



SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: General Manager-Chief Engineer

SUBMITTAL DATE: November 20, 2007

SUBJECT: Resolution of Necessity Regarding the Romoland MDP Line A, Stage 3, Homeland MDP Line 1, Briggs Basin and Homeland MDP Line 1, Stage 1 Projects

RECOMMENDED MOTION:

Approve Resolution No. F2007-28, Resolution of Necessity Regarding Romoland MDP, Line A, Stage 3, Homeland MDP Line 1, Briggs Basin and Homeland MDP Line 1, Stage 1 Projects.

BACKGROUND:

The District is planning to construct flood control improvements with appurtenances for Homeland/Romoland, thereby preventing flooding in this area of Riverside County. Negotiations have been conducted with the affected owners, but to date, have not been successful. Although these negotiations will continue, in order to facilitate the timely construction of the flood control improvements, staff is recommending the approval of Resolution No. F2007-28.

GSW:rlp

Michael D. Rawson Michael D. Rawson
for WARREN D. WILLIAMS
General Manager-Chief Engineer

Table with 2 columns: FINANCIAL DATA and values. Rows include Current F.Y. District Cost (\$375,000), Current F.Y. County Cost (N/A), Annual Net District Cost (N/A), In Current Year Budget (Yes), Budget Adjustment (No), For Fiscal Year (N/A).

Table with 2 columns: SOURCE OF FUNDS and Positions To Be Deleted Per A-30. Includes Land Acquisition and Requires 4/5 Vote (checked).

C.E.O. RECOMMENDATION: APPROVE
BY: Alex Gann
Alex Gann

County Executive Office Signature

FISCAL PROCEDURES APPROVED
IVAN M. CHAND, FINANCE DIRECTOR
BY: Ivan M. Chand
10/15/11

FORM APPROVED COUNTY COUNSEL
BY: Glenn R. Beloit
11/13/07
DEPUTY COUNTY COUNSEL FOR DATE

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

1 Board of Supervisors

Riverside County Flood Control
and Water Conservation District

2
3 Resolution No. F2007-28
4 Resolution of Necessity Regarding
Romoland MDP, Line A, Stage 3, Homeland MDP Line 1, Briggs Basin
and Homeland MDP Line 1, Stage 1 Projects

5 WHEREAS, the portions of real property that are the subjects of this Notice (collectively the
6 "Subject Properties") are located in the County of Riverside, State of California; are located in the
7 Homeland/Romoland area of western Riverside County; are legally described and pictorially depicted on
8 the documents attached hereto as Exhibits "A" and "B" (and incorporated herein by this reference); and
9 are referred to on attached Exhibits "A" and "B" as Parcels 4310-7A and 4310-7B (which are each
10 portions of APN 331-060-005);
11

12 WHEREAS, the proposed project that is the subject of this Notice (the "Proposed Project") is one
13 to construct public improvements consisting of flood control facilities and other appurtenant works within
14 the Homeland/Romoland area of western Riverside County, California, including but not limited to the
15 use of the Subject Properties for uses of a flood control channel, and for other uses incidental to the
16 Proposed Project and required by the Proposed Project, including a "Remnant" within the meaning of
17 Code of Civil Procedure Section 1240.410;
18

19 WHEREAS, to the extent the Subject Properties are already devoted to a public use, the use of the
20 Proposed Project is a compatible use that will not unreasonably interfere with or impair the continuance of
21 the public use as it exists or may reasonably be expected to exist in the future (Code Civ. Proc., §
22 1240.510) or the use of the Proposed Project is a more necessary public use (Code Civ. Proc., §
23 1240.610);
24

25 WHEREAS, the interests in property that are the subjects of this Notice (collectively the "Subject
26 Property Interests") are: (a) fee simple ownerships in Parcels 4310-7A and 4310-7B, and
27
28

1 WHEREAS, the statutes that authorize the Riverside County Flood Control and Water
2 Conservation District to acquire the Subject Property Interests by eminent domain are Article 1, Section
3 19 of the California Constitution; Section 25350.5 of the Government Code; Section 48-9 of the Water
4 Code-Appendix; and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.410, 1240.510,
5 and 1240.610 of the Code of Civil Procedure;

6
7 Now, therefore, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the Riverside
8 County Flood Control and Water Conservation District (the "District"), not less than four-fifths of all
9 members concurring, in regular session assembled on November 27, 2007, that this Board finds and
10 determines each of the following:

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

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

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

17 4. The Subject Property Interests are each necessary for the Proposed Project;

18 5. The offer required by Section 7267.2 of the Government Code has been made to the owners
19 of record of each one of the Subject Properties; and
20

21 6. To the extent the Subject Properties are already devoted to a public use, the use of the
22 Proposed Project is a compatible use that will not unreasonably interfere with or impair the continuance of
23 the public use as it exists or may reasonably be expected to exist in the future (Code Civ. Proc., §
24 1240.510) or the use of the Proposed Project is a more necessary public use (Code Civ. Proc., §
25 1240.610).
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1 BE IT FURTHER RESOLVED AND ORDERED that the County Counsel of the County of
2 Riverside (and any associated private attorneys) are hereby authorized and empowered:

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

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

7 3. To make applications to the Court for orders to deposit the probable amounts of
8 compensation out of proper funds under the control of the District into the County Treasury and for orders
9 permitting the District to take prejudgment possession and use the Subject Property Interests for the use of
10 the Proposed Project; and

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

17 (BAF:GSW:AU:rlp)
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27 FORM APPROVED COUNTY COUNSEL

28 BY: Glenn R. Beloian 11/13/07
GLENN R. BELOIAN, DATE

DEPUTY COUNTY COUNSEL

-3- FOR JOE RANK, COUNTY COUNSEL

EXHIBIT "A"
CHANNEL RIGHT OF WAY

4310-7A

That portion of Lot 1232 of Romola Farms No. 12, as shown by map on file in Book 15 of Maps at pages 77 and 78 thereof, Records of Riverside County, California, located in the northeast quarter of Section 16, Township 5 South, Range 3 West, San Bernardino Meridian, said portion being described as follows:

COMMENCING at the northwest corner of said Lot 1232;

Thence South 89° 10' 59" East along the northerly line of said Lot 1232, a distance of 541.93 feet to the **TRUE POINT OF BEGINNING**, said point being on a non-tangent curve, concave to the northeast, having a radius of 588.00 feet, the radial line from said point bears North 89° 55' 49" East;

Thence southeasterly along said curve, to the left, through a central angle of 34° 20' 09" an arc distance of 352.37 feet to a point on the southerly line of said Lot 1232, the radial line from said point bears North 55° 35' 40" East;

Thence South 89° 11' 23" East along said southerly line of Lot 1232, a distance of 246.35 feet to a point on a non-tangent curve, concave to the northeast, having a radius of 412.00 feet, the radial line from said point bears North 35° 25' 28" East;

Thence northwesterly and northerly along said curve, to the right, through a central angle of 54° 07' 38", an arc distance of 389.22 feet to a point on said northerly line of Lot 1232, the radial line from said point bears North 89° 33' 06" East;

Thence North 89° 10' 59" West along said northerly line, a distance of 176.03 feet to the **TRUE POINT OF BEGINNING**.

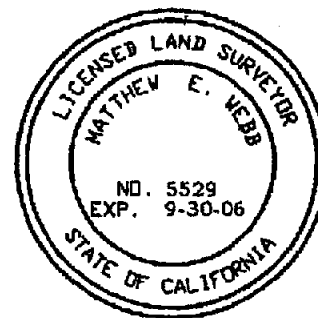
Containing 1.48 acres, more or less.

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

8/11/06
Date



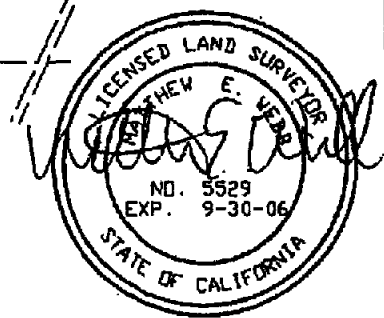
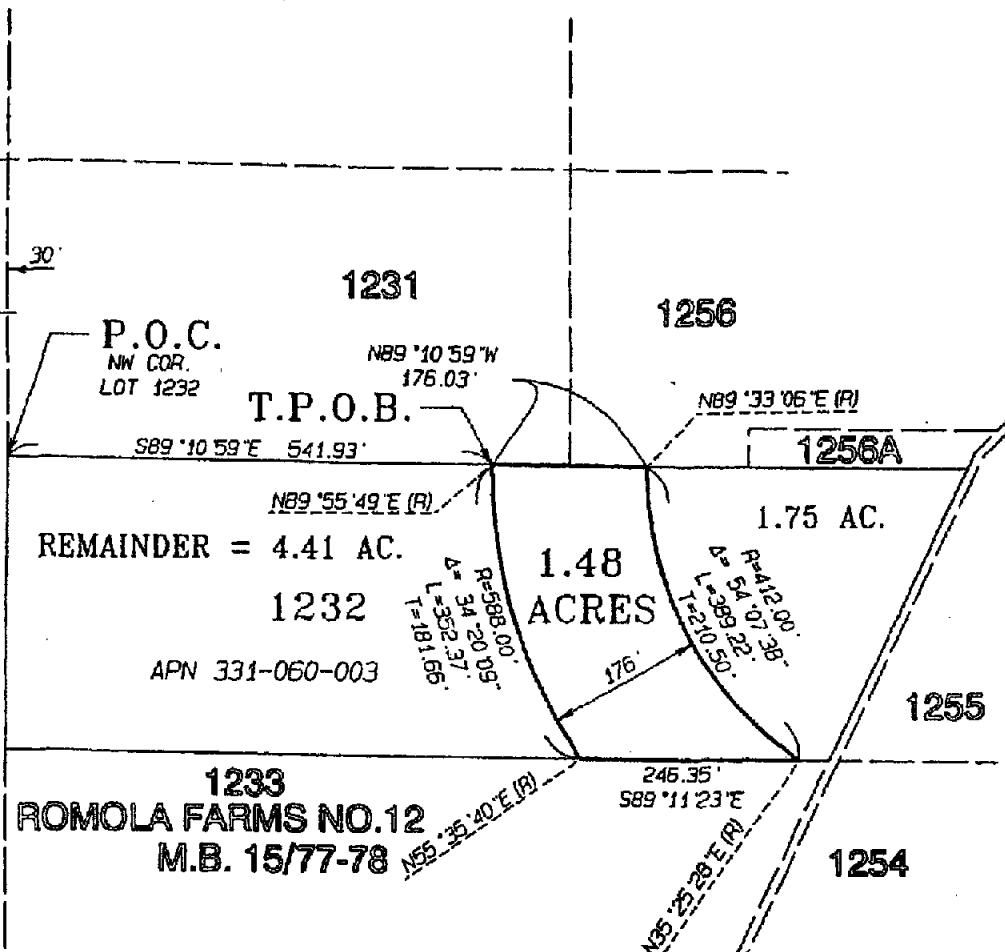
Prepared by: KEG
Checked by: aj

EXHIBIT "B"

4310-7A



C/L EVANS ROAD



SEC 16, T5S, R3W, SBM

ALBERT A. WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

DATE PREPARED: 8/9/2006 G:\2003\03-0338\DWGSPRO\03338LINE-A_HAROLD.dwg

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

M.D. 03-338

SCALE: 1" = 200'

DRWN BY LC DATE 8/10/06
CHKD BY gq DATE 8-10-06

SUBJECT: CHANNEL RIGHT OF WAY

EXHIBIT "A"
REMNANT

4310-7B

That portion of Lot 1232 of Romola Farms No. 12, as shown by map on file in Book 15 of Maps at pages 77 and 78 thereof, Records of Riverside County, California, located in the northeast quarter of Section 16, Township 5 South, Range 3 West, San Bernardino Meridian, said portion being described as follows:

COMMENCING at the northwest corner of said Lot 1232;

Thence South 89° 10' 59" East along the northerly line of said Lot 1232, a distance of 717.96 feet to the **TRUE POINT OF BEGINNING**, said point being on a non-tangent curve, concave to the northeast, having a radius of 412.00 feet, the radial line from said point bears North 89° 33' 06" East;

Thence southeasterly along said curve, to the left, through a central angle of 54° 07' 38", an arc distance of 389.22 feet to a point on the southerly line of said Lot 1232, the radial line from said point bears North 35° 25' 28" East;

Thence South 89° 11' 23" East along said southerly line of Lot 1232, a distance of 32.56 feet to the southeasterly corner thereof;

Thence North 25° 17' 28" East along the easterly line of said Lot 1232, a distance of 362.58 feet to the northeasterly corner thereof;

Thence North 89° 10' 59" West along said northerly line of Lot 1232, a distance of 360.67 feet to the **TRUE POINT OF BEGINNING**.

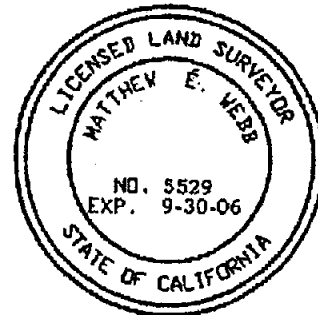
Containing 1.75 acres, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION


Matthew E. Webb, L.S. 5529

8/11/06
Date



Prepared by: HC
Checked by: ajg

EXHIBIT "B"

4310-7B



C/L EVANS ROAD

30'

30'

1231

1256

P.O.C.
NW COR.
LOT 1232

S89°10'59"E 717.96'

N89°33'06"E (R)

1256A

N89°10'59"W 360.57'

T.P.O.B.

1.75
ACRES

1232

APN 331-060-003

$\Delta = 54^\circ 07' 36''$
 $L = 338.22'$
 $R = 412.00'$

1255

N89°11'23"W 891.69'

S89°11'23"E 32.56'

1233

ROMOLA FARMS NO.12
M.B. 15/77-78

1254

N95°25'28"E (R)



SEC 16, T5S, R3W, SBM

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

DATE PREPARED: 8/9/2006

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THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

N.O. 03-338

SCALE: 1" = 200'

DRWN BY KS DATE 08/10/06
CHKD BY ag DATE 8-10-06

SUBJECT: REMAINDER

County of Riverside



SUPERVISOR MARION ASHLEY FIFTH DISTRICT

November 20, 2007

Mr. Joe Rank, County Counsel
County of Riverside Office of County Counsel
3535 10th Street Suite 300
Riverside, California 92501-3674

Re: Conflict of Interest, Board of Supervisors' Agenda for November 20, 2007
Items 11.6 and 11.7

Dear Mr. Rank:

I will not be participating in items 11.6 and 11.7 due to a conflict of interest. I own real property within the project area and within the right-of-way of the flood control channels. In an effort to keep the record on this subject as clear as possible, I will not participate in the meeting on these items today.

Thank you for your assistance in this matter.

Very truly yours,

MARION ASHLEY
5th District Supervisor

MA:rnh

11.6 + 11.7