

2 RESOLUTION NO. 2005-295

3 AUTHORIZING THE FARM MUTUAL WATER COMPANY
4 TO CONDEMN REAL PROPERTY OF THE FARM
5 PROPERTY OWNERS ASSOCIATION

6 WHEREAS, The Farm Mutual Water Company (the Water Company) is a California
7 Corporation, and Quasi Public Utility as defined by California Code of Civil Procedure Section 1245.320,
8 that provides water and wastewater services to shareholders within a community known as "The Farm",
9 located in the unincorporated area of Wildomar in Riverside County; and

10 WHEREAS, the Farm Property Owners Association (FPOA) is a Non-Profit Mutual Benefit
11 Corporation that owns real property in The Farm on which the Water Company's facilities are located;
12 and

13 WHEREAS, the Board of Directors of the Water Company and FPOA have agreed to the transfer,
14 through the exercise of eminent domain, of FPOA land upon which the Water Company's facilities are
15 located to the Water Company for reasons including: securing a State Revolving Fund loan for which the
16 Water Company has received conditional approval to construct facilities for purposes including
17 substantially increasing fire flow capacity throughout The Farm; increased security concerning Water
18 Company facilities; and, implementing intentions from nearly 30 years ago when the Water Company was
19 incorporated to convey to the Water Company the real property upon which the Water Company's
20 facilities are located; and

21 WHEREAS, California Code of Civil Procedure Section 1245.330 prohibits a Quasi Public Utility
22 located in unincorporated territory from exercising the power of eminent domain unless and until the
23 Board of Supervisors consents to the acquisition of such property.

24 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Riverside County, State
25 of California, not less than four-fifths of all members concerning, assembled in regular session on
26 September 13, 2005, as follows:

- 27 1. That notice of intention to adopt this resolution was given to each person, whose
28 hereinafter described real property is to be acquired by eminent domain, in accordance

1 with Section 1245.350 of the Code of Civil Procedure and a hearing was conducted by the
2 Board of the matters contained herein.

- 3 2. The authority to acquire the real property by eminent domain is contained in Article 1,
4 Section 19 of the California Constitution; Section 2729 of the Public Utilities Code, and
5 Section 1245.310 et seq. of the Code of Civil Procedure.
- 6 3. The public interest and necessity require the proposed project for purposes of: securing a
7 low-interest State Revolving Fund loan to finance water system improvements to
8 substantially increase fire flow capacity for all residents within The Farm; increased
9 security concerning Water Company facilities; and, providing unencumbered title
10 necessary to effect the above (individually or collectively, "the Project");
- 11 4. The proposed Project is planned or located in the manner that will be most compatible with
12 the greatest good and least private injury because the facilities are presently, or will be,
13 located in a manner not inconsistent or in interference with current and future FPOA uses;
- 14 5. The property described herein in Exhibit "A" is necessary for the proposed Project because
15 the Water Company's facilities are or will be located on the property; and
- 16 6. The hardship to the Water Company if the acquisition of the property by eminent domain
17 is not permitted outweighs any hardship to the owner of such property because the
18 proposed Project benefits will not impose or lead to a burden on the property inconsistent
19 with or greater than the longstanding use of the property in connection with the Water
20 Company's facilities.

21 BE IT FURTHER RESOLVED, that in exercising the power of eminent domain, the Farm Mutual
22 Water Company:

- 23 1. Shall satisfy all requirements of law, including but not limited to Section 1240.030, of the
24 California Code of Civil Procedure.
- 25 2. Pursuant to California Code of Civil Procedure Section 1245.390, the County of Riverside
26 is not liable for any damages caused by the acquisition of the property or by the Project
27 for which it is acquired.

FARM MUTUAL WATER COMPANY

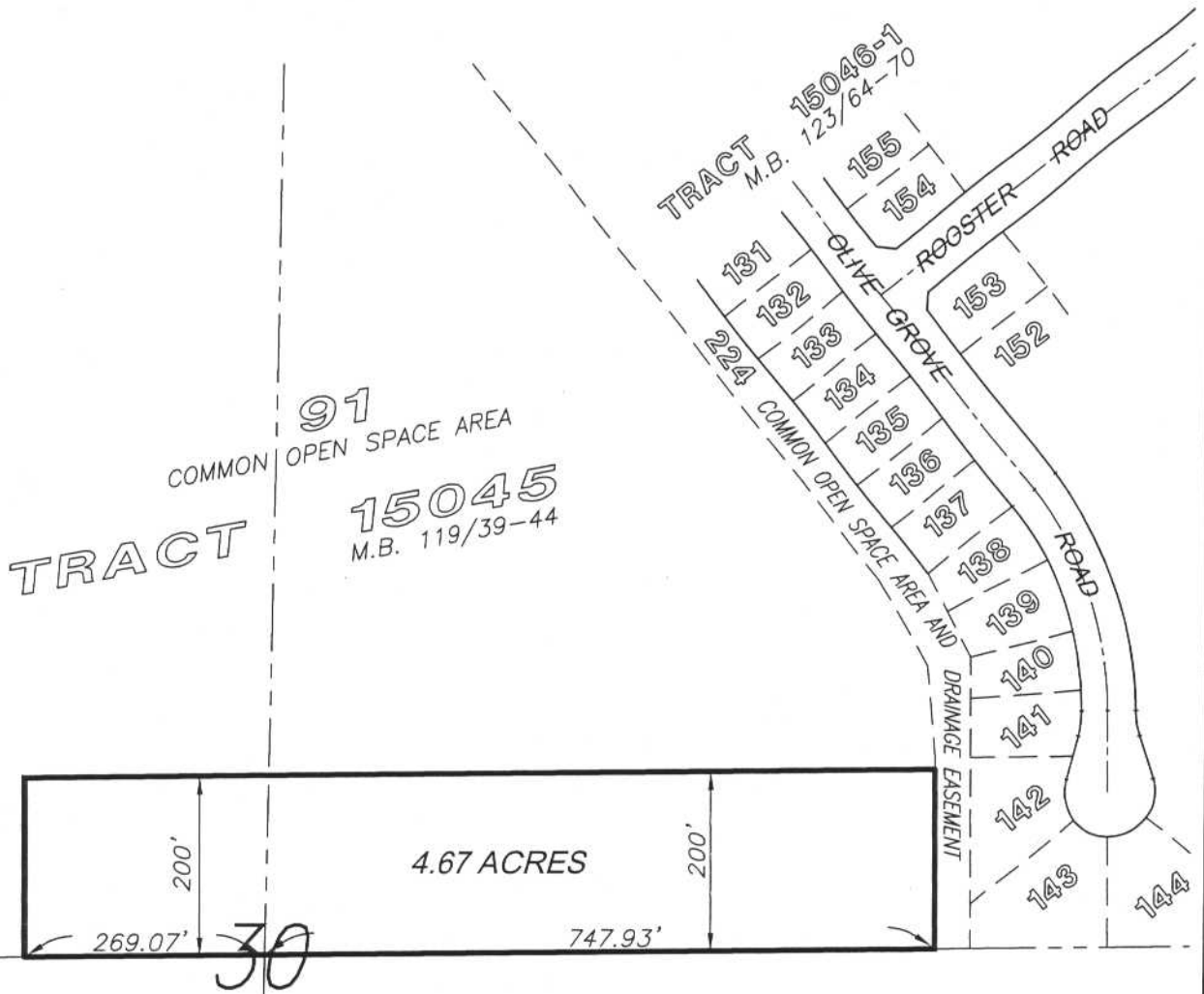
RESERVOIRS & ACCESS

IN SECTION 30, T.6S., R.3W., S.B.M.
A.P.N. 362-140-012 & 018

PREPARED BY:
CANTY ENGINEERING GROUP, INC.
2010 Iowa Avenue, Suite 110
Riverside, CA. 92507



SCALE: 1" = 200'



S. 1/2 SEC. 30, T.6S., R.3W., S.B.M.

W.O. 1165-003

FARM MUTUAL WATER COMPANY

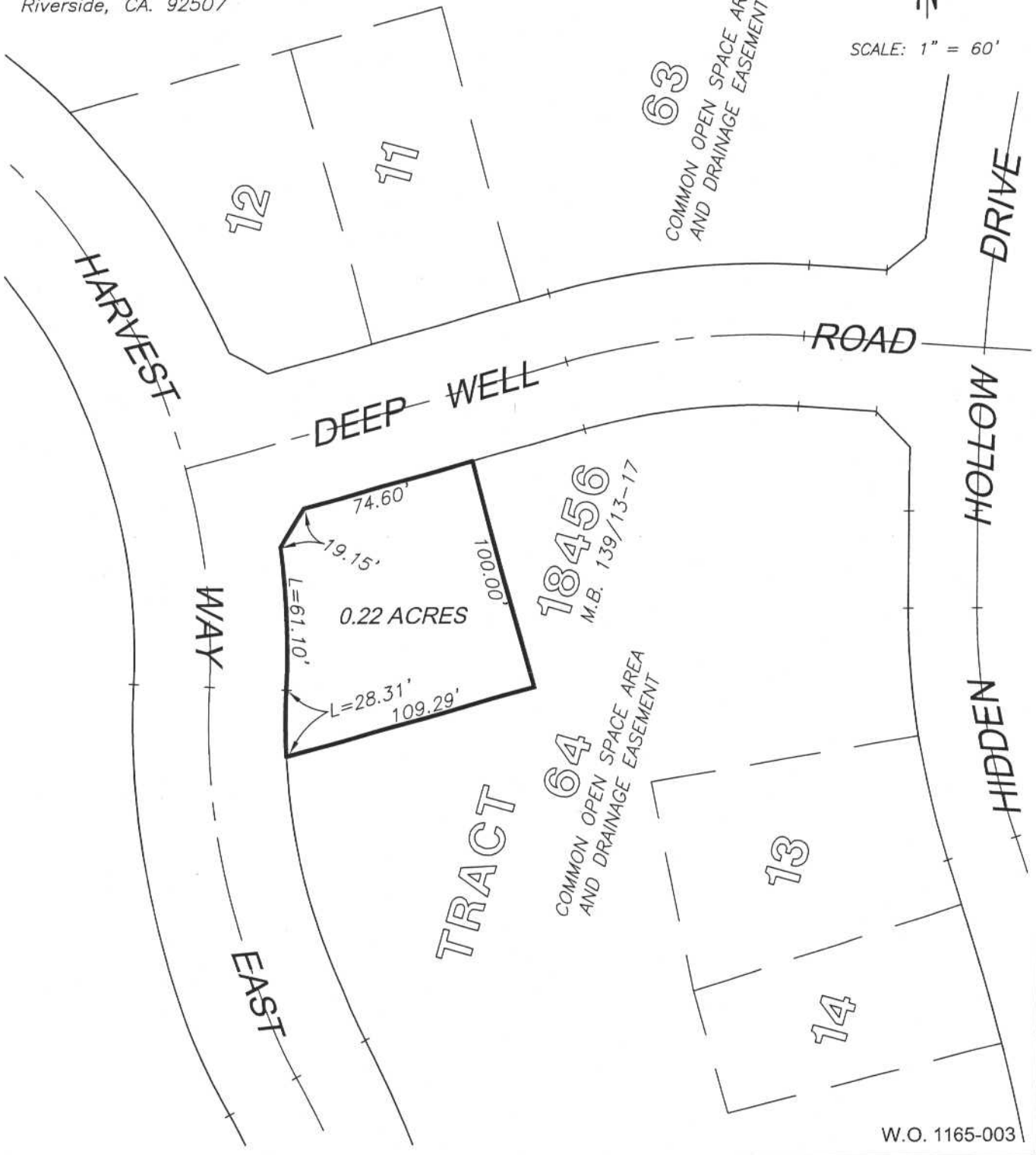
SEWER LIFT STATION No. 3

IN SECTION 19, T.6S., R.3W., S.B.M.
A.P.N. 362-100-045

PREPARED BY:
CANTY ENGINEERING GROUP, INC.
2010 Iowa Avenue, Suite 110
Riverside, CA. 92507



SCALE: 1" = 60'



**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.

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

Joe S. Rank, County Counsel
Riverside County Counsel

FINANCIAL DATA	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:

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

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

Lisa Brandl

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended, setting the matter for public hearing on Tuesday, September 13, 2005 at 9:30 a.m.

Ayes: Tavaglione, Stone and Wilson
 Nays: None
 Absent: Buster and Ashley
 Date: August 9, 2005
 xc: Co.Co., COB(2)

Nancy Romero
 Clerk of the Board
 By: *Shlemmer*
 Deputy

Prev. Agn. Ref.:

District: All

Agenda Number:

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

Departmental Concurrence