

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

251



FROM: Redevelopment Agency

SUBMITTAL DATE:
August 31, 2004

SUBJECT: Adoption of RDA Resolution No.2004-33, Authorization to Condemn Real Property for the Rubidoux Health Clinic 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. 2004-32;
2. Adopt RDA Resolution No. 2004-33, Authorization to Condemn Real Property for the Rubidoux Health Clinic 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: On January 27, 2004, the Board of Directors of the Redevelopment Agency for the County of Riverside, approved the proposed three (3) acre site located on the southwest corner of Crestmore Road and Mission Boulevard for the Rubidoux Health Clinic Project. Assessor's Parcel Numbers 181-120-014 and 181-120-017 are part of the proposed three-acre site. (continued on next page)

Bradley J. Hudson

Bradley J. Hudson, Executive Director

BJH:RZ:BJG:AMV:AMGs
S:\RealProperty\Real Property\DIST2\04-2-253.condempckge.doc

FINANCIAL DATA	Current F.Y. Total Cost:	\$491,000.00	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:	2004/2005

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 checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Bronda King

- Dept' Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 4.3, 01/27/04

District: 2

Agenda Number:

4.1



**Form 11 – Adoption of RDA Resolution No. 2004-33, Authorization to Condemn Real
Property for the Rubidoux Health Clinic Project
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BACKGROUND (continued): The Agency has already acquired four (4) parcels at the southwest corner of Mission Boulevard and Crestmore Road. Assessor's Parcel Numbers 181-120-014 and 181-120-017 were identified as part of the proposed three (3) acre site. The subject parcels are also needed to accommodate the new Rubidoux Health Clinic.

The facility is anticipated to be approximately 30,000 square feet and may include multiple patient registration and administrative areas, waiting rooms, exam rooms, radiology, medical laboratory, nutrition services, medical supplies and equipment storage, medical records storage, restrooms, physician offices, classrooms, space for the Women, Infants, and Children (WIC) program, and possibly a retail pharmacy. The proposed services will benefit the public.

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. On August 10, 2004, the Board approved RDA Resolution No. 200-32, Notice of Intent to Condemn Real Property for the Rubidoux Health Clinic Project. Negotiations with the property owner will continue in hopes of reaching a mutually acceptable agreement.

2 RDA RESOLUTION NO. 2004-33
3 AUTHORIZATION TO CONDEMN REAL PROPERTY FOR THE
4 RUBIDOUX HEALTH CLINIC 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 September 14, 2004, as
8 follows:

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

13 2. That the authority for the Agency to acquire the real property by eminent
14 domain is contained in Article 1, Section 19 of the California Constitution; Title 7, Part III of the
15 Code of Civil Procedure; Sections 33342, and 33391 of the Community Development Law;
16 Section 25350.5 of the Government Code; Sections 1240.010 thru 1240.050, 1240.110 and
17 1240.420 of the Code of Civil Procedure.

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

19 4. That the use for which the real property is to be taken is for a health clinic,
20 and for other uses incidental thereto and required thereby in order to complete the project being
21 known as Rubidoux Health Clinic Project.

22 5. That the real property sought to be condemned is necessary for the
23 construction of the public improvement and is located in the Rubidoux area, generally described
24 as portion of Lot 5 of Evans Rio Rancho , in the County of Riverside, State of California, as per
25 Map recorded in Book 10, Pages 52, 53 and 54, inclusive of Maps, also known as Assessor's
26 Parcel Numbers 181-120-014 and 181-120-017, both of which are located within the Rubidoux
27 area, and a specific description of the real property and the interests sought to be condemned
28 are set forth in Exhibit "A", attached hereto and by this reference made a part hereof.

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 Redevelopment Agency, 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 into the County
12 Treasury and for an order permitting the Agency to take prejudgment possession and use the
13 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

JUL 30 2004

BY 
ASSISTANT COUNTY COUNSEL

EXHIBIT "A"

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

PARCEL 1:

THAT PORTION OF LOT 5 OF EVANS RIO RANCHO, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 10, PAGES) 52, 53 AND 54, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 5, DISTANT 20 FEET SOUTHEASTERLY FROM THE MOST NORTHERLY CORNER OF SAID LOT; THENCE SOUTH 57° 45' 30" EAST, ALONG THE NORTHEASTERLY LINE, 1153.3 FEET, FOR THE TRUE POINT OF BEGINNING, SAID POINT BEING THE MOST EASTERLY CORNER OF THAT CERTAIN 40.41 ACRE PARCEL OF LAND CONVEYED TO BELA C. CHATT AND CAROL B. CHATT, HIS WIFE, BY DEED RECORDED DECEMBER 17, 1945 AS INSTRUMENT NO. 1823 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE SOUTH 33° 02' WEST, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL SO CONVEYED, 195 FEET; THENCE NORTH 57° 45' 30" WEST, PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT 100 FEET; THENCE NORTH 33° 02' EAST, PARALLEL WITH SAID SOUTHEASTERLY LINE OF SAID 40.41 ACRE PARCEL, 195 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 5; THENCE SOUTH 57° 45' 30" EAST, ALONG SAID NORTHEASTERLY LINE, 100 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

THAT PORTION OF LOT 5 OF EVANS RIO RANCHO, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 10, PAGES) 52, 53 AND 54 INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHEASTERLY LINE OF SAID LOT, 20 FEET SOUTHEASTERLY FROM THE .MOST NORTHERLY CORNER THEREOF; THENCE SOUTH 57° 45' 30" EAST ALONG SAID NORTHEASTERLY LINE 1153.3 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE MOST EASTERLY CORNER OF THAT CERTAIN 40.41 ACRE PARCEL OF LAND CONVEYED TO BELA C. CHATT AND CAROL B. CHATT, HIS WIFE, BY DEED RECORDED DECEMBER 17, 1945 AS INSTRUMENT NO. 1823, OFFICIAL RECORDS; THENCE SOUTH 33° 02' WEST, ALONG THE SOUTHEASTERLY LINE OF SAID 40.41 ACRE PARCEL, 195 FEET; THENCE SOUTH 57° 45' 30" EAST PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT 38 FEET; THENCE NORTH 33° 02' EAST, PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID 40.41 ACRE PARCEL 195 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 38 FEET, TO THE TRUE POINT OF BEGINNING;

EXCEPTING THEREFROM THE SOUTHEASTERLY 1 FOOT.

PARCEL 3:

THAT PORTION OF LOT 5 OF EVANS RIO RANCHO, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 10, PAGES) 52, 53, AND 54 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY; DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 5, DISTANT 20 FEET SOUTHEASTERLY FROM THE MOST NORTHERLY CORNER OF SAID LOT; THENCE SOUTH 57° 45' 30" EAST, ALONG SAID NORTHEASTERLY LINE, 1153.3 FEET, SAID POINT BEING THE MOST EASTERLY CORNER OF THAT CERTAIN 40.41 ACRE PARCEL OF LAND CONVEYED TO BELA C. CHATT AND CAROL B. CHATT, HIS WIFE, BY DEED RECORDED DECEMBER 17, 1945 AS INSTRUMENT NO. 1823 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE SOUTH 33° 02' WEST, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL SO CONVEYED 195 FEET TO THE TRUE POINT OF BEGINNING. THENCE NORTH 57° 45' 30" WEST, PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT 100 FEET; THENCE SOUTH 33° 02' WEST 5 FEET TO A POINT ON THE SOUTHWEST LINE OF THAT CERTAIN PARCEL CONVEYED TO R. H. CRUMPACKER BY DEED RECORDED JUNE 30, 1947 AS INSTRUMENT NO. 4202, OFFICIAL RECORDS; THENCE SOUTH 57° 45' 30" EAST 100 FEET; THENCE NORTH 33° 02' EAST 5 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 4:

THAT PORTION OF THE SOUTHWESTERLY 10 FEET OF MISSION BOULEVARD (SHOWN AS STATE HIGHWAY, 100 FEET SIDE) ADJOINING THE NORTHEASTERLY LINE OF LOT 5 OF EVANS RIO RANCHO, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 10, PAGES) 52, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, AND LYING BETWEEN THE NORTHEASTERLY PROLONGATIONS OF THE RESPECTIVE NORTHWESTERLY AND SOUTHEASTERLY LINES OF THE PARCELS OF LAND CONVEYED TO HAROLD 7. ROOKEY AND MARY C. ROOKEY BY DEED RECORDED OCTOBER 2, 1947 AS INSTRUMENT NO. 157 AND BY DEED RECORDED AUGUST 19, 1953 AS INSTRUMENT NO. 40846 BOTH OF OFFICIAL RECORDS OF RIVERSIDE COUNTY,