

2008-01-279

552

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



FROM: Department of Facilities Management

SUBMITTAL DATE:
January 28, 2008

SUBJECT: Resolution No. 2008-110, Notice of Intention to Adopt a Resolution of Necessity Regarding Facilities for a New Public Law Library and County Office Space related to the Administration of Justice and Resolution No. 2008-111, a Resolution of Necessity Regarding Facilities for a New Public Law Library and County Office Space related to the Administration of Justice

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2008-110, Notice of Intention to Adopt a Resolution of Necessity Regarding Facilities for a New Public Law Library and County Office Space related to the Administration of Justice (affecting Assessor's Parcel Nos. 215-092-009, 215-092-010 and 215-092-011); and

(Continued on page 2)

Robert Field, Director
Department of Facilities Management

RF:GB:JKH:cm
11.534

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ -0-	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ -0-	For Fiscal Year:	2007/08

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

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature Jennifer L. Sargent

FORM APPROVED COUNTY COUNSEL
BY: Glenn R. Beidian
DATE: 1/29/08

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

Department of Facilities Management

Resolution No. 2008-110, Notice of Intention to Adopt a Resolution of Necessity Regarding Facilities for a New Public Law Library and County Office Space related to the Administration of Justice and Resolution No. 2008-111, a Resolution of Necessity Regarding Facilities for a New Public Law Library and County Office Space related to the Administration of Justice

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RECOMMENDED MOTION: (continued)

2. Set a public hearing on February 26, 2008, for Resolution No. 2008-111, a Resolution of Necessity Regarding Facilities for a New Public Law Library and County Office Space related to the Administration of Justice.

BACKGROUND: The proposed project is one to relocate the Riverside County Public Law Library facility (that is currently located at 3989 Lemon Street, Riverside, California) to a new site in greater proximity to the public courts, and to provide additional general office space for County justice administration in proximity to the public courts. The site for the proposed project consists of four adjacent parcels (Assessor's Parcel Nos. 215-092-008, 009, 010 and 011). Those four parcels are located on the west side of Main Street between Tenth Street and Eleventh Street in Riverside, California (beginning at the southwest corner of the intersection of Main Street and Tenth Street, and then proceeding from that corner in a southerly direction).

Although the site for the proposed project will consist of four parcels (APN Nos. 215-092-008, 009, 010, and 011), only three of those parcels are the subjects of this Resolution (APN Nos. 215-092-009, 010, and 011).

On November 20, 2007, the Riverside County Board of Supervisors adopted an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program regarding the proposed project.

The Department of Facilities Management presented an offer to the owners of the three parcels that need to be acquired (APN Nos. 215-092-009, 010 and 011) in conformity with Government Code Section 7267.2. Also, in conformity with Code of Civil Procedure Section 1255.010, the probable amount of compensation for those three parcels (in the sum total of \$2,350,000) has been delivered over to the Clerk of the Riverside County Superior Court for the benefit of the property owners (should they elect to withdraw it).

The County is authorized to acquire property by eminent domain pursuant to various authorities, including Article I, Section 19 of the California Constitution; and Government Code Section 25350.5.

This Resolution has been reviewed and approved as to form by County Counsel.

Department of Facilities Management

Resolution No. 2008-110, Notice of Intention to Adopt a Resolution of Necessity Regarding Facilities for a New Public Law Library and County Office Space related to the Administration of Justice and Resolution No. 2008-111, a Resolution of Necessity Regarding Facilities for a New Public Law Library and County Office Space related to the Administration of Justice

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FINANCIAL DATA: The Trustees of the Law Library Board have provided \$2,350,000, the appraised value, for this condemnation on deposit with the courts. A full accounting including title, escrow and transaction costs will be provided under separate cover to the Board along with the Resolution of Necessity Regarding Facilities for a New Public Law Library and County Office Space related to the Administration of Justice.

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3 Resolution No. 2008-110
4 Notice of Intention to Adopt a Resolution of Necessity Regarding
5 Facilities for a New Public Law Library and County Office
6 Space related to the Administration of Justice

7 WHEREAS the real properties that are the subjects of this Notice (collectively the
8 "Subject Properties") are located in the City of Riverside, County of Riverside, State of
9 California; are commonly known as 4015 through 4053 Main Street, Riverside, California; are
10 presently designated as Riverside County Assessor's Parcel Nos. 215-092-009, 215-092-010,
11 and 215-092-011; and are legally described and pictorially depicted in the documents attached
12 hereto as Exhibits "A" and "B" (and incorporated herein by this reference);

13 WHEREAS the proposed project that is the subject of this Notice (the "Proposed Law
14 Library Project") is one to use the Subject Properties (in conjunction with one additional real
15 property that is presently designated as Riverside County Assessor's Parcel No. 215-092-008)
16 to construct and develop a new Riverside County public law library facility that will replace the
17 presently-existing Riverside County public law library facility in the City of Riverside; is one to
18 use the Subject Properties to construct and develop additional office space for Riverside
19 County departments, agencies, public attorney offices, and other offices related to the
20 administration of justice; and is one to use the Subject Properties for other uses incidental to
21 those stated uses and required by those stated uses (including but not limited to "remnant[s]"
22 within the meaning of Code of Civil Procedure Section 1240.410);

23 WHEREAS the interests in property that are the subjects of this Notice (collectively the
24 "Subject Property Interests") are fee simple ownerships in the Subject Properties;

25 WHEREAS an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and
Reporting Program regarding the Proposed Law Library Project was adopted by the Riverside
County Board of Supervisors on November 20, 2007; and

1 WHEREAS the authority for the County of Riverside to acquire the Subject Property
2 Interests by eminent domain is contained in Article 1, Section 19 of the California Constitution;
3 Section 25350.5 of the Government Code; and Sections 1240.010, 1240.020, 1240.110, and
4 1240.420 of the Code of Civil Procedure.

5 Now, therefore, BE IT RESOLVED AND ORDERED as follows by the Board of
6 Supervisors of Riverside County, State of California, in regular session assembled on
7 February 5, 2008:

8 1. You are hereby notified that this Board (at its public meeting on February 26, 2008
9 at 9:30 a.m. in the meeting room of the Board of Supervisors located on the 1st Floor of the
10 County Administrative Center, 4080 Lemon Street, Riverside, California) may decide to adopt
11 a Resolution Of Necessity that would authorize the County of Riverside to acquire the Subject
12 Property Interests by eminent domain (and that would find and determine each of the following
13 matters):

14 (a) The public interest and necessity require the Proposed Law Library
15 Project;

16 (b) The Proposed Law Library Project is planned or located in the manner
17 that will be most compatible with the greatest public good and the least
18 private injury;

19 (c) The Subject Property Interests are necessary for the Proposed Law
20 Library Project;

21 (d) The offer required by Section 7267.2 of the Government Code has been
22 made to the owner or owners of record of the Subject Properties;

23 (e) To the extent that the Subject Properties are already devoted to a public
24 use, the use of the Proposed Law Library Project is a compatible use
25 that will not unreasonably interfere with or impair the continuance of the

1 public use as it presently exists or may reasonably be expected to exist
2 in the future (California Code of Civil Procedure Section 1240.510) or
3 the use of the Proposed Law Library Project is a more necessary public
4 use than is the presently existing public use (California Code of Civil
5 Procedure Section 1240.610).

6 (f) An Initial Study/Mitigated Negative Declaration and Mitigation Monitoring
7 and Reporting program regarding the Proposed Law Library Project was
8 adopted by the Riverside County Board of Supervisors on November
9 20, 2007; and

10 (g) This Notice was duly given as required by Section 1245.235 of the Code
11 of Civil Procedure.

12 2. If, within fifteen (15) days from the mailing of this Notice, you file a written request
13 to appear at the public meeting and be heard on the matters described in 1(a), 1(b), 1(c), 1(d),
14 1(e), 1(f), and 1(g) (or any one or more of them), you will have a right to appear at that meeting
15 and be heard on those matters.

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

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

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

24 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to be sent
25 by first-class mail to each person whose property may be acquired by eminent domain and

1 whose name and address appears on the last equalized County Assessment Roll (including
2 the roll of state-assessed property).

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JKH:cm
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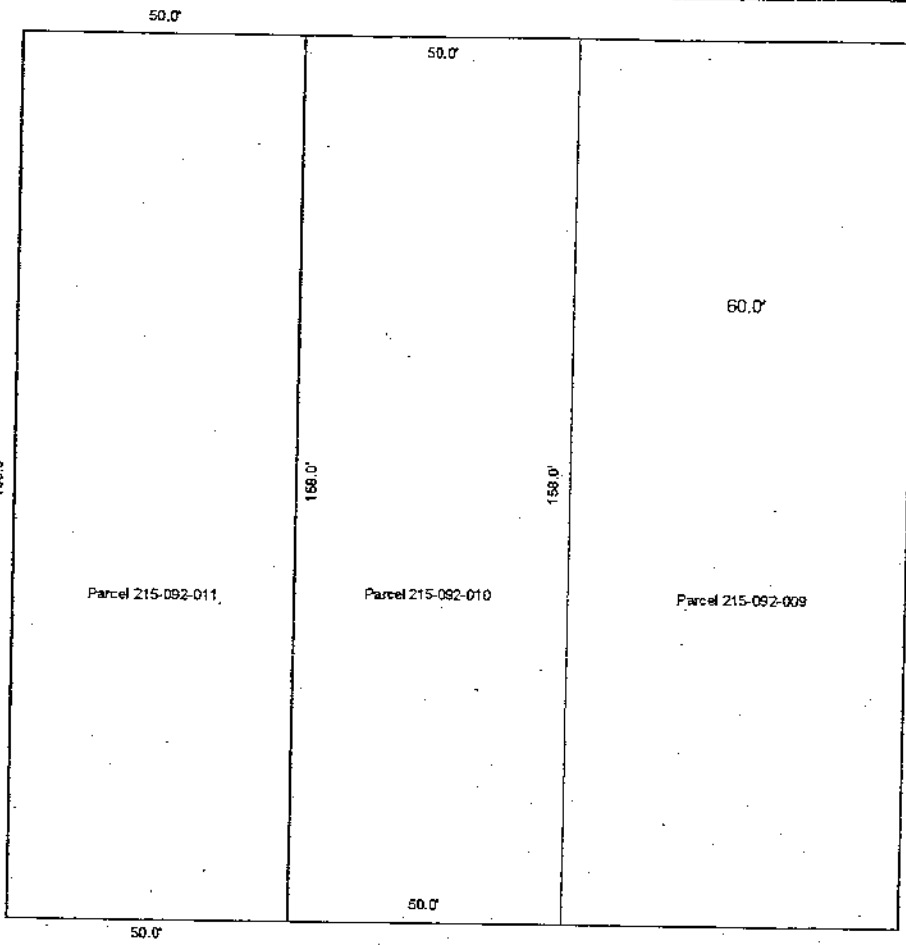
FORM APPROVED COUNTY COUNSEL
BY: Glenn Beloit 1/29/08
GLENN R. BELOIAN DATE

EXHIBIT "A"

The southerly 10 feet of Lot 2, and Lots 3, 4, 5, 6, 7 and 8 of C. J. Gills Resubdivision of Block 10, Range 7, Riverside, as shown by map on file in Book 5, Page 71 of Maps, San Bernardino County Records.

APNS: 215-092-009
215-092-010
215-092-011

EXHIBIT "B-2"



Sketch by Apex IV™

Comments:

Parcel 215-092-009
 Beginning at a point of the Tract described by Metes and Bounds as follows:
 THENCE Due West, a distance of 50.0 Feet;
 THENCE Due South, a distance of 158.0 Feet;
 THENCE Due East, a distance of 60.0 Feet;
 THENCE Due North, a distance of 158.0 Feet to point of beginning;
 Said tract containing 0.2 acres (9480.0 sqft.) of land, more or less.
 Perimeter = 436.0 Feet
 No significant error of closure.

Parcel 215-092-010
 Beginning at a point of the Tract described by Metes and Bounds as follows:
 THENCE Due West, a distance of 50.0 Feet;
 THENCE Due South, a distance of 158.0 Feet;
 THENCE Due East, a distance of 50.0 Feet;
 THENCE Due North, a distance of 158.0 Feet to point of beginning;
 Said tract containing 0.2 acres (7900.0 sqft.) of land, more or less.
 Perimeter = 416.0 Feet
 No significant error of closure.

Parcel 215-092-011
 Beginning at a point of the Tract described by Metes and Bounds as follows:
 THENCE Due South, a distance of 158.0 Feet;
 THENCE Due West, a distance of 50.0 Feet;
 THENCE Due North, a distance of 158.0 Feet;
 THENCE Due East, a distance of 50.0 Feet to point of beginning;
 Said tract containing 0.2 acres (7900.0 sqft.) of land, more or less.
 Perimeter = 416.0 Feet
 Description truncated...

PROPERTY SKETCH