

**SUBMITTAL TO THE BOARD OF DIRECTORS OF THE
REDEVELOPMENT AGENCY
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

265



FROM: Redevelopment Agency

SUBMITTAL DATE:
December 30, 2005

SUBJECT: Public Hearing: Adoption of Resolution No. 2006-01, Authorization to Condemn Real Property for the Rubidoux Boulevard, State Route 60 On-ramp Improvements for the Emerald Meadows Ranch Project, Second Supervisorial District.

RECOMMENDED MOTION: That the Board of Directors:

1. Hold a public hearing to hear comments from those persons affected by this project as stated in Resolution No. 2006-01; and
2. Adopt Resolution No. 2006-01, Authorization to Condemn Real Property for the Rubidoux Boulevard, State Route 60 On-ramp Improvements for the Emerald Meadows Ranch Project; and
3. Authorize and direct the Executive Director of Redevelopment Agency to take the necessary actions to proceed with eminent domain activities.

BACKGROUND: On December 6, 2005, the Board of Directors approved the Notice of Intent to Condemn Real Property for the Rubidoux Boulevard, State Route 60 On-ramp improvements for the Emerald Meadows Ranch Project. To comply with the required conditions of development, this 1.02 acre, multi-unit

Departmental Concurrence

RZ:DL:TE:PKB:kh

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Robin Zimpfer

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Executive Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 1,210,000	In Current Year Budget:	Yes
	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 SUPERVISORS AGENDA:

SOURCE OF FUNDS: Initial funding provided with Jurupa Valley Redevelopment Capital Improvement Funds to be reimbursed by EMR Residential Properties, LLC	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	X

C.E.O. RECOMMENDATION:

APPROVE

Lisa Brandt

County Executive Office Signature

Policy Policy

Consent Consent

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

Prev. Agn. Ref.:

District: 2

Agenda Number:

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PKB:kh
11/21/05
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4.5

BACKGROUND (con't.)

industrial complex is needed to re-build the on-ramp to the State Route 60 Freeway connector.

On April 12, 2005, a formal written offer to purchase was presented to the property owner. To date, staff has tried unsuccessfully to negotiate a sale of the property. Furthermore, there are seven (7) tenants that occupy space in the complex, and five (5) have found replacement sites to relocate their respective businesses with assistance from the Agency. Staff is continuing to assist the remaining two (2) tenants to find replacement sites. Staff is also negotiating with the property owner to reimburse for the loss of rent until the time that the Redevelopment Agency obtains possession of the property.

It is further the intent of the Agency to continue to negotiate the acquisition of this property with the owner. The Agency is guided by Government Code Section 7267: "In order to encourage and expedite the acquisition and relive congestion in the courts, to assume consistent treatment for owners in the public programs, and to promote public land acquisition practices, public entities shall, to the greatest extent practicable, be guided by the provision of Section 7267.1, 'The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation.' "

If this item is approved, the Agency will proceed with eminent domain activities.

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3 RDA RESOLUTION NO. 2006-01
4 AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR
5 THE RUBIDOUX BOULEVARD, STATE ROUTE 60 ON-RAMP IMPROVEMENTS FOR THE
6 EMERALD MEADOWS RANCH PROJECT

7 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Directors
8 of the Redevelopment Agency for the County of Riverside, State of California, not less than
9 four-fifths of all members concurring, in regular session assembled on January 10, 2006, as
10 follows:

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

15 2. That the authority for the Agency to acquire the real property by eminent
16 domain is contained in Article 1, Section 19 of the California Constitution; Title 7, Part III of the
17 Code of Civil Procedure; Sections 33342, 33367, and 33391 of the Community Development
18 Law; Section 25350.5 of the Government Code; Sections 1230.01 et seq.; and 1240.010 thru
19 1240.050, 1240.110, 1240.410 and 1240.420 of the Code of Civil Procedure.

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

21 4. That the use for which the real property is to be taken is in order to
22 complete the project being known as the State Route 60 On-ramp Improvements to the Emerald
23 Meadows Ranch Project (the "Public Improvements").

24 5. That the real property sought to be condemned is necessary for the
25 construction of the Public Improvement and is located in the Jurupa Valley Redevelopment
26 Project Area of the County of Riverside, State of California, generally described as Assessor's
27 Parcel Number 179-130-006, in Riverside County, and a specific description of the real property
28 and the interests sought to be condemned are set forth in Exhibit "A", attached hereto and by
this reference made a part hereof.

1 6. That the Public Improvement is planned and located in the manner that
2 will be most compatible with the greatest public good and the least private injury.

3 7. Wholly apart from the justification for acquisition of the real property for
4 the Public Improvement, acquisition of the real property is also necessary and appropriate for
5 the elimination of blight and redevelopment purposes in conjunction with the proposed Emerald
6 Meadows Ranch redevelopment project that includes the real property that is the subject of this
7 resolution in a master planned site encompassing approximately 275 acres of total land (the
8 "Redevelopment Project"). The public interest and necessity also require the Redevelopment
9 Project, the Redevelopment Project is planned or located in the manner that will be most
10 compatible with the greatest public good and the least private injury, and the real property
11 described in this resolution is necessary for the proposed Redevelopment Project. The Agency
12 expressly finds that acquisition of the real property for the Public Improvement and acquisition of
13 the real property for the Redevelopment Project are separate and independent grounds for the
14 adoption of this resolution and that the Agency would make the findings and take the actions
15 authorized by this resolution based on either of these two alternative grounds without the other.

16 8. That the offer required by Section 7267.2 of the Government Code has
17 been made to the owner or owners of record.

18 BE IT FURTHER RESOLVED that the Agency Counsel of the Redevelopment Agency
19 for the County of Riverside is hereby authorized and empowered:

20 1. To acquire in the name of the Redevelopment Agency, fee simple title (or
21 other interests) by condemnation in accordance with the Constitution and laws relating to
22 eminent domain.

23 2. To prepare and prosecute in the name of the Agency such proceedings in
24 the proper court having jurisdiction thereof as are necessary for such acquisition.

25 3. To make application to the Court for an order to deposit the probable
26 amount of compensation out of proper funds under the control of the Agency into the County
27 Treasury and for an order permitting the Agency to take prejudgment possession and use the
28 real property for the purpose of constructing the Public Improvement and other lawful

1 redevelopment purposes.

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

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FORM APPROVED
COUNTY COUNSEL

JAN 04 2006

BY Joe S. Rad

EXHIBIT "A"

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

Parcel 1 of Parcel Map 6868, in the County of Riverside, State of California, as per Map recorded in Book 24, page(s) 53 and 54, of Parcel Maps, in the Office of the County Recorder of said County.