streets and Highways Code; Section 25350.5 of the Government Code; Sections 1240.010, 1240.020, 1240.030, 1240.110, 1240.420 and 1245.235 of the Code of Civil Procedure.

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

4. That the use for which the real property is to be taken is for the Interstate 215/91/60 Sequencing Project, for road improvement purposes, including construction and maintenance, and for other uses incidental thereto and required.

5. That the real property sought to be condemned is necessary for the construction of the public improvement and is located adjacent to Interstate 215, State Route 91 and State Route 60 in the County of Riverside, State of California, generally

1 described as Assessor's Parcel Number 210-150-024, also known as Caltrans Parcel
2 Number 18078, and a specific description of the real property and the interests sought
3 to be condemned are set forth in Exhibit "A", attached hereto and by this reference
4 made a part hereof.
5

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

8 7. That the offer required by Section 7267.2 of the Government Code
9 has been made to the owner or owners of record.
10

11 BE IT FURTHER RESOLVED that the State of California, Department of
12 Transportation, after approval of the Authorization of Condemnation by the County of
13 Riverside Board of Supervisors, will continue with the processes necessary to acquire,
14 in the name of the State of California, fee simple title and temporary construction
15 easements in accordance with the Constitution and laws relating to eminent domain.
16

17 JS:db
18 2/24/04
19 098FM
8.907

FORM APPROVED
COUNTY COUNSEL

FEB 25 2004

BY 
ASSISTANT COUNTY COUNSEL

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DEPARTMENT OF TRANSPORTATION
SOUTHERN RIGHT OF WAY REGION
District 12 R/W Field Office
3337 Michelson Drive, Suite 380
Irvine, California 92612-0661
Phone: (949) 724-2417
FAX (949) 724-2622

February 5, 2004

Bert L. Rogal
400 South Berverly Drive, Penthouse Suite
Beverly Hills, CA 90212

8/23-RIV-60/91/215 PM42.4
Parcel: 18078
E.A.: 334849
Grantor: Sergiglia Invesments, Inc.

Dear Mr. Rogal:

The law provides the procedure for public agencies to acquire private property for public use. It presently requires that every agency which intends to condemn property must notify the owners of that property of its intention to condemn. Such notice must be prior to submission of an authorizing resolution to the appropriate venue for adoption. The purpose of the attached Notice of Intent is to advise you that acquisition of your property will be sought through judicial process if an amicable agreement is not reached.

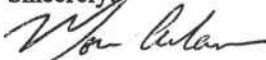
Agreement between an owner and the State may be delayed for a variety of good reasons; however, in order to maintain a schedule for construction of this project, certain procedural steps must be taken. One such step is to advise an owner of our intent to acquire property through court proceedings. The project which requires your property is now scheduled for construction in the near future. A legal description and exhibit map of the required property is also attached.

The attached Notice of Intent gives you an opportunity to appear before the Riverside Board of Supervisors and raise questions concerning the public interest, necessity, and location of the project as it affects your property. The subject of the amount of compensation for your property is not an issue for the Board and it will not be considered by them. If the Resolution is adopted, the Department has the authority to file an eminent domain action in the Superior Court. In that Superior Court proceeding the amount of compensation is determined.

If you desire to appear before the Board of Supervisors, and give proper notice of appearance as expressed in the attached Notice of Intent, you will be notified of a date and time of a meeting with Caltrans to determine if resolution of your issues would alleviate having to appear before the Board. A full address of the meeting place will accompany this notification.

If you have any questions regarding the procedure, you can reach me by telephone at (949) 724 -2417.

Sincerely,



Monica Adamee
Right of Way Agent

Enclosures



Southern Right of Way Region
21073 Pathfinder, Suite 100
Diamond Bar, CA 91765
Phone: (909) 468-1500
Fax: (909) 468-1501
TDD: (800) 735-2929

Los Angeles Field Office
801 Grand Avenue
Los Angeles, CA 90017
Phone: (213) 897-1861
Fax: (213) 897-1962

San Bernardino Field Office
464 W. 4th Street, 12th Floor
San Bernardino, CA 92401-1400
Phone: (909) 383-6211
Fax: (909) 383-6877