

704B



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

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
January 6, 2009

**SUBJECT:** Notice of Intent to Adopt a Resolution of Necessity  
Regarding the Menifee-Hawthorne Avenue Storm Drain, Stage 1  
Project No. 4-0-00163

**RECOMMENDED MOTION:**

Approve Resolution No. F2009-04 Notice of Intent to Adopt a Resolution of Necessity Regarding the Menifee-Hawthorne Avenue Storm Drain, Stage 1 and set a public hearing on February 10, 2009.

**BACKGROUND:**

The District is planning to construct flood control improvements with appurtenances for Menifee-Hawthorne Avenue Storm Drain, Stage 1 thereby preventing flooding in the city of Menifee in Riverside County. 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 construction of the flood control improvements, staff is recommending the approval of Resolution No. F2009-04.

BAF:rlp

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	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

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

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

BY:   
Alex Gann

**County Executive Office Signature**

Large empty box for County Executive Office Signature.

Prev. Agn. Ref.:

District: 3<sup>rd</sup>

Agenda Number:

11.5

Departmental Concurrence

FORM APPROVED COUNTY COUNSEL  
BY:   
GLENN R. BELOIT  
DATE: 12/17/08

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

1  
2 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

3 RESOLUTION NO. F2009-04

4 NOTICE OF INTENT TO ADOPT A RESOLUTION  
5 OF NECESSITY REGARDING  
6 THE MENIFEE-HAWTHORNE AVENUE  
7 STORM DRAIN, STAGE 1 PROJECT

8 WHEREAS, the portions of real property that are the subjects of this Notice (collectively  
9 the "Subject Properties") are located in the city of Menifee, County of Riverside, State of  
10 California; are located in the general vicinity of the intersection of Holland Road and Byers  
11 Street; are legally described and pictorially depicted on the documents attached hereto as  
12 Exhibits "A" and "B" (and incorporated herein by this reference); and are referred to on attached  
13 Exhibits "A" and "B" as Parcels 4163-2A, 4163-2B, 4163-2C, and 4163-2T (which are each  
14 portions of Riverside County Assessor's Parcel Number ("APN") 358-100-004);

15 WHEREAS, Riverside County APN 358-100-003 and Riverside County APN 358-100-  
16 005 are also potentially affected by this Notice (due to the fact that APN 358-100-003, APN 358-  
17 100-004 and APN 358-100-005 are all adjacent to each other and are all owned by the same  
18 person[s] );

19 WHEREAS, the proposed project that is the subject of this Notice (the "Proposed  
20 Project") is one to construct and/or establish certain public flood control improvements and/or  
21 uses in the general vicinity of the intersection of Holland Road and Byers Street in Menifee,  
22 Riverside County, California (including but not limited to access roads for the maintenance of  
23 flood control facilities, underground pipes for the transportation of surface waters, and other  
24 improvements and/or uses that are incidental to the Proposed Project and required by the  
25 Proposed Project);

26 WHEREAS, Parcel 4163-2A will be used for the installation of an underground pipe to  
27 transport surface waters (and as an access road to maintain flood control facilities);  
28

1  
2 WHEREAS, Parcel 4163-2B will be used for the installation of an underground pipe to  
3 transport surface waters (and as an access road to maintain flood control facilities);

4 WHEREAS, Parcel 4163-2C will be used for the installation of an underground pipe to  
5 transport surface waters (and as an access road to maintain flood control facilities);

6 WHEREAS, Parcel 4163-2T will be used as a temporary staging area for the construction  
7 of the improvements on Parcels 4163-2A, 4163-2B and 4163-2C (which use is sometimes  
8 referred to as a temporary construction easement);

9  
10 WHEREAS, Parcels 4163-2A, 4163-2B, 4163-2C and 4163-2T will each be used for  
11 other improvements and/or purposes that are incidental to the Proposed Project and required by  
12 the Proposed Project;

13 WHEREAS, the interests in property that are the subjects of this Notice (collectively the  
14 "Subject Property Interests") are: (a) a fee simple ownership in Parcel 4163-2A; (b) permanent  
15 easements in Parcels 4163-2B and 4163-2C; and (c) a temporary easement in Parcel 4163-2T;

16  
17 WHEREAS, the authorities that authorize the Riverside County Flood Control and Water  
18 Conservation District (the "District") to acquire the Subject Property Interests by eminent  
19 domain include Article 1, Section 19 of the California Constitution; Section 25350.5 of the  
20 Government Code; Section 48-9 of the Water Code-Appendix; and Sections 1240.010, 1240.020,  
21 1240.030, 1240.040, 1240.110, 1240.410, 1240.510 and 1240.610 of the Code of Civil  
22 Procedure.

23  
24 NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows by the Board of  
25 Supervisors of the Riverside County Flood Control and Water Conservation District in regular  
26 session assembled on January 6, 2009:

27 1. You are hereby notified that this Board (at its public meeting on February 10, 2009  
28 at 1:30 p.m. in the meeting room of the Board of Supervisors located on the 1<sup>st</sup> Floor of the

1  
2 County Administrative Center, 4080 Lemon Street, Riverside, California) may decide to adopt a  
3 Resolution of Necessity that would authorize the District to acquire the Subject Property  
4 Interests by eminent domain, and that would find and determine each of the following matters:

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

20  
21  
22 2. If, within fifteen (15) days from the mailing of this Notice, you file a written request  
23 to appear at the public meeting and be heard on the matters described in 1(a), 1(b), 1(c), 1(d),  
24 1(e) and 1(f) (or any one or more of them), you will have a right to appear at that meeting and be  
25 heard on those matters.

26  
27 3. All such written requests to appear and be heard must be filed with the Clerk of the  
28 Board of Supervisors of the Riverside County Flood Control and Water Conservation District.

1  
2 4. Your written request to appear and be heard must be filed within the fifteen (15) day  
3 time period. Failure to file such a timely written request will result in a waiver of your right to  
4 appear and be heard.

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

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

14 BAF:rlp  
15 12/09/08  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 FORM APPROVED COUNTY COUNSEL  
27 BY: Glenn Beloian 12/17/08  
28 GLENN R. BELOIAN DATE

EXHIBIT "A"

MENIFEE – HAWTHORNE AVENUE STORM DRAIN  
PARCEL 4163-2A

Being a portion of the Southeast one-quarter of Section 5, Township 6 South, Range 3 West, San Bernardino Base and Meridian, as shown on Record of Survey Book 12, Page 5, Official Records of Riverside County, located within the unincorporated territory of Riverside County, California, more particularly described as follows:

All of Parcel 4163-2A as shown on Record of Survey Book 128, Pages 63 through 65, inclusive, records of Riverside County, California.

The hereinabove described Parcel is shown on Exhibit "B".



A handwritten signature in black ink, appearing to read "David L. Stone", written over a horizontal line.

DAVID L. STONE

Land Surveyor No. 4758  
Signed For: Riverside County Flood Control  
and Water Conservation District

Date: Sept 29, 2008

# EXHIBIT "B"

## PARCEL 4163-2A

BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 3 WEST SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN ON RECORD OF SURVEY BOOK 12, PAGE 5, OFFICIAL RECORDS OF RIVERSIDE COUNTY, LOCATED WITHIN THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY, CALIFORNIA.



PARCEL 4163-1B

BOOK No. 2156, Page 432,  
DATED OCT 2, 1957,  
OFF. REC. OF RIV. CO.

12/5

R.S.

INSTR. No.  
2007-0170123  
REC.  
MAR 13, 2007

M. B. 136 / 5 - 6

S.E. 1/4  
OF SECTION 5  
T6S, R3W

R. S. 128 /

PARCEL 4163-2T

63 - 65

PARCEL 4163-2A

PARCEL 4163-2B

PARCEL 4163-2C

N00°43'00"E 216.14'

N28°46'23"W  
60.94'

71.14'

145.00'

162.65'

30'

BYERS ST.

N89°52'40"E 30.00'

HOLLAND

AVENUE



APPROVED BY: *David L. Stone*

DATE: *Sept 29, 2008*

### RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME:

MENIFEE-HAWTHORNE AVENUE STORM DRAIN

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.

SCALE:

NO SCALE

PREPARED BY:

PO

DATE:

SEPT 25, 2008

SHEET NO.

1 OF 1

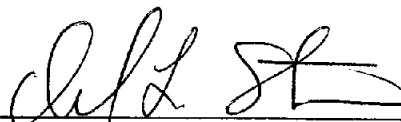
EXHIBIT "A"

MENIFEE – HAWTHORNE AVENUE STORM DRAIN  
PARCEL 4163-2B

Being a portion of the Southeast one-quarter of Section 5, Township 6 South, Range 3 West, San Bernardino Base and Meridian, as shown on Record of Survey Book 12, Page 5, Official Records of Riverside County, located within the unincorporated territory of Riverside County, California, more particularly described as follows:

All of Parcel 4163-2B, as shown on Record of Survey Book 128, Pages 63 through 65, inclusive, records of Riverside County, California.

The hereinabove described Parcel is shown on Exhibit "B".



DAVID L. STONE

Land Surveyor No. 4758  
Signed For: Riverside County Flood Control  
and Water Conservation District

Date: Sept 29, 2008

# EXHIBIT "B"

## PARCEL 4163-2B

BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 3 WEST SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN ON RECORD OF SURVEY BOOK 12, PAGE 5, OFFICIAL RECORDS OF RIVERSIDE COUNTY, LOCATED WITHIN THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY, CALIFORNIA.



PARCEL 4163-1B

BOOK No. 2156, Page 432,  
DATED OCT 2, 1957,  
OFF. REC. OF RIV. CO.

1215

INSTR. No.  
2007-0170123  
REC.  
MAR 13, 2007

R.S.

M. B. 13615-6  
S.E. 1/4  
OF SECTION 5  
T6S, R3W

R. S. 128 /

63 - 65

PARCEL 4163-2A

PARCEL 4163-2B

PARCEL 4163-2T

N00°43'00"E

N28°46'23"W  
140.84'

30'  
N28°46'23"W  
115.89'

S61°13'37"W (R)

S00°07'20"E (R)

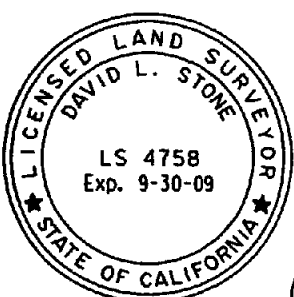
N89°52'40"E  
78.67'

HOLLAND

AVENUE

BYERS ST.

PARCEL 4163-2C



APPROVED BY: David L. Stone  
DATE: Sept 29, 2008

CURVE DATA				
⊙	△ =	R =	T =	L =
①	61°20'57"	75.00'	44.49'	80.31'

**RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**  
1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME: <b>MENIFEE-HAWTHORNE AVENUE STORM DRAIN</b>		
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.	SCALE: <b>NO SCALE</b>	PREPARED BY: <b>PO</b>
	DATE: <b>SEPT 25, 2008</b>	SHEET NO. <b>1 OF 1</b>

EXHIBIT "A"

MENIFEE – HAWTHORNE AVENUE STORM DRAIN  
PARCEL 4163-2C

Being a portion of the Southeast one-quarter of Section 5, Township 6 South, Range 3 West, San Bernardino Base and Meridian, as shown on Record of Survey Book 12, Page 5, Official Records of Riverside County, located within the unincorporated territory of Riverside County, California, more particularly described as follows:

All of Parcel 4163-2C, as shown on Record of Survey Book 128, Pages 63 through 65, inclusive, records of Riverside County, California.

The hereinabove described Parcel is shown on Exhibit "B".



DAVID L. STONE

Land Surveyor No. 4758

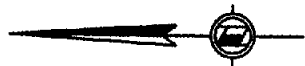
Signed For: Riverside County Flood Control  
and Water Conservation District

Date: Sept 29, 2008

# EXHIBIT "B"

## PARCEL 4163-2C

BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 3 WEST  
SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN ON RECORD OF SURVEY BOOK 12, PAGE 5,  
OFFICIAL RECORDS OF RIVERSIDE COUNTY, LOCATED WITHIN THE UNINCORPORATED TERRITORY  
OF RIVERSIDE COUNTY, CALIFORNIA.



N00° 43' 00" E 20.00'

R. S. 128 / 63 - 65 S.E. 1/4 OF SECTION 5 T6S, R3W

BOOK No. 2156, Page 432,  
DATED OCT 2, 1957,  
OFF. REC. OF RIV. CO.

M. B. 136 / 5 - 6

R.S. 12/5

PARCEL 4163-2C

PARCEL 4163-2T

PARCEL 4163-2B

PARCEL 4163-1B

INSTR. No.  
2007-0170123  
REC.  
MAR 13, 2007

N89° 45' 03" E 136.30'

N89° 45' 03" E 136.21'

20'

N89° 52' 40" E 659.29'

20'

N89° 52' 40" E 659.39'

HOLLAND

HAWTHORNE ST.-

BYERS ST.-

N00° 43' 00" E 20.00'



APPROVED BY:

DATE: Sept 29, 2008

### RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME:

MENIFEE-HAWTHORNE AVENUE STORM DRAIN

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.

SCALE:

NO SCALE

PREPARED BY:

PO

DATE:

SEPT 25, 2008

SHEET NO.

1 OF 1

EXHIBIT "A"

MENIFEE – HAWTHORNE AVENUE STORM DRAIN  
PARCEL 4163-2T

Being a portion of the Southeast one-quarter of Section 5, Township 6 South, Range 3 West, San Bernardino Base and Meridian, as shown on Record of Survey Book 12, Page 5, Official Records of Riverside County, located within the unincorporated territory of Riverside County, California, more particularly described as follows:

All that portion of the Southeast one-quarter of Section 5, Township 6 South, Range 3 West, as bounded by Parcels 4163-2A, 4163-2B and 4163-2C as shown on Record of Survey Book 128, Pages 63 through 65, inclusive, records of Riverside County, California.

The hereinabove described Parcel is shown on Exhibit "B".



A handwritten signature in black ink, appearing to read "D.L. Stone", written over a horizontal line.

DAVID L. STONE

Land Surveyor No. 4758  
Signed For: Riverside County Flood Control  
and Water Conservation District

Date: Sept. 29, 2008

# EXHIBIT "B"

## PARCEL 4163-2T

BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 3 WEST  
SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN ON RECORD OF SURVEY BOOK 12, PAGE 5,  
OFFICIAL RECORDS OF RIVERSIDE COUNTY, LOCATED WITHIN THE UNINCORPORATED TERRITORY  
OF RIVERSIDE COUNTY, CALIFORNIA.



PARCEL  
4163-1B

BOOK No. 2156, Page 432,  
DATED OCT 2, 1957,  
OFF. REC. OF RIV. CO.

R.S. 12/5

M. B. 136 / 5 - 6

INSTR. No.  
2007-0170123  
REC.  
MAR 13, 2007

S.E. 1/4  
OF SECTION 5  
T6S, R3W

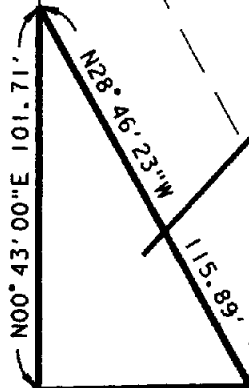
R. S. 128 /

63 - 65

PARCEL  
4163-2A

PARCEL  
4163-2T

PARCEL  
4163-2B



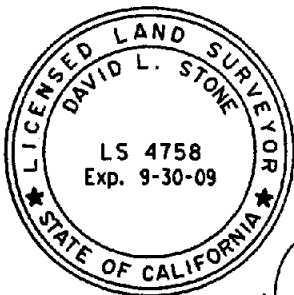
N89°52'40\"/>

HOLLAND

AVENUE

BYERS ST.

PARCEL  
4163-2C



APPROVED BY:

DATE:

Sept 29, 2008

### RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME:

MENIFEE-HAWTHORNE AVENUE STORM DRAIN

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.

SCALE:

NO SCALE

PREPARED BY:

PO

DATE:

SEPT 25, 2008

SHEET NO.

1 OF 1