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

FROM: Department of Facilities Management

SUBMITTAL DATE:
September 12, 2008

SUBJECT: Resolution No. 2008-025, Notice of Intention to Adopt a Resolution of Necessity Regarding the Community Center and Fire Station in the Unincorporated Eastvale Area in Western Riverside County

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2008-025, Notice of Intention to Adopt a Resolution of Necessity Regarding the Community Center and Fire Station in the Unincorporated Eastvale Area in Western Riverside County (Assessor's Parcel Number 152-050-003);
2. Set a public hearing on October 21, 2008, for Resolution No. 2008-026, Resolution of Necessity Regarding the Community Center and Fire Station in the Unincorporated Eastvale area in Western Riverside County;

(Continued)

Robert Field, Director
Department of Facilities Management

FINANCIAL DATA	Current F.Y. Total Cost:	\$1,872,978	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:	08/09

SOURCE OF FUNDS: Development Impact Fee Fund 30526	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

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

Approved As To Form

By John C. Murphy for Lance Forward
a former member of the County of Riverside Board of Supervisors

Handwritten notes:
Approved As To Form
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a former member of the County of Riverside Board of Supervisors
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RECOMMENDED MOTION: (Continued)

3. Authorize the use of up to \$1,852,978 of Development Impact Fee Eastvale Area Plan (AP 5) Community Center/Park Facilities Fund for costs associated with the purchase of Assessor's Parcel Number 152-050-003;
4. Direct the Executive Office to transfer up to \$1,852,978 from Development Impact Fee Eastvale Area Plan (AP 5) Community Center/Park Facilities Fund 30526 to Facilities Management as needed, pursuant to contracts and billings received for the purchase of Assessor's Parcel Number 152-050-003; and
5. Direct the Clerk of the Board to send the required notice to the property owner as required per Section 1245.235 of the Code of Civil Procedure.

BACKGROUND:

The Department of Facilities Management proposes that the County of Riverside purchase a 1.16+/- acre site in the unincorporated community of Eastvale. The property, which is located on the west side of Hamner Avenue where it intersects Schleisman Road, is referred to as Assessor's Parcel Number 152-050-003. The site is one of three contiguous sites that are being purchased to facilitate a plan to develop a coordinated campus consisting of a community center, child care center and fire station, which will provide much needed public services to the rapidly growing area of the county. The two other parcels have been purchased through voluntary purchase and sale agreements.

In accordance with California Environmental Quality Act (CEQA) (Public Resources Code Section 21000-21178.1), an Initial Study was prepared to analyze the proposed project to determine any potential significant impacts upon the environment that would result from construction and implementation of the project.

The analysis contained in the Initial Study demonstrates that the project would not have any significant impacts on the environment with the implementation of the mitigation measure contained in the Initial Study. The IS/MND was prepared and circulated for the mandated thirty day public review and comment period from November 14, 2007, to December 13, 2007.

On December 17, 2007, the State of California Governor's Office of Planning and Research, notified Facilities Management that the IS/MND complies with the requirements of CEQA. Pursuant to CEQA Section 15074, the County shall consider all comments received during the review period prior to adoption of the IS/MND. The IS/MND and Mitigation Monitoring Program was adopted by the Board of Supervisors on February 26, 2008.

Department of Facilities Management
Resolution No. 2008-025, Notice of Intention to Adopt a Resolution of Necessity
Regarding the Community Center and Fire Station in the Unincorporated Eastvale Area
in Western Riverside County
September 12, 2008
Page 3

BACKGROUND: (Continued)

As part of the site acquisition process, Facilities Management contracted with Environmental Equalizers Incorporated (EEI), environmental consultants to perform a Phase I and Phase II environmental hazardous studies as well as a Hazardous Waste Categorization (HAZCAT) Report.

If purchased, the subject property will require that certain hazardous materials mitigation take place prior to demolition and construction. An allowance of \$340,800 for estimated environmental remediation is budgeted for this purpose.

As required by Government Code, Section 7267.2, Facilities Management presented an offer to purchase the real property, fixtures and equipment and goodwill to the owner of Assessor's Parcel Number 152-050-003, Mr. Alvin Assink. To date, settlement has not been reached with the property owner regarding the proposed acquisition, although negotiations are still in progress and it is anticipated that a settlement with the owner is imminent. We are pursuing this board action with an abundance of caution and a sense of urgency to complete the transaction. Resolution No. 2008-026, Authorizing Resolution of Necessity Regarding the Community Center and Fire Station in the Unincorporated Eastvale area in Western Riverside County will be submitted to the Board on October 21, 2008, to allow for timely progression of the project and permit the project to move forward. According to Government Code Section 25350.5 the county is authorized to acquire this property.

The legal services of Luce, Forward, Hamilton & Scripps, LLP have been retained under the guidance of County Counsel's approval. The Resolution has been reviewed and approved by County Counsel as to legal form.

FINANCIAL DATA:

The following summarizes the funding necessary to acquire Assessor's Parcel Number 152-050-003:

Purchase Price	\$1,300,000
Fixtures and Equipment	\$ 23,578
Goodwill (Business Value)	\$ 0
Estimated Title and Escrow Charges	\$ 7,000
Phase I and Phase II Expense	\$ 26,000
Estimated Environmental Remediation	\$ 340,800
Appraisal Expenses	\$ 17,000
(Real Property, Goodwill and F&E)	
Owner Appraisal Expense Reimbursement:	\$ 5,000
Estimated Relocation Costs (Owner)	\$ 100,000
Estimated Relocation Costs (Tenant)	\$ 1,600
Estimated Relocation Consultation Costs:	\$ 12,000
DOFM Real Property Costs	\$ <u>40,000</u>
Total Estimated Acquisition Costs:	\$1,872,978

Any necessary budget adjustments will be brought forward under separate cover seeking authorization to adopt a Resolution of Necessity.

All costs associated with this property acquisition are fully funded through the Development Impact Fee Fund 30526 for FY 08/09. Thus, no additional net county costs will be incurred as a result of this transaction.

EXHIBIT "A"

All that certain real property situated in the County of Riverside, State of California, described as follows:

Parcel 1:

The Northerly 230.00 feet of Lot 52, Kingston Tract, in the County of Riverside, State of California, as shown by Map recorded in Book 12, Page 6 of Maps, records of San Bernardino County, California.

Except the Westerly 376 feet.

Parcel 2:

An easement over the Westerly 40 feet of the Southerly 530 feet of the following described property:

Lot 52, Kingston Tract, as shown by Map recorded in Book 12, Page 6 of Maps, records of Riverside County, California.

Except the Westerly rectangular 376.00 feet for the purposes of access to water well contained within said easement, with the right to extract and use water, repair and maintain said well, and lay pipe lines and transport water to the above described property.

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3 Resolution No. 2008-025
4 Notice of Intention to Adopt a Resolution of Necessity Regarding
5 The Community Center and Fire Station
6 In the Unincorporated Eastvale Area in Western Riverside County
7 Assessor's Parcel Number: 152-050-003

8 **WHEREAS**, the parcel of real property that is the subject of this Notice (the "Subject
9 Property") is located on the southwest corner of the intersection of Hamner Avenue and
10 Schleisman Road in the unincorporated County of Riverside; is commonly known as 7010
11 Hamner Avenue; is presently designated as Riverside County Assessor's Parcel Number 152-
12 050-003; and is legally described and pictorially depicted in the documents attached hereto as
13 Exhibits "A" and "B" (and incorporated herein by this reference);

14 **WHEREAS**, the proposed project that is the subject of this Notice (the "Proposed
15 Project") is one to use the Subject Property in conjunction with two contiguous properties to
16 develop a coordinated campus supporting a Community Center, Child Care Center, and
17 County Fire Station and for other public uses incidental thereto and required thereby, including
18 remnants under Code of Civil Procedure Section 1240.410. The Project will serve to add
19 needed public services in a rapidly growing community and population of this unincorporated
20 community of Eastvale.

21 **WHEREAS**, the interest in property that is the subject of this Notice (the "Subject
22 Property Interest") is a fee simple ownership in the Subject Property; and

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

1 **NOW, THEREFORE, BE IT RESOLVED AND ORDERED** as follows by the Board of
2 Supervisors of Riverside County, State of California, in regular session assembled on
3 September 30, 2008:

4 1. You are hereby notified that this Board (at its public meeting on October 21,
5 2008, at 9:30 a.m. in the meeting room of the Board of Supervisors located on the 1st Floor of
6 the County Administrative Center, 4080 Lemon Street, Riverside, California) may decide to
7 adopt a Resolution of Necessity that would authorize the County of Riverside to acquire the
8 Subject Property Interest by eminent domain and that would find and determine each of the
9 following matters:

10 (a) The public interest and necessity require the Proposed Project;

11 (b) The Proposed Project is planned or located in the manner that will be
12 most compatible with the greatest public good and the least private injury;

13 (c) The Subject Property Interest is necessary for the Proposed Project;

14 (d) The offer required by Section 7267.2 of the Government Code has been
15 made to the owner or owners of record of the Subject Property; and

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

22 2. If, within fifteen (15) days from the mailing of this Notice, you file a written
23 request to appear at the public meeting and be heard on the matters described above in 1(a),
24 1(b), 1(c), 1(d), and 1(e) (or any one or more of them), you will have a right to appear at that
25 meeting and be heard on those matters.

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

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

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


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

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Approved as to Form:

By: 
John C. Murphy for Luce Forward Hamilton &
Scripps, LLP
Attorneys for the County of Riverside