

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

<b>FINANCIAL DATA</b>	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 Brandl

**County Executive Office Signature**

- Policy
- Policy
- Consent
- Consent

Dep't Recomm.:  
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**

December 30, 2005

Page 2

**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 28 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  
15 BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside is hereby  
16 authorized and empowered:

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

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

21 3. To make application to the Court for an order to deposit the probable amount of compensation  
22 out of proper funds under the control of the County into the County Treasury and for an order permitting  
23 the County to take prejudgment possession and use the real property for the purpose of constructing the  
24 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 Beloin  
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.

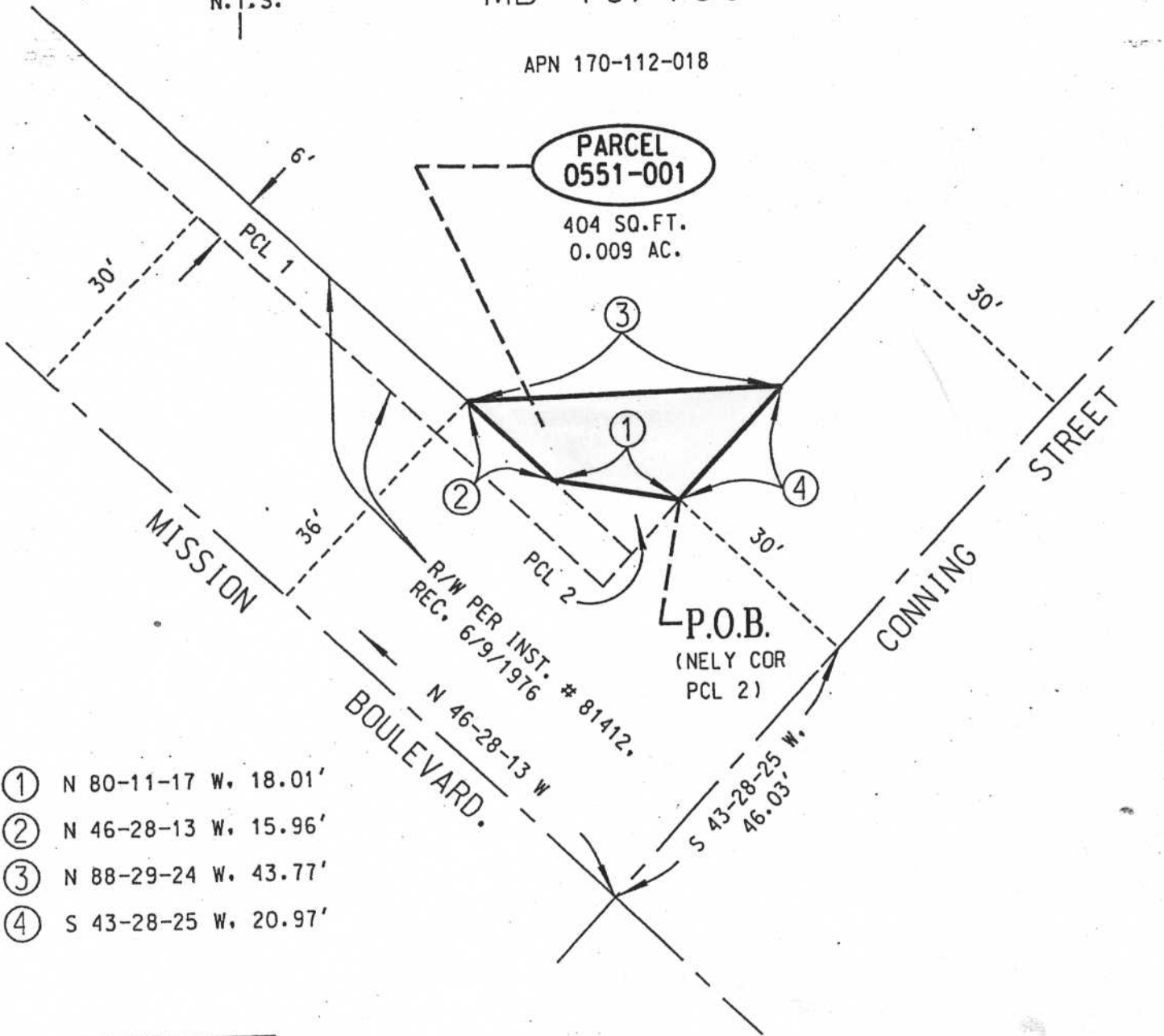
LOT 41  
MB 10/100

APN 170-112-018



PARCEL  
0551-001

404 SQ.FT.  
0.009 AC.



- 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

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**9.3**

9:30 a.m. being the time set for public hearing on the Adoption of Resolution No. 2006-015, Authorization to Condemn Real Property for the Conning Street Improvement Project, 2<sup>nd</sup> District, the Chairman called the matter for hearing.

Karen Warinski, Development Specialist III, EDA presented the matter.

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is continued to February 28, 2006 to allow staff to review the matter further.

Roll Call:

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

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on  
February 7, 2006 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated February 7, 2006  
Nancy Romero, Clerk of the Board of Supervisors, in and  
for the County of Riverside, State of California.

(seal)

By: *Nancy Romero* Deputy

AGENDA NO.  
**9.3**

xc: EDA, COB