

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

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FROM: Economic Development Agency(EDA)

SUBMITTAL DATE:
August 10, 2005

SUBJECT: Adoption of Resolution No. 2005-401, Authorization to Condemn Real Property for the Valley Way/Armstrong Road Improvement Project. Second Supervisorial District

RECOMMENDED MOTION: That the Board of Supervisors:

1. Hold a public hearing to hear comments from the person affected by this project; and
2. Adopt Resolution No. 2005-401, Authorization to Condemn Real Property for the Valley Way/Armstrong Road Improvement Project; and
3. Authorize and direct the Executive Director of the Economic Development Agency to take the necessary actions to proceed with eminent domain activities.

Departmental Concurrence

BACKGROUND: The Valley Way/Armstrong Road Improvement Project consists of widening the road from two lanes to four lanes with a center turn lane and straightening of the curve for better line of sight, as well as sidewalks,
(continued on page 2)

Robin Zimpfer

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Robin Zimpfer
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 180,000	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2005-2006

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: Jurupa Valley Redevelopment 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 *Bronda King*

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

Prev. Agn. Ref.: 8/23/05 3.27 **District:** 2 **Agenda Number:**

BACKGROUND: (continued)

curbs and gutter improvements, and relocation of SCE power poles. These improvements will accommodate the increase in traffic from Granite Hill Drive to Sierra Avenue and will improve safety for both pedestrians and vehicular traffic. This project is included in the Transportation Improvement Program which was approved by the Board on August 9, 2003.

Several road designs were considered. The selected alternative expands the road to the west. This alternative requires only four residential acquisitions as compared to seventeen (17) if the road is expanded to the east, making this design planned and located with the least private injury and greatest public good.

In order to build this project, forty four (44) properties are impacted, of which thirty-two (32) agreements have been successfully negotiated, including the four residential properties. Of the remaining twelve (12) properties, five are for temporary construction easements (TCE) and the County is continuing to negotiate with those property owners.

Today's item pertains to Assessor Parcel Number (APN) 174-320-020. This property is located at the northwest corner of 34th Street and Armstrong Road and required the acquisition of a rental residence. The owner of the property has signed the acquisition agreement for the road improvements and overhead SCE easement and is on today agenda for approval. The tenant has been successfully relocated. Due to the critical path of construction the SCE easement needs to be acquired before any construction can start. Therefore, it is necessary to proceed with condemnation to ensure that this property is available in case unforeseen issues occur during escrow. Once escrow closes the condemnation action will be dismissed.

Notice of today's hearing was given pursuant to Resolution No. 2005-400 adopted by the Board on August 23, 2005. Staff recommends that the Board conduct the public hearing and adopt Resolution No. 2005-401 authorizing condemnation of the needed property.

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3 COUNTY RESOLUTION NO. 2005-401
4 AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR
5 VALLEY WAY/ARMSTRONG ROAD IMPROVEMENT PROJECT

6 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of
7 Supervisors for the County of Riverside, State of California, not less than four-fifths of all
8 members concurring, in regular session assembled on September 13, 2005, as follows:

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

13 2. That the authority for the County to acquire the real property by eminent
14 domain is contained in Article 1, Section 19 of the California Constitution; Title 7, Part III of the
15 Code of Civil Procedure; Sections 33342, 33367, and 33391 of the Community Development
16 Law; Section 25350.5 of the Government Code; Sections 1230.01 et seq.; and 1240.010 thru
17 1240.050, 1240.110 and 1240.420 of the Code of Civil Procedure, Section 940 and 943 of the
18 Streets and Highways Code.

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

20 4. That the use for which the real property is to be taken for, and for other
21 uses incidental thereto and required thereby in order to complete the project being known as
22 VALLEY WAY/ARMSTRONG ROAD IMPROVEMENT PROJECT.

23 5. That the real property sought to be condemned is necessary for the
24 construction of the public improvement and is located in the Jurupa Valley Project Area of the
25 County of Riverside, State of California, generally described as Assessor's Parcel Number 174-
26 320-020, which is located within the Jurupa Rancho area in Riverside County, and a specific
27 description of the real property and the interests sought to be condemned are set forth in Exhibit
28 "A", attached hereto and by this reference made a part hereof.

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

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

6 1. To acquire in the name of the County of Riverside, fee simple title,
7 easements and temporary construction easements by condemnation in accordance with the
8 Constitution and laws relating to eminent domain.

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

11 3. To make application to the Court for an order to deposit the probable
12 amount of compensation out of proper funds under the control of the County into the County
13 Treasury and for an order permitting the County to take prejudgment possession and use the
14 real property for the purpose of constructing the public improvement.

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

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FORM APPROVED
COUNTY COUNSEL

AUG 11 2005

BY B. T. M. J.

EXHIBIT "A"

FEE SIMPLE ESTATE in the real property in the Jurupa Valley area, County of Riverside, State of California, described as follows:

DESCRIPTION

PORTION OF TRACT NO. 2 OF A. C. ARMSTRONG ESTATES, MAP OF RESUBDIVISION OF LANDS FORMERLY BELONGING TO THE A. C. ARMSTRONG ESTATES ON FILE IN BOOK 6 PAGE 31 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA DESCRIBED AS FOLLOWS:

COMMENCING AT INTERSECTION OF THE SOUTHWEST LINE OF 34TH STREET AND THE NORTHWESTERLY LINE OF ARMSTRONG ROAD;
THENCE NORTH 34° 48' WEST (FORMERLY RECORDED NORTH 34° 47' WEST) ALONG THE SOUTHWESTERLY LINE OF 34TH STREET, 103.60 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 34° 48' EAST (FORMERLY RECORDED SOUTH 34° 47' EAST) ALONG THE SOUTHWEST LINE OF 34TH STREET, 103.60 FEET TO THE INTERSECTION HEREIN BEFORE REFERRED TO;
THENCE SOUTH 31° 32' WEST ALONG THE NORTHWEST LINE OF ARMSTRONG ROAD, 65 FEET; THENCE NOTTH 34° 48' WEST (FORMERLY RECORDED MARCH 34° 47' WEST) AND PARALLEL WITH THE SOUTHWEST LINE OF 34TH STREET TO A POINT ON A LINE THAT BEARS SOUTH 55° 13' WEST FROM THE TRUE POINT OF BEGINNING;
THENCE NORTH 55° 13' EAST TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DEEDED TO THE COUNTY OF RIVERSIDE BY DEED RECORDED DECEMBER 9, 1986 AS INSTRUMENT NO. 312768 OFFICIAL RECORDS.

AS MORE PARTICULARLY SHOWN ON
EXHIBIT "B" ATTACHED HERETO

