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**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
September 28, 2004

SUBJECT: Sedco MDP Line E, Stage 1
Project No. 3-0-0145
Public Hearing to Condemn Real Property

RECOMMENDED MOTION:

Approve Resolution No. F2004-30, Authorizing Condemnation of Real Property for Flood Control Purposes.

BACKGROUND:

The District is planning to construct an earthen channel with appurtenances for the Sedco MDP Line E, Stage 1 project, thereby reducing flooding in the area of Mission Trail and Corydon Street in the City of Lake Elsinore. Negotiations have been conducted with all affected owners, but have not been successful. These negotiations will continue but in order to facilitate the construction of the flood control improvements in a timely manner, staff is requesting the adoption of Resolution No. F2004-30.

Warren D. Williams
Departmental Concurrence

GSW:ac

Warren D. Williams
WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$202,595.00 ¹	In Current Year Budget:	Yes
	Current F.Y. County Cost:	N/A	Budget Adjustment:	No
	Annual Net District Cost:	N/A	For Fiscal Year:	04-05

SOURCE OF FUNDS:			Positions To Be Deleted Per A-30	<input type="checkbox"/>
540040 25130 947440 Zone 3 Const/Maint/Misc. Land/Deposit with others (150100).			Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**

County Executive Office Signature *H. Sigmond*

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

1 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

2 RESOLUTION NO. F2004-30
3 AUTHORIZING CONDEMNATION OF REAL PROPERTY
4 FOR FLOOD CONTROL PURPOSES

5 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors
6 of RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, County
7 of Riverside, State of California, not less than two-thirds of all members concurring, in regular session
8 assembled on September 28, 2004, as follows:

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

13 2. That the authority for the District to acquire the real property by eminent domain is
14 contained in Article 1, Section 19 of the California Constitution; the California Water Code-Appendix,
15 Chapter 48, Section 48-9, Paragraph 9; Sections 1240.010, 1240.020, 1240.110 and 1240.410 of the Code
16 of Civil Procedure.

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

18 4. That the use for which the real property is to be taken is for the construction of a
19 public improvement consisting of an open channel and appurtenant works, for the control and flow of
20 floodwaters and for other uses incidental thereto and required thereby, in order to protect from damage,
21 life and property within the boundaries of the District, the project being known as Sedco MDP Line E
22 Storm Drain Project.

23 5. That the real property sought to be condemned is necessary for the construction of
24 the public improvement and is located entirely within the boundaries of the District's Zone 3, thereof, in
25 the County of Riverside, State of California, generally described as Parcels 3145-1A and 3145-1AT, also
26 known as APN 370-050-017; Parcels 3145-1B and 3145-1BT, also known as APN 370-050-018; Parcels
27 3145-2, and 3145-2T, also known as APN 370-030-012, and a specific description of the real property
28 and the interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this

1 reference made a part hereof.

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

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

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

8 1. To acquire in the name of the District, fee simple estate, easement and temporary
9 construction easements in said real property by condemnation in accordance with the Constitution and
10 laws relating to eminent domain.

11 2. To prepare and prosecute in the name of the District such proceedings in the proper
12 court having jurisdiction thereof as are necessary for such acquisition.

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

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

20
21 GW:ac

22 PC/90001

FORM APPROVED
COUNTY COUNSEL

AUG 25 2004

BY 
ASSISTANT COUNTY COUNSEL

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**Parcel 3145-1A
Sedco MDP Line E Stage 1**

Being a portion of Parcel 4, as shown on Record of Survey Book 73, page 44 records of Riverside County, within the City of Lake Elsinore, California, described as follows:

All that portion of said Parcel 4 lying Southwesterly of the following described line:

A line lying 60 feet Northeasterly of, parallel with and right angles to, the Southwesterly line of said Parcel 4.

Excepting therefrom that portion of Parcel 0710-049A as described in Instrument #467724, dated December 15, 1994, records of Riverside County, California.



A handwritten signature in black ink, appearing to read "D L Stone", written over a horizontal line.

DAVID L. STONE

Land Surveyor No. 4758

Signed For: Riverside County Flood Control
and Water Conservation District

Date: June 14, 2004

**Parcel 3145-1AT
Sedco MDP Line E Stage 1**

Being a portion of Parcel 4, as shown on Record of Survey Book 73, page 44 records of Riverside County, within the City of Lake Elsinore, California, described as follows:

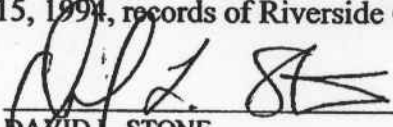
A 20 foot wide strip of land lying Northeasterly of the following described line:

A line lying 60 feet Northeasterly of, parallel with and right angles to, the Southwesterly line of said Parcel 4.

The sidelines of said strip to terminate at the Northerly and Southeasterly lines of said Parcel 4

Excepting therefrom that portion of Parcel 0710-049A as described in Instrument No. 467724, dated December 15, 1994, records of Riverside County, California.





DAVID L. STONE

Land Surveyor No. 4758

Signed For: Riverside County Flood Control
and Water Conservation District

Date: July 1, 2004

"EXHIBIT A"
PAGE 2 OF 6

**Parcel 3145-1B
Sedco MDP Line E Stage 1**

Being a portion of Parcel 5, as shown on Record of Survey Book 73, page 44 records of Riverside County, within the City of Lake Elsinore, California, described as follows:

All that portion of said Parcel 5 lying Southwesterly of the following described line:

A line lying 60 feet Northeasterly of, parallel with and right angles to, the Southwesterly line of Parcel 4 as shown on said Record of Survey.

Said Northeasterly line to extend Northwesterly to intersect with the Southerly and Westerly lines of said Parcel 5.



A handwritten signature in black ink, appearing to read "David L. Stone", written over a horizontal line.

DAVID L. STONE

Land Surveyor No. 4758

Signed For: Riverside County Flood Control
and Water Conservation District

Date: JUNE 14, 2004

**Parcel 3145-1BT
Sedco MDP Line E Stage 1**

Being a portion of Parcel 5, as shown on Record of Survey Book 73, page 44 records of Riverside County, within the City of Lake Elsinore, California, described as follows:

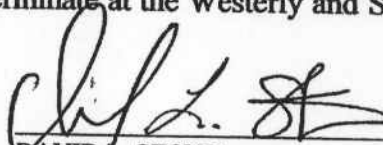
A 20 foot wide strip of land lying Northeasterly of the following described line:

A line lying 60 feet Northeasterly of, parallel with and right angles to, the Southwesterly line of Parcel 4 as shown on said Record of Survey.

Said Northeasterly line to extend Northwesterly to intersect with the Southerly and Westerly lines of said Parcel 5.

The sidelines of said strip to terminate at the Westerly and Southerly lines of said Parcel 5.





DAVID L. STONE

Land Surveyor No. 4758
Signed For: Riverside County Flood Control
and Water Conservation District

Date: July 1, 2004

Parcel 3145-2
Sedco MDP Line E Stage 1

Being a portion of Lot 1, as shown on Map Book 19, Page 37, records of Riverside County, California and Section 21, Township 6 South, Range 4 West, San Bernardino Base and Meridian and Lot 15 of Block G as shown on Map Book 6, Page 296, records of San Diego County, California, within the City of Lake Elsinore, California, described as follows:

Beginning at the Southwesterly corner of Parcel 4 as shown on Record of Survey Book 73, Page 44, records of Riverside County, California;

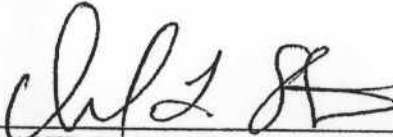
Thence North $52^{\circ}51'32''$ West 110.00 feet along the Westerly prolongation of the Southerly line of said Parcel 4;

Thence North $11^{\circ}37'19''$ East 66.49 feet and parallel with the Westerly line of said Parcel 4;

Thence South $52^{\circ}51'32''$ East 110.00 feet to the Westerly line of Parcel 5 as shown on said Record of Survey;

Thence South $11^{\circ}37'19''$ West 66.49 feet along the Westerly line of said Parcels 5 and 4, to the Point of Beginning.





 DAVID L. STONE

Land Surveyor No. 4758
 Signed For: Riverside County Flood Control
 and Water Conservation District

Date: July 1, 2004

Parcel 3145-2T
Sedco MDP Line E Stage 1

Being a portion of Lot 1, as shown on Map Book 19, Page 37, records of Riverside County, California and Section 21, Township 6 South, Range 4 West, San Bernardino Base and Meridian and Lot 15 of Block G as shown on Map Book 6, Page 296, records of San Diego County, California, within the City of Lake Elsinore, California, described as follows:

Beginning at the most Northerly corner of Parcel 3 as shown on Record of Survey Book 73, Page 44, records of Riverside County, California;

Thence South $37^{\circ}06'01''$ West 20.00 feet along the Westerly line of said Parcel 3;

Thence North $52^{\circ}51'32''$ West 122.63 feet;

Thence North $11^{\circ}37'19''$ East 110.81 feet;

Thence South $52^{\circ}51'32''$ East 132.16 feet to the Westerly line of Parcel 5 as shown on said Record of Survey;

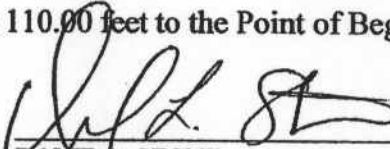
Thence South $11^{\circ}37'19''$ West 22.16 feet along said Westerly line;

Thence North $52^{\circ}51'32''$ West 110.00 feet;

Thence South $11^{\circ}37'19''$ West 66.49 feet and parallel with said Westerly line;

Thence South $52^{\circ}51'32''$ East 110.00 feet to the Point of Beginning.





 DAVID L. STONE

Land Surveyor No. 4758
 Signed For: Riverside County Flood Control
 and Water Conservation District

Date: July 1, 2004