

**SUBMITTAL TO THE BOARD OF DIRECTORS OF THE
REDEVELOPMENT AGENCY
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA 807**



FROM: Redevelopment Agency

SUBMITTAL DATE:
February 23, 2004

SUBJECT: Authorization to Condemn Real Property for the Etiwanda Avenue Street Improvement Project

RECOMMENDED MOTION: That the Board of Directors:

1. Hold a public hearing to review comments from those persons affected by this project as stated in RDA Resolution No. 2004-14; and
2. Adopt RDA Resolution No. 2004-14, Authorization to Condemn Real Property for the Etiwanda Avenue Street Improvement Project; and
3. Authorize and direct the Executive Director of the Redevelopment Agency to take the necessary actions to proceed with eminent domain activities.

BACKGROUND: Since 1996, the Redevelopment Agency for the County of Riverside has been making efforts to revitalize the Jurupa Valley Redevelopment Project Area. Revitalization efforts in the Mira Loma area include the improvement of pedestrian and vehicular travel ways for safety and elimination of blighting conditions. (continued on next page)

Robin Jump

Bradley J. Hudson, Executive Director

BJH:RZ:BJG:AMV:AMGs
F:\Shared\RealProperty\Real Property\DIST2\04-2-100.condemnpckge.doc

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 16,000.00	In Current Year Budget:	YES
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	2003/2004

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: NO

SOURCE OF FUNDS: JURUPA VALLEY REDEVELOPMENT, CAPITAL IMPROVEMENT FUNDS	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

FORM APPROVED
COUNTY COUNSEL

MAR 1 1 2004

County Executive Office Signature *Rhonda King*

BY *Lee Anderson*

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

Prev. Agn. Ref.: 4.4, 3-23-04

District: 2

Agenda Number:

4.1

Departmental Concurrence

**Form 11 – Adoption of RDA Resolution No. 2004-14, Authorization to Condemn Real
Property for the Etiwanda Avenue Street Improvement Project**

February 23, 2004

Page 2

BACKGROUND (continued): On August 18, 1998, the Board of Directors approved the agreement between the Redevelopment Agency for the County of Riverside and Krieger & Stewart for the design and construction management of street and storm drain improvements along the east side of Etiwanda Avenue between Limonite Avenue and Bellegrave Avenue. The proposed improvements will improve pedestrian and vehicular safety as well as eliminate flooding and blighting conditions in the project area. The storm drain improvements will be constructed on Etiwanda Avenue, 58th Street, Ridgeview Avenue, and Wagon Train Lane.

Notice of today's hearing was given pursuant to RDA Resolution No. 2004-13, adopted by the Board on March 23, 2004. The statutory offer was made to the property owner(s) but no settlement has been reached. Negotiations will continue in hopes of reaching an agreement.

Staff recommends adoption of RDA Resolution No. 2004-14 as stated and is available to answer questions from the Board.

2
3 RDA RESOLUTION NO. 2004-14
4 AUTHORIZATION TO CONDEMN REAL PROPERTY FOR
THE ETIWANDA AVENUE STREET IMPROVEMENT PROJECT

5 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Directors
6 of the Redevelopment Agency for the County of Riverside, State of California, not less than
7 four-fifths of all members concurring, in regular session assembled on April 20, 2004, as follows:

8 1. That notice of intention 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 on the matters contained herein.

12 2. That the authority for the Agency 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; Sections 33342, and 33391 of the Community Development Law;
15 Sections 1230.01 et seq.; 1240.010 thru 1240.050, and 1240.110 of the Code of Civil
16 Procedure.

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

18 4. That the use from that portion of Assessor's Parcel Number 161-220-006
19 is to be taken as part of the Etiwanda Avenue Street Improvement Project, and for other uses
20 incidental thereto and required thereby in order to complete said project.

21 5. That the real property sought to be condemned is necessary for the
22 construction of the public improvement and is located in the Mira Loma area, County of
23 Riverside, State of California, generally described as a portion of Assessor's Parcel Number
24 161-220-006, located within Wineland Vineland Tract, as shown by map on file in Book 10 of
25 Maps, Page 80, in the County of Riverside, and a specific description of the real property and
26 the interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this
27 reference made a part hereof.

28 6. That the public improvement is planned and located in the manner that

1 will be most compatible with the greatest public good and the least private injury.

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

4 BE IT FURTHER RESOLVED that Agency Counsel of the Redevelopment Agency for
5 the County of Riverside is hereby authorized and empowered:

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

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

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

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

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FORM APPROVED
COUNTY COUNSEL

21 //

MAR 1 1 2004

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BY Lee A. [Signature]

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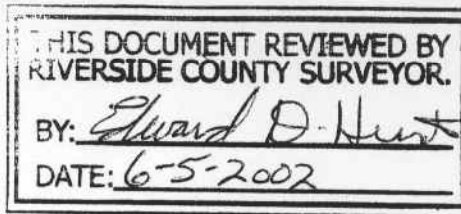


EXHIBIT "A"

APN 161-220-006

That portion of Lot 11 of Wineland Vineyards, as shown by map on file in Book 10 of Maps at Page 80 thereof, records of Riverside County, California, lying in Section 21, Township 2 South, Range 6 West, S.B.M., being more particularly described as follows:

BEGINNING at the northwesterly corner of said Lot 11, said corner being the intersection of the easterly right-of-way line of Etiwanda Avenue (50 foot half width) as shown by Tract No. 5923-1, Recorded in Book 83 of Maps at Pages 45 through 47, inclusive thereof, records of Riverside County, California, with the centerline of Wagon Train Lane (30 foot half width) as shown by Parcel Map on file in Book 24 of Parcel Maps, at Page 76 thereof, records of Riverside County, California;

Thence North 89°54'54" East along the northerly line of said Lot 11 and said centerline of Wagon Train Lane, a distance of 78.00 feet;

Thence at a right angle, departing said northerly line, South 00°05'06" East, a distance of 30.00 feet to a point on a line parallel with and distant 30.00 feet southerly as measured at right angles, to the northerly line of said Lot 11 and said centerline of Wagon Train Lane;

Thence South 89°54'54" West along said parallel line, a distance of 50.00 feet;

Thence South 42°31'29" West a distance of 33.97 feet to a point on a line parallel with and distant 55.00 feet easterly as measured at right angles, to the centerline of said Etiwanda Avenue;

Thence South 00°05'36" East along last mentioned parallel line, a distance of 119.00 feet to a point on the southerly line of the northerly 174.00 feet of said Lot 11;

Thence South 89°54'54" West along said southerly line, a distance of 5.00 feet to a point on the westerly line of said Lot 11, said point also being on said easterly right-of-way line of Etiwanda Avenue (50 foot half width);

Thence North 00°05'36" West along the westerly line of said Lot 11 and said easterly right-of-way line of Etiwanda Avenue, a distance of 174.00 feet to the **POINT OF BEGINNING**.

Contains 3,348 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.



Mark L. Messersmith

EXHIBIT "A"

APN 161-220-006

PERMANENT STORM DRAIN EASEMENT

That portion of Lot 11 of Wineland Vinelands, as shown by map on file in Book 10 of Maps at Page 80 thereof, records of Riverside County, California, lying in Section 21, Township 2 South, Range 6 West, S.B.M, being more particularly described as follows:

COMMENCING at the northwesterly corner of said Lot 11, said corner being the intersection of the easterly right-of-way line of Etiwanda Avenue (50 foot half width) as shown by Tract No. 5923-1, Recorded in Book 83 of Maps at Pages 45 through 47, inclusive thereof, records of Riverside County, California, with the centerline of Wagon Train Lane (30 foot half width) as shown by Parcel Map on file in Book 24 of Parcel Maps, at Page 76 thereof, records of Riverside County, California;

Thence North 89°54'54" East, along the northerly line of said Lot 11 and said centerline of Wagon Train Lane, a distance of 78.00 feet to the POINT OF BEGINNING;

Thence continuing North 89°54'54" East, along the northerly line of said Lot 11, a distance of 112.00 feet;

Thence at a right angle, departing said northerly line, South 00°05'06" East, a distance of 10.00 feet to a point on a line parallel with and distant 10.00 feet southerly as measured at right angles to the northerly line of said Lot 11 and said centerline of Wagon Train Lane;

Thence South 89°54'54" West, along said parallel line, a distance of 112.00 feet;

Thence North 00°05'06" West, a distance of 10.00 feet to the POINT OF BEGINNING.

Contains 1,120 square feet, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

MWE/lgm
LEGAL/807-11J (07/31/02)



Mark E. Messersmith

RECEIVED

FEB 28 2003

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
SUBDIVISION SECTION

 = PERMANENT STORM DRAIN EASEMENT



SEC. 21
T.2S., R.6W., S.B.M.

AVENUE

ETIWANDA

NORTHWESTERLY
CORNER OF LOT 11

NORTHERLY LINE
LOT 11

P.O.C.

P.O.B.

WAGON TRAIN

LANE

N.89°54'54"E. 78.00'
N.89°54'54"E. 112.00'
N.00°05'06"W. 10.00'
S.89°54'54"W. 112.00'
S.00°05'06"E. 10.00'

PORTION OF LOT 11
WINELAND VINEYARDS
M.B. 10/30
A.P.N. 161-220-006



MEM

This Plat is Solely an Aid in Locating the Parcel(s) Described in the Attached Document. It is not a Part of the Written Description Therein.

PREPARED BY:

KRIEGER

STEWART

INCORPORATED

3602 University Ave. • Riverside, CA. 92501 • 909-684-6900

RIVERSIDE COUNTY REDEVELOPMENT AGENCY

MIRA LOMA FLOOD CONTROL IMPROVEMENT PROJECT
STORM DRAIN EASEMENT
A.P.N. 161-220-006

EXHIBIT

B

SCALE: 1"=40'

DATE: 07/30/02

DRAWN BY: MWE

CHECKED BY: MEM

W.O.: 807-11

SHEET 1 OF 1

THIS DOCUMENT REVIEWED BY
 RIVERSIDE COUNTY SURVEYOR.
 BY: *Edward D. H. G.*
 DATE: *6-5-2002*

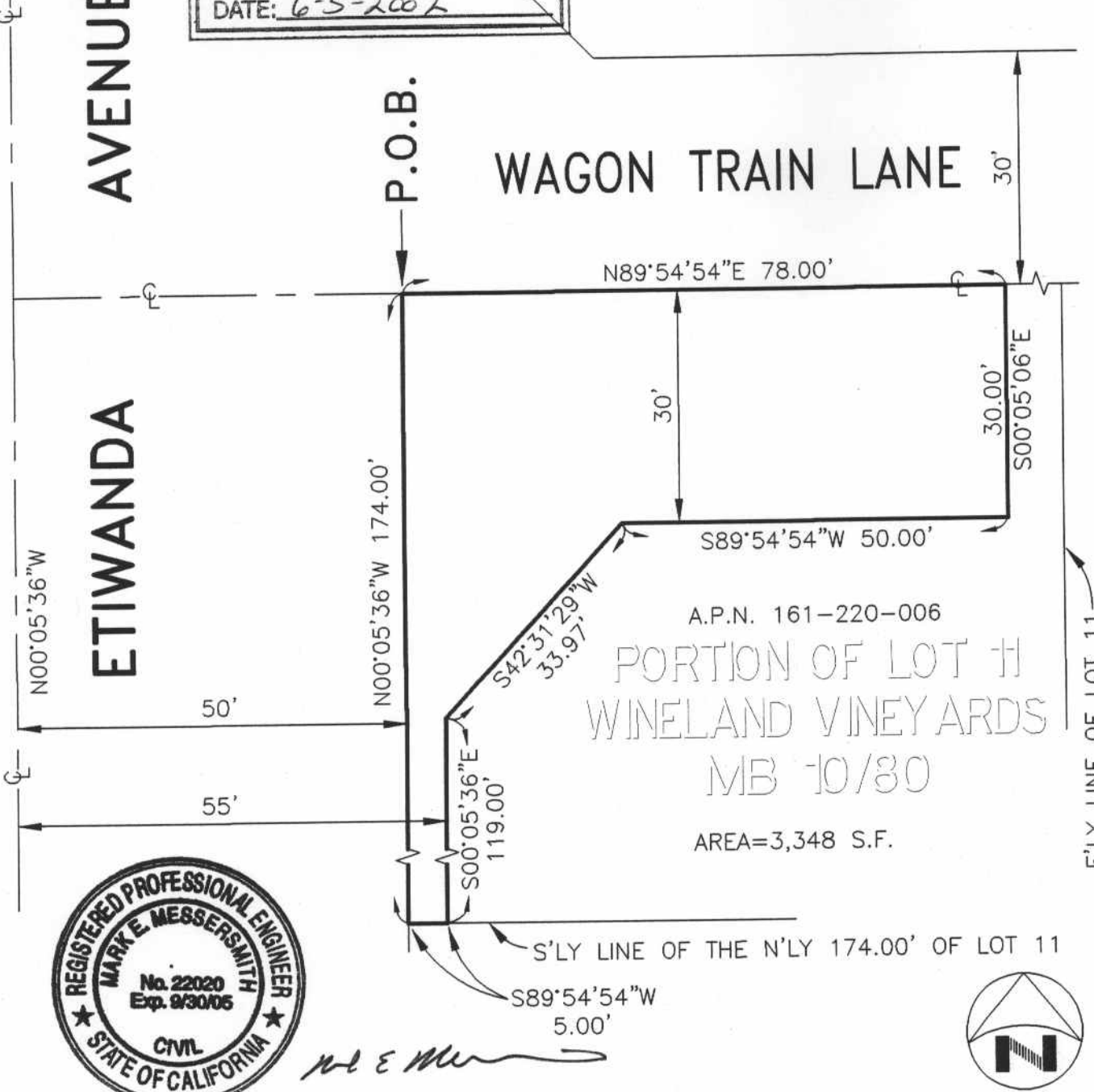
SEC. 21
 T. 2S., R. 6W., S.B.M.

AVENUE

ETIWANDA

WAGON TRAIN LANE

P.O.B.



A.P.N. 161-220-006
 PORTION OF LOT 11
 WINELAND VINEYARDS
 MB 10/80
 AREA=3,348 S.F.



Mark E. Messersmith



SHEET 1 OF 1

This Plat is Solely an Aid in Locating the Parcel(s) Described in the Attached Document. It is not a Part of the Written Description Therein.

PREPARED BY:
KRIEGER & STEWART INCORPORATED
 3602 University Ave. • Riverside, CA. 92501 • 909-684-6900

RIVERSIDE COUNTY REDEVELOPMENT AGENCY
 SUBJECT: ETIWANDA AVENUE
 RIGHT-OF-WAY ACQUISITION
 A.P.N. 161-220-006

EXHIBIT

B

SCALE: 1"=20' DATE: 12/4/01 DRAWN BY: MWE CHECKED BY: MEM W.O.: 807-12