

**SUBMITTAL TO THE BOARD OF DIRECTORS OF THE
REDEVELOPMENT AGENCY
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

150



FROM: Redevelopment Agency for the County of Riverside

SUBMITTAL DATE:
August 23, 2007

SUBJECT: Adoption of RDA Resolution No. 2007-018, Authorization to Condemn Real Property for the West Riverside Veterinary Hospital Project – APN 181-062-011 - Second Supervisorial District

RECOMMENDED MOTION: That the Board of Directors:

1. Hold a public hearing to hear comments from those persons affected by this project as stated in RDA Resolution No. 2007-017;
2. Adopt RDA Resolution No. 2007-18, Authorization to Condemn Real Property for the West Riverside Veterinary Hospital Project – APN 181-062-011; and
3. Authorize and direct the Executive Director of the Redevelopment Agency to take the necessary actions to proceed with eminent domain activities.

BACKGROUND: As part of the revitalization plan for the community of Rubidoux, a Disposition and Development Agreement "DDA" with Butchko Veterinary Management, LLC. was approved by the Board of Directors on February 27, 2007. The DDA will allow the developer to expand their existing veterinary clinic to accommodate their growth needs in the community. (continued on Page 2)

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Deanna Lorson

Deanna Lorson, Deputy Executive Director, for
Robin Zimpfer, Executive Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 275,000	In Current Year Budget:	YES
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2007/2008

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: NO

SOURCE OF FUNDS: Jurupa Valley Redevelopment Capital Improvement Funds	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
Jennifer L. Sargent
BY: _____
Jennifer L. Sargent

County Executive Office Signature

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

Prev. Agn. Ref.: 7/31/07 Item 4.7

District: 2

Agenda Number:

4.6

DEPUTY COUNTY COUNSEL FOR THE BOARD OF SUPERVISORS
 BY: *Glenn R. Beloit*
 GLENN R. BELOIT
 DATE: 8/24/07
 DEPARTMENTAL CONCURRENCE FORM APPROVED COUNTY COUNSEL

BACKGROUND (continued):

In order to provide sufficient land for the expanded and renovated veterinary hospital, the Agency is seeking to acquire Assessor's Parcel Number 181-062-011 consisting of 10,777 square feet, improved with a single family dwelling, owned by an absentee landlord, located at 3843 Mennes Avenue. The statutory offer has been made, as well as numerous attempts to settle with the owner who has indicated that he is interested in selling the property, however a final agreement has not been reached. Staff recommends the adoption of RDA Resolution No. 2007- 018.

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 property 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. The Agency is guided by Government Code Section 7267; "In order to encourage and expedite the acquisition and relieve congestion in the courts, to assume consistent treatment for owners in the public programs, and to promote public land acquisition practices, public entities shall, to the greatest extent practicable, be guided by the provision of Section 7267.1, 'The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation.' "

The Staff Report, as shown on Exhibit "C," attached hereto and made a part hereof, further details the need for this project.

2 RDA RESOLUTION NO. 2007-018
3 AUTHORIZATION TO CONDEMN REAL PROPERTY FOR THE
4 WEST RIVERSIDE VETERINARY HOSPITAL PROJECT – APN 181-062-011

5 WHEREAS the parcel of 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, California; is presently
7 designated as Riverside County Assessor’s Parcel No. 181-062-011; is commonly known as 3843 Mennes
8 Avenue, Riverside, California 92509; and is legally described and pictorially depicted on the documents
9 attached hereto as Exhibits “A” and “B” (and incorporated herein by this reference);

10 WHEREAS the interest in property that is the subject of this Notice (the “Subject Property
11 Interest”) is fee simple ownership in and to the Subject Property;

12 WHEREAS by Riverside County Ordinance Nos. 762 and 763 which became effective on August
13 8, 1996, the Riverside County Board of Supervisors approved and adopted a redevelopment plan that
14 merged the redevelopment project areas created by Redevelopment Project No. 2 (Mira Loma
15 Community), by Redevelopment Project No. 2 – 1987 (Glen Avon and Rubidoux Communities), and by
16 Redevelopment Project No. 2 – 1989 (Pedley and Rubidoux Communities), and that added to those
17 merged areas certain additional land located around those merged areas in order to create a single
18 contiguous redevelopment project area (the “Jurupa Valley Redevelopment Project Area”);

19 WHEREAS the Subject Property is located entirely within the boundaries of the Jurupa Valley
20 Redevelopment Project Area;

21 WHEREAS the proposed project that is the subject of this Notice (the “Proposed Project”) is one to
22 redevelop the Jurupa Valley Redevelopment Project Area by reducing the physical blight and economic
23 blight within that project area (including but not limited to the removal of the present buildings and/or
24 structures on the Subject Property and the construction of an additional 15,000 square-foot to 25,000
25 square-foot building, parking area, landscaped area, fire access area and other improvements for the West
26 Riverside Veterinary Hospital that will be located partly on the Subject Property, the renovation of the
27 presently existing buildings and/or structures for the West Riverside Veterinary Hospital, the stimulation
28 of the West Riverside Veterinary Hospital’s investment in the expansion and renovation of the facilities
comprising its veterinary hospital, the consequent reduction of the physical and economic blight that

1 presently characterizes the Subject Property, the consequent reduction of the physical blight that presently
2 characterize the presently existing buildings and/or structures for the West Riverside Veterinary Hospital,
3 the consequent transformation of the West Riverside Veterinary Hospital into the type of business that
4 will attract other businesses into the Jurupa Valley Redevelopment Project Area, the consequent addition
5 of jobs at the West Riverside Veterinary Hospital and in the Jurupa Valley Redevelopment Project Area,
6 and the retention of the unique business of the West Riverside Veterinary Hospital in the Jurupa Valley
7 Redevelopment Project Area despite the fact that it has outgrown its presently existing facilities); and

8 WHEREAS the statutes that authorize the Redevelopment Agency for the County of Riverside to
9 acquire the Subject Property Interest by eminent domain are Article 1, Section 19 of the California
10 Constitution; Section 25350.5 of the Government Code; Sections 33030(a), 33031, 33037, 33321, 33342,
11 33368, and 33391 of the Health and Safety Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040,
12 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure; and

13 WHEREAS the Subject Property is currently improved by a single family residence occupied by
14 tenants.

15 Now, therefore, BE IT RESOLVED AND ORDERED by the Board of Directors of the
16 Redevelopment Agency for the County of Riverside (the "Agency"), not less than four-fifths of all
17 members concurring, in regular session assembled on September 4, 2007, that this Board finds and
18 determines each of the following:

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

22 2. The public interest and necessity require the Proposed Project;

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

25 4. The Subject Property Interest is necessary for the Proposed Project;

26 5. The offer required by Section 7267.2 of the Government Code has been made to the owner or
27 owners of record of the Subject Property;

28 6. The Subject Property Interest must be acquired (and the buildings and/or structures on the

1 Subject Property must be removed) in order to assemble land into parcels of reasonable size and shape for
2 the expanded and renovated West Riverside Veterinary Hospital which will operate on Riverside County
3 Assessor's Parcel Nos. 181-062-032, 181-062-033, 181-062-034, 181-062-035, 181-062-036, 181-062-
4 037, 181-062-027, 181-062-028, 181-062-029, 181-062-031, 181-062-030, 181-062-018, and 181-062-
5 011 (and to thereby eliminate that impediment to land development);

6 7. The acquisition of the Subject Property Interest is allowed by applicable redevelopment law and
7 will promote the implementation of the redevelopment plan for the Jurupa Valley Redevelopment Project
8 Area; and

9 8. The Subject Property is currently improved by a single family residence occupied by tenants
10 who will be relocated pursuant to the California Relocation Assistance Act of 1970.

11 BE IT FURTHER RESOLVED AND ORDERED that the County Counsel of the County of
12 Riverside is hereby authorized and empowered:

13 1. To acquire (in the name of the Agency) the Subject Property Interest by condemnation in
14 accordance with the Constitution and laws relating to eminent domain.

15 2. To prepare and prosecute in the name of the Agency such proceedings in the proper court having
16 jurisdiction thereof as are necessary for such acquisition.

17 3. To make application to the Court for an order to deposit the probable amount of compensation
18 out of proper funds under the control of the Agency into the County Treasury and for an order permitting
19 the Agency to take prejudgment possession and use the Subject Property Interest for the purpose of
20 constructing the Proposed Project.

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

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27 FORM APPROVED COUNTY COUNSEL
BY: Glenn Beloian 8/24/07
GLENN R. BELOIAN, DATE
DEPUTY COUNTY COUNSEL
FOR JOE RANK, COUNTY COUNSEL

EXHIBIT "B"

THAT PORTION OF LOTS 5, 6 AND 7 OF E. N. SMITH'S GARDEN TRACT AS SHOWN BY MAP ON FILE IN BOOK 10, PAGE 11 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BY METES AND BOUNDS:

COMMENCING AT A POINT ON THE SOUTHEASTERLY LINE OF TWINING STREET, 205.18 FEET SOUTHWESTERLY, MEASURED ON SAID SOUTHEASTERLY LINE FROM THE NORTHEASTERLY LINE OF SAID TRACT;

THENCE SOUTHEASTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF SAID TRACT, 195.30 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTHEASTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF SAID TRACT, 220.30 FEET;

THENCE SOUTHWESTERLY PARALLEL WITH THE SOUTHEASTERLY LINE OF TWINING STREET, 55.18 FEET;

THENCE NORTHWESTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF SAID TRACT, 220.30 FEET;

THENCE NORTHEASTERLY PARALLEL WITH THE SOUTHEASTERLY LINE OF TWINING STREET, 55.18 FEET TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THAT PORTION THEREOF LYING IN MENNES AVENUE.

SAID PROPERTY IS ALSO SHOWN AS LOT 94 OF ASSESSOR'S MAP NO. 10, ON FILE IN BOOK 1, PAGE 10 OF ASSESSOR'S MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.