

509



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

FROM: Economic Development Agency

SUBMITTAL DATE:
December 30, 2005

SUBJECT: Adoption of Resolution No. 2006-015, Authorization to Condemn Real Property for the Conning Street Improvement Project.

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Hold a public hearing to hear comments from those persons affected by this project as stated in Resolution No. 2006-015;
- 2) Adopt Resolution No. 2006-015, Authorization to Condemn Real Property for the Conning Street Improvement Project;
- 3) Authorize and direct the Assistant County Executive Officer of the Economic Development Agency to take the necessary actions to proceed with eminent domain activities.

BACKGROUND: On August 9, 2005 the Board of Supervisors authorized sidewalks, curb ramps that comply with the American with Disabilities Act, paving, curb and gutter improvements for the Conning Street Improvement Project. (Continued on next page).

Departmental Concurrence

RZ:JC:DL:TE:BB:KW:cb

S:\RealProperty\Real Property\DIST\05-2-672.condempck.doc

[Signature]
Robin Zimpfer
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$2,800.00	In Current Year Budget:	YES
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	2005/2006

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: NO

SOURCE OF FUNDS: REDEVELOPMENT AGENCY

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

[Signature]
Lisa Brandt

County Executive Office Signature

Dept. Policy

Consent

Per Exec. Ofc.

Prev. Agn. Ref.:
3.21 and 4.3, 08-09-05
3.11 1/10/06

District: 2

Agenda Number:

9.3

Form 11 - **Adoption of Resolution No. 2006-015, Authorization to Condemn Real Property for the Conning Street Improvement Project**

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BACKGROUND (continued): The proposed improvements will improve pedestrian and vehicular safety as well as to help eliminate blighting conditions in the project area.

A statutory offer for approximately 404 sq. feet was made to the property owner, but no settlement has been reached. Multiple efforts have been made to resolve this issue with the property owner, including telephone calls, certified mailings and personal site visits. Negotiations will continue in hopes of reaching an agreement. Staff recommends adoption of Resolution No. 2006-015.

Notice of today's hearing was given pursuant to Resolution 2006-014, adopted by the Board on January 10, 2006.

Staff recommends adoption of Resolution No. 2006-015 as stated and is available to answer questions from the Board.

2
3 RESOLUTION NO. 2006-015

4
5 AUTHORIZING CONDEMNATION OF REAL PROPERTY
6 FOR THE CONNING STREET IMPROVEMENT PROJECT

7
8 WHEREAS the real property that is the subject of this resolution (the "Subject Property") is located
9 entirely within the boundaries of the County of Riverside, State of California; is a portion of Riverside
10 County Assessor's Parcel No. 170-112-018; is located next to the intersection of Conning Street and
11 Mission Boulevard in unincorporated Riverside County, California; is legally described on the document
12 attached hereto as Exhibit "A" and incorporated herein by this reference; and is pictorially depicted on the
13 document attached hereto as Exhibit "B" and incorporated herein by this reference;

14
15 WHEREAS the proposed project that is the subject of this resolution (the "Proposed Project") is the
16 use of the Subject Property for a corner sidewalk area and curb ramps that comply with the Americans
17 With Disabilities Act (and for other uses incidental thereto and required thereby);

18
19 WHEREAS the interest in property that is the subject of this resolution (the "Subject Property
20 Interest") is fee simple ownership in the Subject Property for a corner sidewalk area and curb ramps that
21 comply with the Americans With Disabilities Act (and for other uses incidental thereto and required
22 thereby); and

23
24 WHEREAS the statutes that authorize the County of Riverside (the "County") to acquire the
25 Subject Property Interest by eminent domain are Article 1, Section 19 of the California Constitution;
26 Section 25350.5 of the Government Code; Sections 940 and 943 of the Streets and Highways Code; and
27 Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.410, 1240.510, and 1240.610 of the
28 Code of Civil Procedure.

1 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Riverside County, State
2 of California, not less than four-fifths of all members concurring, in regular session assembled on
3 February 7, 2006, THAT THIS BOARD FINDS AND DETERMINES EACH OF THE FOLLOWING:

4 1. Notice of the Board's intention to adopt this resolution of necessity was duly given as required
5 by Section 1245.235 of the Code of Civil Procedure, and on the date and at the time and place fixed for
6 hearing, this Board did hear and consider all of the evidence presented.

7
8 2. The public interest and necessity require the Proposed Project.

9 3. The Proposed Project is planned or located in the manner that will be most compatible with the
10 greatest public good and the least private injury.

11 4. The Subject Property Interest is necessary for the Proposed Project.

12 5. The offer required by Section 7267.2 of the Government Code has been made to the owner or
13 owners of record of the Subject Property.

14 BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside is hereby
15 authorized and empowered:

16 1. To acquire (in the name of the County) the Subject Property Interest by condemnation in
17 accordance with the Constitution and laws relating to eminent domain.

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

20 3. To make application to the Court for an order to deposit the probable amount of compensation
21 out of proper funds under the control of the County into the County Treasury and for an order permitting
22 the County to take prejudgment possession and use the real property for the purpose of constructing the
23 Public Project.
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1 4. To compromise and settle such proceedings if such settlement can be reached and, in that event,
2 to take all necessary actions to complete the acquisition, including stipulations as to judgment and other
3 matters, and the causing of all payments to be made.
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24 FORM APPROVED
25 COUNTY COUNSEL

26 JAN 23 2006

27 BY Glen Boljan
28

EXHIBIT "A"
PARCEL 0551-001

THAT PORTION OF LOT 41 OF THE RESUBDIVISION OF GLEN AVON HEIGHTS, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 10 PAGE 100 OF MAPS, RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, LYING IN SECTION 10, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF PARCEL 2, AS DESCRIBED IN GRANT DEED TO THE COUNTY OF RIVERSIDE, RECORDED JUNE 9, 1976, AS INSTRUMENT NUMBER 81412, RECORDS OF SAID RECORDER, SAID CORNER BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CONNING STREET (30.00 FOOT HALF-WIDTH), AS SHOWN BY SAID MAP;

THENCE NORTH 80° 11' 17" WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 2, A DISTANCE OF 18.01 FEET TO A POINT ON THE NORTHEASTERLY LINE OF PARCEL 1 AS DESCRIBED IN SAID INSTRUMENT NUMBER 81412, SAID POINT BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF MISSION BOULEVARD (36.00 FOOT HALF-WIDTH);

THENCE NORTH 46° 28' 13" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 15.96 FEET;

THENCE NORTH 88° 29' 24" EAST, A DISTANCE OF 43.77 FEET TO A POINT OF INTERSECTION WITH THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF CONNING STREET;

THENCE SOUTH 43° 28' 25" WEST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 20.97 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 404 SQUARE FEET OR 0.009 ACRE, MORE OR LESS.

SEE ATTACHED EXHIBIT "B"

APPROVED BY: *K. Teich*

DATE: 5-28-05

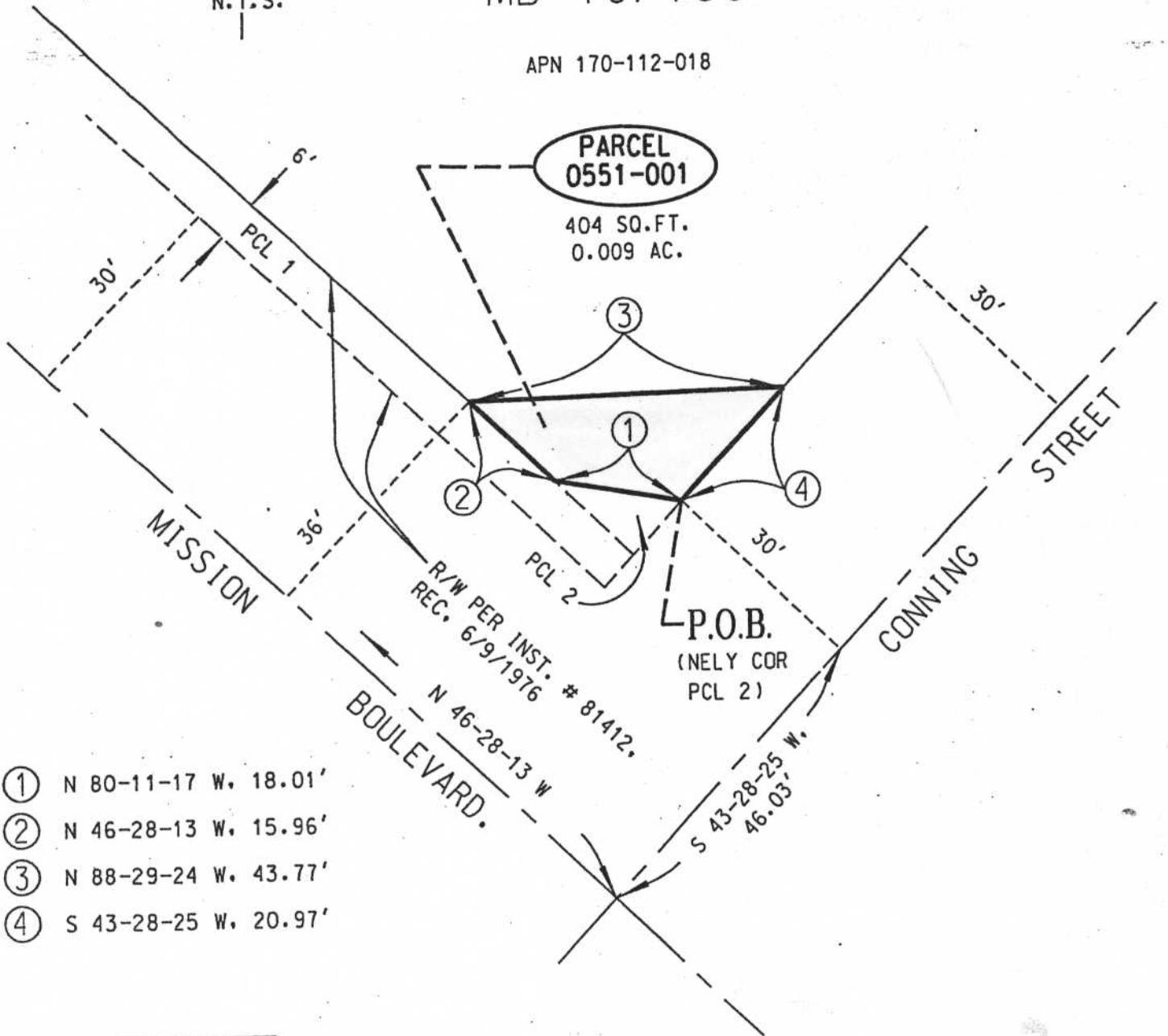


EXHIBIT "B"

SECTION 10
T.2S., R.6W.

LOT 41
MB 10/100

APN 170-112-018



- ① N 80-11-17 W. 18.01'
- ② N 46-28-13 W. 15.96'
- ③ N 88-29-24 W. 43.77'
- ④ S 43-28-25 W. 20.97'



COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.	PAR. NO.: 0551-001
PROJECT: CONNING STREET	PREPARED BY: CDB
THIS PLAT IS AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE PRECEDING DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.	SCALE: N.T.S.
APPROVED BY: <i>[Signature]</i> DATE: 5-28-05	DATE: MAY. 2005
	W.O. NO.: B4-0551
	SHEET 1 OF 1 SHEET