

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9.1

9:30 a.m. being the time set for public hearing on Adoption of Resolution 2004-179, Authorizing Condemnation of Real Property for Street Widening Purposes, 2nd District, the Chairman called the matter for hearing.

The Chairman stated that there is a recommendation to continue this matter to June 15, 2004.

On motion of Supervisor Wilson, seconded by Supervisor Venable and duly carried, IT WAS ORDERED that the above matter is continued to Tuesday, June 15, 2004.

Roll Call:

Ayes: Buster, Tavaglione, Venable and Wilson
Noes: None
Absent: Ashley

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on May 18, 2004 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: May 18, 2004

Nancy Romero, Clerk to the Board of Supervisors, in

and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.

9.1

xc: Facil. Mgmt., Co.Co., COB

9.1

682



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

FROM: Department of Facilities Management

SUBMITTAL DATE:
April 15, 2004

SUBJECT: RESOLUTION NO. 2004-179, AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR STREET WIDENING PURPOSES 2nd SUPERVISORIAL DISTRICT

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2004-179, Authorizing Condemnation of Real Property for Road Purposes.

BACKGROUND: As a condition of approval for Tract Map 29213, Communities Southwest is planning to widen and improve the southeasterly corner of the intersection of Limonite Avenue and Wineville Avenue. An offer has been made to the property owner as required by Government Code Section 7267.2. Settlement has not been reached with the property owner, although negotiations are still in progress. The Board approved Resolution No. 2004-178, Notice of Intention to Condemn Real Property for Road Purposes, on April 20, 2004.

(Continued on Page 2)

Departmental Concurrence

MJS:JRF:db
8.978

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: Costs reimbursed 100% by developer.			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

Policy
 Policy

Consent
 Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 2

Agenda Number:

9.1

BOARD OF SUPERVISORS

Form 11: RESOLUTION NO. 2004-179, AUTHORIZING CONDEMNATION OF REAL PROPERTY
FOR STREET WIDENING PURPOSES FIRST SUPERVISORIAL DISTRICT

April 15, 2004

Page 2

BACKGROUND: (Continued)

The Board previously authorized the condemnation of the subject property pursuant to Resolution No. 2003-132. However, the Superior Court found the prior Resolution of Necessity improperly adopted and, thereby, requiring the Board to adopt the attached new Resolution.

Financial Data: All costs shall be borne by the developer.

2 RESOLUTION NO. 2004-179

3 AUTHORIZING CONDEMNATION OF REAL PROPERTY
4 FOR STREET WIDENING PURPOSES

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 May 18, 2004, as follows:

8 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
10 accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was
11 conducted by the Board of the matters contained herein.

12 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; Sections 940
14 and 943 of the Streets and Highways Code; Section 25350.5 of the Government Code;
15 Sections 1240.010, 1240.020, 1240.110, 1240.420 of the Code of Civil Procedure.

16 THAT, the public interest and necessity require the proposed project.

17 THAT, the use for which the real property is to be taken is for street widening
18 improvements, and for other uses incidental thereto and required thereby in order to
19 complete the project being known as the Widening of Wineville Avenue.

20 THAT, the property described herein is necessary for the proposed project.

21 THAT, the real property is located entirely within the boundaries of the County of
22 Riverside, State of California, generally described as a portion of Assessor's Parcel
23 Number 157-250-010, which is located in the Mira Loma area, Riverside County, and a
24 specific description of the real property and the interests sought to be condemned are
25 set forth in Exhibits "A" through "D", attached hereto and by this reference made a part
26 hereof.

27
28 THAT, the proposed project is planned and located in the manner that will

FORM APPROVED
COUNTY COUNSEL

APR 15 2004

B.T.M.

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

2 THAT, the property described in the Resolution is necessary for the proposed
3 project.

4 THAT, the offer required by Section 7267.2 of the Government Code has been
5 made to the owner or owners of record.

6 THAT, this Resolution shall supersede Resolution No. 2003-132 as adopted on
7 May 20, 2003, and subsequently revised on December 23, 2003.

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

10 To acquire in the name of the County, fee interests and a temporary construction
11 easement by condemnation in accordance with the Constitution and laws relating to
12 eminent domain.

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

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

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

22

JRF:db
4/15/04
8.977

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EXHIBIT "A"
STREET EASEMENT

That portion of Parcel 3 of Parcel Map No. 7139, as shown by map on file in Book 25 of Parcel Maps at page 65 thereof, Records of Riverside County, California, lying within Section 29, Township 2 South, Range 6 West, San Bernardino Meridian, described as follows:

BEGINNING at the northwest corner of said Parcel 3, said point also being the intersection of the southerly right of way line of Limonite Avenue (90.00 feet in half width) and the easterly right of way line of Wineville Avenue (20.00 feet in half width) as shown on said Parcel Map;

Thence North $89^{\circ}51'36''$ East along said southerly right of way line of Limonite Avenue, a distance of 24.00 feet to a point on a line, parallel with and distant east 24.00 feet, measured at right angles, from said easterly right of way line of Wineville Avenue;

Thence South $00^{\circ}08'17''$ East along said parallel line, a distance of 30.00 feet to the beginning of a tangent curve, concave to the west, having a radius of 1444.00 feet;

Thence southerly and southwesterly along said curve, to the right, through a central angle of $07^{\circ}30'26''$, an arc distance of 189.20 feet to the beginning of a reverse curve, concave to the east, having a radius of 1356.00 feet, the radial line from said point bears South $82^{\circ}37'51''$ East;

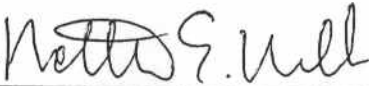
Thence southerly along said curve, to the left, through a central angle of $05^{\circ}02'32''$, an arc distance of 119.33 feet to a point on the southerly line of said Parcel 3, said point also being on the northerly right of way line of said 63rd Street (20.00 feet in width) of said parcel map;

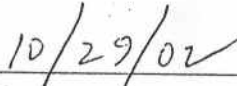
Thence South $89^{\circ}51'43''$ West along said south line of Parcel 3 and along said northerly right of way line of 63rd Street, a distance of 1.25 feet to a point on said easterly right of way line of Wineville Avenue, said point also being on the westerly line of said Parcel 3;

Thence North $00^{\circ}08'17''$ West along said easterly right of way line of Wineville Avenue and along said westerly line of Parcel 3, a distance of 337.50 feet to the **point of beginning**.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B"

PREPARED UNDER MY SUPERVISION :


Matthew E. Webb, L.S. 5529


Date




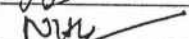
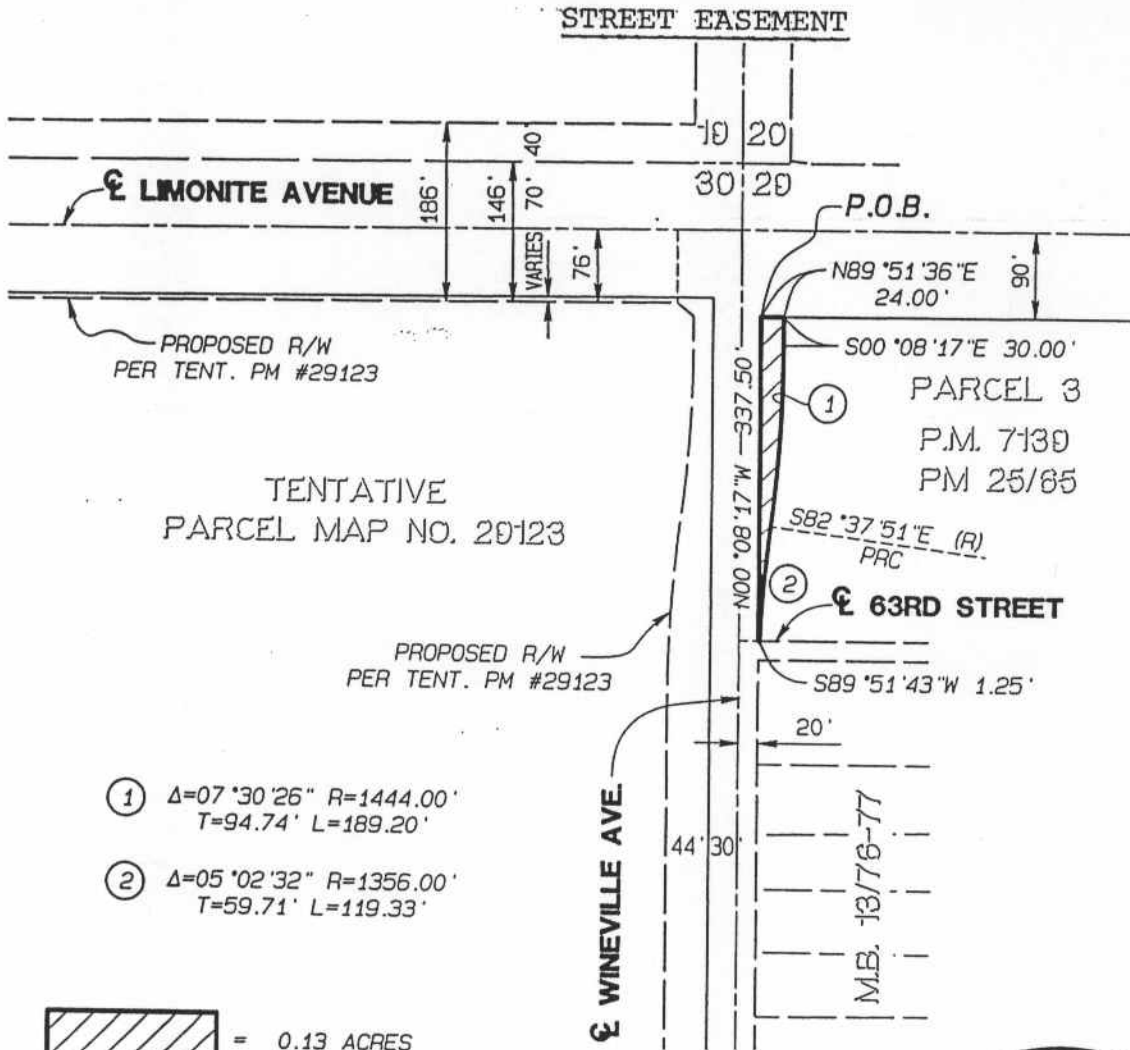
Prepared by: 
Checked by: 

EXHIBIT "B"

BEING A PORTION OF PARCEL 3 OF PARCEL MAP NO. 7139, AS SHOWN BY MAP ON FILE IN BOOK 25 OF PARCEL MAPS AT PAGE 65, THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 29, TOWNSHIP 2 SOUTH, RANGE 6 WEST, S.B.M.



- ① $\Delta=07^{\circ}30'26''$ $R=1444.00'$
 $T=94.74'$ $L=189.20'$
- ② $\Delta=05^{\circ}02'32''$ $R=1356.00'$
 $T=59.71'$ $L=119.33'$

= 0.13 ACRES
5612 SQ. FT.

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS



COUNTY OF RIVERSIDE

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.

SHEET 1 OF 1 99-376 EASEMENT.PRO

SCALE: 1" = 200'

DRWN BY AW DATE 10/29/02
CHKD BY NW DATE 10-29-02

SUBJECT: DEDICATION

EXHIBIT "C"

TEMPORARY CONSTRUCTION EASEMENT

That portion of Parcel 3 of Parcel Map No. 7139, as shown by map on file in Book 25 of Parcel Maps at page 65 thereof, Records of Riverside County, California, lying within Section 29, Township 2 South, Range 6 West, of the Jurupa Rancho, as shown by map on file in Book 9 of Maps at page 33 thereof, Records of San Bernardino County, California, said portion being a strip of land 15.00 feet wide, the westerly line of said strip being described as follows:

COMMENCING at the northwest corner of said Parcel 3, said point also being the intersection of the southerly right of way line of Limonite Avenue (90.00 feet in half width) and the easterly right of way line of Wineville Avenue (20.00 feet in half width) as shown on said Parcel Map;

Thence North $89^{\circ}51'36''$ East along said southerly right of way line of Limonite Avenue, a distance of 24.00 feet to the **TRUE POINT OF BEGINNING**, said point being on a line, parallel with and distant east 24.00 feet, measured at right angles, from said easterly right of way line of Wineville Avenue;

Thence South $00^{\circ}08'17''$ East along said parallel line, a distance of 30.00 feet to the beginning of a tangent curve, concave to the west, having a radius of 1444.00 feet;

Thence southerly along said curve, to the right, through a central angle of $07^{\circ}30'26''$, an arc distance of 189.20 feet to the beginning of a reverse curve, concave to the east, having a radius of 1356.00 feet, the radial line from said point bears South $82^{\circ}37'51''$ East;

Thence southerly along said curve, to the left, through a central angle of $05^{\circ}02'32''$, an arc distance of 119.33 feet to a point on the southerly line of said Parcel 3 and the **end of this line description**, said point also being on the northerly right of way line of said 63rd Street (20.00 feet in width) of said Parcel Map.

The easterly line of said strip of land shall be prolonged or shortened so as to terminate northerly on the northerly line of said Parcel 3 and southerly on said southerly line of said Parcel 3.

Containing 0.12 acres, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B"

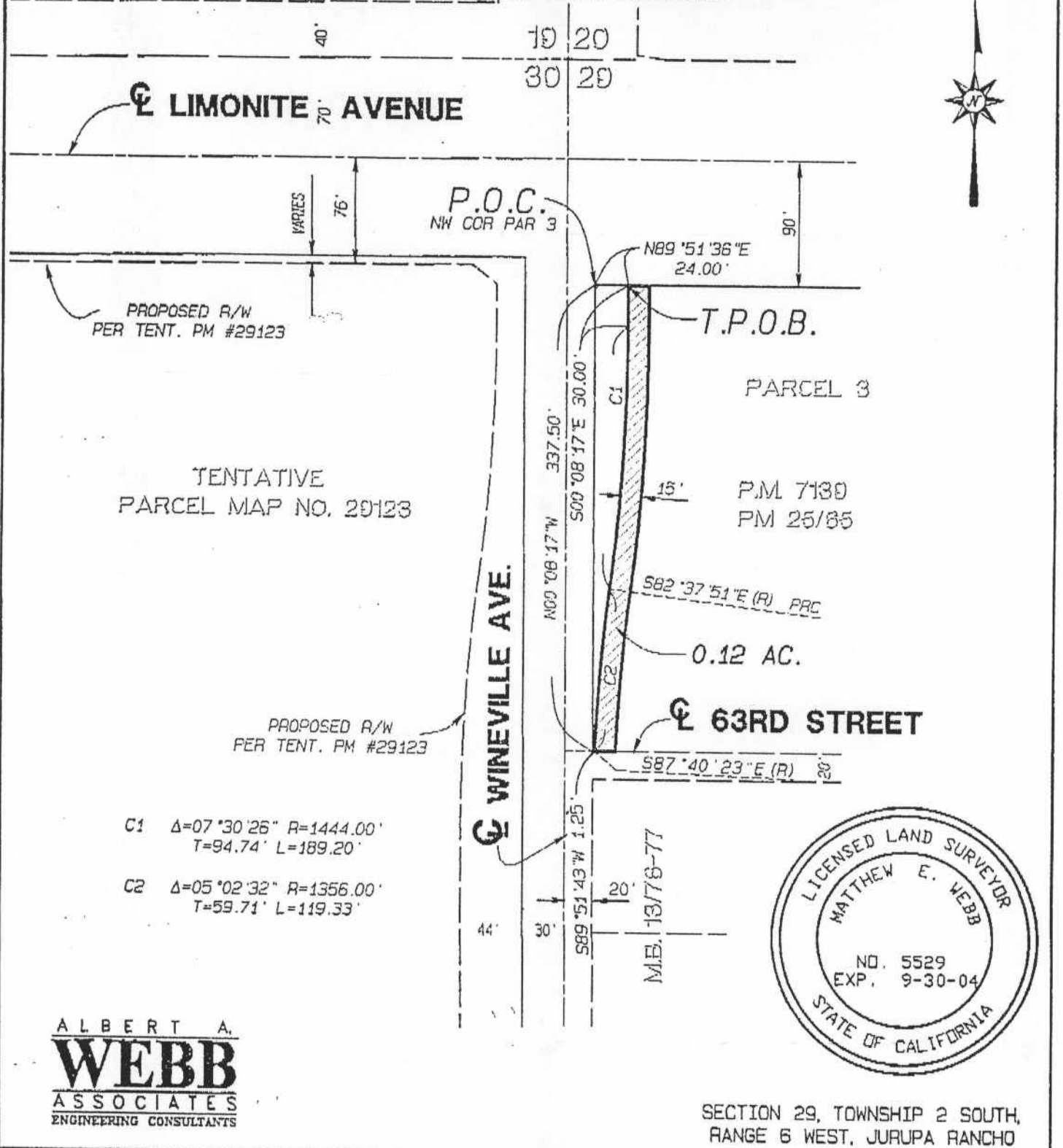
PREPARED UNDER MY SUPERVISION :

Matthew E. Webb, L.S. 5529



EXHIBIT "D"

TEMPORARY CONSTRUCTION EASEMENT



TENTATIVE
PARCEL MAP NO. 29123

PARCEL 3

P.M. 7139
PM 25/85

0.12 AC.

- C1 Δ=07°30'26" R=1444.00'
T=94.74' L=189.20'
- C2 Δ=05°02'32" R=1356.00'
T=59.71' L=119.33'



SECTION 29, TOWNSHIP 2 SOUTH,
RANGE 6 WEST, JURUPA RANCHO

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

COUNTY OF RIVERSIDE

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.		SHEET <u>1</u> OF <u>1</u>	W.O. 99-376
SCALE: 1"=100'	DRWN BY _____ DATE _____ CHKD BY _____ DATE _____	SUBJECT: TEMPORARY CONSTRUCTION EASEMENT	