

878

Barry M. Chittre
Reviewed by
CIP TEAM

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

379



FROM: Department of Facilities Management


SUBMITTAL DATE:
July 18, 2005

SUBJECT: RESOLUTION NO. 2005-136, AUTHORIZING CONDEMNATION OF REAL PROPERTY/ SECOND SUPERVISORIAL DISTRICT

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2005-136, Authorizing Condemnation of Real Property for the County of Riverside Downtown Courts Project.

BACKGROUND: The property is known as APN 215-092-009, 215-092-010 and 215-092-011, consisting of a multi-tenant retail/office property with two buildings, totaling approximately 11,828 square feet of leaseable area situated on approximately 25,280 square feet or 0.58 acres, located at 4015-4053 Main Street within the City of Riverside, in the County of Riverside, across from the Historical Courthouse.

(Continued on Page 2)


MICHAEL J. SYLWESTER, Director
Department of Facilities Management

MJS:JMP:CNS:eo
9.572

Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$1,920,000.00	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ -0-	Budget Adjustment:	No
	Annual Net County Cost 04/05:	\$ -0-	For Fiscal Year:	05/06

SOURCE OF FUNDS: General Fund	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

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

BOARD OF SUPERVISORS

Form 11: RESOLUTION NO. 2005-134, AUTHORIZING CONDEMNATION OF
REAL PROPERTY/ SECOND SUPERVISORIAL DISTRICT

July 18, 2005

Page 2

BACKGROUND: (Continued)

This property is needed as an element in a complex series of transactions needed to implement a memorandum of understanding among the City of Riverside, County Law Library and the County of Riverside, designed to continue the development of the Downtown Courts District. The building will support Courts related services relocated from other areas nearby.

A settlement has not been reached with the property owner although negotiations are still in progress. Condemnation is needed to assure timely access to the property.

2 RESOLUTION NO. 2005-136

3 AUTHORIZING CONDEMNATION OF REAL PROPERTY

4
5 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the
6 Board of Supervisors of Riverside County, State of California, not less than four-
7 fifths of all members concurring, in regular session assembled on July 26, 2005, as
8 follows:

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

13 2. That the authority for the County to acquire the real property by
14 eminent domain is contained in Article 1, Section 19 of the California Constitution;
15 Section 25350.5 of the Government Code; Sections 1240.010, 1240.020, 1240.110,
16 and 1240.420 of the Code of Civil Procedure.

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

19 4. That the use for which the real property is to be taken is for the
20 development of the Riverside Downtown Courts Project, and for other uses
21 incidental thereto and required thereby in order to complete the project.

22 5. That the real property sought to be condemned is needed as an
23 element in a complex series of transactions designed to continue the development of
24 the Downtown Courts District and will support Courts related services relocated from
25

1 other areas nearby and is located entirely within the boundaries of the County of
2 Riverside, State of California, generally described as portions of Assessor's Parcel
3 Numbers 215-092-009, 215-092-010 and 251-092-011 consisting of a multi-tenant
4 retail/office property with two buildings, totaling approximately 25,280 square feet or
5 0.58 acres, and which are located at 4015-4053 Main Street within the City of
6 Riverside, in the County of Riverside, and a specific description of the real property
7 and the interests sought to be condemned are set forth in Exhibits "A" and "B",
8 attached hereto and by this reference made a part hereof.
9

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

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

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

17 1. To acquire in the name of the County, fee simple by
18 condemnation in accordance with the Constitution and laws relating to eminent
19 domain.

20 2. To prepare and prosecute in the name of the County such
21 proceedings in the proper court having jurisdiction thereof as are necessary for such
22 acquisition.

23 3. To make application to the Court for an order to deposit the
24 probable amount of compensation out of proper funds under the control of the
25

1 County into the County Treasury and for an order permitting the County to take
2 prejudgment possession and use the real property for the purpose of constructing
3 the public improvement.

4 4. To compromise and settle such proceedings, if such settlement
5 can be reached, and in that event, to take all necessary action to complete the
6 acquisition, including stipulations as to judgment and other matters, and causing all
7 payments to be made.
8

CNS:eo
37/18/05
3,573

9
10 APPROVED AS TO FORM:

11 JOE S. RANK
COUNTY COUNSEL

12 By: 
ASSISTANT COUNTY COUNSEL

EXHIBIT "A"

The southerly 10 feet of Lot 2, and Lots 3, 4, 5, 6, 7 and 8 of C. J. Gills Resubdivision of Block 10, Range 7, Riverside, as shown by map on file in Book 5, Page 71 of Maps, San Bernardino County Records.

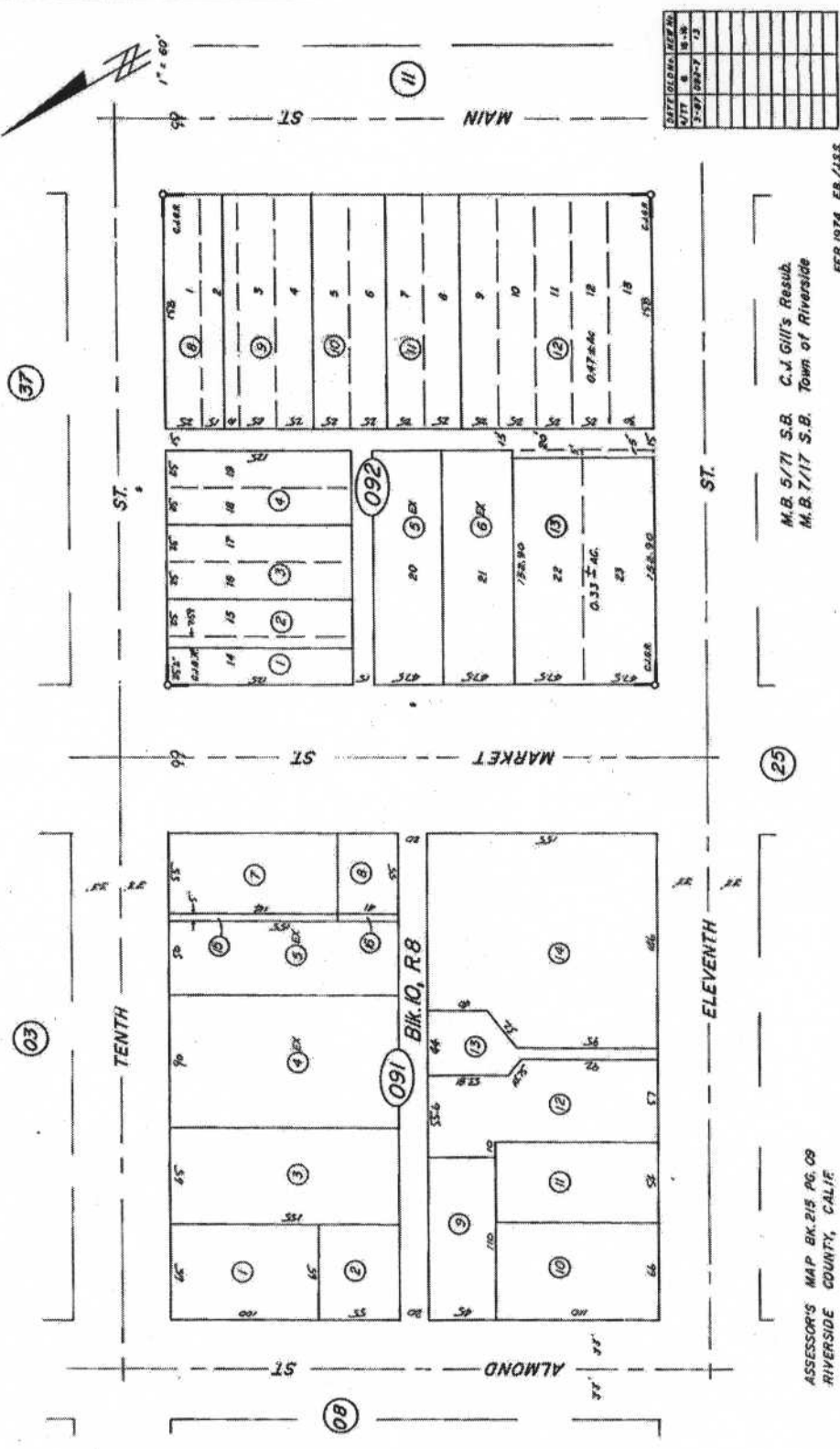
APNS: 215-092-009
215-092-010
215-092-011

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

POR. CITY OF RIVERSIDE
(BLK. 10, R. 7 & 8)

215-09

T.R.A. 914
S.33*

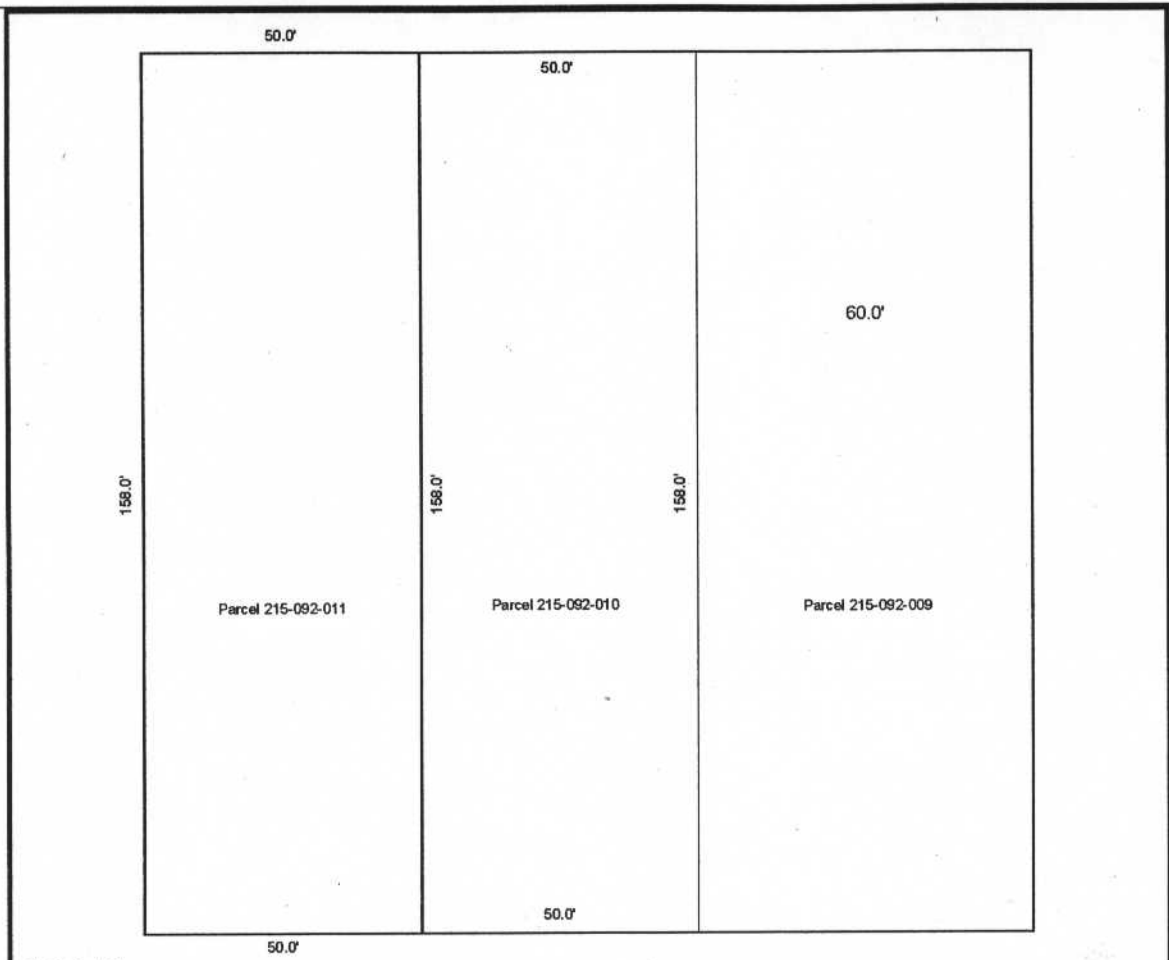


M.B. 5/71 S.B. C.J. Gill's Resub.
M.B. 7/17 S.B. Town of Riverside

FEB 1974 EB./125

ASSESSOR'S MAP BK. 215 PG. 09
RIVERSIDE COUNTY, CALIF.

PLAT MAP



Sketch by Apex IV™

Comments:

Parcel 215-092-009
 Beginning at a point of the Tract described by Metes and Bounds as follows:
 THENCE Due West, a distance of 60.0 Feet;
 THENCE Due South, a distance of 158.0 Feet;
 THENCE Due East, a distance of 60.0 Feet;
 THENCE Due North, a distance of 158.0 Feet to point of beginning;
 Said tract containing 0.2 acres (9480.0 sqft.) of land, more or less.
 Perimeter = 436.0 Feet
 No significant error of closure.

Parcel 215-092-010
 Beginning at a point of the Tract described by Metes and Bounds as follows:
 THENCE Due West, a distance of 50.0 Feet;
 THENCE Due South, a distance of 158.0 Feet;
 THENCE Due East, a distance of 50.0 Feet;
 THENCE Due North, a distance of 158.0 Feet to point of beginning;
 Said tract containing 0.2 acres (7900.0 sqft.) of land, more or less.
 Perimeter = 416.0 Feet
 No significant error of closure.

Parcel 215-092-011
 Beginning at a point of the Tract described by Metes and Bounds as follows:
 THENCE Due South, a distance of 158.0 Feet;
 THENCE Due West, a distance of 50.0 Feet;
 THENCE Due North, a distance of 158.0 Feet;
 THENCE Due East, a distance of 50.0 Feet to point of beginning;
 Said tract containing 0.2 acres (7900.0 sqft.) of land, more or less.
 Perimeter = 416.0 Feet
 Description truncated...

PROPERTY SKETCH