

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

247



FROM: Executive Office

SUBMITTAL DATE:
January 17, 2008

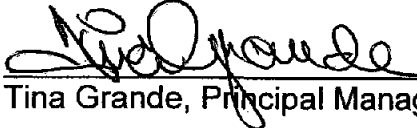
SUBJECT: Adopt Resolution No. 2008-079 Notice Of Intent To Conduct Hearing In Regard To The Request Of The Jurupa Area Recreation And Park District.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2008-079, which is a notice of intent to conduct a hearing in regard to the request by the Jurupa Area Recreation and Park District Board of Directors for authority to exercise eminent domain to acquire real property; and
2. Direct the Clerk of the Board to set a hearing for February 26, 2008, in accordance with Public Resources Code § 5786.5(c), which requires the requesting district to notify the property owner by mail at least 20 days before the Board takes action on the request.

BACKGROUND: On November 20, 2007, the Jurupa Area Recreation and Park District Board of Directors (JARPD) unanimously voted to submit a request to the Riverside County Board of Supervisors (Attachment A) to grant approval by resolution to the JARPD to exercise the right of eminent domain to acquire real property.

Continued on next page


Tina Grande, Principal Management Analyst

FORM APPROVED COUNTY COUNSEL
BY: JOE S. RANK
DATE: 1/18/08
Deputy Concurrence

FINANCIAL DATA

Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
Annual Net County 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: 
Gary M. Christmas

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended and is set for hearing on Tuesday, February 26, 2008 at 1:30 p.m.

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Wilson
Date: January 29, 2008
xc: E.O., COB *fn*

Nancy Romero
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 3.7 12/18/07

District: 2nd

Agenda Number:

15.7

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

The property is located on Assessor's Parcel Number 157-250-002 in the unincorporated area of Mira Loma. It is generally described as approximately 4.3 gross acres fronting on the southerly side of Limonite Avenue. JARPD's stated intent is to utilize this property for multiple recreational uses.

The Public Resources Code § 5786.5(c) requires JARPD to first obtain the approval of the county to exercise eminent domain, as this property is located in the unincorporated area.

The JARPD is required to notify the property owner by mail at least 20 days before the Board takes action on the request.

At the hearing on February 26th, the Board of Supervisors will take testimony from interested parties and thereafter act upon the request of the JARPD.

" Attachment A "



Jurupa Area Recreation and Park District

4810 Pedley Road ♦ Riverside, CA 92509 ♦ (951) 361-2090 ♦ Fax (951) 361-2095

www.jarpd.org

December 5, 2007

VIA REGULAR MAIL & E-MAIL

**LARRY PARISH, COUNTY ADMINISTRATIVE OFFICER
RIVERSIDE COUNTY
4080 LEMON STREET, 4TH FLOOR
RIVERSIDE, CA 92501**

TO: HONORABLE MEMBERS OF THE RIVERSIDE COUNTY BOARD OF SUPERVISORS

At the meeting of Jurupa Area Recreation and Park District Board of Directors on November 20, 2007, the Board with all directors present in Open Session unanimously voted to submit this Action Item Request to the Riverside County of Board of Supervisors. (Minute Action Item Attached)

Accordingly, the Jurupa Area Recreation and Park District ("JARPD") hereby requests:

1. That the Riverside County Board of Supervisors ("Board of Supervisors") by resolution grant approval to JARPD to exercise the right of eminent domain to acquire the real property described as:

a. Parcel 2 of Parcel Map 7139 recorded July 12, 1976 in Book 25, page 65 of Parcel Maps, Records of Riverside County; an approximate 4.3 gross acre Parcel of land located on Assessor's Parcel Number 157-250-002, fronting on the southerly side of Limonite Avenue, approximately 600 feet west of its intersection with Etiwanda Avenue, and northerly of 63rd Street in Mira Loma community area of unincorporated Riverside County ("the Limonite Property").

2. That the Board of Supervisors agendize a public meeting to consider and act on JARPD's request, on a date certain soon forthwith, but in sufficient advance to allow JARPD to mail notice to the Limonite Property owners at least 20 days before the date on which the Board of Supervisors will act on said request, in compliance with Public Resources Code ("PRC") §5786.5 c).

Board of Directors

Brad Hancock ♦ Robert M. Hernandez ♦ Lee Parde ♦ Larry Riddle ♦ Sheryl Schmidt

**General Manager
Dan Rodriguez**

HONORABLE MEMBERS OF THE RIVERSIDE COUNTY BOARD OF SUPERVISORS

December 5, 2007

Page 2

The law in effect at the time JARPD was created pursuant to a Local Agency Formation Commission ("LAFCO") approved reorganization in 1984, PRC §5782.5, provided that a recreation and park district board "shall have and exercise all rights and power, ...including... (c)...the right of eminent domain, except that such right shall be exercised only within the territory of the district after approval for such exercise has been granted by resolution of the supervising authority [defined as the County governing authority by PRC§5780.1]."

The area of law relating to recreation and park districts, including general provisions, formations, and the powers and duties thereof, were significantly changed by Senate Bill 707 in 2001, however PRC§5780 (b) recognized the continued existence of recreation and park districts formed prior to January 1, 2002, including their powers which emanated from their formation in statutory predecessors.

Under the present Code, namely PRC§5786.1 (c) and PRC§5786.5 (b) and (c), if a district was formed with the power to acquire property by eminent domain (as was JARPD in 1984), it may still exercise that power, but "shall first obtain the approval of...the county board of supervisors..."

JARPD's inherent power to acquire property within its own boundaries by eminent domain, subject to approval by the County, for park and recreation purposes, stems from PRC§§5786, 5786.1 (c), and 5786.5 (b) and (c). In accordance with the above Public Resources Code sections, JARPD requests County approval to exercise its eminent domain power to acquire said property being entirely located within JARPD's boundaries.

If you have any questions, or require further information or documentation regarding this request, the JARPD Board and I stand ready to meet your needs.

Very Truly Yours,



DAN RODRIGUEZ, General Manager
JURUPA AREA RECREATION AND PARK DISTRICT

XC: Board of Directors

ATTACH. JARPD Board Minutes, Page 2, 5A, November 20, 2007

4.0 PUBLIC COMMENTS

NONE.

5.0 BOARD ACTION ITEMS

The Board unanimously voted to discuss and add urgent item 5A before agenda item # 5.1.

- 5A DISCUSSION REGARDING LETTER DATED NOVEMBER 13, 2007 FROM STADIUM PROPERTIES, LLC IN RESPONSE TO JURUPA AREA RECREATION AND PARK DISTRICT'S LETTER DATED NOVEMBER 9, 2007 (OFFER TO PURCHASE LAND CONSISTING OF 4.30 ACRES KNOWN AS PARRCEL NO. 157-250-002 AND CURRENTLY OWNED BY DEVELOPER AND OWNER, STADIUM PROPERTIES, LLC. / CALVERT GROUP)**

M/S/A 5-0 Schmidt/Parde moved to direct General Manager to draft a letter to the County Board of Supervisors requesting Jurupa Area Recreation and Park District be given authority to use Eminent Domain.

- 5.1 DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSAL TO APPLY FOR GRANT FUNDING FOR IRRIGATION IMPROVEMENTS
PRESENTER: PHIL REGLI**

M/S/A 5-0: Riddle/Schmidt moved to direct General Manager to proceed with applying for Grant Funding for Irrigation Improvements.

- 5.2 DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSAL TO APPLY FOR GRANT OPPORTUNITY FOR TREES THROUGH "THE GREAT CLEAN AIR TREE PLANTING PROJECT"
PRESENTER: DAVID ROGER**

M/S/A 5-0: Riddle/Schmidt moved to direct General Manager to work out the details to go on board with the project.

- 5.3 AUTHORIZATION FOR THE GENERAL MANAGER TO SIGN DOCUMENTS TO OFFICIALLY AND LEGALLY ACCEPT AND OWN CAMBRIA PARK AND HARMONY PARK**

M/S/A 5-0: Parde/Schmidt moved that the Board of Directors of the Jurupa Area Recreation and Park District authorize the General Manager to handle any and all administrative functions necessary to acquire ownership of the two parks in the Lennar Homes Copper Ridge and Silver Ridge housing development, more commonly known as Cambria Park and Harmony Park.

2 RESOLUTION NO. 2008-079

3 NOTICE OF INTENT TO CONDUCT HEARING
4 IN REGARD TO REQUEST OF
5 JURUPA AREA RECREATION AND PARK DISTRICT

6 WHEREAS, pursuant to Public Resources Code Section 5786.5 the Jurupa Area
7 Recreation and Park District (District) requested the Board of Supervisors provide the District authority
8 to acquire real property through the exercise of eminent domain, and

9 WHEREAS, the property identified as Assessor's Parcel Number 157-250-002, sought to
10 be acquired by the District for park usage, is located in the unincorporated area of Mira Loma, and

11 WHEREAS, Public Resources Code Section 5786.5(c) requires the District notify the
12 property owner at least 20 days before any date which the Board of Supervisors intends to act on such
13 request.

14 NOW, THEREFORE, BE IT RESOLVED that on February 26th, 2008, at 1:30pm in the
15 Board of Supervisors meeting room, County Administrative Center, 4080 Lemon Street, 1st Floor,
16 Riverside, CA 92501, or as soon thereafter as the matter may be heard, the Board will consider the
17 request of the District to exercise the power of eminent domain.

ADOPTED by Riverside County Board of Supervisors on January 29, 2008, by the following vote:

ROLL CALL:

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Wilson

23 The foregoing is certified to be a true copy of a resolution duly
24 adopted by said Board of Supervisors on the date therein set forth.

NANCY ROMERO, Clerk of said Board

25 By: Jana DeHammel
26 Deputy

FORM APPROVED COUNTY COUNSEL
BY: JOE S. RANK
DATE: 2/18/08

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



15.6

1:30 p.m. being the time set for Public Hearing on the Request of the Jurupa Area Recreation and Park District, District 2, the Vice-Chairman called the matter for hearing.

The following individuals spoke in favor:

Bob Hernandez
Dan Rodriguez
Stephen Anderson
Betty Anderson
Brad Hancock
Larry Riddle
Sheryl Schmidt
Ed Hawkins, gave a history on the matter.
Marilee Lopez
Liz McCormick

Supervisor Stone asked if the district offered the property to a public agency before the sale.

Supervisor Tavaglione responded that the Jurupa Community Services District had a legal obligation to offer the property to other entities, but an offer was not made.

Supervisor Tavaglione noted that the Second District has been working with the Jurupa Area Recreation and Park District for almost fourteen years to develop a park. He explained that his district has given \$2 million towards this park, and \$2 million came from the General Fund.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on February 26, 2008 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: February 26, 2008
Nancy Romero, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO. 15.6

xc: E.O., Parks, COB

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



Since no one else present wished to speak on the matter, the Vice-Chairman declared the hearing closed.

A motion was made by Supervisor Tavaglione and seconded by Supervisor Buster that if they have the funds and feel it is the best site, he moves approval of the request by the Jurupa Area Recreation and Park District for authority to exercise eminent domain to acquire the real property.

Roll Call:
Ayes: Buster and Tavaglione
Nays: Stone and Ashley
Absent: Wilson

The above motion failed. _____

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is continued for full Board to Tuesday, March 11, 2008.

Roll Call:
Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Wilson

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on February 26, 2008 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: February 26, 2008
Nancy Romero, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: _____ Deputy

AGENDA NO. 15.6

xc: E.O., Parks, COB

PARK DISTRICT EMINENT DOMAIN

Board of Supervisors Hearing, February 26, 2008

~~President J. Higgins and~~ Members of the Board:

My name is Ed Hawkins. I have been a resident of Jurupa for 38 years where I was school superintendent for over 18 years.

As an aside, I want to thank you for the many improvements made in Jurupa, including of course the beautiful stadium at Rubidoux High School.

I am familiar with eminent domain because we had to use it to acquire a necessary high school site. I appreciate that it is a governmental power which should be used only as a last resort. This request is a last resort.

For brevity I will refer to the Jurupa Community Services District as JCSD, and the Jurupa Area Recreation and Park District as the Park District.

The Park District request for eminent domain authority is very specific and is limited to one 4.2 acre parcel on Limonite just west of the Stater Bros. market at Etiwanda.

This land was donated in 1975 to JCSD by Lou Larimore and his partner, who developed the Sky Country area in western Jurupa. Your county flood control officials wanted this land for flood retention of Day Creek which was to be controlled by a concrete channel through Sky Country until it passed southward underneath Limonite.

The August 25, 1975 JCSD minutes note the land was donated for dual use as a flood retention basin and Little League baseball field. Your own Riverside County Environmental Report of Engineer Webb states the use designation as the Flood Control Retention Basin for the proposed Recreation and Park Use.

Several years later the concrete channel was extended. With no further need for flood retention, this parcel de facto reverted to park use only.

In 1984 the authority for recreation and park services was transferred from JCSD to a new district named the Jurupa Area Recreation and Park District which also embraced the Rubidoux Veterans Memorial District park services, really all of the Jurupa area. JCSD continued with water and sewer services. JCSD transferred their park properties to the new district, but failed to transfer this Limonite parcel.

The Park District General Manager, Dan Rodriquez, discovered this oversight and wrote to JCSD on August 29, 2001 asking about acquiring the property. The JCSD General Manager, Carol McGreevy, responded she

Submitted by Ed Hawkins

2-26-08 Item 15.6
(date)

would notify the Park District if the property ever became surplus. She even cited the law requiring such notice. However, her letter was so vague it never really answered the acquisition question raised by the Park District.

Shortly afterward General Manager McGreevy secretly declared this parcel was surplus, and it was sold to Congressman Ken Calvert and his family and employees under circumstances which were found to violate several laws, and which the Riverside County Grand Jury declared illegal.

This sale failed to follow the law requiring notice of surplus land availability to other public agencies. It also failed to follow the law requiring notice to the public of surplus property for sale. This sale was made in secret without proper advertising and other compliance with the Brown Act. There were no other bidders and no effort to solicit other offers. The attorney who is always present was conveniently absent. The President of the JCSD Board at the time of the sale admitted to me he never knew the land had ever been designated for any type of park, Little League or recreational use.

Eventually the General Manager was terminated with a lavish quarter of a million dollar settlement for this and other failures. Depositions and testimony in a court proceeding should clarify many aspects of what, at best, appears a willful, shady and illegal sale of land which rightfully belonged to the Park District.

During the last two years the Park District repeatedly requested meetings with the park committees of both agencies, and also requested joint meetings of the two agency boards in an attempt to resolve this matter. All were rebuffed until the two Boards met on January 18, 2007.

JCSD refused to meet at a neutral location so the meeting was held in their office. Bobby Hernandez, JARPD president offered four different rationales, any of which could be used as a basis of discussion. The JCSD board refused to respond to any of them and never even offered a reason why they finally met. A few weeks later JCSD Board president Ken McLaughlin made a public pronouncement that JCSD would no longer even talk about this issue. JCSD totally ignored the finding of the County Grand Jury that the money received should be sent to the Park district.

The Park Board then had appraisals made and offered to buy the land back from Calvert Associates, who refused the offer.

Having no other recourse, the Park Board requested eminent domain authority from you so this matter could finally be resolved in the justice system. You initially refused in hopes the two parties could resolve the issue between them.

You need to realize that JCSD has been the total bully who kept what

wasn't theirs, and adamantly refused every effort which has been made by the Park board, the citizens and the Grand Jury to see this matter resolved.

Perhaps your refusal sparked the new JCSD Board, which has several different members from the November 2007 elections. They took up this community-wide issue and made a secret offer to the Park board. When the offer became public it was revealed JCSD had offered \$570,000, less than half of the 1.2 million they received from the Calvert group. No explanation has been offered as to how this figure was concocted . Logically, it was rejected by the Park Board which said it was a welcome start and they would like representatives to meet and negotiate.

New JCSD president Cook Barela then stated publicly there would be no negotiation of this take-it-or-leave-it proposal. If there were any further meetings they would be with both boards in public, no more money would ever be offered, and if they did meet JCSD would deduct the cost of any meeting and attorney charges from the \$570,000 demand settlement. Finally, one ricolous offer, then the bully attitude returned.

For some two years the JCSD Board consistently has been unwilling to concede the wrongful sale of this Park property. For two years they have totally rejected all efforts to resolve this issue until this one take-it-or-leave-it demand to settle for less than half of what is owed. Perhaps that is finally a JCSD admission. But, if they owe the money they owe all of it.

I became involved with government in 1945 as a high school teacher. I have worked for school districts, cities, counties and state government. In the past 63 years I have never seen such onorous governmental behavior as that of the Jurupa Community Services District.

I urge you to authorize the eminent domain request which will place this matter appropriately before the courts for adjudication.

Dear Supervisors.

Please do not take away our ability to have a Little League Field and a park on the vacant property near the corner of Limonite and Etiwanda.

Our local Jurupa Area Parks and Recreation District in good faith tried to obtain that property so that it could benefit us, the local residents, as a park.

What really happens is that it appears that instead, the property was illegally sold to developers, who now want to *change the zoning on the land and put in self-storage units!!*

Because there are legal questions about the sale of this land, we still have a chance to have our park. But only with your help and that of the other Supervisors.

We urge you to vote YES on the proposal before you, to grant authority to the Jurupa Area Parks and Recreation District to proceed with the necessary legal proceedings to enable us to have a park on that site.

Sincerely,

Name: Guillermo H. Enriquez III

Address: 9362 51th St. Riv.

Phone: (951) 533-3283

Email: _____ 15.6

Signature G. Marcus Enriquez III

Dear Supervisors.

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Sincerely,

Name: Chad Alan Gamwell

Address: 1375 7th st Norco ca 92860

Phone: _____

Email: _____

Signature Chad

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Sincerely,

Name: Mona Clifford

Address: 3690 Marlatt ML

Phone: _____

Email: _____

Signature: Mona Clifford

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Sincerely,

Name: Meyma Melton

Address: 3401 Emmet St, Apt C Murfreesboro, TN 37152

Phone: 951-360-6785

Email: _____

Signature Meyma Melton

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Please do not take away our ability to have a Little League Field and a park on the vacant property near the corner of Limonite and Etiwanda.

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Sincerely,

Name: Justin Ruiz

Address: 5690 Marlatt Marc LOMA

Phone: (751) 755-0577

Email: _____

Signature Justin Ruiz