

2007-04-48

047

826A



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

FROM: Department of Facilities Management and Transportation
Department

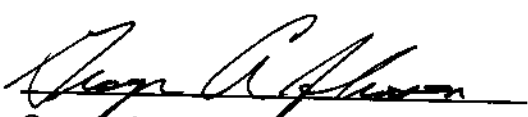
SUBMITTAL DATE:
May 25, 2007

SUBJECT: Resolution No. 2007-072 Authorizing Condemnation of Real Property for Road and Storm Drainage Purposes – Lennar Homes

RECOMMENDED MOTION: That the Board of Supervisors Approve Resolution No. 2007-072, Authorizing Condemnation of Real Property (Portion of Assessor's Parcel Number 461-190-005) for Road and Storm Drain Purposes.

BACKGROUND: (Commences on Page 2)

Departmental Concurrence


George A. Johnson, Director
Department of Transportation


Robert Field, Director
Department of Facilities Management

GAJ:RF:BP:SAV:ss
10.823

FORM APPROVED
COUNTY COUNSEL

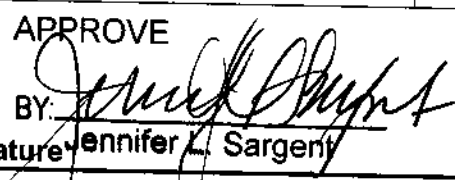
APR 19 2007

BY: 
Jennifer L. Sargeny (97 ann Belojian)

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: Developer funds.

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: 
County Executive Office Signature: Jennifer L. Sargeny

- Policy
- Policy
- Consent
- Consent

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

9.3

Department of Facilities Management and Transportation Department
Resolution No. 2007-072 Authorization to Condemn Real Property for Road and Storm
Drainage Purposes – Lennar Homes
March 27, 2007
Page 2

BACKGROUND: As a condition of approval for Tract Map 31892, Lennar Homes is planning to widen Leon Road and 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.

Staff recommends approval of Resolution No. 2007-072, Authorizing Condemnation of Real Property for Road and Storm Drainage Purposes. The approval will allow the construction of the off-site improvements (which was a condition of approval placed by the county for Lennar Homes Tract Map 31892), to move forward.

2
3 Resolution No. 2007-072
4 Authorizing Condemnation of Real Property
5 for Road and Storm Drainage Purposes – Lennar Homes

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

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

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

22 Whereas the interests in property that are the subjects of this Resolution
23 (collectively the "Subject Property Interests") are: (a) a perpetual easement in the
24 section of real property that will be used for public road and utility purposes; (b) a
25 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 Whereas the statutes that authorize the County to acquire the Subject Property
4 Interests by eminent domain are Article 1, Section 19 of the California Constitution;
5 Sections 25350.5 and 66462.5 of the Government Code; Sections 940 and 943 of the
6 Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.40,
7 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

8 Now, therefore, BE IT RESOLVED AND ORDERED by the Board of
9 Supervisors of Riverside County, State of California, not less than four-fifths of all
10 members concurring, in regular session assembled on June 2007, that this Board
11 finds and determines each of the following:

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

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

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

19 4. The Subject Property Interests are necessary for the Proposed Project.

20 5. The offer required by Section 7267.2 of the Government Code has been
21 made to the owner or owners of record of the Subject Properties.

22 ///
23 ///
24 ///

1 BE IT FURTHER RESOLVED that the County Counsel of the County of
2 Riverside is hereby authorized and empowered:

3 1. To acquire (in the name of the County) the Subject Property Interests by
4 condemnation in accordance with the Constitution and laws relating to eminent
5 domain.

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

8 3. To make application to the Court for an order to deposit the probable
9 amount of compensation out of proper funds under the control of the County into the
10 County Treasury and for an order permitting the County to take prejudgment
11 possession and use the real properties for the purpose of constructing the Proposed
12 Project.

13 4. To compromise and settle such proceedings if such settlement can be
14 reached and, in that event, to take all necessary actions to complete the acquisition,
15 including stipulations as to judgment and other matters, and the causing of all
16 payments to be made.

17
18 SAV:cm
19 4/19/07
20 130CC
21 10.822

22
23 FORM APPROVED
24 COUNTY COUNSEL

25 APR 19 2007

BY Steven Bolger

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
Matthew E. Webb, L.S. 5529

7/12/06
Date



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

THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: <u>M. Parke</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

N02°04'14"W 1305.82'

0.63 AC.±

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

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

31
6 5

NORTHERLY LINE

PAR. 4
PM 10.284
PM 49/5

S89°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 W.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**.

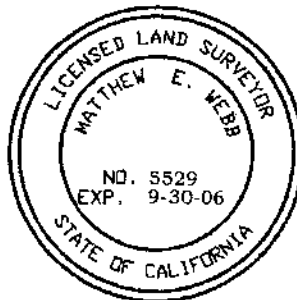
Containing 2,956 square feet, more or less.

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]*

THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: <i>M. Farber</i>
DATE: <i>8.8.06</i>

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°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°07'23" East along said parallel line, a distance of 128.44 feet;

Thence South 22°31'53" West, a distance of 25.24 feet;

Thence South 01°48'30" West, a distance of 78.15 feet;

Thence North 85°52'52" East, a distance of 51.98 feet to a point on said parallel line;

Thence South 22°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°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°07'23" West along said parallel line, a distance of 513.62 feet;

Thence South 85°52'52" West, a distance of 55.81 feet;

Thence North 01°48'30" East, a distance of 91.07 feet;

Thence North 22°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.

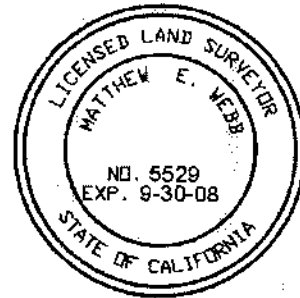
PREPARED UNDER MY SUPERVISION

Matthew E. Webb

Matthew E. Webb, L.S. 5529

11/30/06

Date



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

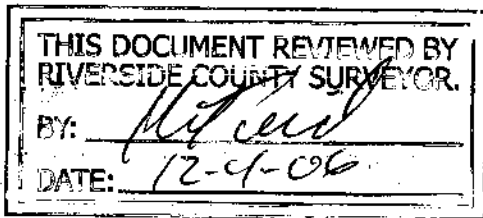
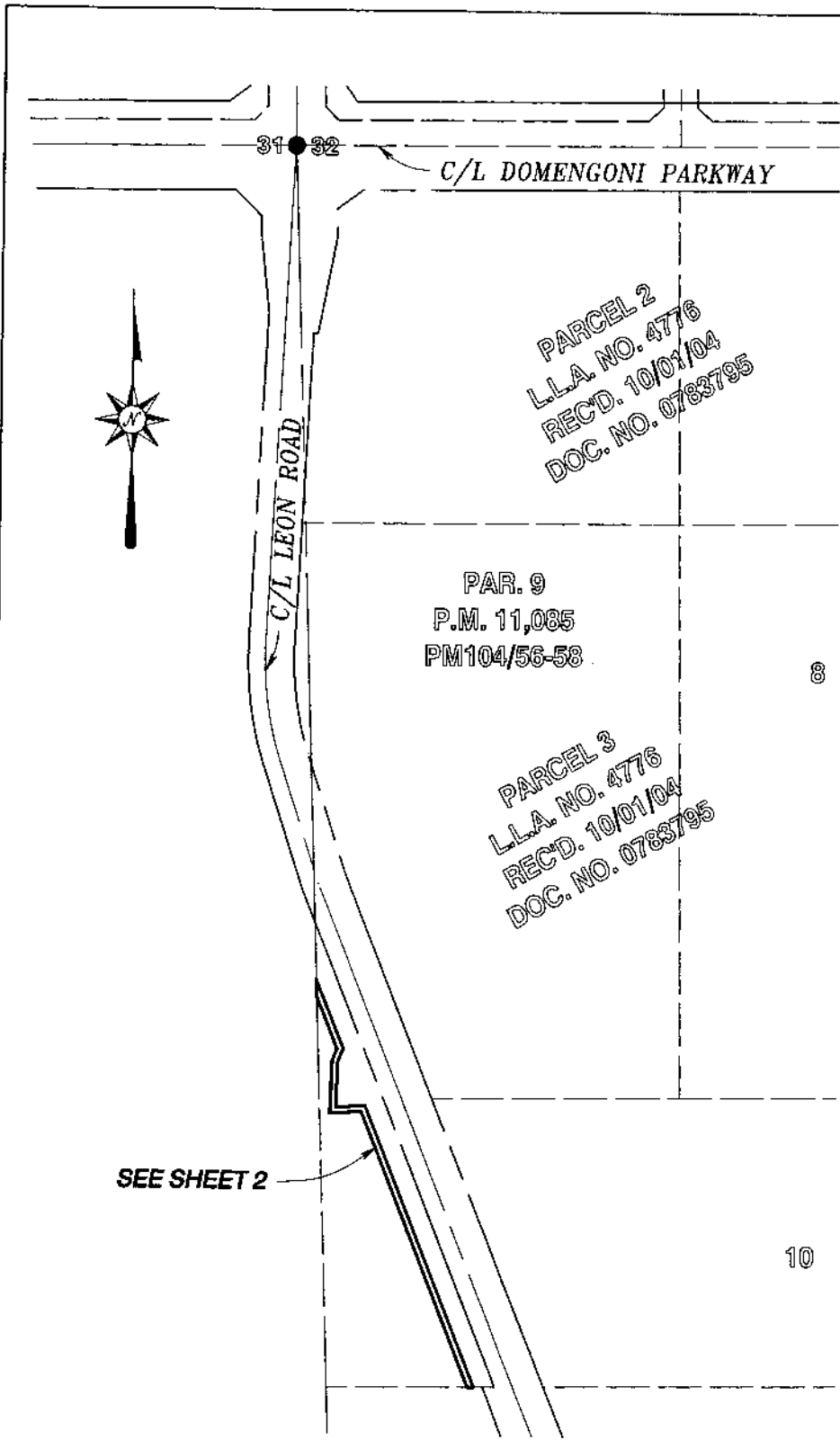


EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.

BY: *M. 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'

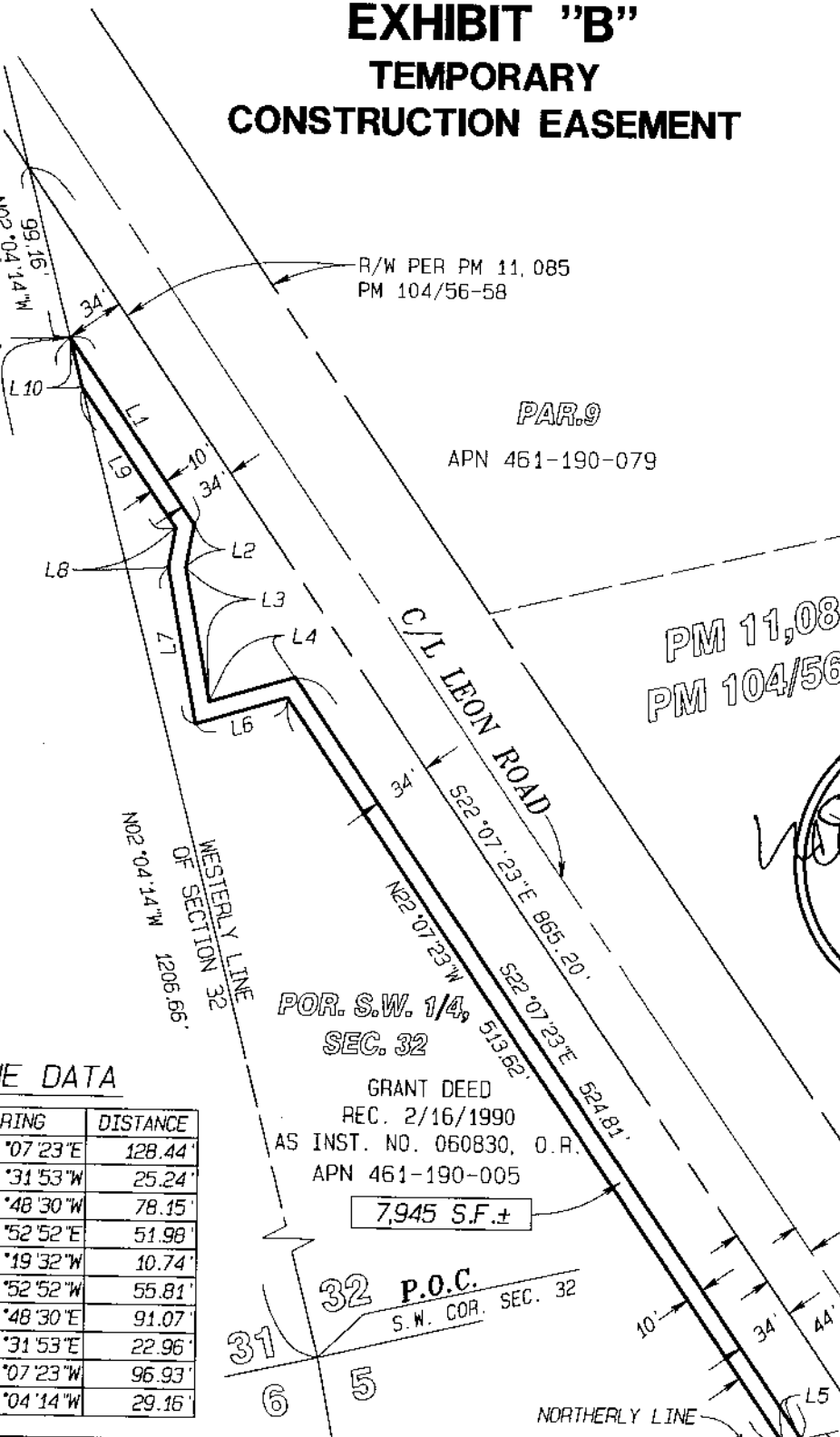
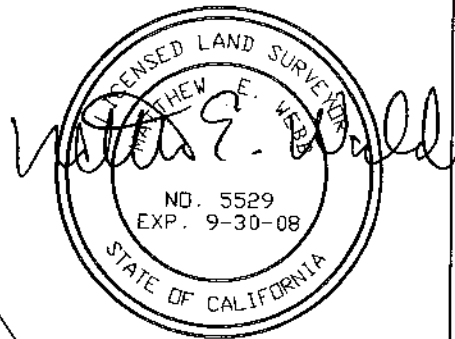
T.P.O.B.

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

PAR. 9

APN 461-190-079

PM 11,085
PM 104/56-58



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'

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

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

7,945 S.F. ±

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

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

RIVERSIDE COUNTY,
CALIFORNIA

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SEC 32, T5S, R2W, SBM

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

SCALE: 1" = 100'

DRWN BY *[Signature]* DATE 11/20/06
CHKD BY *[Signature]* DATE 11/26/06

SUBJECT: TEMPORARY CONSTRUCTION EASEMENT

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



9.6

9:30 a.m. being the time set for public hearing on Adoption of Resolution 2007-072, Authorization to Condemn Real Property for Road and Storm Drainage Purposes – Lennar Homes, 3rd District, the Chairman called the matter for hearing.

Stephi Villanueva, Real Property Agent-Facilities Management, presented the matter.

The following individuals spoke:

Charm Logan, property owner, spoke in opposition, and asked for a continuance for further review.

Maddy Waters, associate/friend representing Ms. Logan, spoke in opposition.

Garry Grant expressed concern over flood drainage.

Jamne Valdez, representing Lennar Homes, spoke in support.

Supervisor Stone requested the property owner to meet with Lennar Homes.

Leticia Pepper, neutral, expressed concern about the use of eminent domain for redevelopment purposes.

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, June 19, 2007 for further review to resolve issues.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on June 5, 2007 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: June 5, 2007
Nancy Romero, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By [Signature] Deputy

AGENDA NO.

9.6

xc: Facil. Mgmt./Transp., Property Owner, COB
[Signature]