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

172



FROM: Department of Facilities Management and Transportation Department
SUBMITTAL DATE: September 12, 2005

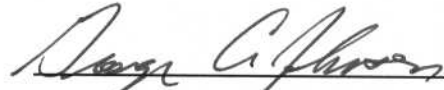
SUBJECT: RESOLUTION NO. 2005-283 AUTHORIZATION TO CONDEMN REAL PROPERTY FOR ROAD CONSTRUCTION PURPOSES / MIRA LOMA – STEVE AVENUE

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution No. 2005-283, Authorization to Condemn Real Property for Road Construction Purposes.

BACKGROUND: On September 13, 2005, the Board of Supervisors approved Resolution No. 2005-277, Notice of Intention to Condemn Real Property for Road Construction Purposes. As a condition of approval for Parcel Map 29950, developer Santiago Rafael is planning to extend Steve Avenue from 58th Street to 60th Street, in Mira Loma. An offer has been made to the property owner as required by Government Code 7267.2. Settlement has not been reached, although negotiation is still in progress. The Condemnation assures timely access to the needed property should a voluntary sale not be possible.

Departmental Concurrence


MICHAEL J. SYLVESTER, Director
Department of Facilities Management


GEORGE A. JOHNSON, Director
Department of Transportation

MJS:GAJ:JRF:eo
9.687

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 37,994.50	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: Developer	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

- Consent
- Policy
- Consent
- Policy

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

Prev. Agn. Ref.: 3.26, 9/13/2005

District: 2

Agenda Number:

9.1

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3 RESOLUTION NO. 2005-283

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5 AUTHORIZING CONDEMNATION OF REAL PROPERTY
6 FOR ROAD CONSTRUCTION PURPOSES
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10 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of
11 Supervisors of Riverside County, State of California, not less than four-fifths of all
12 members concurring, in regular session assembled on October 25, 2005, as follows:

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

17 2. That the authority for the County to acquire the real property by
18 eminent domain is contained in Article 1, Section 19 of the California Constitution;
19 Sections 940 and 943 of the Streets and Highways Code; Section 25350.5 of the
20 Government Code; Sections 1240.010, 1240.020, 1240.110 and 1240.420 of the Code
21 of Civil Procedure.

22 3. That the public interest and necessity require the proposed
23 project.

24 4. That the use for which the real property is to be taken is the
25 construction of road improvements, and for other uses incidental thereto and required

FORM APPROVED
COUNTY COUNSEL

SEP 21 2005

BY: 

1 thereby in order to complete the project being known as Steve Avenue, Parcel Map
2 29950.

3 5. That the real property sought to be condemned is necessary for
4 the construction of the public improvement and is located entirely within the
5 boundaries of the County of Riverside, State of California, generally described as
6 Assessor's Parcel Number 162-170-013, which is located within Mira Loma, Riverside
7 County, and a specific description of the real property and the interests sought to be
8 condemned are set forth in Exhibit "A", attached hereto and by this reference made a
9 part hereof.

10
11 6. That the public improvement is planned and located in the manner
12 that will be most compatible with the greatest public good and the least private 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 easements, in the name of the County, 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 County
25 into the County Treasury and for an order permitting the County to take prejudgment

1 possession and use the real property for the purpose of constructing the public
2 improvement.

3 4. To compromise and settle such proceedings, if such settlement
4 can be reached, and in that event, to take all necessary action to complete the
5 acquisition, including stipulations as to judgment and other matters, and causing all
6 payments to be made.
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10 JRF:eo
11 9/9/2005
12 123CC
13 9.686

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EXHIBIT "A"

**ROAD EASEMENT DEDICATION,
STEVE AVENUE**

THAT PORTION OF LAND, PER GRANT DEED RECORDED JULY 8, 1955 IN BOOK 1763 PAGE 133 AND PER GRANT DEED RECORDED MAY 4, 1966 AS INSTRUMENT NO. 46931 BOTH OF OFFICIAL RECORDS, LYING IN SOUTHWEST ONE QUARTER OF THE EAST ONE HALF OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 6 WEST, RIVERSIDE COUNTY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 1 OF PARCEL MAP 21102, ON FILE IN PARCEL MAP BOOK 136, PAGES 5 AND 6, OFFICIAL RECORDS OF RIVERSIDE COUNTY, SAID POINT BEING ON THE WESTERN RIGHT OF WAY LINE OF STEVE AVENUE 30 FOOT WIDE HALF WIDTH PER REFERENCE PARCEL MAP 21102.

THENCE N89°43'46"E, ALONG THE SOUTHERLY LINE OF LOT A OF SAID PARCEL MAP, A DISTANCE OF 30.00 FEET, TO THE **TRUE POINT OF BEGINNING**

THENCE CONTINUING N89°43'46"E, A DISTANCE OF 15.00 FEET, TO A LINE PARALLEL WITH AND 15 FEET EASTERLY OF, MEASURED AT RIGHT ANGLES TO THE EASTERLY LINE OF LOT 40, FAIRHAVEN FARMS RECORDED IN MAP BOOK 6, PAGE 2 OF MAPS, OFFICIAL RECORDS OR RIVERSIDE COUNTY,

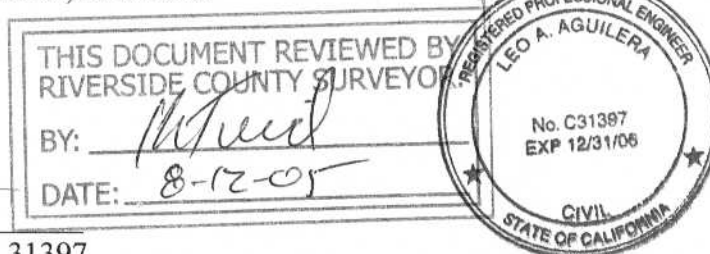
THENCE S00°16'46"E, A DISTANCE OF 634.73 FEET, ALONG SAID PARALLEL LINE TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF 60TH STREET A 25.00 FOOT HALF WIDTH AS SHOWN ON SAID PARCEL MAP NO. 21102 ,

THENCE S89°44'03"W, A DISTANCE OF 15.00 FEET, ALONG SAID RIGHT OF WAY TO A POINT ON THE EASTERLY LOT LINE OF SAID LOT 40, AS SHOWN ON SAID PARCEL MAP NO. 21102 ,

THENCE N00°16'46"W, A DISTANCE OF 634.73 FEET, ALONG EASTERLY LOT LINE OF LOT 40, AS SHOWN ON SAID PARCEL MAP NO. 21102 , TO THE **TRUE POINT OF BEGINNING**,

THE ABOVE DESCRIBED PARCEL CONTAINS 0.204 ACRES MORE OR LESS.

SEE EXHIBIT "B" ATTACHED, HERETO.



LEO A AGUILERA, R.C.E. 31397
EXP. DATE 12/31/06

