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



**FROM:** Department of Facilities Management

**SUBMITTAL DATE:**  
March 9, 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 2004-106, 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.

Resolution No. 2004-106 will supercede Resolution No. 2003-58, Authorizing Condemnation, approved by the Board on March 18, 2003 as Agenda Item No. 9.1. The superceding and replacement of these Resolutions is requested by Caltrans in order to change from a partial take to a full take, which requires a new legal description and map.

**BACKGROUND:** On March 9, 2004, the Board adopted the Resolution for the Notice of Intent to Condemn Real Property for Caltrans Parcel Number 17729 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  
8.934

MICHAEL J. SYLVESTER, Director  
Department of Facilities Management

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b> State of California, Department of Transportation	<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
- Consent
- Dept't Recomm.:
- Per Exec. Ofc.:

**Prev. Agn. Ref.:** 2/11/03, 3.10;3/18/03, 9.1;  
3/9/04, 3.20

**District:** 1, 2, 5

**Agenda Number:**

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

9.1

RESOLUTION NO. 2004-106

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 April 6, 2004, as follows:

1. That this Board approve Resolution No. 2004-106, Authorizing Condemnation, which will supercede Resolution No. 2003-65, Authorizing Condemnation, approved by the Board on March 18, 2003 as Agenda Item No. 9.1. The superceding and replacement of these Resolutions is requested by Caltrans to replace a partial take area with a full take, which requires a new legal description and plat map to be approved by the property owner and new action by the Board of Supervisors.

2. 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.

3. 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, 760, 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 1263.610 of the Code of Civil Procedure.

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

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5. 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.

6. 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 described as Assessor's Parcel Number 209-020-024, also known as Caltrans Parcel Number 17729, and a specific description of the real property and the interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this reference made a part hereof.

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

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

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

FORM APPROVED  
COUNTY COUNSEL

MAR 15 2004

BY   
ASSISTANT COUNTY COUNSEL

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