

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

149



FROM: Economic Development Agency

SUBMITTAL DATE:
September 4, 2007

SUBJECT: Adoption of County Resolution No. 2007-330, Authorization to Condemn Real Property for the El Cerrito Sports Park Project - APN 277-210-008, Second Supervisorial District

RECOMMENDED MOTION: That the Board of Supervisors:

1. Hold a public hearing to hear comments from those persons affected by this project as stated in County Resolution No. 2007-329;
2. Adopt County Resolution No. 2007-330, Authorization to Condemn Real Property for the El Cerrito Sports Park Project; and
3. Authorize the Assistant County Executive Officer of the Economic Development Agency to take the necessary actions to proceed with eminent domain activities.

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)

RZ:DL:TE:JMP:AMG:kh

S:\RealProperty\Real Property\DIST2\07-2-239 condemnpkoe.doc

Deanna Lorson
Deanna Lorson, Managing Director, for
Robin Zimpfer, Assistant County Executive Officer/ EDA

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 5,491,000	In Current Year Budget:	Yes
Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
Annual Net County Cost:	\$ N/A	For Fiscal Year:	07/08

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: Project Area 1-1986 Redevelopment Capital Improvement Funds, El Cerrito/Temescal Sub Area	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

Jennifer Sargent
BY: Jennifer L. Sargent

County Executive Office Signature

Reviewed by GIP TEAM C. Huns
 DEPUTY COUNTY COUNSEL FOR JOE RANKIN COUNTY
 BY: GLENN R. BELOIAN, *Belorian*
 DATE: 8/24/07
 DEPT RECOMM.: Policy Policy
 PER EXEC. OFC.: Consent Consent

Prev. Agn. Ref.: 7/31/07; Item 3.38 **District:** 2 **Agenda Number:**

9.7

Form 11 - Resolution No. 2007-330, Authorization to Condemn Real Property for the El Cerrito Sports Park Project

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BACKGROUND (continued):

The subject property, Assessor's Parcel Number 277-210-008, has been identified as one of the sites needed for the development of the park. It is vacant and located on the northeasterly quadrant of the Corona (I-15) Freeway 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 is 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 approve the Resolution of Necessity so that an eminent domain proceeding can be commenced.

In accordance with County procedures, State and Federal Law, a "fair market value offer" was provided to the land owner on February 21, 2006. 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.

2 COUNTY RESOLUTION NO. 2007-330
3 AUTHORIZATION TO CONDEMN REAL PROPERTY FOR
4 THE EL CERRITO SPORTS PARK PROJECT

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

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

13 WHEREAS the interest in property that is the subject of this Notice (the "Subject Property
14 Interest") is fee simple ownership in and to the Subject Property; and

15 WHEREAS the statutes that authorize the County of Riverside to acquire the Subject Property
16 Interest by eminent domain are Article 1, Section 19 of the California Constitution; Section 25350.5 of
17 the Government Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.410,
18 1240.510, and 1240.610 of the Code of Civil Procedure.

19 Now, therefore, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County
20 of Riverside, State of California, not less than four-fifths of all members concurring, in regular session
21 assembled on September 18, 2007, that this Board finds and determines each of the following:

- 22 1. Notice of the Board's intention to adopt this resolution of necessity was duly given as required
23 by Section 1245.235 of the Code of Civil Procedure and, on the date and at the time and place fixed for
24 hearing, this Board did hear and consider all of the evidence presented.
- 25 2. The public interest and necessity require the Proposed Project;
- 26 3. The Proposed Project is planned and located in the manner that will be most compatible with the
27 greatest public good and the least private injury;
- 28 4. The Subject Property Interest is necessary for the Proposed Project; and

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.



AMERICAN TOWER™
CORPORATION

Via Federal Express

Tracking Number: 7987 5177 4396

August 29, 2007

Ms. Nancy Romero
Clerk, Board of Supervisors
County of Riverside Administrative Center
4080 Lemon Street, 14th Floor
Riverside, CA 92502-1147

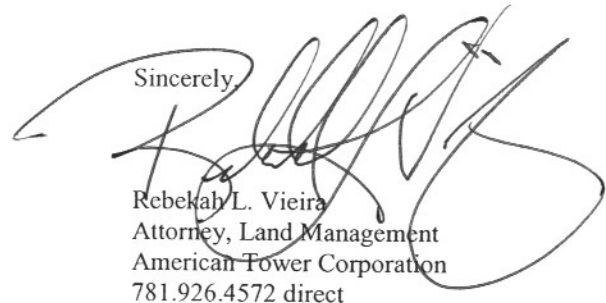
**RE: Request to Appear and Be Heard in Response to Notice of Intention to Adopt a Resolution of Necessity Regarding the El Cerrito Sports Park Project Resolution No. 2007-329
California State APN: 2720-33-16 (Cellular Towers)
American Tower* Site Name: Valencia; Site Number: 302372**

Dear Ms. Romero:

I am in receipt of your letter dated August 15, 2007. Enclosed, please find American Tower's request to be heard on the El Cerrito Sports Park Project.

Should you have any questions prior to the hearing, please call Kimberly Calcasola, Supervising Attorney, Land Management at (781) 926-4905 or email her at Kimberly.calcasola@americantower.com.

Sincerely,



Rebekah L. Vieira
Attorney, Land Management
American Tower Corporation
781.926.4572 direct

*American Tower as used herein is defined as American Towers, Inc. and any of its affiliates or subsidiaries

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