

019

340



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

FROM: Department of Facilities Management and Transportation
Department

SUBMITTAL DATE:
February 14, 2007

SUBJECT: Resolution No. 2007-071 Notice of Intention to Condemn Real Property for Road and Storm Drainage Purposes – Lennar Homes

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2007-071, Notice of Intention to Condemn Real Property for Road and Storm Drain Purposes; and
2. Set a public hearing for Resolution No. 2007-072, Authorizing Condemnation of Real Property for Road and Storm Drainage Purposes on **June 5, 2007.**

BACKGROUND: (Commences on Page 2)

Juan C. Perez
Deputy Director

Robert Field

George A. Johnson, Director
Department of Transportation

Robert Field, Director
Department of Facilities Management

GAJ:RF:BP:SAV:dl
10.699

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 22,101	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ -0-	Budget Adjustment:	No
	Annual Net County Cost:	\$ -0-	For Fiscal Year:	06/07

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

George A. Johnson

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

Prev. Agn. Ref.:

District: 3

Agenda Number:

3.45

COUNTY COUNSEL FORM APPROVED

BY: *Dean Blorin*

MAR 28 2007

Department of Facilities Management and Transportation Department
Resolution No. 2007-071 Notice of Intention to Condemn Real Property for Road and
Storm Drainage Purposes – Lennar Homes
February 14, 2007
Page 2

BACKGROUND: As a condition of approval for Tract Map 31892, Lennar Homes is planning to construct off-site road and storm drainage 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. 2007-072, Authorization to Condemn Real Property for Road and Storm Drainage Purposes, will be submitted for approval on June 5, 2007 to permit the previously approved project to move forward.

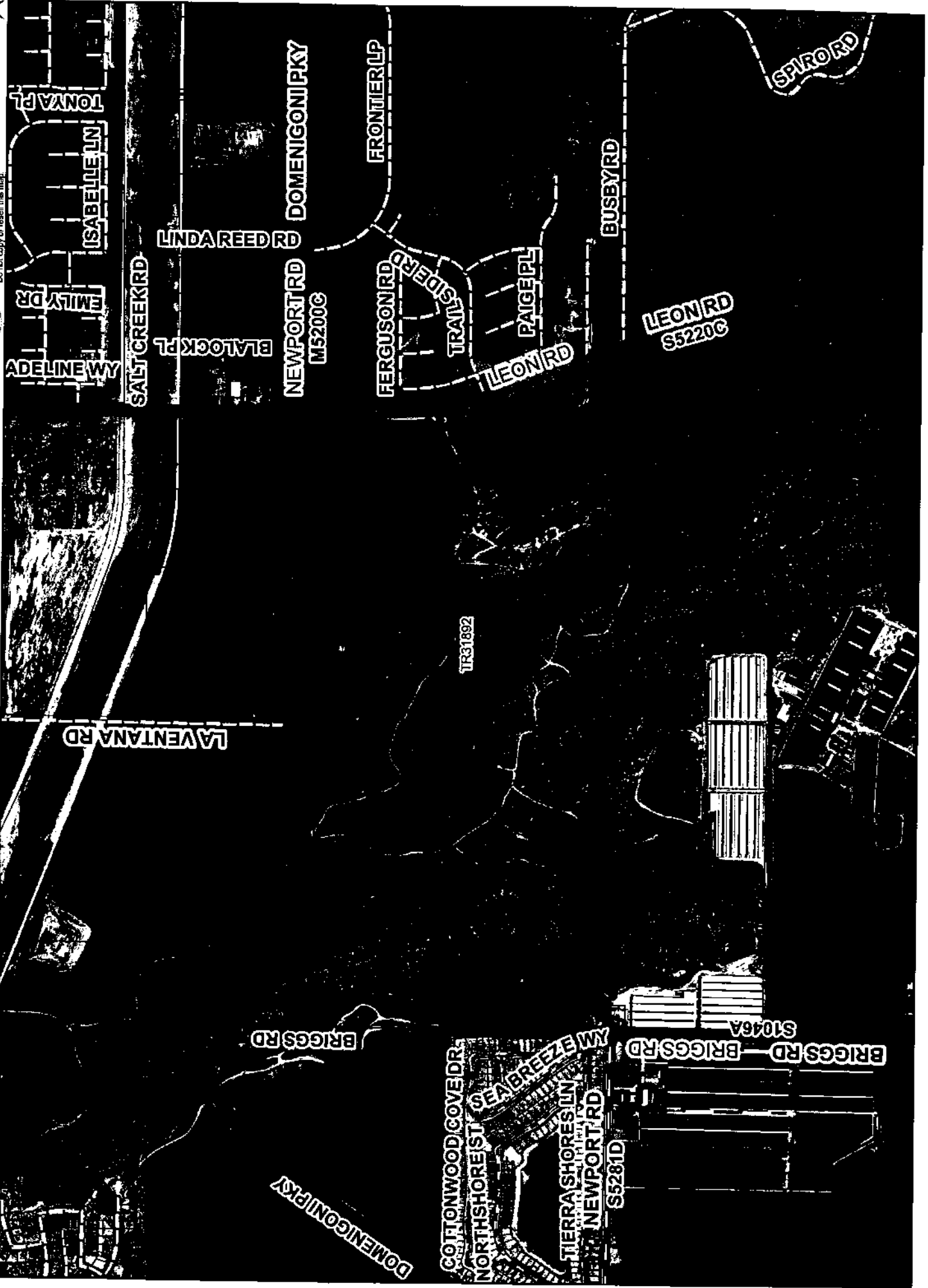
0 500 1,000 2,000 Feet

1 inch equals 1,000 feet
Orthophotos Flown Nov. & Dec. 2004
Printed by Kansas on 4/2/07

TR31892



The County of Riverside assumes no warranty or legal responsibility for the accuracy, completeness or reliability of the data and information represented on this map. Data and information may not be complete or accurate for all purposes. GIS and other sources should be queried for the most current information. Do not copy or resell this map.



2
3 Resolution No. 2007-071
4 Notice of Intention to Adopt a Resolution of Necessity Regarding
5 The Road Widening of Leon Road and Storm Drainage
6 Improvements in the Menifee Area

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Whereas the real properties that are the subjects of this Notice (collectively the "Subject Properties") are located entirely within the boundaries of the unincorporated County of Riverside, State of California; are located on the west side of Leon Road, south of Domenigoni Parkway in the unincorporated Menifee area of western Riverside County; are sections of the parcel of real property presently designated as Riverside County Assessor's Parcel Number 461-190-005; and are legally described and pictorially depicted on the documents attached hereto as Exhibits "A" and "B" and incorporated herein by this reference;

Whereas the proposed project that is the subject of this Notice (the "Proposed Project") is one to widen and improve Leon Road in the Menifee area of unincorporated Riverside County, California (including but not limited to the use of the Subject Properties for public road and utility purposes, for storm drain purposes, for purposes of a staging area for construction and/or other work, and for other uses incidental to the Proposed Project and required by the Proposed Project);

Whereas the specific use(s) that will be made of the Subject Properties is described in attached Exhibits "A" and "B"; and

Whereas the interests in property that are the subjects of this Notice (collectively the "Subject Property Interests") are: (a) a perpetual easement in the section of real property that will be used for public road and utility purposes; (b) a perpetual easement in the section of real property that will be used for storm drain

1 purposes; and (c) a temporary easement in the section of real property that will be
2 used for purposes of a staging area for construction and/or other work.

3 Now, therefore, BE IT RESOLVED AND ORDERED as follows by the Board of
4 Supervisors of Riverside County, State of California, in regular session assembled on
5 April 24, 2007.

6 1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on
7 June 5, 2007 at 9:30 a.m. in the meeting room of the Board of Supervisors located on
8 the 1st floor of the County Administrative Center, 4080 Lemon Street, Riverside,
9 California), may decide to adopt a Resolution of Necessity that would authorize the
10 County of Riverside to acquire the Subject Property Interests by eminent domain (and
11 that would find and determine each of the following matters):

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

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

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

18 (d) That the offer required by Section 7267.2 of the Government Code
19 has been made to the owner, or owners of record of the Subject Properties.

20 2. If (within 15 days from the mailing of this Notice) you file a written request
21 to appear at the public meeting and be heard on the matters described above in 1(a),
22 1(b), 1(c), and 1(d) (or any one or more of them), you will have a right to appear at that
23 meeting and be heard on those matters.

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

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

4 5. Questions regarding the amount of compensation to be paid will not be a
5 part of the public meeting, and the Board will not consider such questions in
6 determining whether a Resolution of Necessity should be adopted.

7 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to
8 be sent by first-class mail to each person whose property may be acquired by eminent
9 domain and whose name and address appears on the last equalized county
10 assessment roll (including the role of state-assessed property).

11
SAV:cm
3/26/07
130CC
10.700
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21 FORM APPROVED
 COUNTY COUNSEL

22 MAR 27 2007 G.B.

23 BY Glenn Bellan
24

EXHIBIT "A"
PUBLIC ROAD & UTILITY EASEMENT

That portion of that certain parcel of land conveyed to Charm Logan by Grant Deed recorded February 16, 1990 as Instrument No. 060830, Official Records of Riverside County, California, located in Section 32 Township 5 South, Range 2 West, San Bernardino Meridian, said portion being described as follows:

COMMENCING at the southwest corner of said Section 32, said corner being the southwest corner of Parcel 4 of Parcel Map No. 10,284 as shown by map on file in Book 49 of Parcel Maps at page 5 thereof, Records of Riverside County, California;

Thence North 02°04'14" West along the westerly line of said Parcel 4 and along the westerly line of said Section 32, a distance of 1305.82 feet to the **TRUE POINT OF BEGINNING**, said point being the intersection of the southwesterly right-of-way of Leon Road (80.00 feet in full width) as shown on Parcel Map 11,085 on file in Book 104 of Parcel Maps at pages 56 through 58 inclusive thereof with the westerly line of said parcel of land;

Thence South 22°07'23" East along said southwesterly right-of-way line, a distance of 865.20 feet to the northerly line of said Parcel 4;

Thence South 89°19'32" West along said northerly line, a distance of 36.53 feet to a point on a line parallel with and distant southwesterly 34.00 feet, measured at a right angle, from said southwesterly right-of-way line of Leon Road;

Thence North 22°07'23" West along said parallel line, a distance of 758.70 feet to a point on said westerly line of Section 32, and on said westerly line of said parcel of land;

Thence North 02°04'14" West along said westerly line of Section 32 and along said westerly line of parcel of land, a distance of 99.16 feet to the **TRUE POINT OF BEGINNING**.

Containing 0.63 acres, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

Matthew E. Webb 7/12/06
Matthew E. Webb, L.S. 5529 Date



Prepared by: [Signature]
Checked by: [Signature]

THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: <u>M. Parker</u>
DATE: <u>8-8-06</u>

EXHIBIT "B"

PUBLIC ROAD & UTILITY EASEMENT



1" = 100'

T.P.O.B.

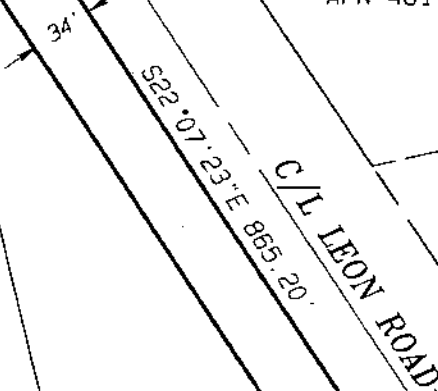
N02°04'14"W
99.16'

R/W PER PM 11,085
PM 104/56-58

PAR. 9

APN 461-190-071

PM 11,085
PM 104/56-58



0.53 AC.±

N02°04'14"W 1305.82'
WESTERLY LINE
OF SECTION 32

POR. S.W. 1/4,
SEC. 32

GRANT DEED
REC. 2/16/1990
AS INST. NO. 060830, O.R.
APN 461-190-005

PAR. 10

APN 461-190-041



80'
50'

32 P.O.C.
S.W. COR. SEC. 32

31
6 5

NORTHERLY LINE

PAR. 4
PM 10,284
PM 49/5

589°19'32"W
36.53'

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.

BY: M. Parke
DATE: 8-8-06

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

RIVERSIDE COUNTY,
CALIFORNIA

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THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

SEC 32, T5S, R2W, SBM

SHEET 1 OF 1 N.O. 03-128T

SCALE: 1" = 100'

DRWN BY [Signature] DATE 7/12/06
CHKD BY [Signature] DATE 7/12/06

SUBJECT: PUBLIC ROAD & UTILITY EASEMENT

EXHIBIT "A"
STORM DRAIN EASEMENT

That portion of that certain parcel of land conveyed to Charm Logan by Grant Deed recorded February 16, 1990 as Instrument No. 060830, Official Records of Riverside County, California, located in Section 32 Township 5 South, Range 2 West, San Bernardino Meridian, said portion being described as follows:

COMMENCING at the southwest corner of said Section 32, said corner being the southwest corner of Parcel 4 of Parcel Map No. 10,284 as shown by map on file in Book 49 of Parcel Maps at page 5 thereof, Records of Riverside County, California;

Thence North 02°04'14" West along the westerly line of said Parcel 4 and along the westerly line of said Section 32, a distance of 1,305.82 feet to the intersection of the southwesterly right-of-way of Leon Road (80.00 feet in full width) as shown on Parcel Map 11,085 on file in Book 104 of Parcel Maps at pages 56 through 58 inclusive thereof with said westerly line;

Thence South 22°07'23" East along said southwesterly right-of-way line, a distance of 221.58 feet to a point thereon;

Thence South 67°52'37" West, a distance of 34.00 feet to the **TRUE POINT OF BEGINNING**, said point being on a line parallel with and distant southwesterly 34.00 feet, measured at a right angle, from said southwesterly right-of-way line;

Thence South 22°07'23" East along said parallel line, a distance of 105.45 feet;

Thence South 85°52'52" West, a distance of 51.98 feet;

Thence North 01°48'30" East, a distance of 78.15 feet;

Thence North 22°31'53" East, a distance of 25.24 feet to the **TRUE POINT OF BEGINNING**.

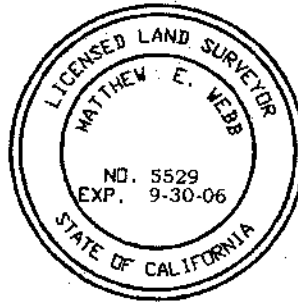
Containing 2,956 square feet, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

Matthew E. Webb
Matthew E. Webb, L.S. 5529

7/12/06
Date



Prepared by: [Signature]
Checked by: [Signature]

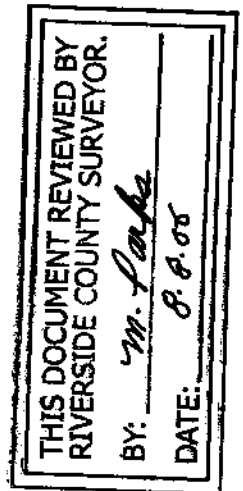


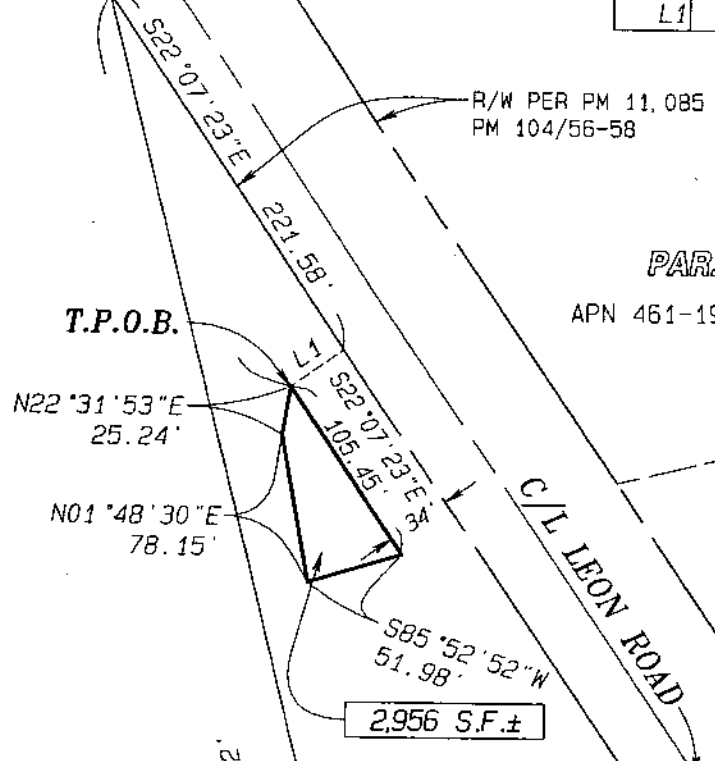
EXHIBIT "B"

STORM DRAIN EASEMENT

LINE	BEARING	DISTANCE
L1	S67°52'37"W	34.00'



1"=100'



PAR. 9
APN 461-190-071

PM 11,085
PM 104/56-58



PAR. 10
APN 461-190-041

POR. S.W. 1/4,
SEC. 32
GRANT DEED
REC. 2/16/1990 AS
INST. NO. 060830, O.R.
APN 461-190-005

32 P.O.C.
S.W. COR. SEC. 32

31
6 **5**

NORTHERLY LINE

PAR. 4
PM 10,284
PM 49/5

THIS DOCUMENT REVIEWED BY
 RIVERSIDE COUNTY SURVEYOR.
 BY: *M. Parker*
 DATE: **8-8-06**

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

RIVERSIDE COUNTY,
CALIFORNIA

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SEC 32, T5S, R2W, SBM

SHEET 1 OF 1 W.O. 03-128T

SCALE: 1" = 100'

DRWN BY *[Signature]* DATE **7/12/06**
 CHKD BY *[Signature]* DATE **7/12/06**

SUBJECT: **STORM DRAIN EASEMENT**

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT

That portion of that certain parcel of land conveyed to Charm Logan by Grant Deed recorded February 16, 1990 as Instrument No. 060830, Official Records of Riverside County, California, located in Section 32 Township 5 South, Range 2 West, San Bernardino Meridian, said portion being described as follows:

COMMENCING at the southwest corner of said Section 32, said corner being the southwest corner of Parcel 4 of Parcel Map No. 10,284 as shown by map on file in Book 49 of Parcel Maps at page 5 thereof, Records of Riverside County, California;

Thence North $02^{\circ}04'14''$ West along the westerly line of said Parcel 4 and along the westerly line of said Section 32, a distance of 1206.66 feet to the **TRUE POINT OF BEGINNING**, said point being distant southerly along said westerly line of Section 32, 99.16 feet from the intersection of the southwesterly right-of-way of Leon Road (80.00 feet in full width) as shown on Parcel Map 11,085 on file in Book 104 of Parcel Maps at pages 56 through 58 inclusive thereof, and with the westerly line of said parcel of land, said point also being on a line parallel with and distant southwesterly 34.00 feet, measured at a right angle, from said southwesterly right-of-way line of Leon Road;

Thence South $22^{\circ}07'23''$ East along said parallel line, a distance of 128.44 feet;

Thence South $22^{\circ}31'53''$ West, a distance of 25.24 feet;

Thence South $01^{\circ}48'30''$ West, a distance of 78.15 feet;

Thence North $85^{\circ}52'52''$ East, a distance of 51.98 feet to a point on said parallel line;

Thence South $22^{\circ}07'23''$ East along said parallel line, a distance of 524.81 feet to a point on the northerly line of said Parcel 4;

Thence South $89^{\circ}19'32''$ West along said northerly line, a distance of 10.74 feet to a point on a line parallel with and distant southwesterly 44.00 feet, measured at a right angle, from said southwesterly right-of-way line of Leon Road ;

Thence North $22^{\circ}07'23''$ West along said parallel line, a distance of 513.62 feet;

Thence South $85^{\circ}52'52''$ West, a distance of 55.81 feet;

Thence North $01^{\circ}48'30''$ East, a distance of 91.07 feet;

Thence North $22^{\circ}31'53''$ East, a distance of 22.96 feet;

Thence North 22°07'23" West, a distance of 96.93 feet to a point on said westerly line of Section 32, and on said westerly line of said parcel of land;

Thence North 02°04'14" West along said westerly line of Section 32 and along said westerly line of parcel of land, a distance of 29.16 feet to the **TRUE POINT OF BEGINNING**.

Containing 7,945 square feet, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

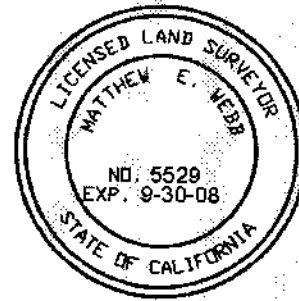
PREPARED UNDER MY SUPERVISION

Matthew E. Webb

Matthew E. Webb, L.S. 5529

11/30/06

Date



Prepared by: *[Signature]*
Checked by: *[Signature]*

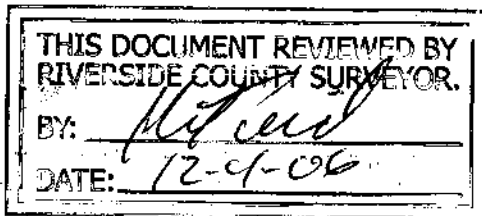
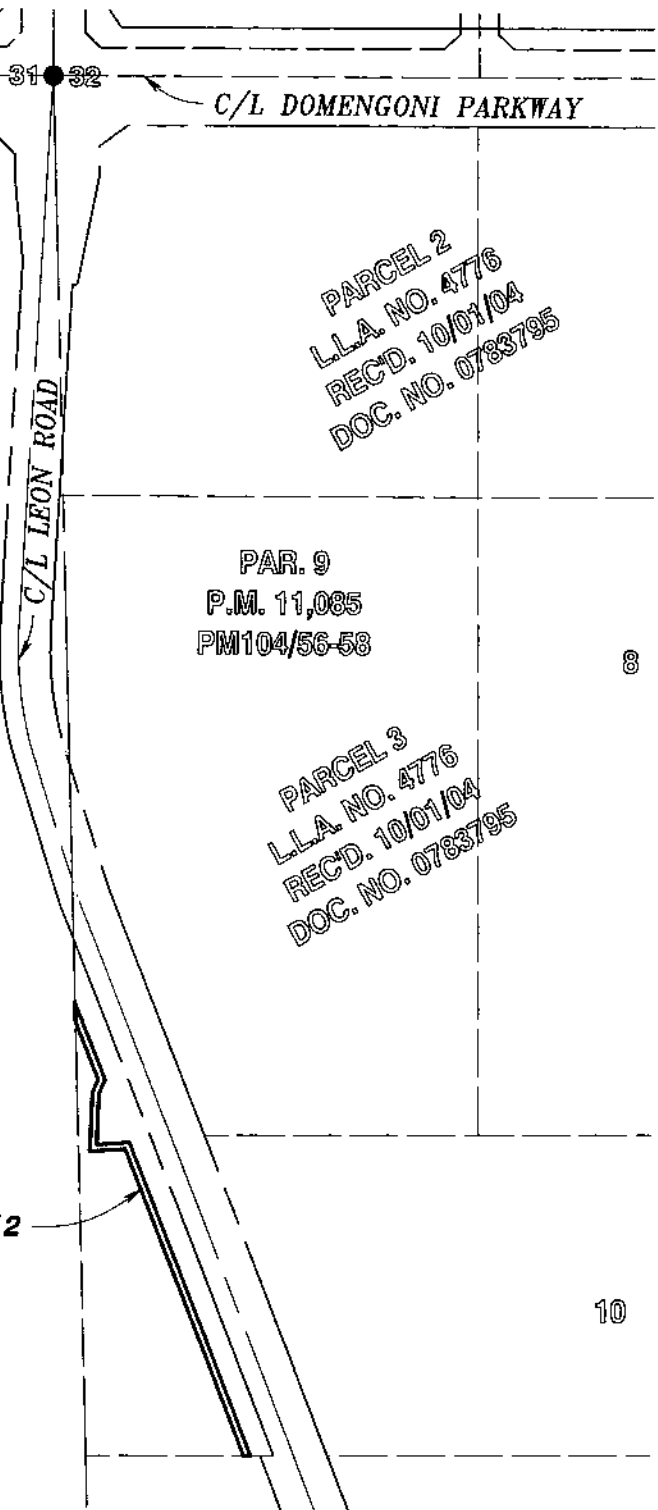


EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.

BY: *Matthew E. Webb*
DATE: *12-4-06*



SEC 32, T5S, R2W, SBM

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

RIVERSIDE COUNTY, CALIFORNIA

DATE PREPARED: 11/28/06

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THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

SHEET 1 OF 2

W.O. 03-128T

SCALE: 1" = 300'

DRWN BY *[Signature]* DATE *11/28/06*
CHKD BY *[Signature]* DATE *11/28/06*

SUBJECT: TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT



1" = 100'

T.P.O.B.

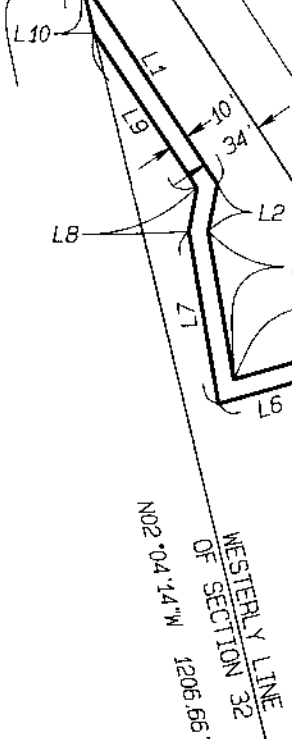
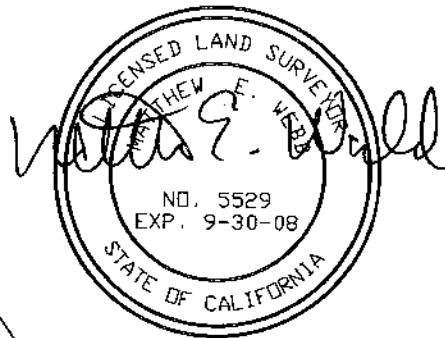
N02°04'14"W
99.16'

R/W PER PM 11,085
PM 104/56-58

PAR. 9

APN 461-190-079

PM 11,085
PM 104/56-58



C/L LEON ROAD

POR. S.W. 1/4,
SEC. 32

GRANT DEED
REC. 2/16/1990
AS INST. NO. 050830, O.R.
APN 461-190-005
7,945 S.F. ±

32 P.O.C.
S.W. COR. SEC. 32

PAR. 10
APN 461-190-041

LINE DATA

LINE	BEARING	DISTANCE
L1	S22°07'23"E	128.44'
L2	S22°31'53"W	25.24'
L3	S01°48'30"W	78.15'
L4	N85°52'52"E	51.98'
L5	S89°19'32"W	10.74'
L6	S85°52'52"W	55.81'
L7	N01°48'30"E	91.07'
L8	N22°31'53"E	22.96'
L9	N22°07'23"W	96.93'
L10	N02°04'14"W	29.16'

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

RIVERSIDE COUNTY,
CALIFORNIA

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SEC 32, T5S, R2W, SBM

SHEET 2 OF 2 W.D. 03-128T

SCALE: 1" = 100'

DRWN BY *[Signature]* DATE 11/20/06
CHKD BY *[Signature]* DATE 1/2/07

SUBJECT: TEMPORARY CONSTRUCTION EASEMENT