

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

941 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
February 26, 2008

SUBJECT: Resolution of Necessity Regarding the Alessandro Dam Access Project
Project No. 1-0-00043

RECOMMENDED MOTION:

Approve Resolution No. F2008-03, Resolution of Necessity Regarding the Alessandro Dam Access Project.

BACKGROUND:

See Page 2

FINANCIAL:

N/A

GSW:rlp

WARREN D. WILLIAMS
General Manager-Chief Engineer

Departmental Concurrence

CRM APPROVED COUNTY COUNSEL
M. Adam Bell
DATE 2/14/08

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: 25110 947400 540040 – Land Acquisition, Zone 1	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Alex Gann

County Executive Office Signature

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

Prev. Agn. Ref.: 11.2 of 1/29/08
**ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD**

District: 1st

Agenda Number:

11.3

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

SUBJECT: Resolution of Necessity Regarding the Alessandro Dam Access Project
Project No. 1-0-0043

SUBMITTAL DATE: February 26, 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 District's access is necessary for both routine and emergency maintenance and operation of the dam. The safety and functionality of this State jurisdictional dam is dependent upon implementation of District's strict maintenance regimen. Failure of the dam would likely have catastrophic health, safety and life threatening impacts downstream and throughout the city of Riverside. Alternate sites for access were considered. However, the environmental, physical and cost constraints eliminated the alternatives.

The access is necessary to remove debris and sediment from the dam two to four times a year, each for a period of two weeks. If this removal 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. F2008-03.

1 Board of Supervisors

Riverside County Flood Control
and Water Conservation District

2 Resolution No. F2008-03
3 Resolution of Necessity Regarding
4 Alessandro Dam Access Project

5 WHEREAS, the Parcel of real property that is the subject of this Resolution (the "Subject
6 Property") is located in the City of Riverside, County of Riverside, State of California; is located
7 next to the intersection of Overlook Parkway and Chateau Ridge Lane; is presently designated as
8 Riverside County Assessor's Parcel No. 243-460-011; and is legally described and pictorially
9 depicted on the documents attached hereto as Exhibits "A" and "B" (and incorporated herein by
10 this reference);

11 WHEREAS, the proposed project that is the subject of this Resolution (the "Proposed
12 Project") is one to construct public flood control facilities (including but not limited to the use of
13 the Subject Property as a flood control road for heavy vehicle access to the Alessandro Dam, and
14 for other uses incidental thereto and required thereby including "remnants" within the meaning of
15 Code of Civil Procedure Section 1240.410);

16 WHEREAS, the interest in property that is the subject of this Resolution (the "Subject
17 Property Interest") is fee simple ownership of Riverside County Assessor's Parcel No. 243-460-
18 011; and

19 WHEREAS, the statutes that authorize the Riverside County Flood Control and Water
20 Conservation District to acquire the Subject Property Interest by eminent domain include Article
21 1, Section 19 of the California Constitution; Section 25350.5 of the Government Code; Section
22 48-9 of the Water Code-Appendix; and Sections 1240.010, 1240.020, 1240.030, 1240.040,
23 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

24 Now, therefore, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the
25 Riverside County Flood Control and Water Conservation District (the "District"), not less than
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1 four-fifths of all members concurring, in regular session assembled on April 22, 2008, that
2 this Board finds and determines each of the following:

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

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

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

10 4. The Subject Property Interest is necessary for the Proposed Project;

11 5. The offer required by Section 7267.2 of the Government Code has been made to the
12 owner or owners of record of the Subject Property; and

13 6. To the extent that the Subject Property is already devoted to a public use, the use of
14 the Proposed Project is a compatible use that will not unreasonably interfere with or impair the
15 continuance of the public use as it presently exists or may reasonably be expected to exist in the
16 future (California Code of Civil Procedure, Section 1240.510) or the use of the Proposed Project
17 is a more necessary public use than is the presently existing public use (California Code of Civil
18 Procedure, Section 1240.610).

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

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

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

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3. To apply to the Court for orders to deposit the probable amount of compensation out of proper funds under the control of the District into the County Treasury and to move for an order permitting the District to take prejudgment possession and use the Subject Property Interest; and

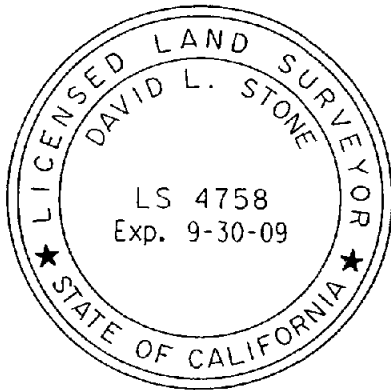
4. To compromise and settle such proceedings if such settlement can be reached and, in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and the causing of all payments to be made.


FORM APPROVED COUNTY COUNSEL
BY: Glenn Beloit 2/14/08
GLENN R. BELOIAN DATE

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.





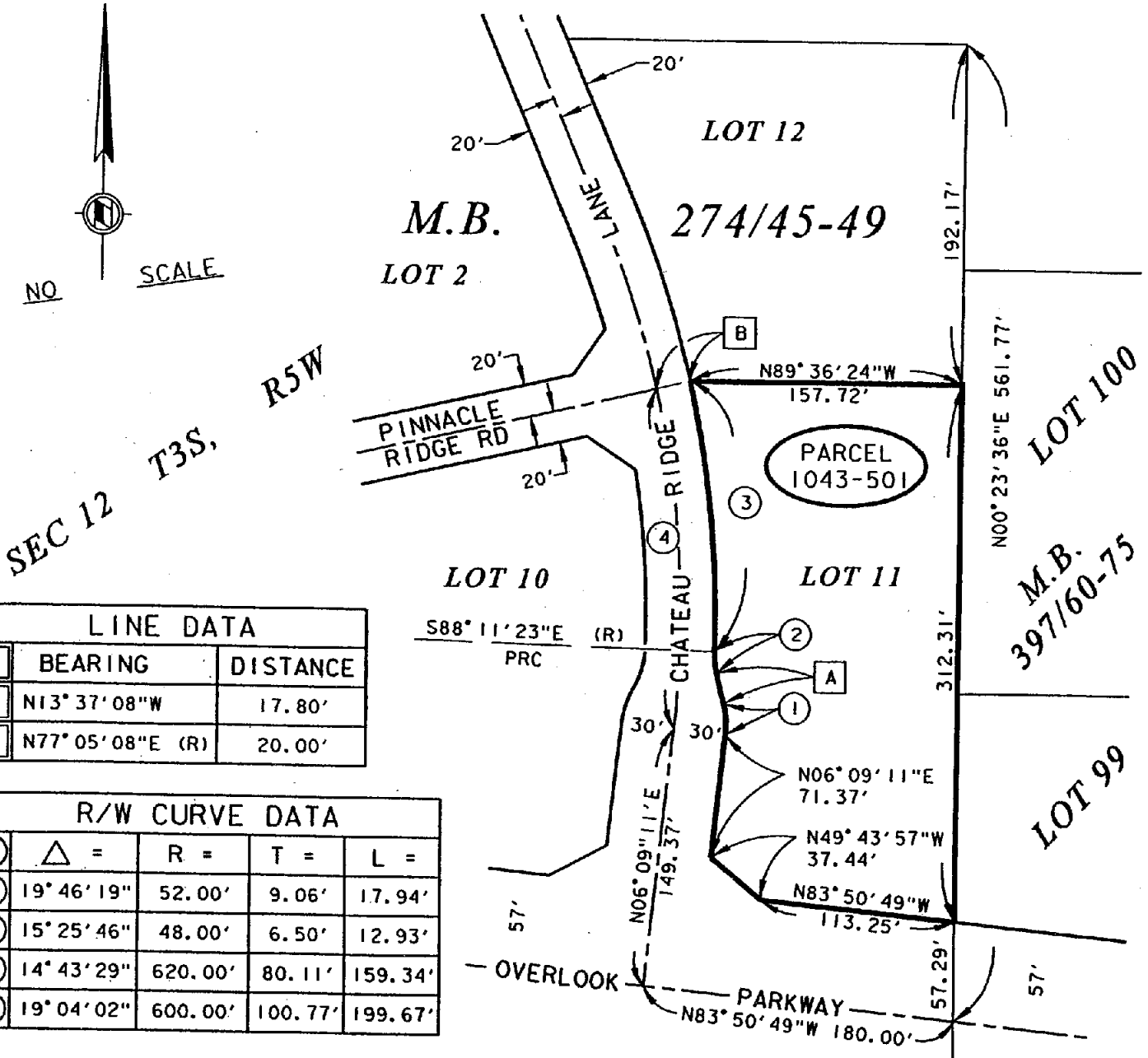
DAVID L. STONE

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

○	△ =	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
	SCALE: NO SCALE
APPROVED BY: <i>[Signature]</i>	DATE: JANUARY 04, 2008
DATE: <u>JANUARY 7, 2008</u>	SHEET OF

