

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

327



**FROM:** Economic Development Agency

**SUBMITTAL DATE:**  
June 29, 2005

**SUBJECT:** Adoption of Resolution No. 2005-297, Notice of Intent to Condemn Real Property for the Rubidoux Area 1 Street Improvement Project. Second Supervisorial District.

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt Resolution No. 2005-297, Notice of Intent to Condemn Real Property for the Rubidoux Area 1 Street Improvement Project; and
2. Set a public hearing for August 23, 2005 to hear comments from affected property owners; and
3. Authorize and direct the Clerk of the Board to give notice as required.

**BACKGROUND:** On October 19, 2004, the Board of Supervisors of the County of Riverside approved the Rubidoux Area 1 Street Improvement Project. This project is designed to increase safety for residents and students attending a nearby school by installing sidewalks, Americans with Disabilities Act compliant curb returns, gutters, driveway approaches and street lighting along various streets in the area leading to the school and has been planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

(Continued on Page 2)

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S:\RealProperty\Real Property\DIST2\05-2-377.F11

*Robin Zimpfer*  
\_\_\_\_\_  
Robin Zimpfer  
Interim Assistant County Executive Officer/EDA

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 21,223	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 21,223	Budget Adjustment:	No
	Annual Net County Cost:	\$	For Fiscal Year:	2005-2006

**COMPANION ITEM ON BOARD OF DIRECTORS AGENDA:** No

<b>SOURCE OF FUNDS:</b> Jurupa Valley Redevelopment Capital Improvement Funds	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

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

**County Executive Office Signature** *Bhonda King*

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

**Prev. Agn. Ref.:** **District: 2** **Agenda Number:**

June 29, 2005

Page 2

#### BACKGROUND (CON'T)

Of the 23 property owners affected by this project, 21 have signed acquisition agreements and easement deeds. In order to complete the project, it is necessary to acquire easements only along the street frontage from the two remaining property owners (one for approximately 1,360 square feet on Packard Street and the other for approximately 190 square feet on 35th Street). Offers have been made; however, a settlement has not yet been reached. Negotiations with said owners will continue in hopes of reaching a mutually satisfactory agreement. These acquisitions are necessary in order to complete construction of the sidewalks, curbs and gutters and to install street lighting. The project does not require the taking of any homes.

Guided by Government Code Section 7267: "In order to encourage and expedite the acquisition and relieve congestion in the courts, to assume consistent treatment for owners in the public programs, and to promote public land acquisition practices, public entities shall, to the greatest extent practicable be guided by the provision of Section 7267.1: 'The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation' ".

RESOLUTION NO. 2005-297  
NOTICE OF INTENTION TO CONDEMN REAL PROPERTY FOR  
THE RUBIDOUX AREA 1 STREET IMPROVEMENT PROJECT

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on July 26, 2005, and NOTICE IS HEREBY GIVEN as follows:

1. That this Board intends to adopt a resolution of necessity authorizing the condemnation of certain parcels of real property for the Rubidoux Area 1 Street Improvement Project (portions of Mintern, Packard, Arora and 35<sup>th</sup> Streets) described as a portion of Assessor's Parcel Numbers 179-160-017 and 179-191-022, both of which are shown on the Assessor's Map on file in the Office of the Clerk of the Board, and located in the Rubidoux area, and to hold a public hearing on August 23, 2005, at 9:30 a.m. in the meeting room of the Board of Supervisors located on the 1<sup>st</sup> floor, County Administrative Center, 4080 Lemon Street, Riverside, California, at which time each person whose real property is sought to be condemned and whose name and address appears on the last equalized County Assessment Roll and who has filed a timely written request to appear and be heard, will be given an opportunity to be heard on the following matters:

- a. Whether the public interest and necessity require the construction of the public improvement.
- b. Whether 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.
- c. Whether the real property sought to be acquired is necessary for the construction of the public improvement.

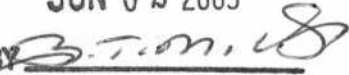
2. That the failure of any person, whose real property is sought to be condemned, to file a written request to appear and be heard with the Clerk of the Board within 15 days after a copy of the resolution is mailed to, or personally served upon such person, will result in his or her waiver of the right to appear and be heard.

1 BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a copy of  
2 this resolution and a copy of the Assessor's Map to be mailed to or personally served upon each  
3 person whose real property is sought to be condemned and whose name and address appears  
4 on the last equalized County Assessment Roll.

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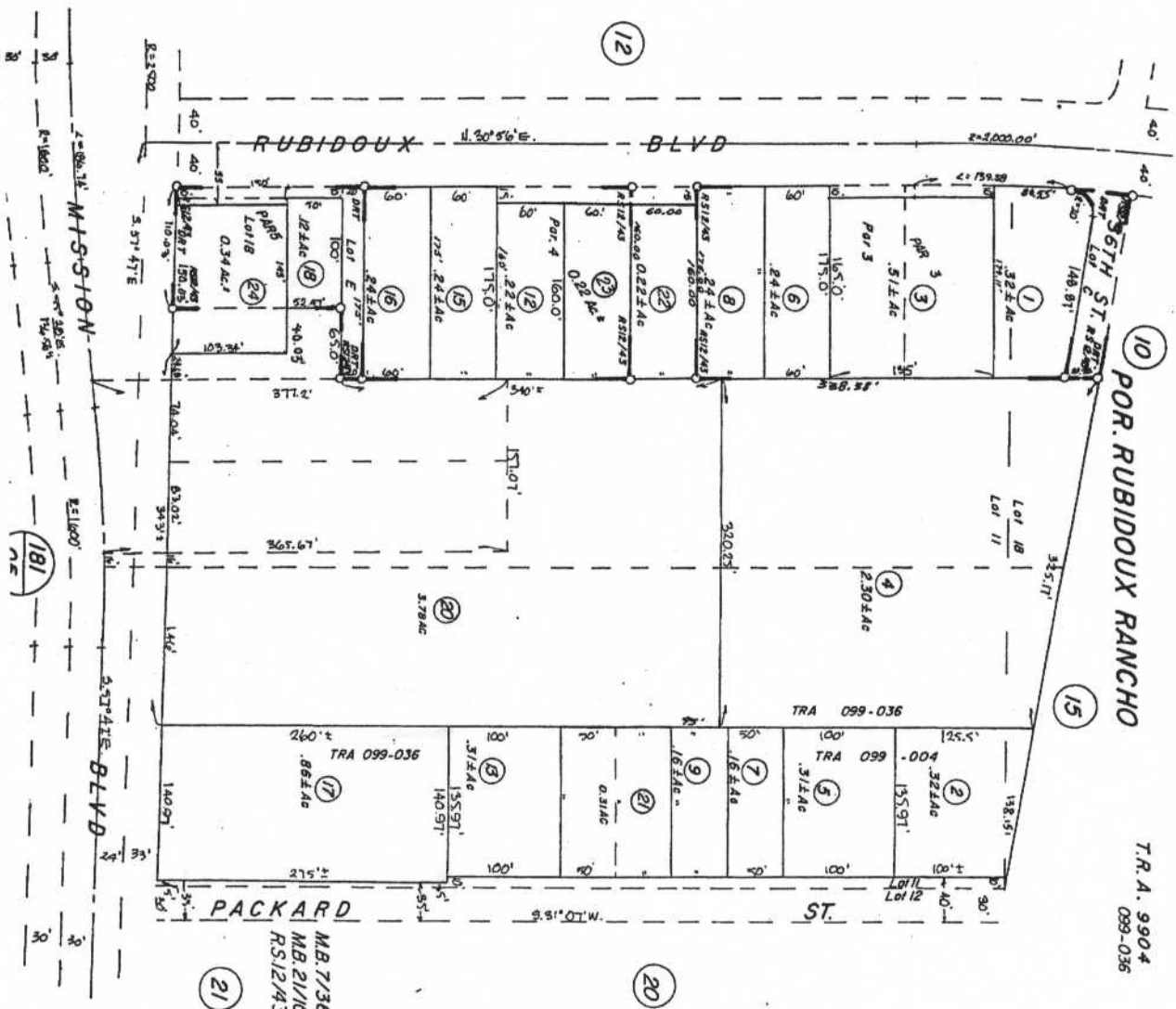
FORM APPROVED  
COUNTY COUNSEL

JUN 02 2005

BY 

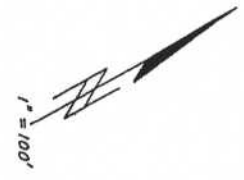
THIS MAP IS FOR  
ASSESSMENT PURPOSES ONLY

ASSESSOR'S MAP BK 179 PG 16  
RIVERSIDE COUNTY, CALIF.



T.R.A. 9904  
099-036

7-5-2  
179-16



MB 7/36 S. B Rubidoux Rancho  
MB 21/10 Dally Rancho Tract  
RS 12/43

DATE	QUANT.	REMARKS
1-78	14	80.41
11-79	10	81.52
8-82	11	83.52
1-88	18	84.57

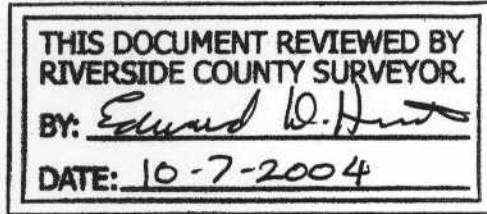


EXHIBIT "A"

RIGHT OF WAY LEGAL DESCRIPTION

PACKARD STREET

APN 179-160-017



THAT PORTION OF LOT 11 OF THE MILLER AND NEWMAN SURVEY OF RUBIDOUX RANCHO, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 36 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE MOST SOUTHERLY CORNER OF LOT 18 OF SAID MILLER AND NEWMAN SURVEY OF RUBIDOUX RANCHO, SAID CORNER ALSO BEING THE EASTERLY CORNER OF THE 2.79 AC. NET PARCEL AS SHOWN ON RECORD OF SURVEY ON FILE IN BOOK 6, PAGE 95, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY;

THENCE SOUTH 31°07' WEST, ALONG THE SOUTHEASTERLY LINE OF SAID 2.79 NET AC. PARCEL, A DISTANCE OF 500.00 FEET TO THE NORTHEASTERLY LINE OF DEED RECORDED JUNE 1, 1985, AS INSTRUMENT NO. 127874;

THENCE NORTH 58°53'00" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 5.00 FEET, TO A POINT ON A LINE PARALLEL WITH AND 10.00 FEET NORTHWESTERLY OF, MEASURED AT RIGHT ANGLES TO, SAID SOUTHEASTERLY RIGHT OF WAY LINE, SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING NORTH 58°53'00" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 8.00 FEET TO A LINE PARALLEL WITH AND 13.00 FEET NORTHWESTERLY OF, MEASURED AT RIGHT ANGLES TO, SAID SOUTHEASTERLY RIGHT OF WAY LINE;

THENCE SOUTH 31°07'00" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 170.00 FEET TO A LINE PARALLEL WITH AND 170.00 FEET SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF SAID DEED;

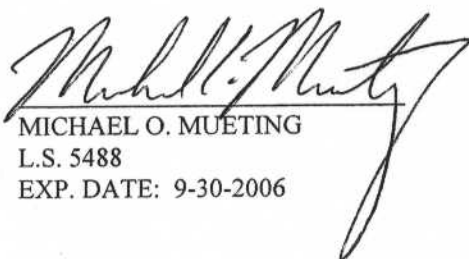
THENCE SOUTH 57°47'00" EAST, ALONG THE LINE PARALLEL WITH AND 170.00 FEET SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF SAID DEED, A DISTANCE OF 8.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 10.00 FEET NORTHWESTERLY OF, MEASURED AT RIGHT ANGLES TO, SAID SOUTHEASTERLY RIGHT OF WAY LINE;

THENCE NORTH 31°07'00" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 173.00 FEET TO A POINT ON SAID NORTHEASTERLY LINE OF DEED RECORDED JUNE 1, 1985, AS INSTRUMENT NO. 127874; THE **TRUE POINT OF BEGINNING**.

CONTAINS 1360 SQUARE FEET, MORE OR LESS.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B"

PREPARED UNDER MY SUPERVISION:

  
MICHAEL O. MUETING  
L.S. 5488  
EXP. DATE: 9-30-2006

10-1-04  
DATE



9/24/2004

# EXHIBIT "B"

## COUNTY OF RIVERSIDE

A PORTION OF LOT 11 OF THE MILLER AND NEWMAN SURVEY OF RUBIDOUX RANCHO, PER MAP RECORDED IN BOOK 7, PAGE 36 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA

APN 179-160-017



LOT 11  
RUBIDOUX RANCHO  
M.B. 7/36 S.B. CO.

SOUTHERLY CORNER LOT 18,  
RUBIDOUX RANCHO, M.B. 7/76  
& E'LY CORNER 2.79 AC NET  
PARCEL PER R.S. 6/95

PORTION OF LOT 11  
PER INST No. 127874  
RECORDED 6-01-85

NORTH LINE OF PARCEL  
CONVEYED TO THE STATE  
OF CALIFORNIA BY DEED  
ON FILE IN BOOK 468,  
PAGE 308, O.R.

SE'LY LINE OF  
PACKARD ST.  
A 30' R/W PER  
M.B. 15/86

SE'LY LINE 2.79 AC NET  
PARCEL PER R.S. 6/95



THIS DOCUMENT REVIEWED BY  
RIVERSIDE COUNTY SURVEYOR.  
BY: *Edward D. Hurd*  
DATE: 10-7-2004

TOWNSHIP 2 SOUTH, RANGE 5 WEST, SECTION 16



Prepared Under The Supervision Of:

*Michael O. Mueting*  
Michael O. Mueting  
LS 5488  
Exp. Date: 9-30-2004 Date: 10-1-04

**RICHARDS MUETING WILKES**  
PLANNING & ENGINEERING

6529 Riverside Ave., Ste. 115  
Riverside, CA 92506

Phone: (909) 276-8010 Fax: (909) 276-8013

**RIGHT-OF-WAY  
DEDICATION EXHIBIT**

EXHIBIT "A"

RIGHT OF WAY LEGAL DESCRIPTION

5459 35TH STREET

APN 179-191-022

THAT PORTION OF LOT 12 OF THE MILLER AND NEWMAN SURVEY OF RUBIDOUX RANCHO, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 36 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF 35<sup>TH</sup> STREET, A 50.00 FOOT WIDE STREET AS SHOWN ON THE WILSON SUBDIVISION OF A PORTION OF LOT 12 OF THE MILLER & NEWMAN SURVEY OF THE RUBIDOUX RANCHO, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 21, PAGE 13 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, ALSO BEING THE WESTERLY CORNER OF LOT 9 OF SAID WILSON SUBDIVISION;

THENCE NORTH 57°49'00" WEST ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 97.00 FEET FROM THE WESTERLY CORNER OF SAID LOT 9, TO THE SOUTHERLY CORNER OF THE LAND DESCRIBED IN INSTRUMENT NO. 28957, RECORDED MARCH 15, 1965, **THE TRUE POINT OF BEGINNING**;

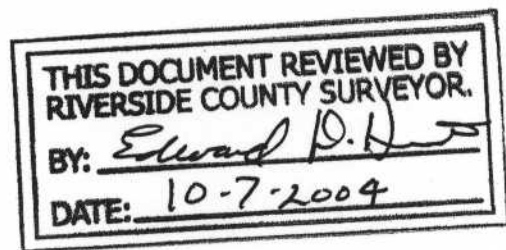
THENCE NORTH 32°47'00" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID LAND, A DISTANCE OF 4.77 FEET;

THENCE NORTH 51°52'56" WEST, A DISTANCE OF 8.67 FEET,

THENCE NORTHEASTERLY, ALONG A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 62.00 FEET, THROUGH A CENTRAL ANGLE OF 31°20'58", AN ARC DISTANCE OF 33.92 FEET, TO A POINT ON THE SAID NORTHEASTERLY RIGHT OF WAY LINE WITH THE RADIAL BEARING OF NORTH 6°46'06" EAST;

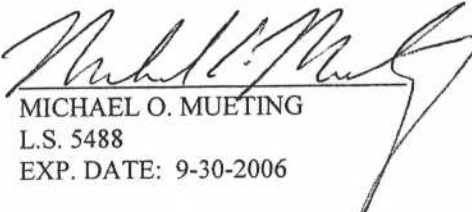
THENCE SOUTH 57°49'00" EAST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 41.60 FEET, TO **THE TRUE POINT OF BEGINNING**.

CONTAINS 190 SQUARE FEET, MORE OR LESS.



SEE PLAT ATTACHED HERETO AS EXHIBIT "B"

PREPARED UNDER MY SUPERVISION:

  
MICHAEL O. MUETING  
L.S. 5488  
EXP. DATE: 9-30-2006  
10-1-04  
DATE



9/24/2004

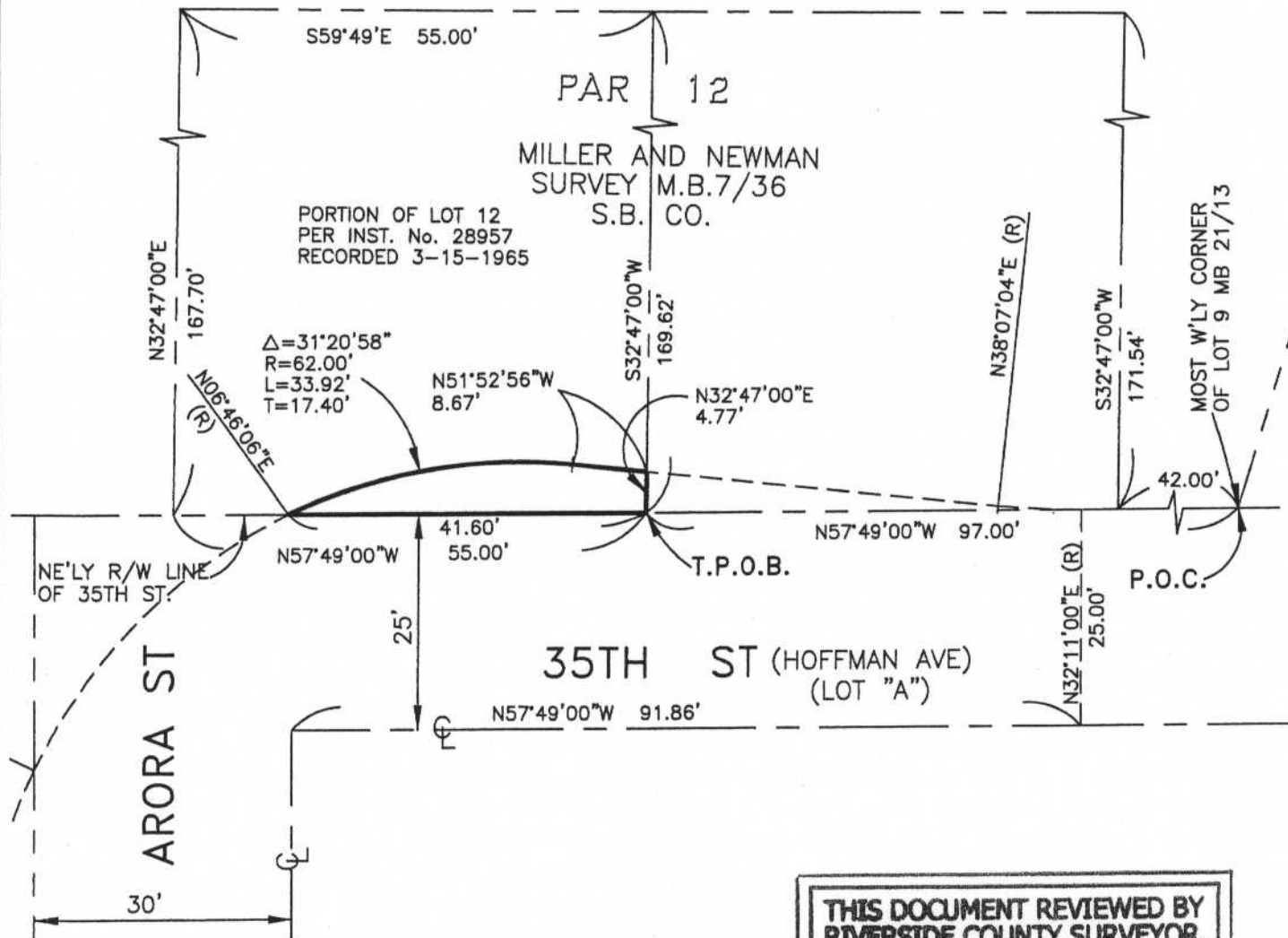
# EXHIBIT "B"

## COUNTY OF RIVERSIDE

A PORTION OF LOT 12 OF THE MILLER AND  
 NEWMAN SURVEY OF RUBIDOUX RANCHO, PER MAP  
 RECORDED IN BOOK 7, PAGE 36 OF MAPS,  
 RECORDS OF RIVERSIDE COUNTY, CALIFORNIA

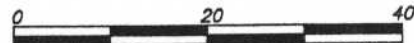
APN 179-191-022

1" = 20'



THIS DOCUMENT REVIEWED BY  
 RIVERSIDE COUNTY SURVEYOR.  
 BY: Eward P. Hunt  
 DATE: 10-7-2004

TOWNSHIP 2 SOUTH, RANGE 5 WEST, SECTION 16



Prepared Under The Supervision Of:  
Michael O. Mueting  
 Michael O. Mueting  
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