

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

413



**FROM:** County Counsel

**July 19, 2005**

**SUBJECT:** ADOPTION OF RESOLUTION NO. 2005-294 NOTICING THE INTENT TO AUTHORIZE THE FARM MUTUAL WATER COMPANY TO CONDEMN REAL PROPERTY

**RECOMMENDED MOTION:**

1. Set a public hearing for September 13, 2005 at 9:30 a.m. to hear the proposal to authorize the Farm Mutual Water Company the power to condemn certain property of Farm Property Owners Association.
2. Direct the Clerk of the Board to send notice to the Farm Property Owners Association.

Departmental Concurrence

**BACKGROUND:** In order to enable the Water Company the ability to receive a State Revolving fund loan for upgrading water facilities at the Farm, they need to have unencumbered title to the subject property. In order for a quasi public entity (i.e. the Farm Mutual Water Company) to condemn property, pursuant to California Code of Civil Procedure (C.C.P.) Section 1245.330 they must have been granted such authority by the Board of Supervisors. The C.C.P. further provides that the County will not be liable for any damages caused by the acquisition or the project.

Joe S. Rank, County Counsel  
Riverside County Counsel

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:
	Annual Net County Cost:	\$ 0	For Fiscal Year:

<b>SOURCE OF FUNDS:</b> N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

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

**County Executive Office Signature**

Dep't Recomm.:  Consent  Policy

Per Exec. Ofc.:  Consent  Policy

**Prev. Agn. Ref.:**

**District:** All

**Agenda Number:**

**3.16**

2 RESOLUTION NO. 2005-294

3 NOTICE OF INTENTION TO AUTHORIZE THE  
4 FARM MUTUAL WATER COMPANY TO  
5 CONDEMN REAL PROPERTY

6 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of  
7 Riverside County, State of California, in regular session assembled on August 9, 2005 and NOTICE IS  
8 HEREBY GIVEN as follows:

9 1. That this Board intends to adopt a resolution of necessity authorizing the condemnation of  
10 certain real property by the Farm Mutual Water Company for the purpose of securing a loan, increasing  
11 security and providing the Water Company the right to property upon which its facilities are located, and  
12 to hold a public hearing on September 13, 2005 at 9:30 a.m. in the meeting room of the Board of  
13 Supervisors located on the 1<sup>st</sup> floor of the County Administrative Center, 4080 Lemon Street, Riverside,  
14 California, at which time each person/entity whose real property is sought to be condemned and whose  
15 name and address appears on the last equalized County Assessment Roll and who has filed a timely  
16 written request to appear and be heard, will be given an opportunity to be heard on the following matters:

- 17 a. Whether the public interest and necessity require the proposed Project.  
18 b. Whether the proposed Project is planned and located in the manner that will be  
19 most compatible with the greatest public good and the least private injury.  
20 c. Whether the real property sought to be acquired is necessary for the proposed  
21 Project.

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

26 BE IT FURTHER RESOLVED, that the Clerk of the Board shall cause a copy of this resolution to  
27 be mailed to or personally served upon each person whose real property is sought to be condemned and  
28 whose name and address appears on the last equalized County Assessment Roll.