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

**FROM:** Department of Facilities Management

**SUBMITTAL DATE:**  
September 24, 2008

**SUBJECT:** Resolution No. 2008-026, Authorizing Resolution of Necessity of Real Property for a Community Center and Fire Station in the Unincorporated Eastvale Area in Western Riverside County

**RECOMMENDED MOTION:** That the Board of Supervisors:

Approve Resolution No. 2008-026, Authorizing Resolution of Necessity of Real Property for a Community Center and Fire Station in the Unincorporated Eastvale Area in Western Riverside County, Assessor's Parcel Number 152-050-003.

**BACKGROUND:** (Commences on Page 2)

Robert Field, Director  
Department of Facilities Management

<b>FINANCIAL DATA</b>	<b>Current F.Y. Total Cost:</b>	\$1,872,978	<b>In Current Year Budget:</b>	Yes
	<b>Current F.Y. Net County Cost:</b>	\$ -0-	<b>Budget Adjustment:</b>	No
	<b>Annual Net County Cost:</b>	\$ -0-	<b>For Fiscal Year:</b>	08/09

<b>SOURCE OF FUNDS:</b> Development Impact Fee Fund 30526	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input checked="" type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

BY:

**County Executive Office Signature** Jennifer L. Sargent

Dep't Recomm.:  Consent  Policy

Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.: 3.17 6/15/07 and 3.47 9/30/08

District: 2

Agenda Number:

9.9

Approved as to form.

John C. Murphy for Lucie Forward

Departmental Concurrence

Reviewed by   
Christopher Hans

Department of Facilities Management  
Resolution No. 2008-026, Authorizing Resolution of Real Property for a Community  
Center and Fire Station in the Unincorporated Eastvale Area in Western Riverside  
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**BACKGROUND:**

The Department of Facilities Management (DOFM) 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 DOFM 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.

As part of the site acquisition process, DOFM 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.

Department of Facilities Management  
Resolution No. 2008-026, Authorizing Resolution of Real Property for a Community  
Center and Fire Station in the Unincorporated Eastvale Area in Western Riverside  
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(Continued)

**BACKGROUND:**

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. On September 30, 2008, the Board approved 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.

The County is authorized to acquire the property by eminent domain under various authorities, including Article 1, Section 19 of the California 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.

Staff recommends approval of Resolution No. 2008-026, Authorizing Resolution of Necessity of Real Property for the Community Center and Fire Station in the Unincorporated Eastvale Area in Western Riverside County. The approval will allow the construction of the Project to add needed public services for the neighborhood to move forward.

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

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.

2 Resolution No. 2008-026  
3 Authorizing Resolution of Necessity of Real Property  
4 For a Community Center and Fire Station in the  
5 Unincorporated Eastvale Area in Western Riverside County  
6 Assessor's Parcel Number: 152-050-003

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors  
of Riverside County, State of California, not less than four-fifths of all members concurring, in

1 regular session assembled on October 21, 2008, that this Board finds and determines each of  
2 the following:

3 1. Notice of the Board's intention to adopt this resolution of necessity was duly  
4 given as required by Section 1245.235 of the Code of Civil Procedure, 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 and 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  
12 the owner of record of the Subject Property.

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

19 BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside is  
20 hereby authorized and empowered:

21 1. To acquire (in the name of the County) 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 County such proceedings in the  
24 proper court having jurisdiction thereof as are necessary for such acquisition.

25 3. To apply to the Court for orders to deposit the probable amount of compensation  
out of proper funds under the control of the County into the County Treasury and to move for an

Approved as to form.

*[Handwritten Signature]*

John C. Murphy for Lucas Forward et al.

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order permitting the County to take prejudgment possession and use the Subject Property Interest for the purpose of constructing the Proposed Project.

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.

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SV:jw  
09/24/08  
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## 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.

