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439



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

FROM: Department of Facilities Management/Department of Transportation **SUBMITTAL DATE:**
January 3, 2006

SUBJECT: RESOLUTION 2006-022 AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR STORM DRAIN PURPOSES / K. HOVNANIAN / FORECAST HOMES, INC. / THIRD SUPERVISORIAL DISTRICT

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution No. 2006-022, Authorizing Condemnation of Real Property for Storm Drain Purposes.

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.

Departmental Concurrence

MICHAEL J. SYLVESTER, Director
Department of Facilities Management

GEORGE A. JOHNSON, Director
Department of Transportation

MJS:SAV:pc
9.782

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

County Executive Office Signature

- Dep't Recomm.: Consent
- Per Exec. Ofc.: Consent
- Policy
- Policy

Prev. Agn. Ref.: 3.49 12/20/05

District: 3

Agenda Number:

9.4

2
3 RESOLUTION NO. 2006-022

4
5 AUTHORIZING CONDEMNATION OF REAL PROPERTY
6 FOR PUBLIC STORM DRAIN PURPOSES

7
8 WHEREAS the real property that is the subject of this resolution (the "Subject Property")
9 is located entirely within the boundaries of the County of Riverside, State of California; is a
10 portion of Riverside County Assessor's Parcel No. 358-100-009; is located on the north side of
11 Holland Road and to the west of Murrieta Road in the unincorporated Menifee area of western
12 Riverside County; is legally described on the document attached hereto as Exhibit "A" and
13 incorporated herein by this reference; and is pictorially depicted on the document attached
14 hereto as Exhibit "B" and incorporated herein by this reference;

15
16 WHEREAS the proposed project that is the subject of this resolution (the "Proposed
17 Project") is the use of the Subject Property for public storm drain purposes (and for other uses
18 incidental thereto and required thereby);

19
20 WHEREAS, although the Proposed Project is a condition of approval of the proposed
21 residential subdivision known as Subdivision Map no. 30064, neither the County of Riverside
22 (the "County") nor the subdivider has sufficient title or interest in the Subject Property to
23 accomplish the Proposed Project (absent this authorizing resolution);

24
25 WHEREAS the interest in property that is the subject of this resolution (the "Subject
26 Property Interest") is a perpetual easement in the Subject Property for public storm drain
27 purposes (and for other uses incidental thereto and required thereby); and

28
WHEREAS the statutes that authorize the County to acquire the Subject Property Interest
by eminent domain are Article 1, Section 19 of the California Constitution; Sections 25350.5 and

1/31/06 9.1

1 66462.5 of the Government Code; Sections 940 and 943 of the Streets and Highways Code;
2 and Sections 1240.010, 1240.020, 1240.030, 1240.110, 1240.410, 1240.510, and 1240.610 of
3 the Code of Civil Procedure.

4 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Riverside
5 County, State of California, not less than four-fifths of all members concurring, in regular session
6 assembled on February 28, 2006, THAT THIS BOARD FINDS AND DETERMINES EACH OF
7 THE FOLLOWING:
8

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

12 2. The public interest and necessity require the Proposed Project.

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

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

16 5. The offer required by Section 7267.2 of the Government Code has been made to the
17 owner or owners of record of the Subject Property.
18

19 BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside is
20 hereby authorized and empowered:
21

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

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

26 3. To make application to the Court for an order to deposit the probable amount of
27 compensation out of proper funds under the control of the County into the County Treasury and
28

1 for an order permitting the County to take prejudgment possession and use the real property for
2 the purpose of constructing the Public Project.

3
4 4. To compromise and settle such proceedings if such settlement can be reached and, in
5 that event, to take all necessary actions to complete the acquisition, including stipulations as to
6 judgment and other matters, and the causing of all payments to be made.
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SAV:pc
01/03/06
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24 FORM APPROVED
COUNTY COUNSEL

25 JAN 04 2006

26 BY Alena Belgair
27
28

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 Meridan 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

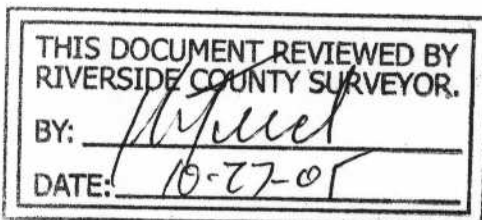
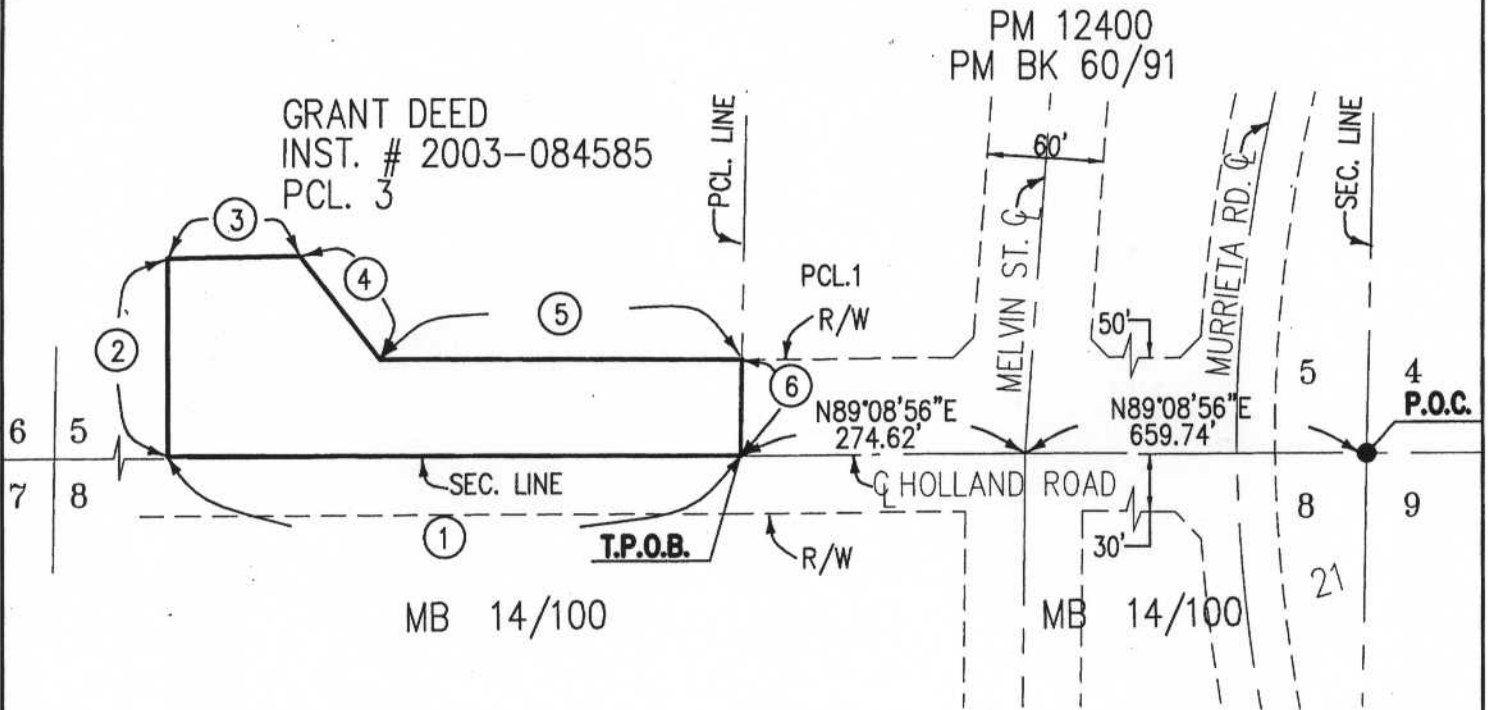
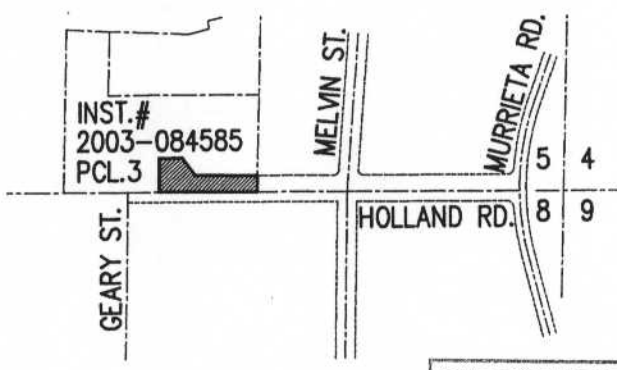


EXHIBIT "B"



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'



VICINITY MAP
NTS

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

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



9.1

9:30 a.m. being the time set for further public hearing on Adoption of Resolution 2006-022 Authorizing Condemnation of Real Property for Storm Drain Purposes – K. Hovnanian/Forecast Homes, Inc., 3rd District, the Chairman called the matter for hearing.

Janet Parks, Facilities Management, recommended a continuance to February 28, 2006.

Ann Weston stated she would delay her comments until February 28, 2006.

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is continued to Tuesday, February 28, 2006.

Roll Call:

Ayes: Buster, Tavaglione, Stone and Ashley

Nays: None

Absent: Wilson

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on January 31, 2006 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: January 31, 2006
Nancy Romero, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.

9.1

xc: ~~Facil. Mgmt. , COB~~