

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

735B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
January 29, 2008

SUBJECT: Alessandro Dam Access, Project No. 1-0-00043
Notice of Intention to Adopt a Resolution of Necessity Regarding
the Alessandro Dam Access Project

RECOMMENDED MOTION:

Approve Resolution No. F2008-02, Notice of Intention to Adopt a Resolution of Necessity Regarding the Alessandro Dam Access and set a public hearing for Resolution No. F2008-03 Authorizing Condemnation of Real Property for Flood Control Purposes on February 26, 2008.

BACKGROUND:

See Page 2

FINANCIAL:

N/A

GSW:rlp

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	\$N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	\$N/A	For Fiscal Year:	N/A

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

C.E.O. RECOMMENDATION:

APPROVE

BY:
Alex Gann

County Executive Office Signature

Departmental Concurrence

FORM APPROVED COUNTY COUNSEL
BY:
GLENN R. BELOIT
DATE: 1/10/08

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

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

SUBJECT: Alessandro Dam Access
Project No. 1-0-0043
Notice of Intention to Adopt a Resolution of Necessity Regarding
the Alessandro Dam Access Project

SUBMITTAL DATE: January 29, 2008

Page 2

BACKGROUND:

Throughout the years the District has been using an easement over Muirfield Road to access Alessandro Dam. As the area developed and access from public streets was made available, the District relinquished its easement in various tracts. This was intended to be the case with Tract No. 26109-2 with public access being available over Lot 11. However, the access was only provided to the City of Riverside and not the District. The access easement which bisects the tract is still in existence.

The District, in conjunction with the City of Riverside, has been using the ingress and egress easement over Lot 11, Tract No. 26109-2 Book 274, Maps 45-49 and not the Muirfield Road easement because the Muirfield Road easement was blocked by the construction of a residence and pool over the easement. The owner of the subject property has requested the City relinquish its access easement which the City will be doing in the very near future. The owner has been reluctant to provide the District access over the existing City easement; the reason is they feel that the easement hampers the residential development of the site.

The access is necessary to remove debris from the dam at least twice a year and if this is not accomplished, the dam will not function properly. Negotiations have been conducted with the affected owner, but to date, have not been successful. Although these negotiations will continue in order to facilitate the timely access to Alessandro Dam, staff is recommending the approval of Resolution No. F2008-02.

1 Board of Supervisors

Riverside County Flood Control
and Water Conservation District

2 Resolution No. F2008-02
3 Notice of Intention to Adopt a Resolution of Necessity Regarding
4 the Alessandro Dam Access Project

5 WHEREAS, the parcel of real property that is the subject of this Notice (the "Subject Property") is
6 located in the City of Riverside, County of Riverside, State of California; is located next to the
7 intersection of Overlook Parkway and Chateau Ridge Lane; is presently designated as Riverside County
8 Assessor's Parcel No. 243-460-011; 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 proposed project that is the subject of this Notice (the "Proposed Project") is one
11 to construct public flood control facilities (including but not limited to the use of the Subject Property as a
12 flood control road for heavy vehicle access to the Alessandro Dam and for other uses incidental thereto
13 and required thereby);

14 WHEREAS, the Proposed Project will transform a portion of the Subject Property into a "remnant"
15 within the meaning of California Code of Civil Procedure Section 1240.410; and

16 WHEREAS, the interest in property that is the subject of this Notice (the "Subject Property
17 Interest") is fee simple ownership of Riverside County Assessor's Parcel No. 243-460-011.

18 NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows by the Board of
19 Supervisors of the Riverside County Flood Control and Water Conservation District (the "District") in
20 regular session assembled on January 29, 2008:
21

- 22
- 23 1. You are hereby notified that this Board (at its public meeting on February 26, 2008 at 1:30
24 p.m. in the meeting room of the Board of Supervisors located on the 1st Floor of the County
25 Administrative Center, 4080 Lemon Street, Riverside, California) may decide to adopt a Resolution Of
26 Necessity that would authorize the District to acquire the Subject Property Interest by eminent domain
27 (and that would find and determine each of the following matters):
28

- 1 (a) The public interest and necessity require the Proposed Project;
- 2 (b) The Proposed Project is planned or located in the manner that will be most
- 3 compatible with the greatest public good and the least private injury;
- 4 (c) The Subject Property Interest is necessary for the Proposed Project;
- 5 (d) The offer required by Section 7267.2 of the Government Code has been made to
- 6 the owner or owners of record of the Subject Property; and
- 7 (e) To the extent that the Subject Property is already devoted to a public use, the use of
- 8 the Proposed Project is a compatible use that will not unreasonably interfere with or
- 9 impair the continuance of the public use as it presently exists or may reasonably be
- 10 expected to exist in the future (California Code of Civil Procedure Section
- 11 1240.510) or the use of the Proposed Project is a more necessary public use than is
- 12 the presently existing public use (California Code of Civil Procedure Section
- 13 1240.610).

14 2. If, within fifteen (15) days from the mailing of this Notice, you file a written request to

15 appear at the public meeting and be heard on the matters described in 1(a), 1(b), 1(c), 1(d) and 1(e) (or

16 any one or more of them), you will have a right to appear at that meeting and be heard on those matters.

17 3. All such written requests to appear and be heard must be filed with the Clerk of the Board of

18 Supervisors of the Riverside County Flood Control and Water Conservation District.

19 4. Your written request to appear and be heard must be filed within the 15-day time period.

20 Failure to file such a timely written request will result in a waiver of your right to appear and be heard.

21 5. Questions regarding the amount of compensation to be paid will not be a part of the public

22 meeting, and the Board will not consider such questions in determining whether a Resolution of Necessity

23 should be adopted.

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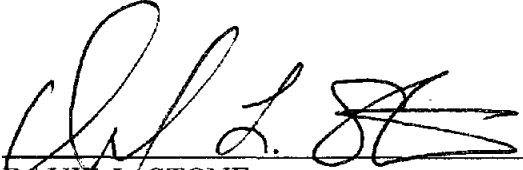
28

EXHIBIT A

ALESSANDRO DAM ACCESS
Parcel 1043-501

All of Lot 11 of Tract No. 26109-2 as shown on Map Book 274, Pages 45 through 49, inclusive,
Records of Riverside County, California, within the City of Riverside.





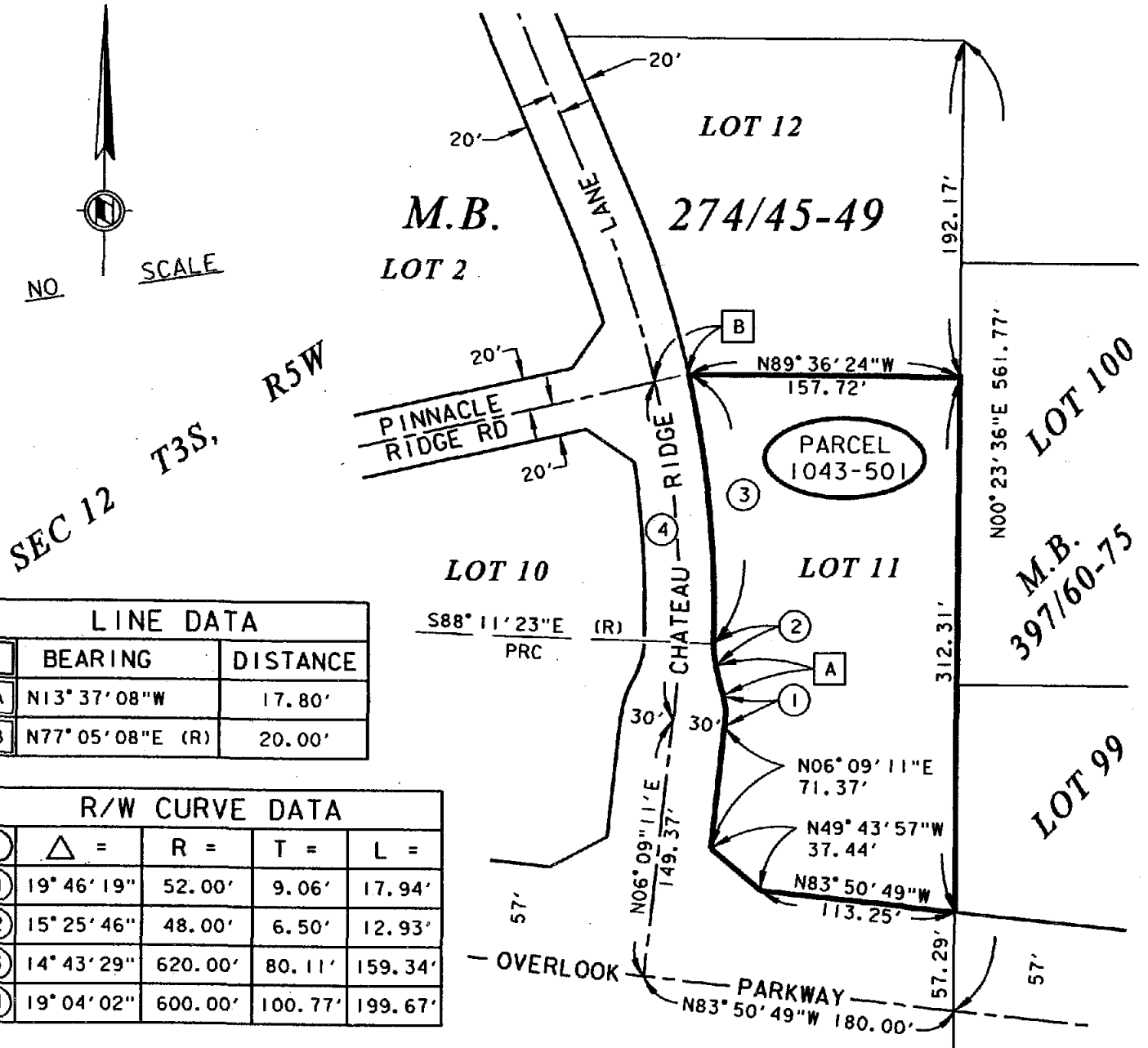
DAVID L. STONE

Land Surveyor No. 4758
Signed For: Riverside County Flood Control
and Water Conservation District

Date: JANUARY 7, 2008

PARCEL 1043-501

LOT 11 OF TRACT NO. 26109-2 AS SHOWN ON MAP BOOK 274, PAGES 45 THRU 49 INCLUSIVE, RECORDS OF RIVERSIDE COUNTY. LYING WITHIN SECTION 12, TOWNSHIP 3 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, WITHIN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, CALIFORNIA



LINE DATA

	BEARING	DISTANCE
A	N13° 37' 08" W	17.80'
B	N77° 05' 08" E (R)	20.00'

R/W CURVE DATA

①	△ =	R =	T =	L =
①	19° 46' 19"	52.00'	9.06'	17.94'
②	15° 25' 46"	48.00'	6.50'	12.93'
③	14° 43' 29"	620.00'	80.11'	159.34'
④	19° 04' 02"	600.00'	100.77'	199.67'

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT: ALESSANDRO DAM ACCESS	PARCEL: 1043-501
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.	PREPARED BY: LJC
APPROVED BY: <i>[Signature]</i>	SCALE: NO SCALE
DATE: JANUARY 7, 2008	DATE: JANUARY 04, 2008
	SHEET 1 OF 1

