



MEMORANDUM

RIVERSIDE COUNTY EXECUTIVE OFFICE

Larry Parrish
County Executive Officer

January 17, 2006

TO: Nancy Romero
Clerk of the Board

FROM: Ken Mohr, Assistant CEO

RE: CONTINUANCE

Please continue the following item for one week:

Resolution 2005-496, Condemn Real Property for Storm
Drain Purposes (3.49 -12/20/05)

953

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



FROM: Department of Facilities Management/Department of Transportation **SUBMITTAL DATE:**
November 30, 2005

SUBJECT: RESOLUTION NO. 2005-496 NOTICE OF INTENTION TO CONDEMN REAL PROPERTY FOR STORM DRAIN PURPOSES – K. HOVNANIAN/FORECAST HOMES, INC. – THIRD SUPERVISORIAL DISTRICT

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution No. 2005-496, Notice of Intention to Condemn Real Property for Storm Drain Purposes, and to set a public hearing for Resolution No. 2005-497, Authorizing Condemnation of Real Property for Storm Drain Purposes, on January 24, 2006.

BACKGROUND: (Continued on Page 2)

Departmental Concurrence

Michael J. Sylvester
MICHAEL J. SYLVESTER, Director
Department of Facilities Management

George A. Johnson
GEORGE A. JOHNSON, Director
Department of Transportation

MJS:SAV:pc
9.780

| | | | | |
|-----------------------|--------------------------------------|-----------|--------------------------------|-------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 22,950 | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ -0- | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ -0- | For Fiscal Year: | 05/06 |

| | | |
|---|---|-------------------------------------|
| SOURCE OF FUNDS: Costs reimbursed to County Counsel 100% by developer. | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input checked="" type="checkbox"/> |

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

Lisa Brandl
County Executive Office Signature

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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above resolution of intention is adopted, and that the public hearing is scheduled for Tuesday, January 24, 2006 at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley
 Nays: None
 Absent: None
 Date: December 20, 2005
 xc: Facil. Mgmt., Transp., *QOB*

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

Prev. Agn. Ref.: | District: 3 | Agenda Number:

BOARD OF SUPERVISORS

Form 11: RESOLUTION NO. 2005-496 NOTICE OF INTENTION TO CONDEMN
REAL PROPERTY FOR STORM DRAIN PURPOSES – K. HOVNANIAN /
FORECAST HOMES, INC. – THIRD SUPERVISORIAL DISTRICT

November 30, 2005

Page 2

BACKGROUND: As a condition of approval for Tract Map 30064, K. Hovnanian/Forecast Homes, Inc. is planning to construct off-site storm drain improvements in the unincorporated Menifee area of western Riverside County. An offer has been made to the property owner as required by Government Code Section 7267.2. A settlement has not been reached with the property owner although negotiations are still in progress. Resolution No. 2005-497, Authorization to Condemnation of Real Property for Storm Drain Purposes will be submitted for approval on January 24, 2006 to permit the previously approved project to move forward.

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3 RESOLUTION NO. 2005-496

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5 NOTICE OF INTENTION TO CONDEMN REAL PROPERTY
6 FOR STORM DRAIN PURPOSES

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8 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of
9 Supervisors of Riverside County, State of California, in regular session assembled on
10 December 20, 2005, and NOTICE IS HEREBY GIVEN as follows:

11
12 1. That this Board intends to adopt a resolution of necessity authorizing the
13 condemnation of certain parcels of real property for storm drain purposes described as a
14 portion of Assessor's Parcel Number 358-100-009 shown on legal description and plat map on
15 file in the Office of the Clerk of the Board, and located on the north side of Holland Road,
16 about 600 feet east of Murrieta Road and on the west side of Murrieta Road, about 350 feet
17 north of Holland Road in the unincorporated Menifee area of western Riverside County and to
18 hold a public hearing on January 24, 2006, at 9:30 a.m. in the meeting room of the Board of
19 Supervisors located on the 1st Floor, County Administrative Center, 4080 Lemon Street,
20 Riverside, California, at which time each person whose real property is sought to be
21 condemned and whose name and address appears on the last equalized County Assessment
22 Roll and who has filed a timely written request to appear and be heard, will be given an
23 opportunity to be heard on the following matters:

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a. Whether the public interest and necessity require the proposed project.

b. Whether the project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

c. Whether the real property sought to be acquired is necessary for storm drain purposes.

2. That the failure of any person, whose real property is sought to be condemned, to file a written request to appear and be heard with the Clerk of the Board within 15 days after a copy of the resolution is mailed to, or personally served upon such person, will result in his or her waiver of the right to appear and be heard.

BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a copy of this resolution and a copy of the legals and plats to be mailed to or personally served upon each person whose real property is sought to be condemned and whose name and address appears on the last equalized County Assessment Roll.

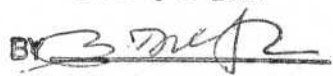
ROLL CALL:

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley
Nays: None
Absent: None

SAV:pc
11/30/05
129CC
9.779

FORM APPROVED
COUNTY COUNSEL

DEC 05 2005

BY 

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.
NANCY ROMERO, Clerk of said Board

By  Deputy

EXHIBIT "A"

DRAINAGE EASEMENT

Being a portion of Parcel 3 of Grant Deed recorded January 27, 2003, as instrument No. 2003-084585, lying in the Southeast Quarter of Section 5, Township 6 South, Range 3 West, San Bernardino Meridian in the County of Riverside, State of California, described as follows:

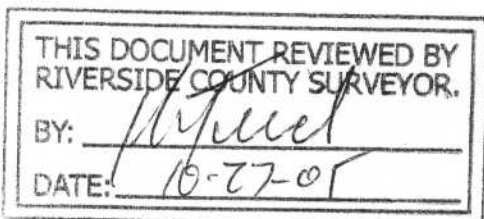
Commencing at the southeast corner of Section 5, said point also being the Northeast corner of Lot 21 on file in Map Book 14, Page 100, of Official Records of the Recorder of the County of Riverside, State of California.

- Thence South 89° 08' 56" West, along the south line of said Southeast Quarter, a distance of 659.74 feet to a point being the centerline intersection of Melvin Street (60.00 feet, full width) and said Holland Road (50.00 feet, half width), as shown on Parcel Map 12400, recorded in Parcel Map Book 60, Page 91 of Official Records of said county.
- Thence Leaving said point South 89° 08' 56" West along said south line, said line also being the center line of Holland Road, a distance of 274.62 feet to the southeasterly corner of Parcel 3, said point being the **TRUE POINT OF BEGINNING**.
- Thence Continuing South 89° 08' 56" West along said south line, a distance of 296.34 feet;
- Thence Leaving said line, North 00° 51' 04" West, a distance of 103.64 feet;
- Thence North 88° 13' 10" East, a distance of 68.01 feet;
- Thence South 38° 23' 57" East, a distance of 69.05 feet to a line, parallel with and 50.00 feet north as measured at right angles to centerline of Holland Road.
- Thence North 89° 08' 56" East, along said parcel line, a distance of 187.23 feet to the easterly line of said Parcel 3;
- Thence South 00° 13' 23" West, a distance of 50.01 feet to the **TRUE POINT OF BEGINNING**.

Containing 19,679 square feet.

See Exhibit "B" attached hereto and made a part hereof.

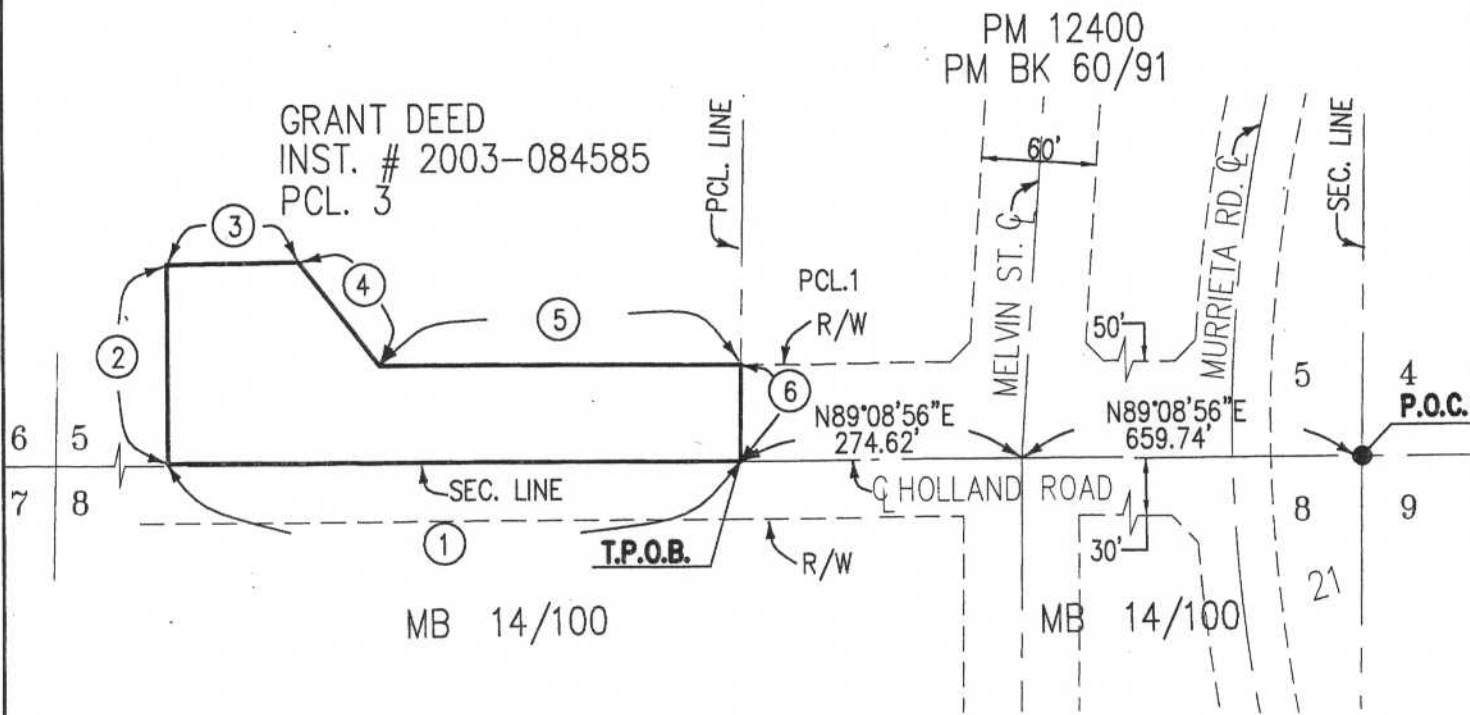
Prepare by or under my supervision:



TRANS-PACIFIC CONSULTANTS, INC.

Won S. Yoo, P.E.
RCE No. 26457
Exp. 3/31/06

EXHIBIT "B"



| LINE | DATA |
|------|---------------------|
| ① | N89°08'56"E 296.34' |
| ② | N00°51'04"W 103.64' |
| ③ | N88°13'10"E 68.01' |
| ④ | N38°23'57"W 69.05' |
| ⑤ | N89°08'56"E 187.23' |
| ⑥ | N00°13'23"E 50.01' |



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.

BY: *[Signature]*

DATE: 10-27-05



SECT.5, T.6S, R.3W

Trans-Pacific Consultants
27431 Enterprise Circle West, Temecula, CA., 92590

CIVIL ENGINEERS
LAND SURVEYORS, PLANNERS

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

SCALE: 1"=100' DRAWN BY: TBR DATE: 05/02/05

DRAINAGE EASEMENT