

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



SUBMITTAL DATE:
February 10, 2004

FROM: Economic Development Agency

SUBJECT: Adoption of County Resolution No. 2004-101, Authorization to Condemn of Real Property for the Cabazon Refueling Station Project.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Hold a public hearing to hear comments from those persons affected by this project as stated in County Resolution No. 2004-101; and
2. Adopt Resolution No. 2004-101, Authorization to Condemnation Real Property for the Cabazon Refueling Station Project; and
3. Authorize and direct the Assistant County Executive Officer/EDA to take the necessary actions to proceed with eminent domain activities.

BACKGROUND: On June 24, 2003, the Board of Directors of the Redevelopment Agency and Board of Supervisors of the County of Riverside, Items 3.12 and 4.1 approved and authorized the purchase of the site for construction of a new County Refueling Station. Assessor's Parcel Number 526-023-005 was identified as one of the properties needed for the proposed public improvement. (continued on next page)

Bradley J. Hudson

Bradley J. Hudson, Assistant County Executive Officer/EDA

BJH:RZ:DML:AMV:AMG:sj
F:\Shared\RealProperty\Real Property\DIST5\03-5-076.condempck.doc

FINANCIAL DATA	Current F.Y. Total Cost:	\$171,000.00 plus escrow costs	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	No
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	2003/2004

SOURCE OF FUNDS: MID-COUNTY CAPITAL IMPROVEMENT FUND	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 *Bhonda King*

COUNTY OF RIVERSIDE
OFFICE EXECUTIVE
RECEIVED RIVERSIDE COUNTY
MAY 11 2004

Reviewed by
CIP TEAM
Departmental Concurrence

Dept't Recomm.: Policy
Per Exec. Ofc.: Policy

AMG:sj
12/2/03

**Form 11 – Adoption of County Resolution No. 2004-101, Authorization to Condemn Real
Property for the Cabazon Refueling Station Project.**

February 10, 2004

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BACKGROUND (continued): Currently, there are no readily accessible fleet services operations between Riverside and Indio. A refueling station in Cabazon will provide a fuel stop midway between Riverside and Indio for County employees traveling along Interstate 10. In addition, the proposed public improvement will provide a convenient fueling location for staff working at the just completed Cabazon Sheriff Station.

An offer has been made to the property owner, but no settlement has been reached as of this date. Notice of the County's intent to exercise its eminent domain powers has been given as required. Negotiations with the property owners will continue in hopes of reaching a mutually acceptable agreement

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3 COUNTY RESOLUTION NO. 2004-101
4 AUTHORIZATION TO CONDEMN REAL PROPERTY FOR
THE CABAZON REFUELING STATION PROJECT

5 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of
6 Supervisors of the County of Riverside, State of California, not less than four-fifths of all
7 members concurring, in regular session assembled on March 30, 2004, as follows:

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

12 2. That the authority for the County to acquire the real property by eminent
13 domain is contained in Article 1, Section 19 of the California Constitution; Title 7, Part III of the
14 Code of Civil Procedure; Section 25350.5 of the Government Code; Sections 1230.01 et seq.;
15 1240.010 thru 1240.050, and 1240.110 of the Code of Civil Procedure.

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

17 4. That the use for which the real property is to be taken for a refueling
18 station, and for other uses incidental thereto and required thereby in order to complete the
19 project being known as the Cabazon Refueling Station.

20 5. That the real property sought to be condemned is necessary for the
21 construction of the public improvement and is located in the Cabazon area of the County of
22 Riverside, State of California, generally described as Assessor's Parcel Number 526-023-005,
23 all of which is located within Lot 160 of Cabazon Rancho Subdivision Number 2, in the County
24 of Riverside, and a specific description of the real property and the interests sought to be
25 condemned are set forth in Exhibit "A", attached hereto and by this reference made a part
26 hereof.

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

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

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

5 1. To acquire in the name of the County of Riverside, fee simple title by
6 condemnation in accordance with the Constitution and laws relating to eminent domain.

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

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

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

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FORM APPROVED
COUNTY COUNSEL

FEB 19 2004

BY Joe S. R.
ASSISTANT COUNTY COUNSEL

EXHIBIT "A"

FEE SIMPLE ESTATE IN THE REAL PROPERTY IN THE CABAZON AREA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 160 OF CABAZON RANCHO SUBDIVISION NO. 2 IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP ON FILE IN BOOK 8 PAGE 63 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

526-02

24-31-1

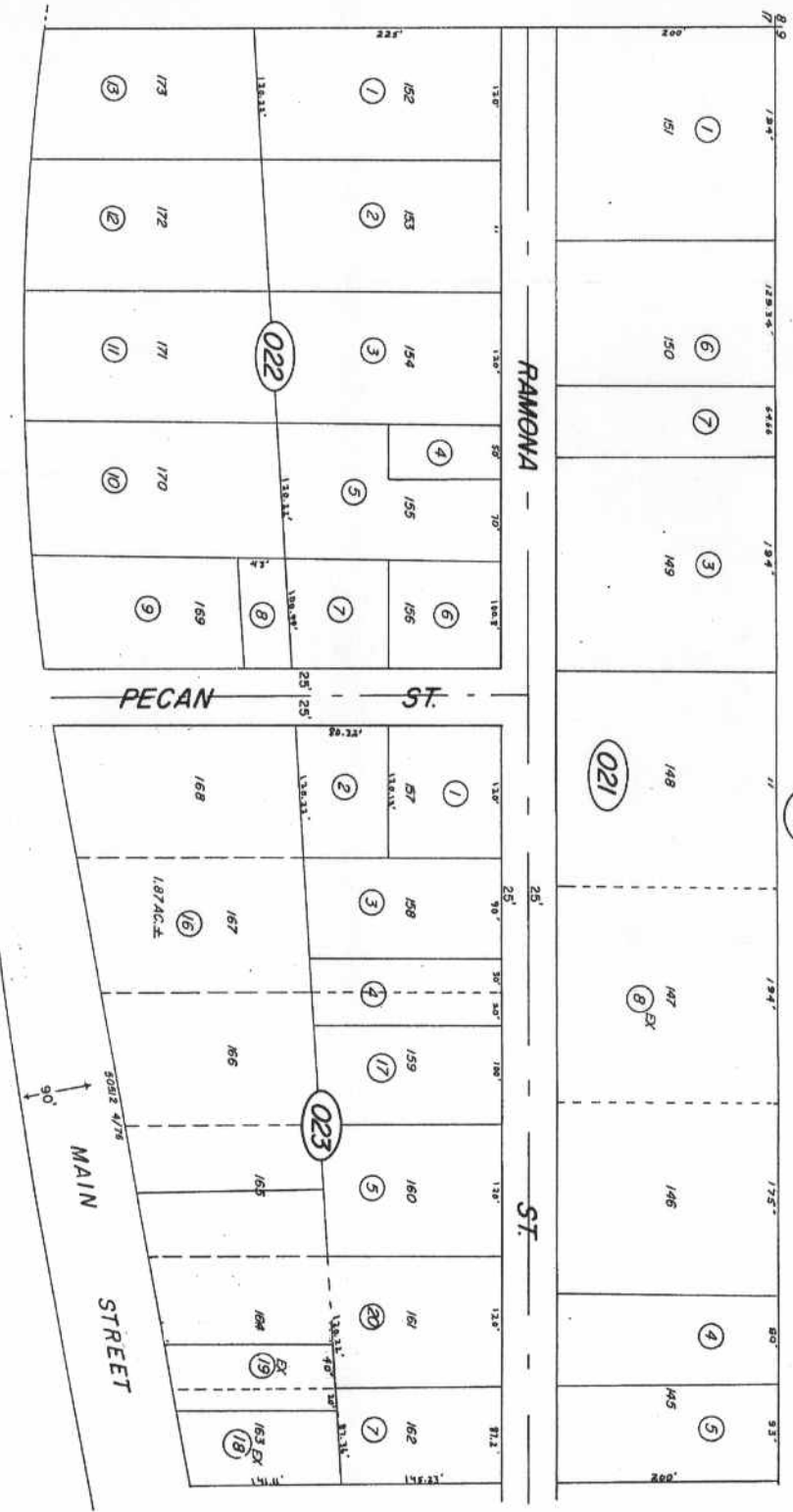
T.C.A. 5546

POR.N.W. 1/4, SEC. 16, T.3S. R.2E.

BK 519



DATE	PLC No.	MEMBER
11/22	2	5, 7
6/77	10	6, 8
4/79	101	10
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BK 519

BK 519

MB 8/63 CABAZON RANCHO SUB. No. 2
 Date: STATE HWY. 80 RIV. 26
 APRIL 1969

NOV 0 8 2000
 ASSESSOR'S MAP BK 526 PG 02
 RIVERSIDE COUNTY, CALIF.
 BW

RECEIVED
MAR 10 2004
ECONOMIC DEVELOPMENT AGENCY

If you should have any questions concerning the proposed public improvement, we suggest that you contact:

Angelita M. Gunkel
Real Property Agent III
Economic Development Agency
3525 14th Street
Riverside, CA 92501
Telephone: (909) 955-6650

Sincerely,

NANCY ROMERO
CLERK TO THE BOARD

By: *Amy Aldana*
Deputy, Clerk to the Board

(Tear here to mail)

REQUEST TO APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN THE
NOTICE OF INTENT TO CONDEMN REAL PROPERTY FOR THE CABAZON REFUELING
STATION PROJECT (3.6 of 3/2/04) (PUBLIC HRG 3/30/04)

NAME: Emeline Schuelke and Elvira Sanchez & Family

ADDRESS: c/o Schuelke Real Estate 591 E. 6th Street

Beaumont, CA 92223

TELEPHONE NO.: (909) 845-2663

DATED: 3-9-04

Emeline Schuelke
(Signature)