

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

600



FROM: Economic Development Agency

SUBMITTAL DATE:
August 10, 2005

SUBJECT: Adoption of Resolution No. 2005-298, Authorization to Condemn Real Property for the Rubidoux Area 1 Street Improvement Project in the Second Supervisorial District

RECOMMENDED MOTION: That the Board of Supervisors:

1. Hold a public hearing to hear comments from those persons affected by this project as stated in Resolution No. 2005-297; and
2. Adopt Resolution No. 2005-298, Authorization to Condemn Real Property for the Rubidoux Area 1 Street Improvement Project; and
3. Authorize and direct the Assistant County Executive Officer of the Economic Development Agency to take the necessary actions to proceed with Eminent Domain activities.

BACKGROUND: On July 12, 2005, the Board of Supervisors of the County of Riverside approved Resolution No. 2005-297, Notice of Intent to Condemn Real Property for the Rubidoux Area 1 Street Improvement Project.

(Continued on Page 2)

RZ:DL:TE:AMV:JS:kh

S:\RealProperty\Real Property\DIST\05-2-462.fm11.doc

Robin Zimpfer

Robin Zimpfer

Assistant County Executive Officer/EDA

FINANCIAL DATA	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:	\$ 0	For Fiscal Year:	2005-2006

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA:

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

Rhonda King

Policy

Consent

Dept. Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District:

Agenda Number:

August 10, 2005

Page 2

BACKGROUND (CON'T)

This project is designed to increase safety for residents and students attending a nearby school by installing sidewalks, American with Disabilities Act compliant curb returns, gutters, driveway approaches and street lighting along various streets in the area leading to the school. It has been planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

Of the 23 property owners affected by this project, 21 have signed the acquisition agreements and easement deeds. In order to complete the project, it is necessary to acquire easements only along the street frontage from the remaining two property owners (one for approximately 1,360 square feet on Packard Street and the other from approximately 190 square feet on 35th Street). 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.

Notice of today's hearing was given pursuant to Resolution No. 2005-297, adopted by the Board on July 12, 2005. The statutory offers were made to the property owners of the affected parcels, but no settlements have been reached. Negotiations will continue in hopes of reaching an agreement.

Staff recommends adoption of Resolution No. 2005-298 as proposed.

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3 RESOLUTION NO. 2005-298
4 AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR
THE RUBIDOUX AREA 1 STREET IMPROVEMENT PROJECT

5 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of
6 Supervisors of the County of Riverside, State of California, not less than four-fifths of all
7 members concurring, in regular session assembled on August 9, 2005, as follows:

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

12 2. That the authority for the County to acquire the real property by eminent
13 domain is contained in Article 1, Section 19 of the California Constitution; Section 102 of the
14 Streets and Highways Code; Section 25350.5 of the Government Code; Sections 1240.010,
15 1240.020, 1240.110 and 1240.420 of the Code of Civil Procedure.

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

17 4. That the use for which the real property is to be taken is for public road
18 and drainage purposes, and for other uses incidental thereto and required thereby in order to
19 complete the project known as the Rubidoux Area 1 Street Improvement Project.

20 5. That the real property sought to be condemned is necessary for the
21 construction of the public improvement and is located in the Rubidoux area of the County of
22 Riverside, State of California, generally described as a portion of Assessor's Parcel Numbers
23 179-160-017 and 179-191-022, both of which are located within Township 2 South, Range 5
24 West, Section 16 in Riverside County, and a specific description of the real property and the
25 interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this
26 reference made a part hereof.

27 6. That the public improvement is planned and located in the manner that

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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 County Counsel for the County of Riverside is hereby
5 authorized and empowered:

6 1. To acquire in the name of the County of Riverside, easements 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 County 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 County into the County
12 Treasury and for an order permitting the County 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

JUN 02 2005

BY B. T. [Signature]

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 35TH 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;

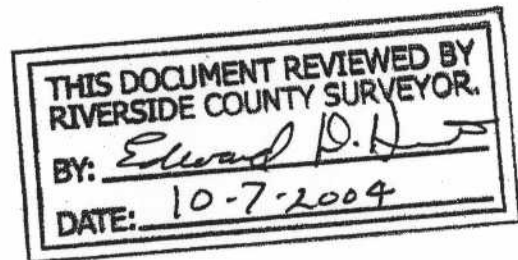
THENCE NORTH 32°47'00" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID LAND, A DISTANCE OF 4.77 FEET;

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:

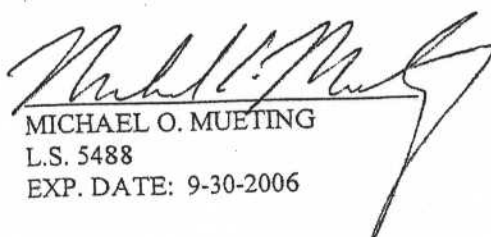

MICHAEL O. MUETING
L.S. 5488
EXP. DATE: 9-30-2006
10-1-04
DATE



EXHIBIT "A"

RIGHT OF WAY LEGAL DESCRIPTION

PACKARD STREET

APN 179-160-017

<p>THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR. BY: <u>Edward W. Hunt</u> DATE: <u>10-7-2004</u></p>

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;

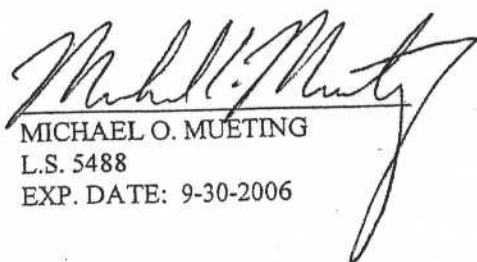
THENCE SOUTH 57°47'00" EAST, ALONG THE LINE PARALLEL WITH AND 170.00 FEET SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF SAID DEED, A DISTANCE OF 8.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 10.00 FEET NORTHWESTERLY OF, MEASURED AT RIGHT ANGLES TO, SAID SOUTHEASTERLY RIGHT OF WAY LINE;

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



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

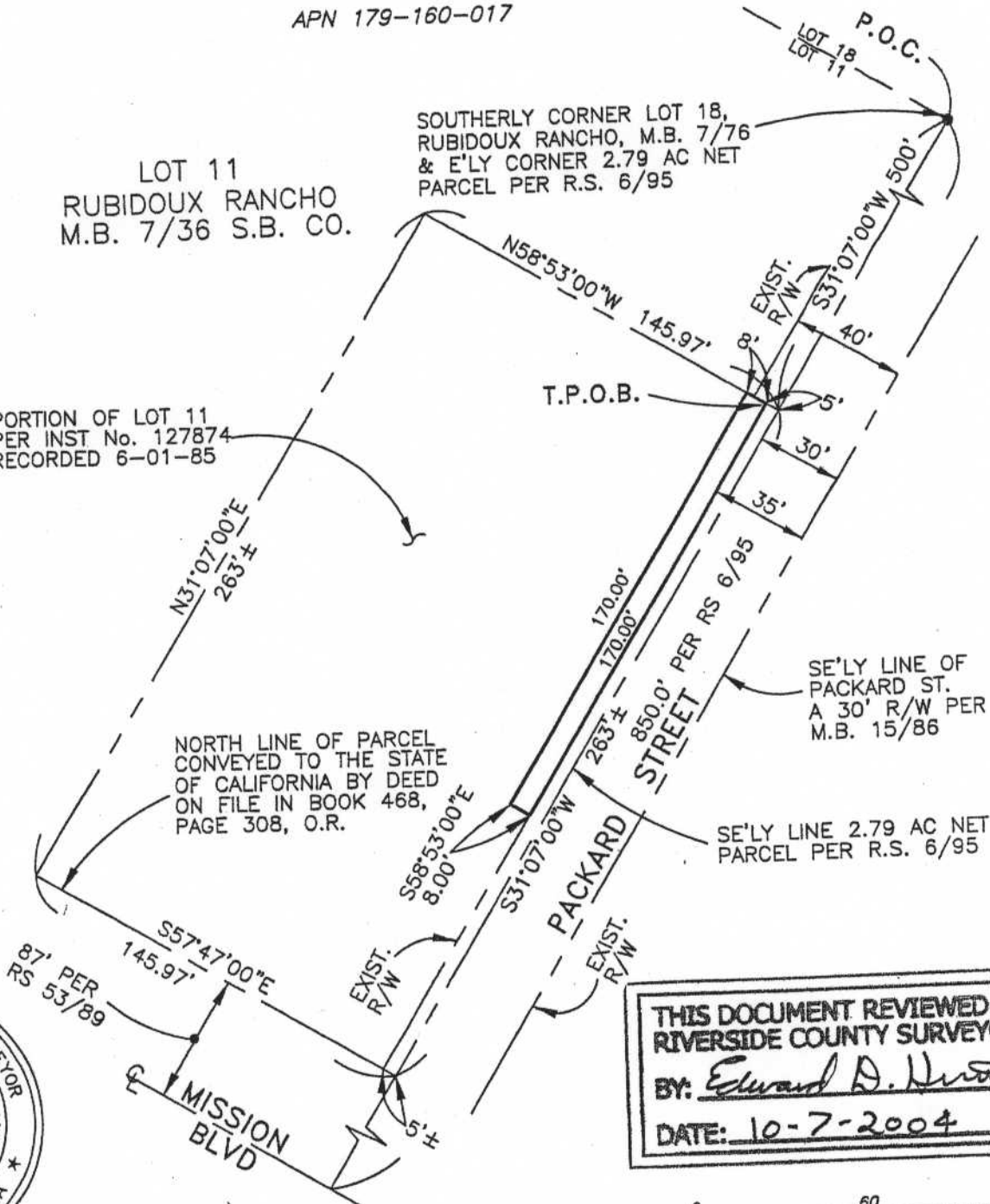
PORTION OF LOT 11
PER INST No. 127874
RECORDED 6-01-85

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



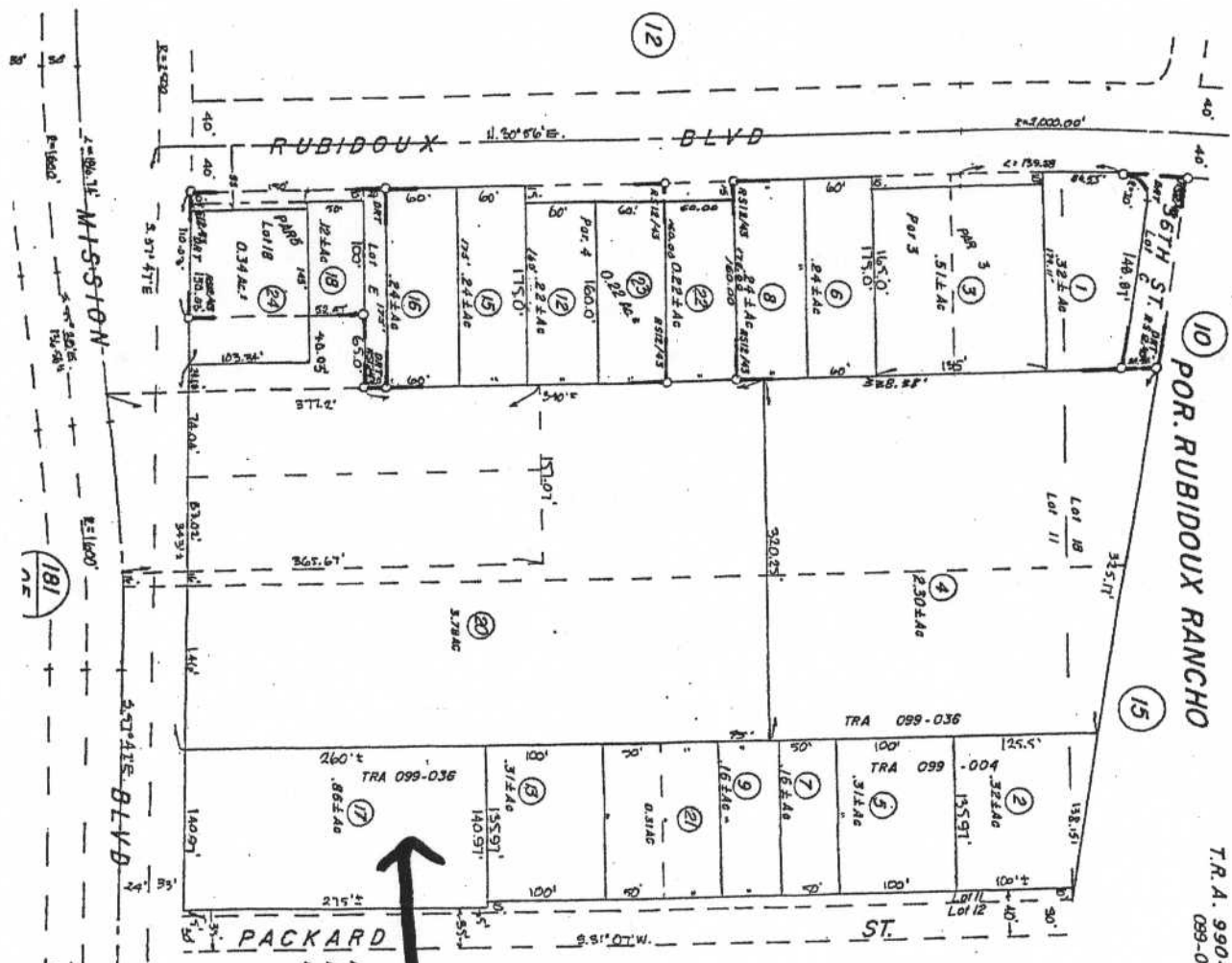
Prepared Under The Supervision Of:
Michael O. Mueting
Michael O. Mueting
LS 5488
Exp. Date: 9-30-2004 Date: 10-1-04

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

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

THIS MAP IS FOR
ASSESSMENT PURPOSES ONLY



10 POR. RUBIDOUX RANCHO
15

T.R.A. 9904
099-036

7-5-2
179-16

PIQ

M.B. 736 S.B. Rubidoux Rancho
M.B. 21/10 Daily Rancho Tract
RS12/43

DATE	OLD NO.	NEW NO.
1-78	16	80.81
11-79	16	80.81
5-82	11	83.52
1-88	18	84.27

