

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

101



FROM: Department of Facilities Management

SUBMITTAL DATE:
February 15, 2008

SUBJECT: 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:

Approve 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 (affecting Assessor's Parcel Numbers: 215-092-009, 215-092-010 and 215-092-011)

BACKGROUND: (Commences on page 2)

Robert Field, Director
Department of Facilities Management

RF:GB:JKH:cm
11.580/2008-02-305

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ -0-	Budget Adjustment:	No
	Annual Net County Cost:	\$ -0-	For Fiscal Year:	07/08
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

BY: Jennifer L. Sargent

County Executive Office Signature

Reviewed by CIP TEAM Christopher Hains
 Departmental Concurrence
 FORM APPROVED COUNTY COUNSEL
 BY: Glenn R. Beloit 2/14/08
 DATE: GLENN R. BELOIT
 Dept't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 3.24 11/20/07; 3.59c
6/28/05; 3.26 02/05/08

District: 2

Agenda Number:

9.10

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.

FINANCIAL DATA: Transaction costs will vary depending on whether the property owners settle the matter is resolved by judgment in court. The county carries all transaction costs in cases where condemnation is at issue. If the seller accept a voluntary settlement title and escrow fee below will be required. Any funds not used in settlement will be returned to their source:

Law Library Trustees deposit with Court:	\$2,350,000
Title and Escrow Fees:	\$ 8,500
Appraisal Fees (3):	\$ 21,500
DOFM Staff Time:	\$ 2,450
Total Acquisition Costs:	<u>\$2,382,450</u>

On February 5, 2008, the Board approved item 3.26, 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. Thus, sufficient funds are budgeted for this fiscal year to cover all transaction related costs and no additional Net County Cost will be incurred as a result of this transaction.

2
3 **RESOLUTION NO. 2008-111**
4 **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 Resolution
8 (collectively the "Subject Properties") are located in the City of Riverside, County of
9 Riverside, State of California; are commonly known as 4015 through 4053 Main Street,
10 Riverside, California; are presently designated as Riverside County Assessor's Parcel
11 Nos. 215-092-009, 215-092-010 and 215-092-011; and are legally described and
12 pictorially depicted in the documents attached hereto as Exhibits "A" and "B" (and
13 incorporated herein by this reference);

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

25 ///

1 **WHEREAS** the interests in property that are the subjects of this Resolution
2 (collectively the "Subject Property Interests") are fee simple ownerships in the Subject
3 Properties;

4 **WHEREAS** an Initial Study/Mitigated Negative Declaration and Mitigation
5 Monitoring and Reporting Program regarding the Proposed Law Library Project was
6 adopted by the Riverside County Board of Supervisors on November 20, 2007; and
7

8 **WHEREAS** the authority for the County of Riverside to acquire the Subject
9 Property Interests by eminent domain is contained in Article 1, Section 19 of the
10 California Constitution; Section 25350.5 of the Government Code; and Sections
11 1240.010, 1240.020, 1240.110, and 1240.420 of the Code of Civil Procedure.

12 Now, therefore, **BE IT RESOLVED AND ORDERED** by the Board of
13 Supervisors of the County of Riverside, State of California, not less than four-fifths of
14 all members concurring, in regular session assembled on February 26, 2008, that this
15 Board finds and determines each of the following:

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

20 2. The public interest and necessity require the Proposed Law Library Project;

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

24 4. The Subject Property Interests are necessary for the Proposed Law Library
25 Project;

1 5. The offer required by Section 7267.2 of the Government Code has been
2 made to the owner or owners of record of the Subject Properties;

3 6. To the extent that the Subject Properties are already devoted to a public use,
4 the use of the Proposed Law Library Project is a compatible use that will not
5 unreasonably interfere with or impair the continuance of the public use as it presently
6 exists or may reasonably be expected to exist in the future (California Code of Civil
7 Procedure Section 1240.510) or the use of the Proposed Law Library Project is a more
8 necessary public use than is the presently existing public use (California Code of Civil
9 Procedure Section 1240.610); and
10

11 7. An Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and
12 Reporting program regarding the Proposed Law Library Project was adopted by the
13 Riverside County Board of Supervisors on November 20, 2007.

14 **BE IT FURTHER RESOLVED AND ORDERED** that the County Counsel of the
15 County of Riverside (and any associated private attorneys) are hereby authorized and
16 empowered:

17 1. To acquire (in the name of the County) the Subject Property Interests by
18 condemnation in accordance with the Constitution and laws relating to eminent
19 domain.

20 2. To prepare and prosecute in the name of the County such proceedings in the
21 proper court having jurisdiction thereof as are necessary for such acquisition.
22

23 3. To apply to the court for orders to deposit the probable amount of
24 compensation out of proper funds under the control of the County into the County
25 Treasury and to move for an order permitting the County to take prejudgment
possession and use the Subject Property Interests.

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.

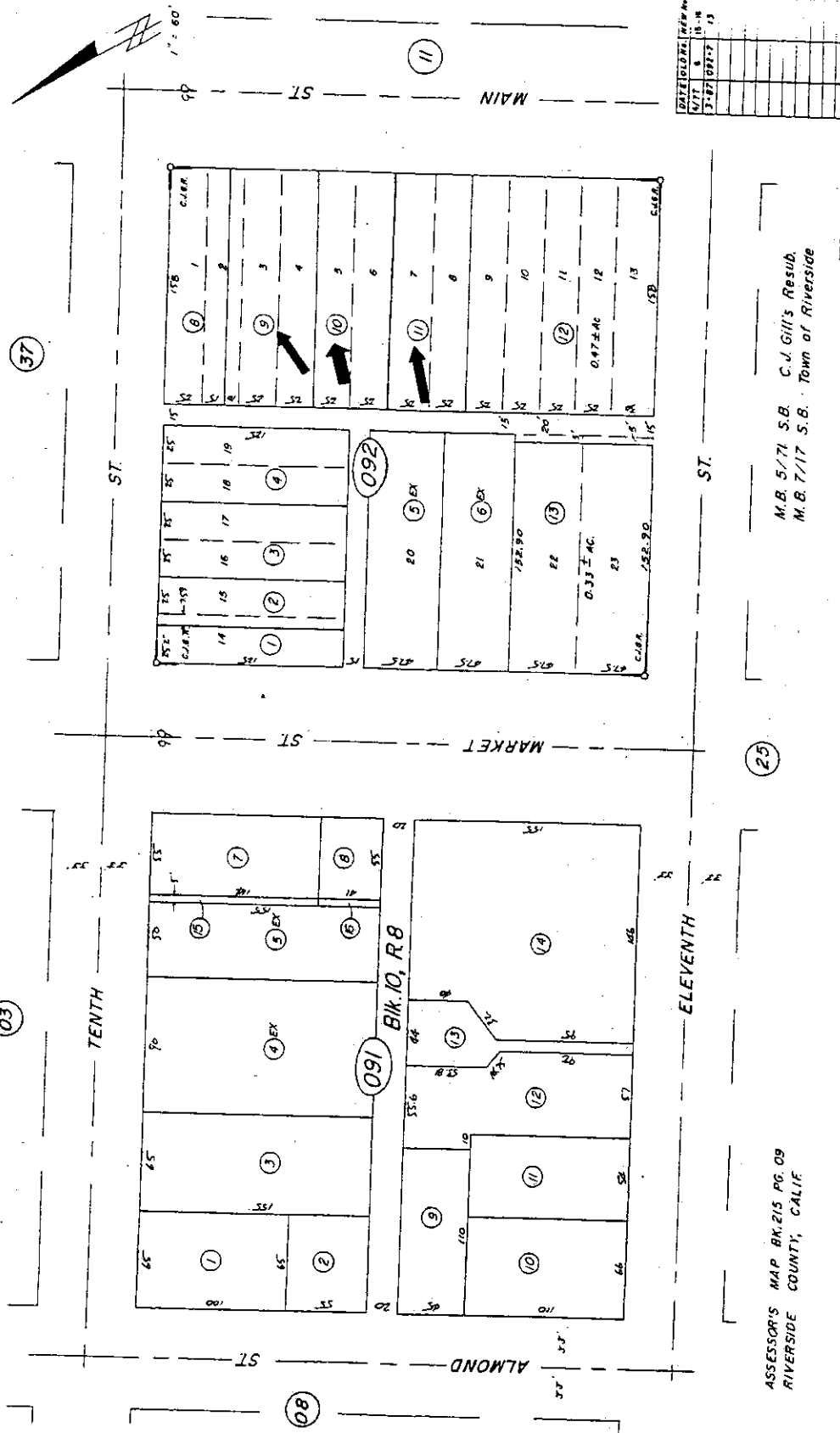
APNS: 215-092-009
215-092-010
215-092-011

215-09

T.R.A. 814
933

POR. CITY OF RIVERSIDE
(BLK. 10, R. 7 B B)

THIS MAP IS FOR
ASSESSMENT PURPOSES ONLY



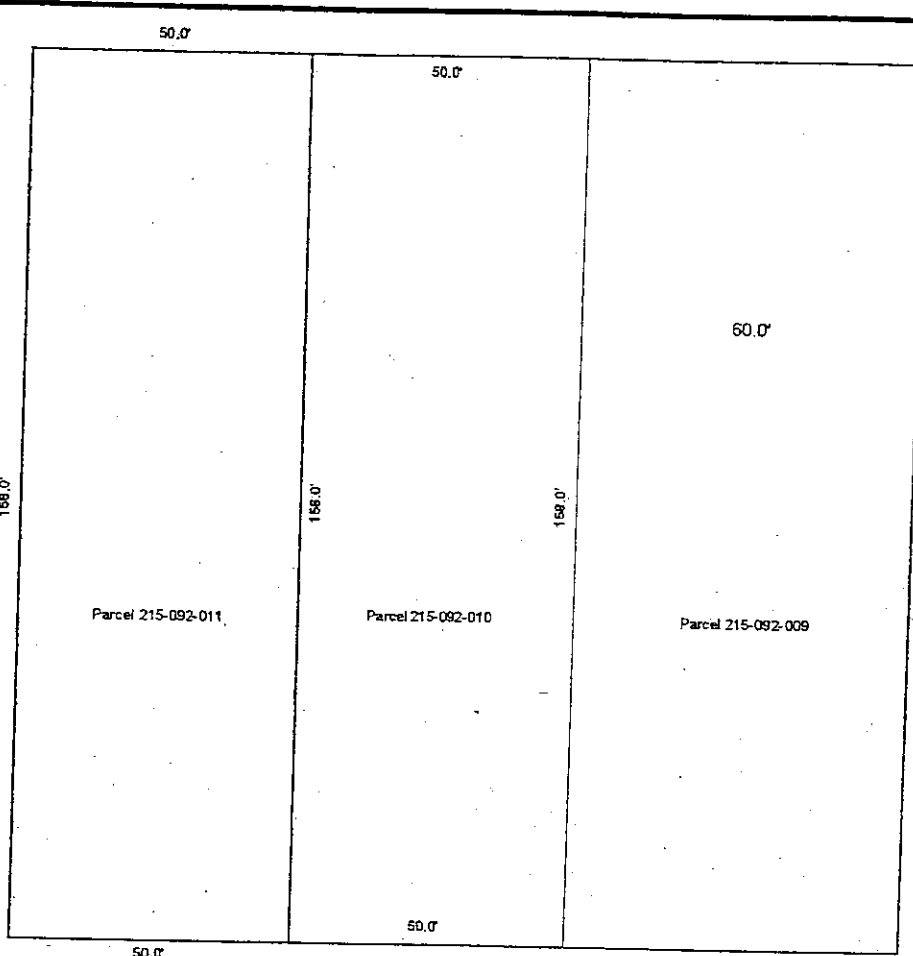
M.B. 5/71 S.B. C.J. Gill's Resub.
M.B. 7/17 S.B. Town of Riverside

ASSESSOR'S MAP BK. 215 PG. 09
RIVERSIDE COUNTY, CALIF.



EXHIBIT "B-2"

PROPERTY SKETCH



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 60.0 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...