

894

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



FROM: Economic Development Agency

SUBMITTAL DATE:
May 29, 2007

SUBJECT: Ordinance No. 869, An Ordinance of the County of Riverside, Describing the Eminent Domain Program of the Redevelopment Agency for the County of Riverside.

RECOMMENDED MOTION: That the Board of Supervisors introduce and adopt the above-referenced ordinance on successive weeks.

BACKGROUND: The Community Redevelopment Law authorizes redevelopment agencies to eliminate blight within project areas. Each redevelopment project area has a redevelopment plan that defines how the redevelopment agency will manage the redevelopment project area, which in some cases allows for the use of eminent domain to acquire real property within a project area.

Senate Bill (SB) 53, passed by the California State Legislature in 2006, requires the Board of Supervisors to adopt an ordinance that describes the Redevelopment Agency's eminent domain program for plans adopted prior to January 1, 2007. Additionally, SB 53 provides that, following adoption of this ordinance, the eminent domain program may only be modified pursuant to an amendment of the redevelopment plan with new blight findings.

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Robin Zimpfer
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RZ:DL:TE:BC
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Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

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

BY: *Jennifer A. Sargent*
Jennifer A. Sargent

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL

MAY 29 2007

BY: *Jennifer A. Sargent*

Policy
 Consent
 Policy
 Consent

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

Prev. Agn. Ref.: None

District: All

Agenda Number:

3.22

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the County of Riverside
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BACKGROUND (continued): The Agency currently has five redevelopment project areas with sub-areas in 38 different communities. Of these sub-areas, the Agency has the authority to acquire real property by eminent domain in four of these: Jurupa Valley, Homeland, the Thousand Palms amendment area adopted in 1999, and the Highgrove amendment area adopted in 1998. For all other areas, acquisition of real property by eminent domain is not allowed because it was either not provided for in the redevelopment plan or the time limit for acquisition by eminent domain expired 12 years after the adoption of the redevelopment plan. The Agency's eminent domain authority will expire as follows for the four areas it is currently authorized in:

Jurupa Valley	2008
Thousand Palms	2011
Homeland	2011
Highgrove	2010

The eminent domain program described in Ordinance No. 869 indicates that the eminent domain power will be used in these areas only if certain requirements are met, some of which include the following:

- The Agency may acquire real property by eminent domain if it is determined that the buildings and/or structures must be removed in order to assemble land into parcels of reasonable size and shape to eliminate impediments to land development, if the buildings and/or structures are found to be substandard or a safety hazard, or if the buildings and/or structures must be removed to provide land for needed public facilities, such as rights-of-way or public recreational facilities and open space.
- The Agency may only acquire real property by eminent domain following compliance with all applicable laws, including all requirements pertaining to notice, hearings, and the payment of just compensation.
- Payment for property acquired by the Agency shall be as provided by law and will include, among others, the determination of just compensation for interests in real property and for loss of goodwill and relocation benefits, when applicable.

Staff recommends that the Board of Supervisors adopt Ordinance No. 869.

ORDINANCE NO. 869

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
DESCRIBING THE EMINENT DOMAIN PROGRAM OF THE
REDEVELOPMENT AGENCY FOR THE COUNTY OF RIVERSIDE

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that before January 1, 2007, it adopted final redevelopment plans for Redevelopment Project Area 1-1986, the Jurupa Valley Project Area, the Mid-County Project Area, the Desert Communities Project Area and the Interstate 215 Corridor Project Area. The Boards' intent in adopting these final redevelopment plans was to improve the quality of life in the County of Riverside by promoting effective redevelopment, eliminating blight and discouraging eminent domain power abuses. The eminent domain program described herein is unchanged from that included within the final adopted redevelopment plans.

Section 2. PURPOSE. The purpose of this ordinance is to describe the program that the Redevelopment Agency for the County of Riverside (Agency) uses when it acquires real property by eminent domain.

Section 3. AUTHORITY. This ordinance is adopted pursuant to Section 33342.7 of the Health and Safety Code, which requires a legislative body to adopt, on or before July 1, 2007, an ordinance that contains a description of the Agency's program to acquire real property by eminent domain.

Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Project Areas. Project Area 1-1986, the Jurupa Valley Project Area, the Mid-County Project Area, the Desert Communities Project Area, the Interstate 215 Corridor Project Area.
- b. Sub-Areas. Jurupa Valley, Homeland, Thousand Palms amendment area adopted in 1999, and Highgrove amendment area adopted in 1998.

1 Section 5. EMINENT DOMAIN PROGRAM DESCRIPTION. The final adopted
2 redevelopment plans for the Project Areas authorize the Agency to acquire real property by eminent
3 domain in the Sub-Areas, subject to the limitations set forth below. The Agency may acquire structures
4 without acquiring the land upon which those structures are situated, and may acquire fee simple title or
5 any other lesser interest. The Agency is not allowed to acquire real property by eminent domain outside
6 the Sub-Areas because acquisition by eminent domain was either not provided for in the redevelopment
7 plans or the time limit for acquisition by eminent domain has expired. However, the Agency's eminent
8 domain authority may be extended beyond the boundaries of the Sub-Areas if the Project Area
9 redevelopment plans are amended in accordance with the Community Redevelopment Law.

10 a. The Agency may acquire real property by eminent domain if it determines
11 that one or more of the following conditions exist:

- 12 1. Buildings and/or structures must be removed in order to assemble
13 land into parcels of reasonable size and shape to eliminate
14 impediments to land development.
- 15 2. Buildings and/or structures are substandard as demonstrated by a
16 County inspection of the property.
- 17 3. Buildings and/or structures must be removed in order to eliminate an
18 environmental deficiency, including, but not limited to,
19 incompatible land uses and small and irregular lot subdivisions.
- 20 4. Buildings and/or structures must be removed to provide land for
21 needed public facilities, including among others, rights-of-way,
22 public safety facilities, public recreational facilities and open space,
23 and other public utilities.
- 24 5. Buildings and/or structures are determined by the County or Agency
25 to be a safety hazard or a public nuisance due to physical
26 deterioration or due to continued use of the structure or property for
27 unlawful activities.

1 6. Acquisition of the property is allowed by Community
2 Redevelopment Law and will promote the implementation of the
3 redevelopment plans.

4 b. The Agency pays for real property acquired by eminent domain as provided
5 by law by doing each of the following:

- 6 1. Determining the just compensation for interests in real property;
- 7 2. Determining, when applicable, the just compensation for the taking
8 and damaging of improvements, fixtures and equipment;
- 9 3. Determining, when applicable, the just compensation for diminution
10 in value caused to a remainder of property;
- 11 4. Determining relocation benefits and assistance;
- 12 5. Determining, when applicable, the loss of business goodwill; and
- 13 6. Filing eminent domain lawsuits only after adoption of a resolution
14 of necessity.

15 c. In determining just compensation, damages, relocation benefits and
16 assistance, as described above, the Agency complies, when applicable, with
17 each of the following:

- 18 1. The Fifth and Fourteenth Amendments to the United States
19 Constitution;
- 20 2. 42 U.S.C.A Sections 4601 through 4655;
- 21 3. Article 1, Section 19 of the California Constitution;
- 22 4. California's Eminent Domain Law (California Code of Civil
23 Procedure Sections 1230.010, et seq.);
- 24 5. California Government Code Sections 7260 through 7277;
- 25 6. The Relocation Assistance and Real Property Acquisition
26 Guidelines (Title 25, California Code of Regulations Sections 6000,
27 et seq.); and

7. All other applicable federal, state and local laws, rules, regulations and ordinances.

d. Unless the redevelopment plans are amended, the Agency's authority to acquire real property by eminent domain is set to expire as follows:

- 1. Jurupa Valley in 2008
- 2. Thousand Palms in 2011
- 3. Homeland in 2011
- 4. Highgrove in 2010

Section 6. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 7. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

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

BY _____
Chairman

ATTEST:

CLERK OF THE BOARD:

By: _____
Deputy

(SEAL)

KAL:mdk
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FORM APPROVED
COUNTY COUNSEL

MAY 31 2007
Michelle Clerk