

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

402



FROM: Economic Development Agency

SUBMITTAL DATE:
September 2, 2008

SUBJECT: County Resolution No. 2008-392, Notice of Intention to Adopt a Resolution of Necessity Regarding Public Right-of-Way Improvements along Rubidoux Boulevard-APN Nos. 178-201-011, 178-202-018, 178-202-019, 178-213-003, and 178-251-010. Second Supervisorial District.

RECOMMENDED MOTION: That the Board of Supervisors

1. Approve Resolution No. 2008-392, Notice of Intention to Adopt a Resolution of Necessity Regarding Public Right-of-Way Improvements along Rubidoux Boulevard--APN Nos. 178-201-011, 178-202-018, 178-202-019, 178-213-003, and 178-251-010;
2. Set a public (Resolution of Necessity) hearing on September 30, 2008 in order to hear comments from affected property owners;
3. Authorize and direct the Clerk of the Board to give notice to the property owners pursuant to Code of Civil Procedure Section 1245.235;
4. Vacate earlier County Resolution No. 2008-301 that was approved by the Board on July 29, 2008, and was entitled Notice Of Intention To Adopt A Resolution Of Necessity Regarding Public Right-Of-Way Improvements Along Rubidoux Boulevard; and

(Continued on Page 2)

Deanna Lorson
Robin Zimpfer, Assistant County Executive Officer/EDA
By Deanna Lorson, Managing Director

RZ:DL:TE:JP:DSC:JM:bp
S:\RealProperty\Real Property\District Projects\Dist 2\EMR\071708 Resolution 2008-392 Form 11.doc

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 290,000	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2008/2009

SOURCE OF FUNDS: Jurupa Valley Redevelopment Capital Improvement Funds	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY *Jennifer L. Sargent*
County Executive Office Signature Jennifer L. Sargent

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

Prev. Agn. Ref.: District: 2 **Agenda Number:**

3.49

FORM APPROVED COUNTY COUNSEL
BY: *Glenn R. Beloit* 8/13/08
GLENN R. BELOIT DATE
Departmental Concurrence

Reviewed by
C.P.A. J.M.
Christopher Hans

Form 11 - County Resolution No. 2008-392, Notice of Intention to Adopt a Resolution of Necessity Regarding Public Right-of-Way Improvements in Rubidoux in the Vicinity of Rubidoux Boulevard-APN Nos. 178-201-011, 178-202-018, 178-202-019, 178-213-003, and 178-251-010. Second Supervisorial District.

September 2, 2008

Page 2

RECOMMENDED MOTION: continued

5. Vacate the Resolution of Necessity Hearing before the Board on September 16, 2008, that was established by said earlier County Resolution No. 2008-301.

BACKGROUND

Based upon current and anticipated future vehicle and pedestrian circulation patterns, certain right-of-way improvements are needed in order to improve circulation and accessibility in an area of Rubidoux that is generally located near the respective intersections of Rubidoux Boulevard with 28th Street, with 30th Street, and with the 60 Freeway. This Notice pertains to the potential acquisition of four (4) portions of real property that are necessary for the subject right-of-way acquisition project. The approximate size of each one of the four (4) portions to be acquired is listed below:

- APN 178-201-011, requiring 725 s.f.;
- APN 178-202-018 and 178-202-019, requiring 1,142 s.f.;
- APN 178-213-003, requiring 1,060 s.f.; and
- APN 178-251-010, requiring 41 s.f.;

Agency Counsel has approved this item as to form and staff recommends that the Board schedule the matter for a Resolution of Necessity hearing on September 30, 2008.

In accordance with County procedures, and State Law, a "fair market value offer" was provided to the property owners. Subsequently, several meetings with the property owners have occurred. However, no settlement has been reached. Staff will continue negotiations in an effort to reach an acceptable mutual agreement with the property owners.

Earlier County Resolution No. 2008-301 needs to be vacated in order to correct an error contained in the second page of that Resolution. Earlier Resolution No. 2008-301 incorrectly stated that the County is seeking to acquire fee simple ownerships in the Subject Properties. Instead, the County is seeking to acquire permanent easements in the Subject Properties.

2
3 COUNTY RESOLUTION NO. 2008-392
4 NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY REGARDING PUBLIC
5 RIGHT-OF-WAY IMPROVEMENTS ALONG RUBIDOUX BOULEVARD – APN Nos. 178-201-
6 011, 178-202-018, 178-202-019, 178-213-003, AND 178-251-010

7 WHEREAS the portions of real properties that are the subjects of this Notice (collectively the
8 “Subject Properties”) are located in a section of the unincorporated County of Riverside, California
9 known as the Rubidoux Village; are generally located near the respective intersections of Rubidoux
10 Boulevard with 28th Street, with 30th Street, and with the 60 Freeway; are legally described and
11 pictorially depicted in the documents attached hereto as Exhibits “A” through “D” inclusive (and
12 incorporated herein by this reference); and are each portions of larger real properties;

13 WHEREAS the portion of real property (described and depicted in attached Exhibits “A-1” and
14 “A-2”) is a portion of a larger real property known as Riverside County Assessor’s Parcel No. 178-201-
15 011; whereas the portion of real property (described and depicted in attached Exhibits “B-1” and “B-2”)
16 is a portion of two adjacent larger real properties known as Riverside County Assessor’s Parcel Nos.
17 178-202-018 and 178-202-019; whereas the portion of real property (described and depicted in attached
18 Exhibits “C-1” and “C-2”) is a portion of a larger real property known as Riverside County Assessor’s
19 Parcel No. 178-213-003; and whereas the portion of real property (described and depicted in attached
20 Exhibits “D-1” and “D-2”) is a portion of a larger real property known as Riverside County Assessor’s
21 Parcel No. 178-251-010;

22 WHEREAS the proposed project that is the subject of this Notice (the “Proposed Project”) is one
23 to improve the public rights-of-way within an area of Rubidoux area that is generally located near the
24 respective intersections of Rubidoux Boulevard with 28th Street, with 30th Street , and with the 60
25 Freeway;

26 WHEREAS each one of the Subject Properties will be used for public right-of-way purposes (and
27 for other purposes incidental to that stated purpose and/or required by that stated purpose);

28 WHEREAS the interests in property that are the subjects of this Notice (collectively the “Subject
Property Interests”) are permanent easements in the Subject Properties; and

1 WHEREAS the statutes that authorize the County of Riverside to acquire the Subject Property
2 interests by eminent domain include Article 1, Section 19 of the California Constitution; Section
3 25350.5 of the Government Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110,
4 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

5 Now, therefore, BE IT RESOLVED AND ORDERED as follows by the Board
6 of Supervisors of Riverside County, State of California, in regular session assembled on September 2,
7 2008:

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

- 13 (a) The public interest and necessity require the Proposed Project;
- 14 (b) The Proposed Project is planned or located in the manner that will be most
15 compatible with the greatest public good and the least private injury;
- 16 (c) The Subject Property Interests are necessary for the Proposed Project;
- 17 (d) The offer required by Section 7267.2 of the Government Code has been made to
18 the owners of record of the Subject Properties;
- 19 (e) To the extent that the Subject Properties are already devoted to a public use, the
20 use of the Proposed Project is a compatible use that will not unreasonably
21 interfere with or impair the continuance of the public use as it presently exists or
22 may reasonably be expected to exist in the future (California Code of Civil
23 Procedure Section 1240.510) or the use of the Proposed Project is a more
24 necessary public use than is the presently existing public use (California Code of
25 Civil Procedure Section 1240.610); and
- 26 (f) This Notice was duly given as required by Section 1245.235 of the Code of Civil
27 Procedure.

28 2. If, within fifteen (15) days from the mailing of this Notice, you file a written request to
appear at the public meeting and be heard on the matters described in 1(a), 1(b), 1(c), 1(d), 1(e), and

1 1(f), (or any one or more of them), you will have a right to appear at that meeting and be heard on those
2 matters.

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

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

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

10 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to be sent by first-
11 class mail to each person whose property may be acquired by eminent domain and whose name and
12 address appears on the last equalized County Assessment Roll (including the roll of state-assessed
13 property).

24 FORM APPROVED COUNTY COUNSEL

25 BY: Glenn Beloit 8/13/08
26 GLENN R. BELOIAN DATE

EXHIBIT "A-1"
PUBLIC ROAD & UTILITY EASEMENT

That portion of the easterly five acres of Lot 1 in Block 10 of the Map of West Riverside on file in Book 9 of Maps, Page 34 thereof, Records of San Bernardino County, California, located in Section 10, Township 2 South, Range 5 West, San Bernardino Meridian, described as follows:

COMMENCING at the intersection of the centerline of Rubidoux Boulevard (recorded as "B" Street, 66.00 feet in width) as shown on said Map of West Riverside, with the centerline of 30th Street (recorded as First Street, 66.00 feet in width) as shown by Record of Survey on file in Book 53 of Records of Survey, Pages 38 and 39 thereof, Records of Riverside County, California;

Thence North 52°28'33" West along said centerline of 30th Street, a distance of 79.35 feet;

Thence South 37°31'27" West, a distance of 33.00 feet to the **TRUE POINT OF BEGINNING**, said point being on the southwesterly right-of-way line of said 30th Street, and also on the northeasterly line of said Lot 1;

Thence South 52°28'33" East along said southwesterly right-of-way line, and along said northeasterly line of Lot 1, a distance of 12.09 feet to the most northerly corner of that triangular parcel of land deeded to the County of Riverside, California by deed recorded July 18, 1962 as Instrument No. 67401 in Book 3184, Page 45, Official Records of Riverside County, California, said corner being the beginning of a tangent curve, concave to the west, having a radius of 20.00 feet;

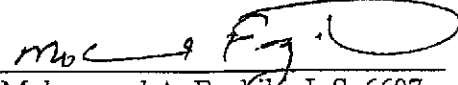
Thence southeasterly, southerly and southwesterly along said triangular parcel and along said curve, to the right, through a central angle of 119°31'57", an arc distance of 41.72 feet to a point on the northwesterly line of that parcel of land conveyed for freeway purposes to the State of California by deed recorded September 14, 1955, in Book 1793, Page 206, Official Records of Riverside County, California;



Thence South 67°03'24" West along said northwesterly line, a distance of 14.95 feet;

Thence North 10°13'38" East, a distance of 48.23 feet to the **TRUE POINT OF BEGINNING**.

Containing 725 square feet, more or less.

PREPARED UNDER MY SUPERVISION


Mohammad A. Faghihi, L.S. 6607 6/13/07
Date

Prepared By: 
Checked By: 

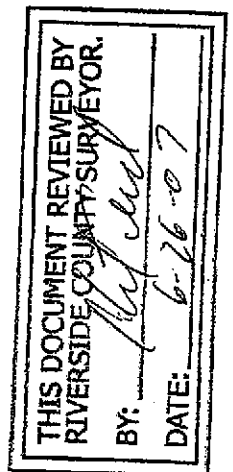
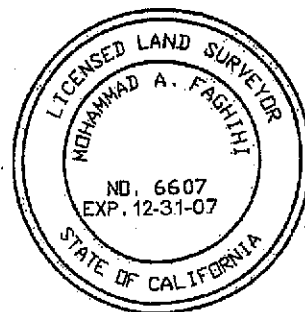
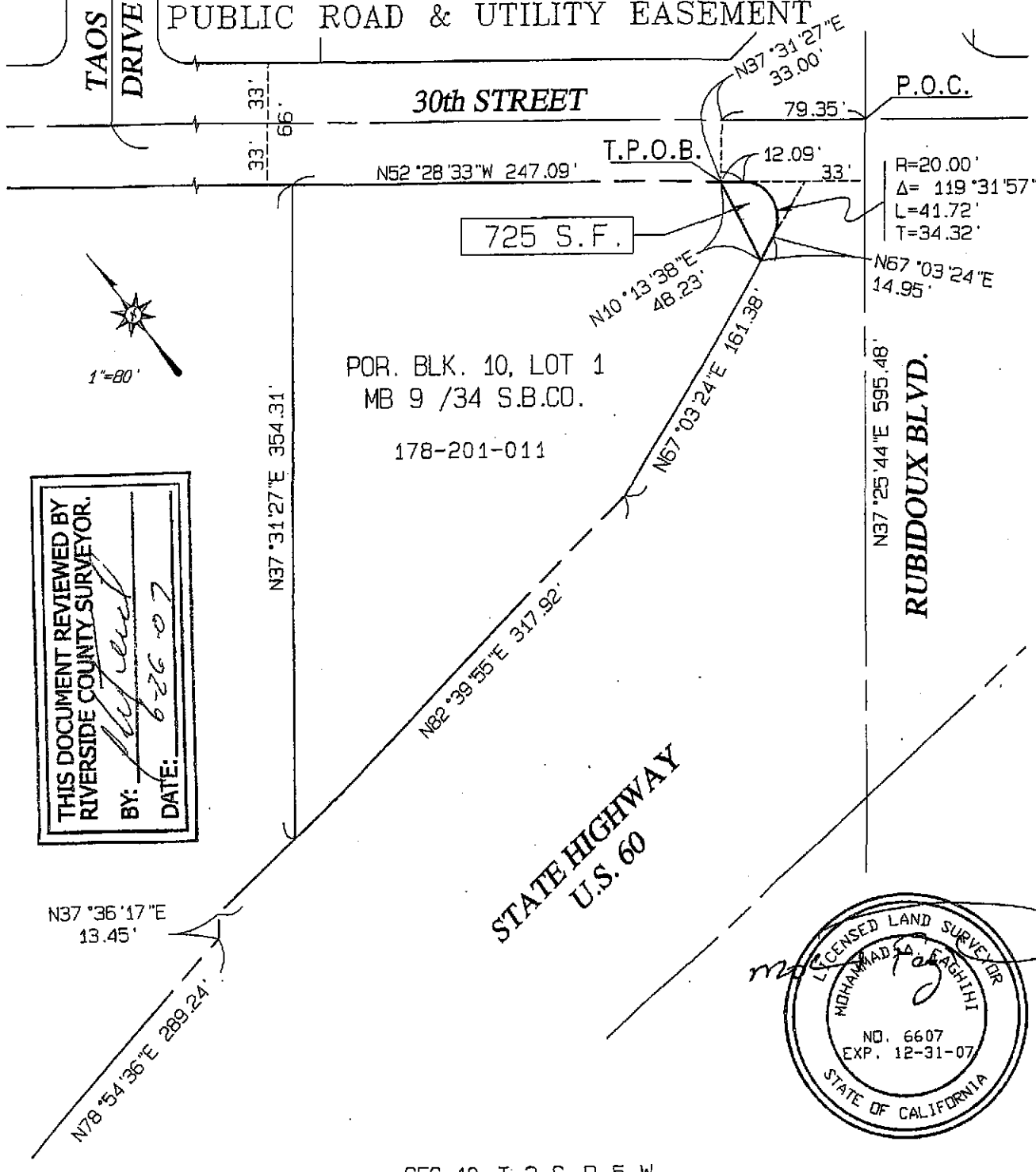
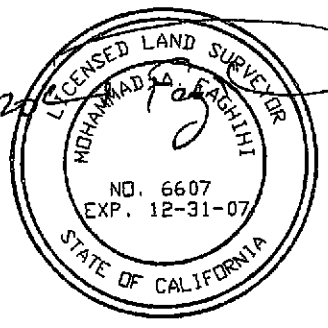


EXHIBIT "A-2"

PUBLIC ROAD & UTILITY EASEMENT



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *[Signature]*
DATE: 6-26-07



SEC 10, T 2 S, R 5 W

ALBERT A.
WEBB
ASSOCIATES
ENGINEERING CONSULTANTS

RIVERSIDE COUNTY, CALIFORNIA

PLAT PREPARED: JUNE 11, 2007 FILE: G:\2004\04-0390\04-0390\043905U.pro

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DESCRIPTION. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

SHEET 1 OF 1 W.O. 04-390

SCALE: 1" = 80' DRWN BY *[Signature]* DATE 6/11/07 SUBJECT: PUBLIC ROAD AND UTILITY EASEMENT
CHKD BY *[Signature]* DATE 6/13/07

EXHIBIT "B-1"
PUBLIC ROAD & UTILITY EASEMENT

Those portions of Parcels 1 through 3 inclusive of Parcel Map No. 28705 as shown by map on file in Book 194, Pages 64 and 65 of Parcel Maps, Records of Riverside County, California, located in Section 10, Township 2 South, Range 5 West, San Bernardino Meridian, described as follows:

COMMENCING at the intersection of the centerline of Rubidoux Boulevard (100.00 feet in width) with the centerline of 30th Street (66.00 feet in width) as shown on said Parcel Map No. 28705;

Thence North 37°27'11" East along said centerline of Rubidoux Boulevard, a distance of 58.06 feet;

Thence North 52°32'49" West, a distance of 50.00 feet to the **TRUE POINT OF BEGINNING**, said point being on the northwesterly right-of-way line of said Rubidoux Boulevard, said point also being an angle point in the boundary line of said Parcel 1;

Thence North 37°27'11" East along said northwesterly right-of-way line, and along said southeasterly line of said Parcel 1, and along the southeasterly line of said Parcels 2 and 3, a distance of 365.05 feet;

Thence South 41°37'50" West, a distance of 41.18 feet to a point on a line parallel with and distant northwesterly 3.00 feet, measured at a right angle, from said northwesterly right-of-way line;

Thence South 37°27'11" West along said parallel line, a distance of 322.87 feet;

Thence South 82°57'22" West, a distance of 37.20 feet to a point on the southwesterly line of said Parcel 1, said line also being the northeasterly right of way line of said 30th Street;

Thence South 52°28'33" East along said southwesterly line of said Parcel 1, and along said northeasterly right of way line, a distance of 4.53 feet;

Thence North 82°29'19" East along the southerly line of said Parcel 1, a distance of 35.33 feet to the **TRUE POINT OF BEGINNING**.

Containing 1,142 square feet, more or less.

PREPARED UNDER MY SUPERVISION

Mohammad A. Faghih
Mohammad A. Faghih, L.S. 6607 Date *2/14/08*

Prepared By: *[Signature]*
Checked By: *[Signature]*

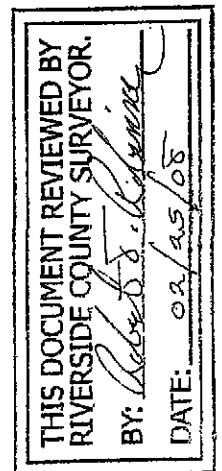
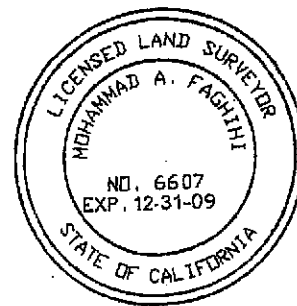
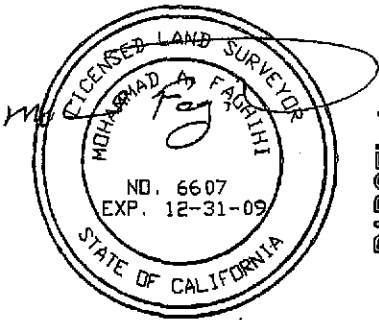


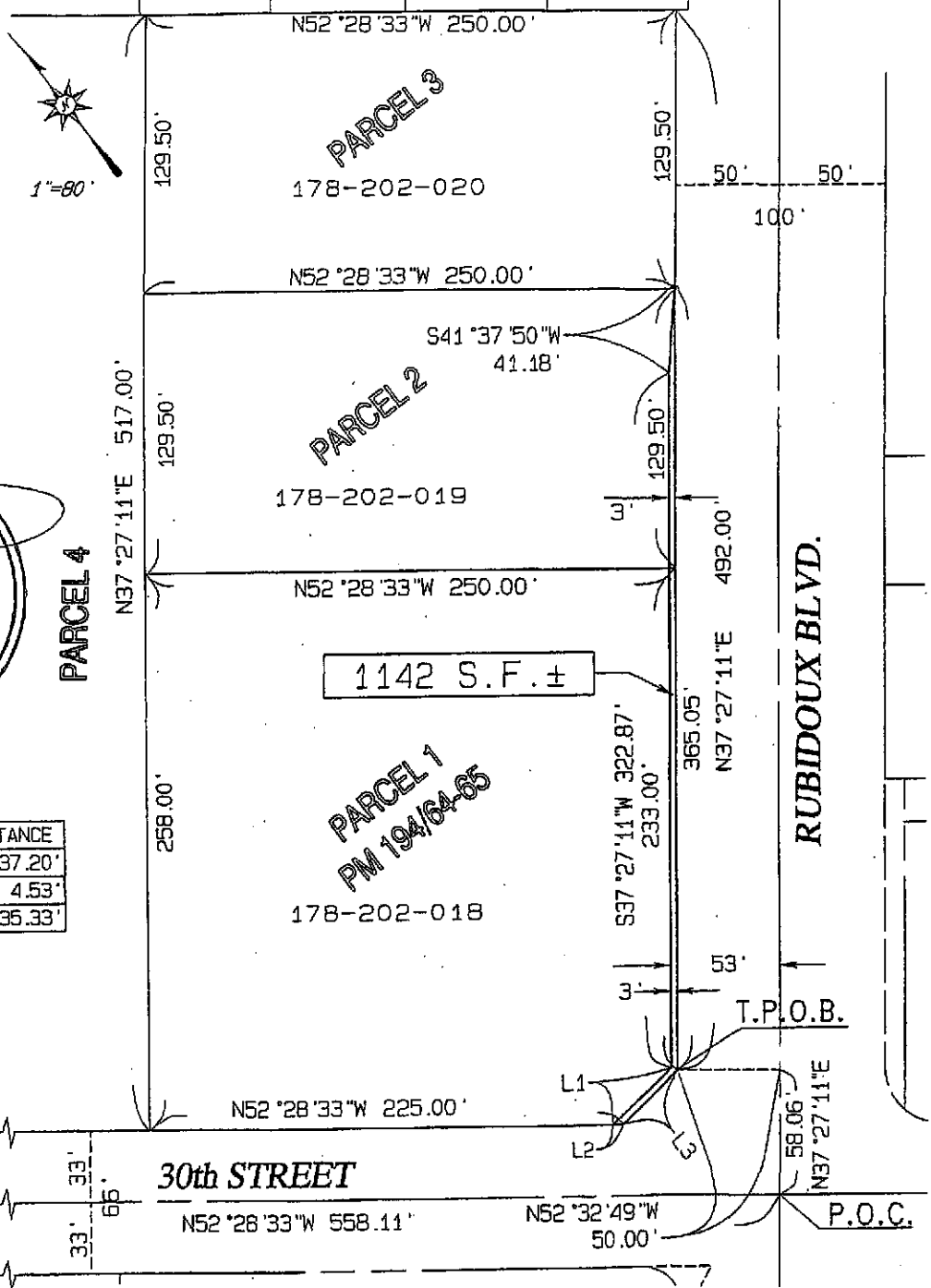
EXHIBIT B-2 PUBLIC ROAD & UTILITY EASEMENT

THIS DOCUMENT REVIEWED BY
 RIVERSIDE COUNTY SURVEYOR.
 BY: Robert J. Liberos
 DATE: 03/25/08



LINE DATA

LINE	BEARING	DISTANCE
L1	S82°57'22"W	37.20'
L2	S52°28'33"E	4.53'
L3	N82°29'19"E	35.33'



SEC 10, T 2 S, R 5 W, S.B.M.

ALBERT A.

WEBB

ASSOCIATES

RIVERSIDE COUNTY, CALIFORNIA

PLAT PREPARED: FEB. 14, 2008

FILE: G:\2004\04-0390\04-0390\04390SU.pro

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DESCRIPTION. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

SHEET 1 OF 1

W.D. 04-0390

SCALE: 1" = 80'

DRWN BY: [Signature]
CHKD BY: [Signature]

DATE: 2/14/08
DATE: 2/14/08

SUBJECT: PUBLIC ROAD AND UTILITY EASEMENT

EXHIBIT "C-1"
LEGAL DESCRIPTION
PUBLIC ROAD AND UTILITY EASEMENT
RUBIDOUX BOULEVARD

BEING A PORTION OF LOT 1 IN BLOCK 23 OF WEST RIVERSIDE AS SHOWN ON MAP ON FILE IN BOOK 9 PAGE 34, SAN BERNARDINO COUNTY, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN THE JURUPA RANCHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF RUBIDOUX BOULEVARD (44.00 FEET HALF WIDTH) AND 28TH STREET (33.00 FEET HALF WIDTH) OF SAID MAP;

THENCE NORTH 36° 44' 00" EAST ALONG THE SAID CENTERLINE OF RUBIDOUX BOULEVARD, A DISTANCE OF 175.00 FEET;

THENCE NORTH 53° 16' 00" WEST, A DISTANCE OF 44.00 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF RUBIDOUX BOULEVARD, SAID POINT BEING **THE TRUE POINT OF BEGINNING**;

THENCE CONTINUING NORTH 53° 16' 00" WEST, A DISTANCE OF 15.00 FEET;

THENCE NORTH 36° 44' 00" EAST, PARALLEL WITH THE CENTERLINE OF RUBIDOUX BOULEVARD, A DISTANCE OF 70.65 FEET;

THENCE SOUTH 53° 16' 00" EAST, A DISTANCE OF 15.00 FEET TO SAID NORTHWESTERLY RIGHT OF WAY LINE;

THENCE SOUTH 36° 44' 00" WEST ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 70.65 FEET, TO **THE TRUE POINT OF BEGINNING**;

CONTAINING 1060 SQUARE FEET, OR 0.024 ACRES, MORE OR LESS.

PREPARED UNDER MY SUPERVISION


ROBERT T. ROBINSON, L.S. 7534

07/18/08
DATE



EXHIBIT "C-2"

PUBLIC ROAD AND UTILITY EASEMENT



PROJECTED SECTION 10

T.2S., R.5W.

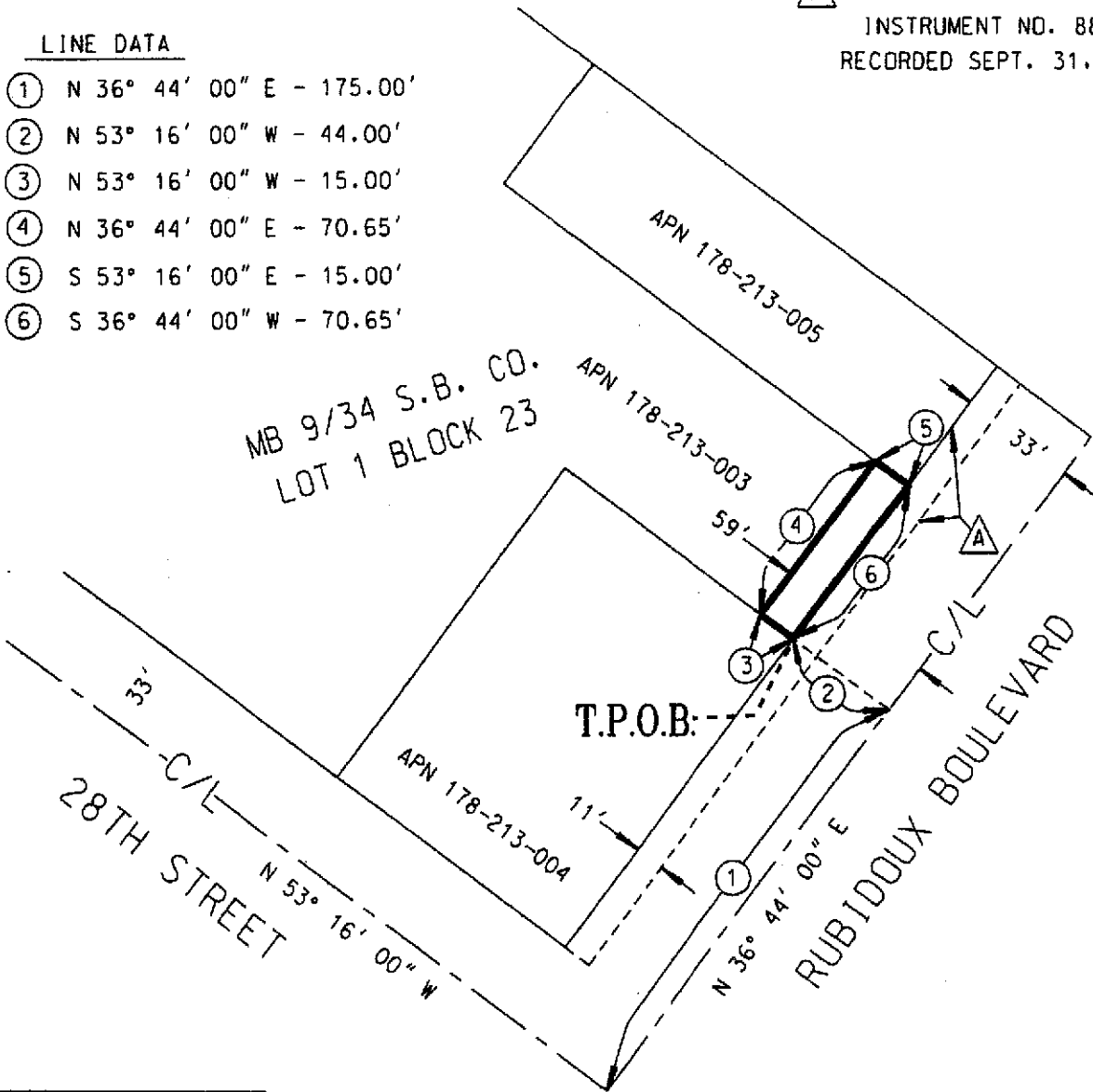
RANCHO JURUPA



DEDICATED PER
INSTRUMENT NO. 88499
RECORDED SEPT. 31, 1963

LINE DATA

- ① N 36° 44' 00" E - 175.00'
- ② N 53° 16' 00" W - 44.00'
- ③ N 53° 16' 00" W - 15.00'
- ④ N 36° 44' 00" E - 70.65'
- ⑤ S 53° 16' 00" E - 15.00'
- ⑥ S 36° 44' 00" W - 70.65'



MB 9/34 S.B. CO.
LOT 1 BLOCK 23

33' -C/L-
28TH STREET
N 53° 16' 00" W

P.O.C. ---
(C/L INT.)

SEC. 10 T.2S. R.5W. (PROJECTED)



COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.	SHEET 1 OF 1
PROJECT: RUBIDOUX BLVD	PREPARED BY: AM
THIS PLAT IS AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE PRECEDING DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.	SCALE: N.T.S.
	DATE: JULY, 2008
APPROVED BY: <i>Robert T. Robinson</i> DATE: 07/18/08	W.O. NO.:

EXHIBIT "D-1"
PUBLIC ROAD & UTILITY EASEMENT

That portion of Lot 4 in Block 25 of the Map of West Riverside on file in Book 9 of Maps, Page 34 thereof, Records of San Bernardino County, California, located in Section 10, Township 2 South, Range 5 West, described as follows:

COMMENCING at the intersection of the centerline of Rubidoux Boulevard (recorded as "B" Street), 59.00 feet in half width per deed recorded May 3, 2005 as Instrument No. 2005-0349354, Official Records of Riverside County, California with the centerline of 30th Street (33.00 feet in half width) of said deed;

Thence South 52°28'29" East along said centerline of 30th Street, a distance of 71.15 feet;

Thence North 37°31'31" East, a distance of 33.29 feet to the **TRUE POINT OF BEGINNING**, said point being on a non-tangent curve, concave to the northeast, having a radius of 25.00, the radial line from said point bears North 46°12'41" East, said point also being on the northeasterly right-of-way line of said 30th Street of said deed;

Thence northwesterly and northerly along said northeasterly right-of-way line and along said curve, to the right, through a central angle of 31°02'01", an arc distance of 13.54 feet to the most southerly point of a Public Road Easement granted as aforesaid;

Thence North 37°27'11" East along the southeast line of said Public Road Easement, a distance of 5.38 feet;

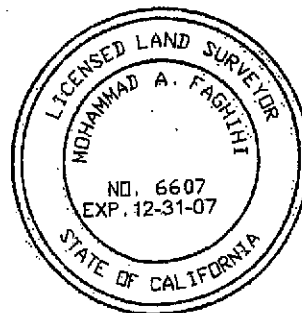
Thence South 10°48'09" East, a distance of 16.34 feet to the **TRUE POINT OF BEGINNING**.

Containing 41 square feet, more or less.

PREPARED UNDER MY SUPERVISION

Mohammad A. Faghih
Mohammad A. Faghih, L.S. 6607

6/13/07
Date



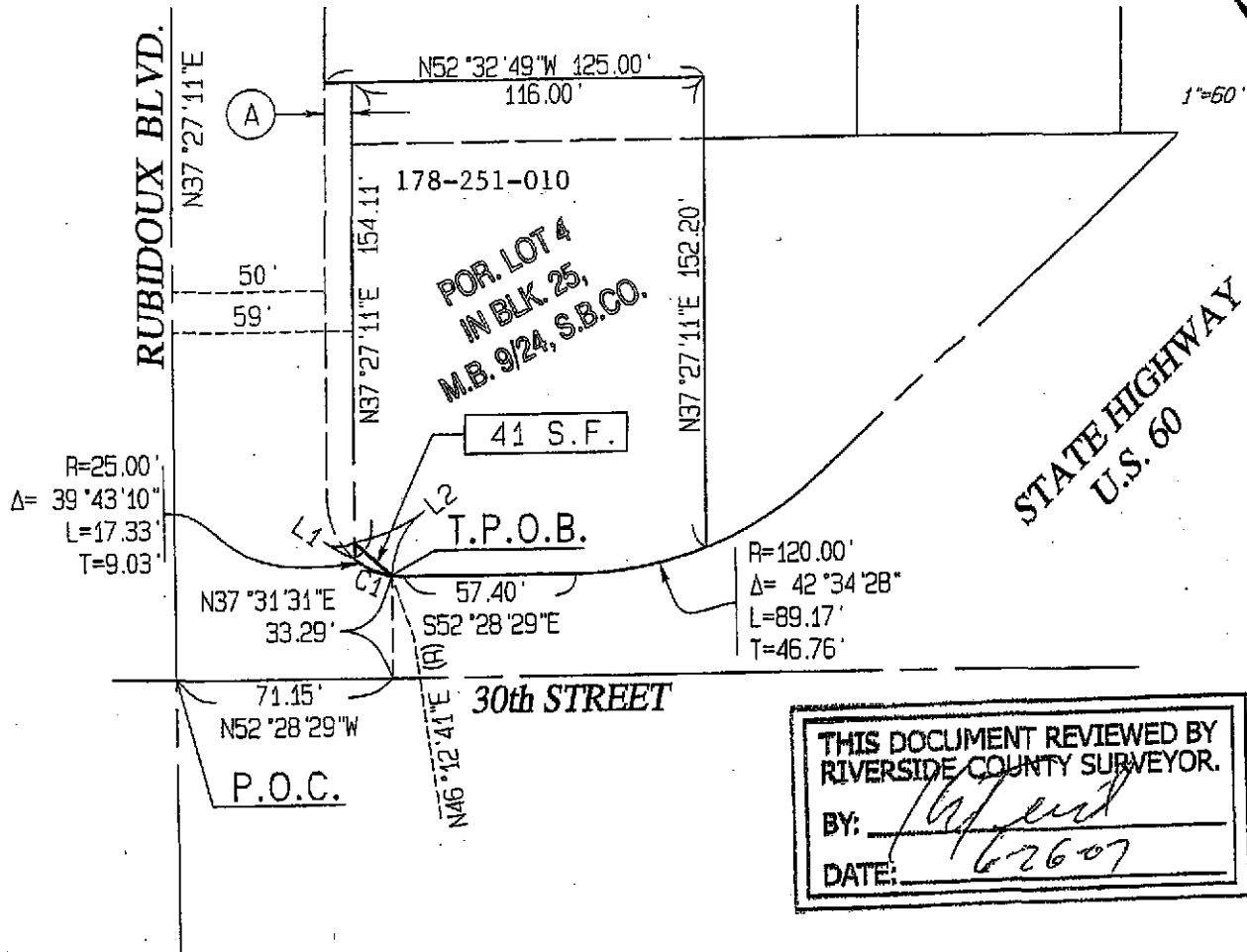
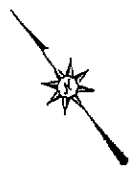
Prepared By: [Signature]
Checked By: [Signature]

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: [Signature]
DATE: 6-26-07

EXHIBIT ^{" " "} D-2

PUBLIC ROAD & UTILITY EASEMENT

(A) 9' DEDICATED TO COUNTY OF RIVERSIDE BY DOC. 2005-0349354 ON 5/03/2005



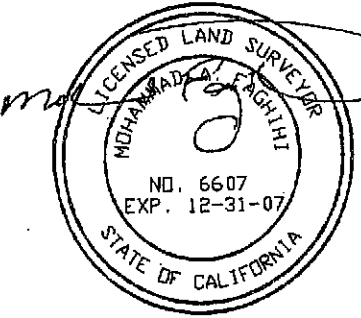
THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: *[Signature]*
DATE: 6/26/07

CURVE DATA

CURVE	RADIUS	DELTA	LENGTH	TANGENT
C1	25.00'	31°02'01"	13.54'	6.94'

LINE DATA

LINE	BEARING	DISTANCE
L1	N37°27'11"E	5.38'
L2	N10°48'09"W	16.34'



SEC 10, T 2 S, R 5 W

<p>ALBERT A. WEBB ASSOCIATES ENGINEERING CONSULTANTS</p>	<p>RIVERSIDE COUNTY, CALIFORNIA</p>
<p>PLAT PREPARED: JUNE 11, 2007</p>	<p>FILE: G:\2004\04-0390\04-0390\04390SU.pro</p>
<p>THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DESCRIPTION. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.</p>	<p>SHEET <u>1</u> OF <u>1</u> W.D. 04-390</p>
<p>SCALE: 1" = 60' DRWN BY <i>[Signature]</i> DATE 6/1/07 CHKD BY <i>[Signature]</i> DATE 6/13/07</p>	<p>SUBJECT: PUBLIC ROAD AND UTILITY EASEMENT</p>