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

FROM: Economic Development Agency

SUBMITTAL DATE:
July 16, 2007

SUBJECT: Adoption of County Resolution No. 2007-329, Notice of Intention to Adopt a Resolution of Necessity Regarding the El Cerrito Sports Park Project, Second Supervisorial District

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2007-329, Notice of Intention to Adopt a Resolution of Necessity Regarding the El Cerrito Sports Park Project;
2. Set a public hearing for September 4, 2007, to hear comments from the affected property owner; and
3. Authorize the Clerk of the Board to give notice pursuant to Code of Civil Procedure Section 1245.235.

BACKGROUND: A need has been identified to develop a community park in the unincorporated community of El Cerrito. Currently, there are no parks in the area, which has approximately 4,600 residents in the immediate community and over 10,000 in outlying areas. (Continued on page 2)

JUL 19 2007
 ALAN BOBBIAN / DEPUTY COUNTY COUNSEL
 RZA
 DEPARTMENTAL CONCURRENCE

RZ:DL:TE:JMP:AMG:kh
 S:\RealProperty\Real Property\DIST2\07-2-239.condemnpkge.doc

Robin Zimper
 Robin Zimper
 Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	No
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	07/08

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
BY	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
 BY: *Jennifer L. Sargent*
 Jennifer L. Sargent

County Executive Office Signature

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

Prev. Agn. Ref.: 7/12/05; Item 4.2; 7/3/07 Items: 4.4 and 9.1

District: 2

Agenda Number:

3.38

July 16, 2007

Page 2

BACKGROUND (Continued):

The subject property, Assessor's Parcel Number 277-210-008, is one of the parcels needed for the development of the park. It is vacant and located on the northeasterly quadrant of Interstate 15 and El Cerrito Road. The subject property is adjacent to a 21.30-acre parcel that is already owned by the County. The subject property will be assembled with the 21.30-acre parcel to create a 26-acre park. These two properties combined are one of the few sites in the community that are undeveloped and suitable for development of the park and will cause the least private injury for the greatest public good. The acquisition of the subject property will enable the County to develop the El Cerrito Sports Park with all of the needed recreational facilities.

Agency Counsel has approved the items as to form, and staff recommends that the Board schedule the matter for a Resolution of Necessity Hearing.

In accordance with County procedures and State Law, a "fair market value offer" was provided to the land owner. Subsequently, several meetings with the property owner have occurred; however, no settlement has been reached. Staff will continue negotiations in an effort to reach an acceptable mutual agreement with the property owner. Approval of County Resolution Number 2007-330, Authorization to Condemn, is scheduled to go before the Board of Supervisors on September 4, 2007, assuming this resolution is approved by the Board today.

2 **COUNTY RESOLUTION NO. 2007-329**

3 **NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY REGARDING**
4 **THE EL CERRITO SPORTS PARK PROJECT**

5 WHEREAS the real property that is the subject of this Notice (the "Subject Property") is
6 located entirely within the boundaries of the unincorporated County of Riverside, State of
7 California; is located to the north of El Cerrito Road and to the east of the Interstate 15; is
8 presently designated as Riverside County Assessor's Parcel No. 277-210-008; and is legally
9 described and pictorially depicted on the documents attached hereto as Exhibits "A" and "B" and
10 incorporated herein by this reference; and

11 WHEREAS the proposed project that is the subject of this Notice (the "Proposed
12 Project") is the use of the Subject Property for public park purposes (and for other uses
13 incidental thereto and required thereby including, but not limited to, public athletic field
14 purposes); and

15 WHEREAS the interest in Property that is the subject of this Notice (the "Subject
16 Property Interest") is fee simple ownership in and to the Subject Property.

17 Now, therefore, BE IT RESOLVED AND ORDERED as follows by the Board of
18 Supervisors of Riverside County, State of California, in regular session assembled on July 31,
19 2007:

20 1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on
21 September 4, 2007, at 9:30 a.m. in the meeting room of the Board of Supervisors located on the
22 1st floor of the County Administrative Center, 4080 Lemon Street, Riverside, California) may
23 decide to adopt a Resolution of Necessity that would authorize the County of Riverside to
24 acquire the Subject Property Interest by eminent domain (and would find and determine each of
25 the following matters):

- 26 (a) That the public interest and necessity require the Proposed Project;
- 27 (b) That the Proposed Project is planned or located in the manner that will
28 be most compatible with the greatest public good and the least private

1 injury;

2 (c) That the Subject Property Interest is necessary for the Proposed Project;
3 and

4 (d) That the offer required by Section 7267.2 of the Government Code has
5 been made to the owner of record of the Subject Property.

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

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

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

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

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

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FORM APPROVED
COUNTY COUNSEL

JUL 19 2007

BY Glenn Beloian
GLENN BELOIAN,
DEPUTY COUNTY COUNSEL
FOR JOE RANK,
COUNTY COUNSEL

EXHIBIT "A"

THAT PORTION OF GOVERNMENT LOTS 10, 11 AND 14 IN SECTION 8, TOWNSHIP 4 SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 5 PAGE 73 OF RECORDS OF SURVEY, RIVERSIDE COUNTY RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF EVELYN STREET WITH THE CENTER LINE OF EL CERRITO ROAD, AS SHOWN BY MAP OF EL CERRITO HILLS NO. 2 ON FILE IN BOOK 22 PAGES 33, 34 AND 35 OF MAPS, RIVERSIDE COUNTY RECORDS; THENCE NORTH $57^{\circ} 35' 30''$ EAST, ALONG SAID CENTER LINE OF EL CERRITO ROAD, A DISTANCE OF 227.31 FEET TO A POINT IN THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF PARCEL 1 CONVEYED TO CORONA UNIFIED SCHOOL DISTRICT OF RIVERSIDE COUNTY BY DEED RECORDED IN BOOK 1785 PAGE 155 OF OFFICIAL RECORDS, RIVERSIDE COUNTY RECORDS; THENCE NORTH $22^{\circ} 41' 15''$ WEST ALONG SAID SOUTHEASTERLY PROLONGATION AND ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 96.38 FEET TO A POINT THEREIN FOR THE TRUE POINT OF BEGINNING, SAID POINT BEING THE MOST NORTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE COUNTY OF RIVERSIDE, BY DEED RECORDED JANUARY 25, 1965 AS INSTRUMENT NO. 8763, OFFICIAL RECORDS, RIVERSIDE COUNTY RECORDS; THENCE SOUTH $57^{\circ} 35' 30''$ WEST, ALONG THE NORTHWESTERLY LINE OF SAID PARCEL CONVEYED TO THE COUNTY OF RIVERSIDE, A DISTANCE OF 102.17 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH $48^{\circ} 16' 27''$ WEST ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 169.78 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH $59^{\circ} 22' 55''$ WEST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 456.91 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL CONVEYED TO THE COUNTY OF RIVERSIDE, SAID POINT BEING IN THE NORTHEASTERLY RIGHT OF WAY LINE OF THE STATE HIGHWAY, AS SHOWN BY RIGHT OF WAY NO. 204-422, ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF RIVERSIDE COUNTY; THENCE NORTH $31^{\circ} 11' 20''$ WEST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 387.01 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO I.H. THOMPSON BY DEED RECORDED OCTOBER 30, 1963 AS INSTRUMENT NO. 114774, OFFICIAL RECORDS, RIVERSIDE COUNTY RECORDS, SAID POINT ALSO BEING ON THE CENTER LINE OF A 10 INCH STEEL WATER LINE OF THE CAJELCO MUTUAL WATER COMPANY; THENCE NORTH $66^{\circ} 46' 45''$ EAST, ALONG SAID SOUTHEASTERLY LINE OF THE PARCEL CONVEYED TO THOMPSON AND ALONG THE CENTER LINE OF SAID 10-INCH STEEL WATER LINE, A DISTANCE OF 784.30 FEET TO A POINT IN SAID SOUTHWESTERLY LINE OF THE PARCEL CONVEYED TO CORONA UNIFIED SCHOOL DISTRICT AS AFORESAID; THENCE SOUTH $22^{\circ} 41' 15''$ EAST, ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 252.16 FEET TO THE TRUE POINT OF BEGINNING.

SAID LAND IS ALSO SITUATED IN THE UNINCORPORATED AREA OF RIVERSIDE COUNTY.

