

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

244



FROM: County Counsel

SUBMITTAL DATE:
March 27, 2006

SUBJECT: ADOPTION OF RESOLUTION NO. 2006-115 (NOTICE OF INTENTION TO GIVE CONSENT TO THE FARM MUTUAL WATER COMPANY'S ACQUISITION OF REAL PROPERTY BY EMINENT DOMAIN)

RECOMMENDED MOTION:

1. Set a public hearing for April 25, 2006 at 9:30 a.m. to hear the proposal to give the Board's consent to the Farm Mutual Water Company's acquisition of certain real property by eminent domain. The real property to be acquired is owned by the Farm Property Owner's Association.
2. Direct the Clerk of the Board to send notice to the Assessment Roll owner(s).

Departmental Concurrence

BACKGROUND: In order to obtain a State Revolving Fund loan for the purpose of upgrading facilities at The Farm, the Farm Mutual Water Company needs to have unencumbered title to the subject real property. Pursuant to California Code of Civil Procedure Section 1245.330, a quasi-public entity (like the Farm Mutual Water Company) cannot condemn real property (in unincorporated Riverside County, California) until the Board of Supervisors has adopted a resolution consenting to the acquisition of such property by eminent domain. California Code of Civil Procedure Section 1245.390 states that the adoption of such a resolution does not make the County liable for any damages caused by the acquisition of the property or by the project for which it is acquired.

Glenn Beloian

Glenn Beloian, Deputy County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:
SOURCE OF FUNDS: N/A			Positions To Be Deleted Per A-30 <input type="checkbox"/>
			Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

[Signature]

Policy Policy
 Consent Consent
 Dept's Recomm.: Per Exec. Ofc.:

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

3.6

2
3 RESOLUTION NO. 2006-115

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5 NOTICE OF INTENTION TO GIVE CONSENT TO THE
6 FARM MUTUAL WATER COMPANY'S ACQUISITION
7 OF REAL PROPERTY BY EMINENT DOMAIN

8 WHEREAS The Farm Mutual Water Company (the "Water Company") is a California corporation,
9 is a mutual water company (within the meaning of Public Utilities Code Section 2725), and is a quasi-
10 public entity (within the meaning of Code of Civil Procedure Section 1245.320) that provides water and
11 wastewater services to shareholders within a community known as "The Farm" (and located in the
12 Wildomar area of unincorporated Riverside County, California);

13
14 WHEREAS the Farm Property Owners Association (the "FPOA") is a Non-Profit Mutual Benefit
15 Corporation that owns the real property in The Farm on which the Water Company's facilities are located;

16 WHEREAS the respective Boards of Directors of the Water Company and the FPOA have agreed
17 to the transfer (through eminent domain) of the FPOA land (upon which the Water Company's facilities
18 are located) from the FPOA to the Water Company;

19
20 WHEREAS Code of Civil Procedure Section 1245.330 prohibits a quasi-public entity from
21 commencing an eminent domain proceeding to acquire any real property (in unincorporated Riverside
22 County, California) unless and until the Riverside County Board of Supervisors consents to the
23 acquisition of such property by eminent domain;

24
25 WHEREAS the real properties that are the subjects of this Notice (collectively the "Subject
26 Properties") are located entirely within the boundaries of unincorporated Riverside County, California in
27 the area known as Wildomar; are sections of Lot 122 of Tract 18456-1 as shown by map on file in Book
28 131 of Maps at pages 40 through 46 thereof, Records of Riverside County, California; and are legally

1 described and pictorially depicted on the documents attached hereto as Exhibit "A" and incorporated
2 herein by this reference;

3 WHEREAS the proposed project that is the subject of this Notice (the "Proposed Project") is the
4 use of the Subject Properties (by the Water Company) as collateral for a State Revolving Fund loan (for
5 which the Water Company has received conditional approval) to construct facilities in order to
6 substantially increase the fire flow capacity throughout The Farm (and the capacity to provide irrigation
7 water to areas on The Farm); the use of the Subject Properties (by the Water Company) in such a manner
8 as to better safeguard (and increase the security of) the Water Company's facilities; the implementation of
9 intentions (from nearly 30 years ago when the Water Company was incorporated) to convey to the Water
10 Company the real property upon which the Water Company's facilities are located; and for other uses
11 incidental thereto and required thereby; and
12

13 WHEREAS the interests in property that are the subjects of this Notice (collectively the "Subject
14 Property Interests) are: (a) fee simple ownerships in the two (2) sections of real property that are
15 described in attached Exhibit "A" as having sizes of approximately 15.46 acres and 0.17 acres; and (b)
16 perpetual ingress and egress easements in the remaining two (2) sections of real property that are
17 described in attached Exhibit "A".
18

19 Now, therefore, BE IT RESOLVED AND ORDERED as follows by a vote of the Board of
20 Supervisors of Riverside County, State of California, in regular session assembled on April 4, 2006:
21

22 1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on April 25, 2006 at 9:30
23 a.m. in the meeting room of the Board of Supervisors located on the 1st floor of the County
24 Administrative Center, 4080 Lemon Street, Riverside, California) intends to adopt a Resolution of
25 Necessity that would give its consent to the Farm Mutual Water Company's acquisition of the Subject
26 Property Interests by eminent domain (and would find and determine each of the following matters):
27

28 (a) That the public interest and necessity require the Proposed Project;

1 (b) That the Proposed Project is planned or located in the manner that will be most compatible with
2 the greatest good and the least private injury;

3 (c) That the Subject Property Interests are necessary for the Proposed Project; and

4 (d) That the hardship (to the Farm Mutual Water Company) if the acquisition of the Subject
5 Property Interests by eminent domain is not permitted outweighs any hardship to the owner(s) of the
6 Subject Property Interests.
7

8 2. If (within 15 days from the mailing of this Notice) you file a written request to appear at the
9 public meeting and be heard on the matters described above in 1(a), 1(b), 1(c), and 1(d) (or any one or
10 more of them), you will have a right to appear at that meeting and be heard on those matters.

11 3. All such written requests to appear and be heard must be filed with the Clerk of the Riverside
12 County Board of Supervisors.

13 4. Your written request to appear and be heard must be filed within the 15-day time period.
14 Failure to file such a timely written request will result in a waiver of your right to appear and be heard.
15

16 5. The Clerk of the Board of Supervisors shall cause a copy of this Notice to be sent by first-class
17 mail to each person whose property is to be acquired by eminent domain and whose name and address
18 appears on the last equalized County Assessment Roll (including the roll of state-assessed property).
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26 FORM APPROVED
27 COUNTY COUNSEL

28 MAR 27 2006

BY *Drew Blair*

November 29, 2005

W.O. 1165-003

EXHIBIT "A"
FARM MUTUAL WATER COMPANY
SEWER TREATMENT PLANT, OFFICE,
SURGE TANK, WELL & ACCESS

PARCEL "A"

That portion of Lot 122 (Common Open Space) of Tract 18456-1 as shown by map on file in Book 131 of Maps at Pages 40 through 46 thereof, Records of Riverside County, California, described as follows:

Beginning at the Northwest corner of Lot 70 of said Tract 18456-1, also being an angle point in the Easterly line of said Lot 122 (Common Open Space);

Thence the following four (4) courses along said Easterly line;

N.81°14'17"E., a distance of 325.32 feet;

N.82°57'24"E., a distance of 189.01 feet;

N.87°01'12"E., a distance of 126.04 feet;

N.88°09'52"E., a distance of 199.51 feet;

Thence N.15°31'06"W., a distance of 653.82 feet to an angle point in the Northerly line of said Lot 122 (Common Open Space);

Thence S.89°58'25"W. along said Northerly line, a distance of 1000.00 feet;

Thence S.00°01'35"E., a distance of 344.01 feet;

Thence S.42°23'19"E., a distance of 310.01 feet;

Thence S.46°19'42"E., a distance of 32.18 feet;

Thence N.82°51'47"E., a distance of 29.75 feet;

Thence S.59°00'39"E., a distance of 15.52 feet;

Thence N.78°46'14"E., a distance of 19.17 feet;

Thence S.18°29'22"E., a distance of 95.94 feet;

Thence S.29°26'56"E., a distance of 32.66 feet to the point of beginning.

The above described parcel of land contains 15.46 acres, more or less.

TOGETHER WITH an easement for ingress and egress over that portion of said Lot 122 (Common Open Space), lying within a strip of land 28.00 feet in width, the centerline being described as follows:

Commencing at the Northeast corner of Lot 71 of said Tract 18456-1, also being an angle point in the Easterly line of said Lot 122 (Common Open Space);

Thence Northeasterly along said Easterly line on a non-tangent curve concave Southeasterly having a radius of 70.00 feet, through an angle of 14°03'34", an arc length of 17.18 feet (the initial radial line bears N.88°35'35"W.) to the Point of Beginning of said centerline description;

Thence N.48°35'42"W., a distance of 83.07 feet;

Thence N.43°11'58"W., a distance of 58.29 feet;

Thence N.28°52'50"W., a distance of 57.89 feet;

Thence N.22°09'23"W., a distance of 87.88 feet;

Thence N.60°34'13"W., a distance of 84.82 feet;

Thence N.24°25'17"E., a distance of 26.00 feet to a point in the Westerly line of the above described Parcel "A", said point being the termination of said centerline description.

The sidelines of said strip of land 28.00 feet in width shall be prolonged or shortened to terminate in the Westerly line of the above described Parcel "A", and the Easterly line of said Lot 122 (Common Open Space), also being the Westerly line of Mill Pond Drive as shown on said Tract 18456-1.

PARCEL "B"

That portion of Lot 122 (Common Open Space) of Tract 18456-1 as shown by map on file in Book 131 of Maps at Pages 40 through 46 thereof, Records of Riverside County, California, described as follows:

Commencing at the Northeast corner of Lot 71 of said Tract 18456-1, also being an angle point in the Easterly line of said Lot 122 (Common Open Space);

Thence S.87°39'23"W. along the Northerly line of said Lot 71, a distance of 110.15 feet to the Northwest corner thereof;

Thence S.02°20'37"E. along the Westerly line of Lots 71 through 76 of said Tract 18456-1, a distance of 331.25 feet;

Thence WEST, a distance of 95.00 feet to the Point of Beginning of the parcel of land to be described;

Thence continuing WEST, a distance of 100.00 feet;

Thence NORTH, a distance of 75.00 feet;

Thence EAST, a distance of 100.00 feet;

Thence SOUTH, a distance of 75.00 feet to the point of beginning.

The above described parcel of land contains 0.17 acres, more or less.

TOGETHER WITH an easement for ingress and egress over that portion of said Lot 122 (Common Open Space), lying within a strip of land 20.00 feet in width, the Southerly and Easterly lines being described as follows:

Beginning at the Northeast corner of Lot 71 of said Tract 18456-1, also being an angle point in the Easterly line of said Lot 122 (Common Open Space);

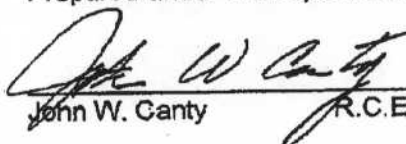
Thence S.87°39'23"W. along the Northerly line of said Lot 71, a distance of 110.15 feet to the Northwest corner thereof;

Thence S.02°20'37"E. along the Westerly line of Lots 71 through 76 of said Tract 18456-1, a distance of 331.25 feet;

Thence WEST, a distance of 95.00 feet to the termination of said line description.

The sidelines of said strip of land 20.00 feet in width shall be prolonged or shortened to terminate in the Easterly line of said Lot 122 (Common Open Space), also being the Westerly line of Mill Pond Drive as shown on said Tract 18456-1.

CANTY ENGINEERING GROUP, INC.
Prepared under the supervision of:


John W. Canty R.C.E. 17550

Nov. 30, 2005
Date

2



FARM MUTUAL WATER COMPANY

SEWER TREATMENT PLANT, OFFICE, SURGE TANK, WELL & ACCESS

IN SECTION 19, T.6S., R.3W., S.B.M.
A.P.N. 362-100-040 & 041

PREPARED BY:
CANTY ENGINEERING GROUP, INC.
2010 Iowa Avenue, Suite 110
Riverside, CA. 92507

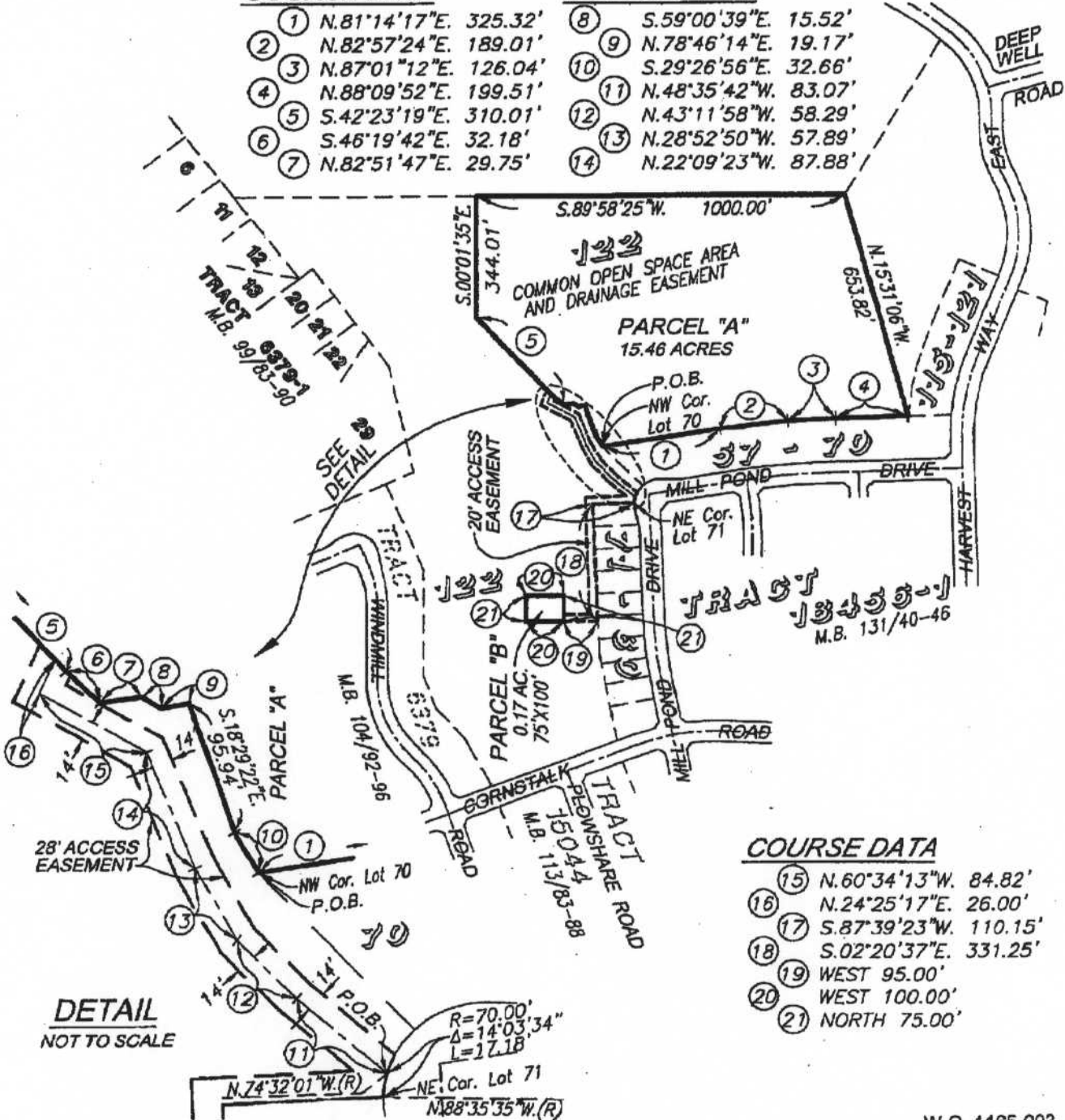
COURSE DATA

- ① N.81°14'17"E. 325.32'
- ② N.82°57'24"E. 189.01'
- ③ N.87°01'12"E. 126.04'
- ④ N.88°09'52"E. 199.51'
- ⑤ S.42°23'19"E. 310.01'
- ⑥ S.46°19'42"E. 32.18'
- ⑦ N.82°51'47"E. 29.75'

COURSE DATA

- ⑧ S.59°00'39"E. 15.52'
- ⑨ N.78°46'14"E. 19.17'
- ⑩ S.29°26'56"E. 32.66'
- ⑪ N.48°35'42"W. 83.07'
- ⑫ N.43°11'58"W. 58.29'
- ⑬ N.28°52'50"W. 57.89'
- ⑭ N.22°09'23"W. 87.88'

SCALE: 1" = 400'



COURSE DATA

- ⑮ N.60°34'13"W. 84.82'
- ⑯ N.24°25'17"E. 26.00'
- ⑰ S.87°39'23"W. 110.15'
- ⑱ S.02°20'37"E. 331.25'
- ⑲ WEST 95.00'
- ⑳ WEST 100.00'
- ㉑ NORTH 75.00'

DETAIL
NOT TO SCALE

W.O. 1165-003