

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

305 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
February 10, 2009

SUBJECT: Resolution of Necessity
Regarding the Menifee-Hawthorne Avenue Storm Drain, Stage 1
Project No. 4-0-00163

RECOMMENDED MOTION:

Approve Resolution No. F2009-07, Resolution of Necessity Regarding the Menifee-Hawthorne Avenue Storm Drain, Stage 1 Project.

BACKGROUND:

See Page 2

FINANCIAL:

Sufficient funds are budgeted in the Zone 4 fund.

BAF:rp

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$18,900.00	In Current Year Budget:	YES
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	08-09

SOURCE OF FUNDS: 25140 947460 540040 (Land Acquisition)	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

FISCAL PROCEDURES APPROVED
IVAN M. CHAND, FINANCE DIRECTOR

BY:
JEANINE R. HAWKINS

Departmental Concurrence

FORM APPROVED COUNTY COUNSEL
BY:
GLENN R. BELOIT
DATE: 1/28/09

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

Prev. Agn. Ref.:

District: 3rd

Agenda Number:

11.2

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

SUBJECT: Resolution of Necessity
Regarding the Menifee-Hawthorne Avenue Storm Drain, Stage 1 Project

SUBMITTL DATE: February 10, 2009

Page 2

BACKGROUND:

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

The Proposed Project will use Parcel 4163-2A for the installation of an underground pipe to transport surface waters and as an access road to maintain flood control facilities. Parcel 4163-2B will be used for the installation of an underground pipe to transport surface waters and as an access road to maintain flood control facilities. Parcel 4163-2C will be used for the installation of an underground pipe to transport surface waters and as an access road to maintain flood control facilities. Parcel 4163-2T will be used as a temporary staging area for the construction of the improvements on Parcels 4163-2A, 4163-2B and 4163-2C (which use is sometimes referred to as a temporary construction easement). Parcels 4163-2A, 4163-2B, 4163-2C and 4163-2T will each be used for other improvements and/or purposes that are incidental to the Proposed Project and required by the Proposed Project.

The larger project (which includes the Proposed Project) is located within the city of Menifee, Riverside County and is generally bounded by Craig Avenue to the south, Geary Street to the east, Byers Street to the west and Newport Road to the north. The District proposes to construct, operate and maintain approximately 5,130 lineal feet of underground reinforced concrete pipe ranging in size from 18 to 78 inches in diameter. Starting from the outlet on the future Pechanga Indian Property (APN 358-100-066), the main line will extend under acquisition Parcels 4163-2A and 4163-2B and 4163-2C (which are each portions of APN 358-100-004), will then extend east in Holland Road, will then extend south in Hawthorne Street, and will then extend approximately 350 feet east in Craig Avenue (at which point it ends at the detention basin sites for Tract No. 29636). An 18-inch low flow lateral will connect the main line at the intersection of Hawthorne Street and Holland Road to the existing Menifee Valley-Corson Avenue Storm Drain. Aside from the outlet and the proposed acquisitions, the larger project will be located underground within existing road right-of-way. Once both the larger project and the facilities proposed by the said Tract are completed, they will provide adequate drainage and protection from a 100-year flood event to the adjacent neighborhoods.

1. Public Interest and Necessity for the Project:

There is an existing flooding problem within the area of the larger project. The existing surrounding land uses are characterized by low-density residential and rural mountainous areas that are starting to develop. Riverside County has approved residential Tract 29636 located south of Craig Avenue between Byers Street and Murrieta Road. This Tract will collect the sheet flows from the area south of Craig Avenue and deposit them into the two detention basins. This alone will not solve the flooding problem of the residents located north of Craig Avenue. To alleviate this long standing flooding problem the District has proposed to build the Menifee-Hawthorne Avenue Storm Drain that will collect flows from these two basins and bring them to the outlet area.

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SUBMITTL DATE: February 10, 2009
Page 3

BACKGROUND cont'd:

The greatest public good is demonstrated by the Proposed Project providing a solution to prevent the repeated flood damage to the existing neighborhood.

2. Project Plan and Location:

This project has been designed in such a manner as to offer the greatest public benefit with the least private and least environmental damage to the neighborhood.

Three alternatives were investigated and the selected alternative minimizes the impacts to cultural resources, maximizes the storm flow collection and has the least impacts on private property.

3. Property is necessary for the project:

The subject properties are necessary for the project; without these properties the underground facilities will be unable to connect to the outlet.

4. Offer and Negotiations:

Pursuant to Government Code Section 7267.2, subdivision (a) the written offer for the full amount of the District's approved appraisal was mailed to the owner of record via regular and certified mail on November 19, 2008. Negotiations conducted with the affected owner, to date, have not been successful. Although these negotiations will continue, in order to facilitate the timely construction of the flood control facility for the Menifee-Hawthorne Avenue Storm Drain, Stage 1 Project, staff is recommending the approval of Resolution No. F2009-07.

BOARD OF SUPERVISORSRIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2009-07

RESOLUTION OF NECESSITY REGARDING
THE MENIFEE-HAWTHORNE AVENUE
STORM DRAIN, STAGE 1 PROJECT

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

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

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

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

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

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

14 WHEREAS, the interests in property that are the subjects of this Resolution (collectively
15 the "Subject Property Interests") are: (a) a fee simple ownership in Parcel 4163-2A; (b)
16 permanent easements in Parcels 4163-2B and 4163-2C; and (c) a temporary easement in Parcel
17 4163-2T;

18 WHEREAS, the authorities that authorize the Riverside County Flood Control and Water
19 Conservation District (the "District") to acquire the Subject Property Interests by eminent
20 domain include Article 1, Section 19 of the California Constitution; Section 25350.5 of the
21 Government Code; Section 48-9 of the Water Code-Appendix; and Sections 1240.010, 1240.020,
22 1240.030, 1240.040, 1240.110, 1240.410, 1240.510 and 1240.610 of the Code of Civil
23 Procedure.
24
25
26
27
28

1
2 NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors
3 of the Riverside County Flood Control and Water Conservation District, not less than four-fifths
4 of all members concurring, in regular session assembled on February 10, 2009, that this Board
5 finds and determines each of the following:

6 1. Notice of the Board's intention to adopt this Resolution of Necessity was duly
7 given as required by Section 1245.235 of the Code of Civil Procedure and, on the date and at the
8 time and place fixed for hearing, this Board did hear and consider all of the evidence presented;
9

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

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

13 4. The Subject Property Interests are necessary for the Proposed Project;

14 5. The offer required by Section 7267.2 of the Government Code has been made to
15 the owner(s) of record of the Subject Properties; and

16 6. To the extent that the Subject Properties are already devoted to public uses, the
17 use of the Proposed Project is a compatible use that will not unreasonably interfere with or
18 impair the continuance of the public uses as they presently exist or may reasonably be expected
19 to exist in the future (California Code of Civil Procedure Section 1240.510) or the use of the
20 Proposed Project is a more necessary public use than are the presently existing public uses
21 (California Code of Civil Procedure Section 1240.610).
22

23 BE IT FURTHER RESOLVED AND ORDERED that the County Counsel of the County
24 of Riverside (and any associated private attorneys) are hereby authorized and empowered:
25

26 1. To acquire (in the name of the District) the Subject Property Interests by
27 condemnation in accordance with the Constitution and laws relating to eminent domain.
28

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

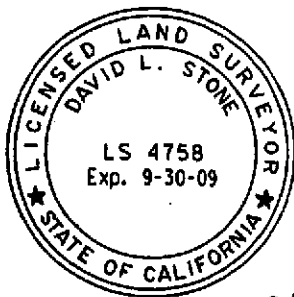
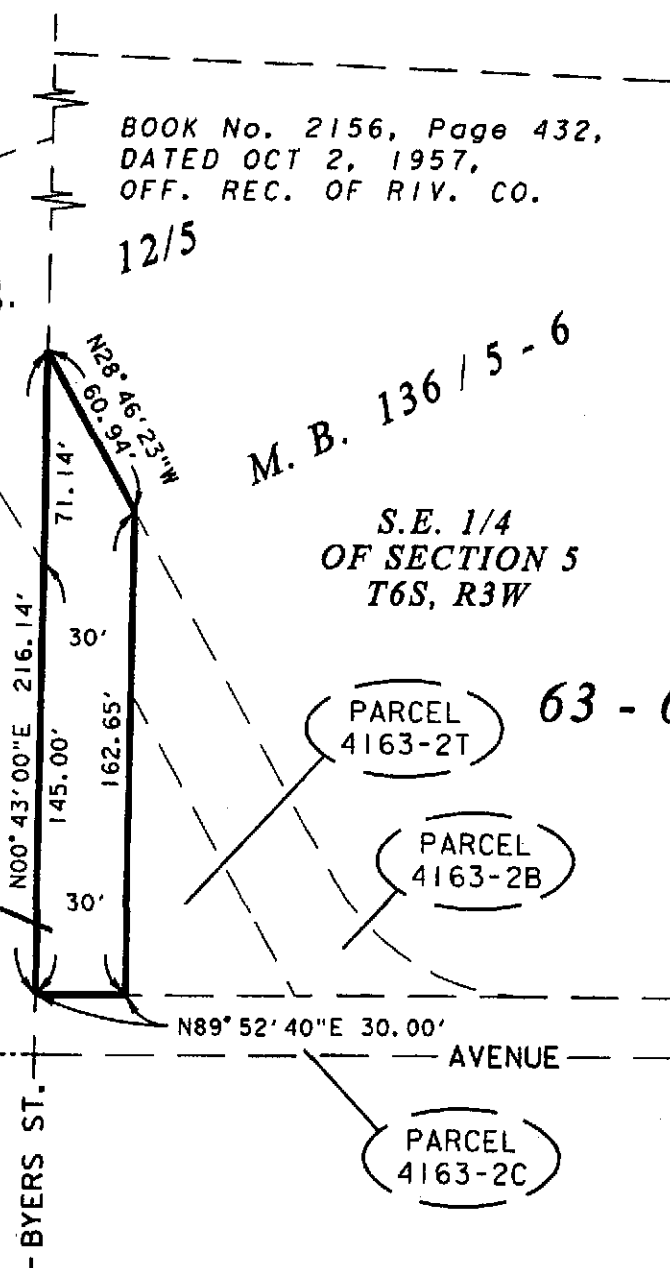
R. S. 128 /

PARCEL 4163-2A

PARCEL 4163-2T 63 - 65

PARCEL 4163-2B

PARCEL 4163-2C



APPROVED BY: Chad 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

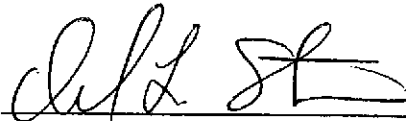
EXHIBIT "A"

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

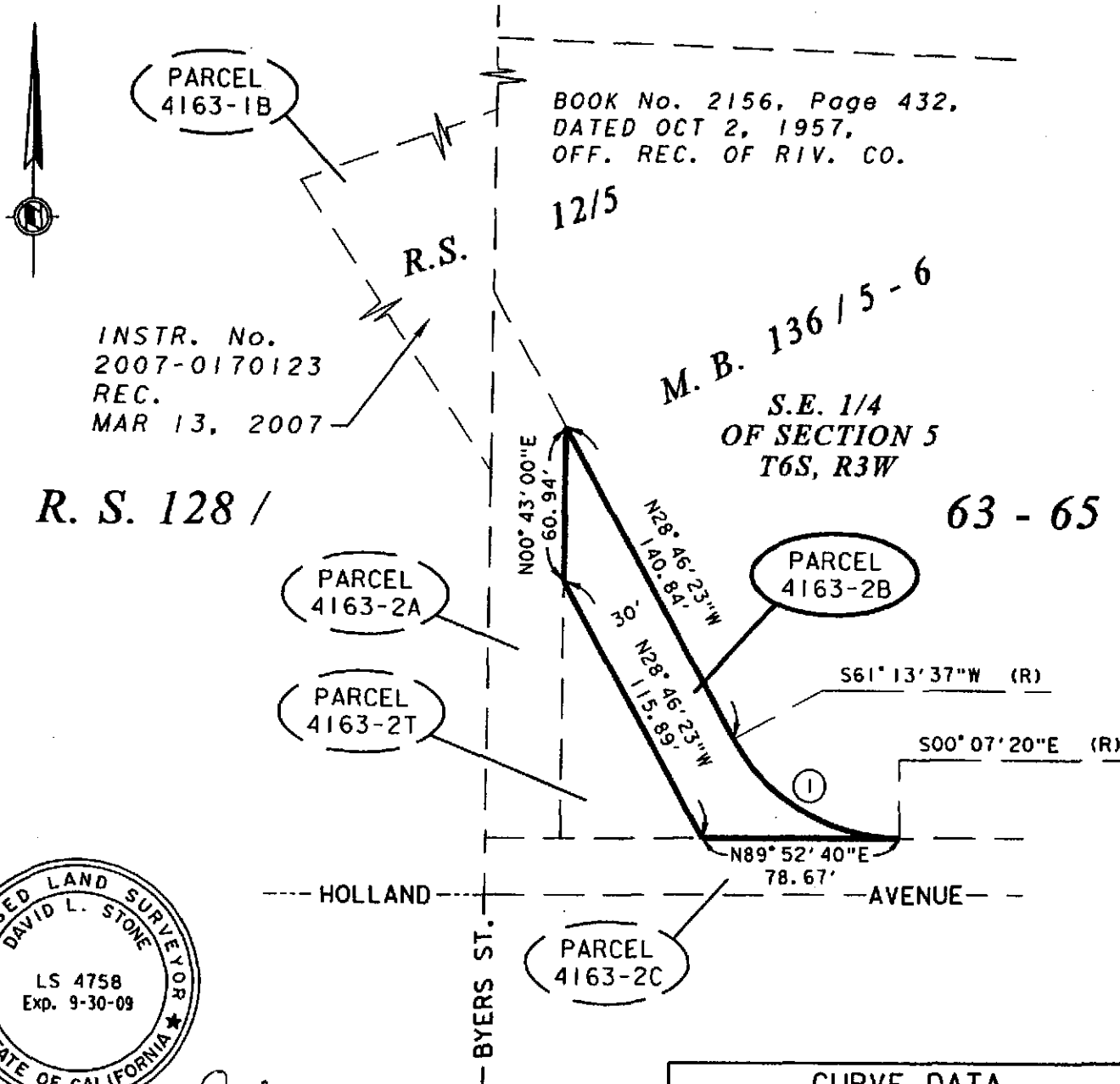
Signed For: Riverside County Flood Control
and Water Conservation District

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.



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

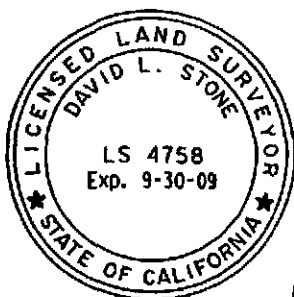
R. S. 128 /

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

12/5

M. B. 136 / 5 - 6
S.E. 1/4
OF SECTION 5
T6S, R3W

63 - 65



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: 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

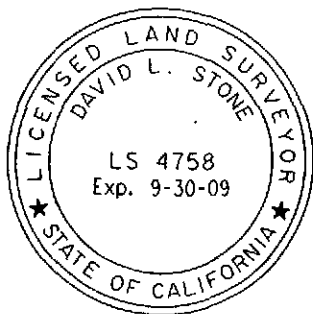
EXHIBIT "A"

MENIFEE - HAWTHORNE AVENUE STORM DRAIN
PARCEL 4163-2C

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".



A handwritten signature in black ink, appearing to read "DL 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 4163-2C

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

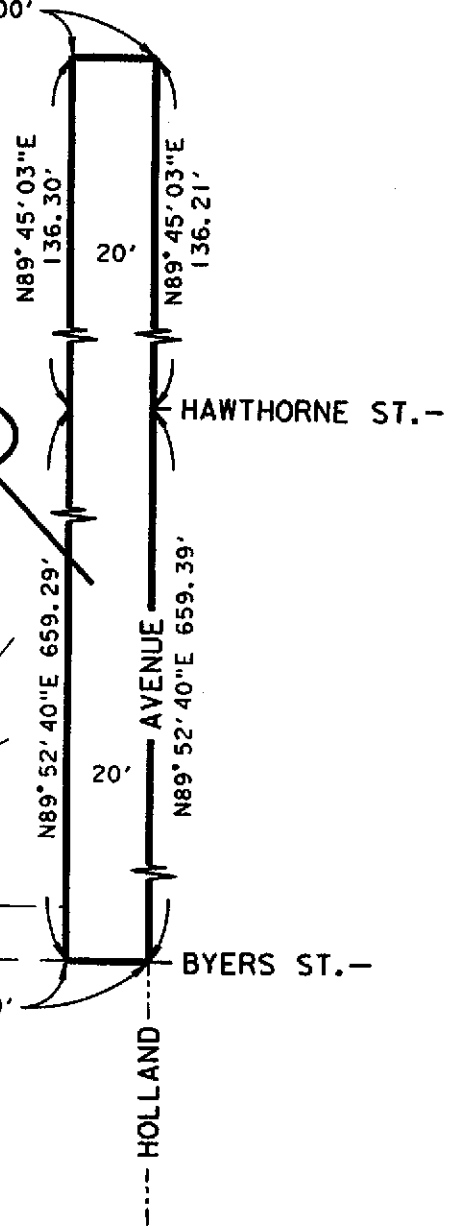
PARCEL
4163-2C

PARCEL
4163-2T

PARCEL
4163-2B

PARCEL
4163-1B

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



APPROVED BY: *[Signature]*
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

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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

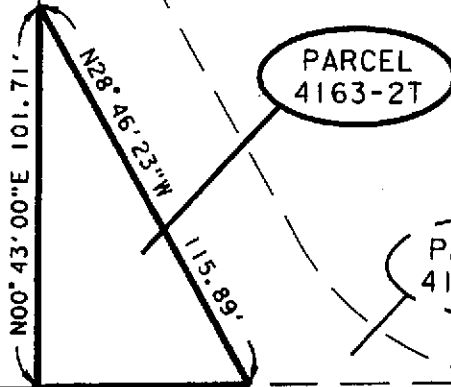
M. B. 136 / 5 - 6

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

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

R. S. 128 /

63 - 65



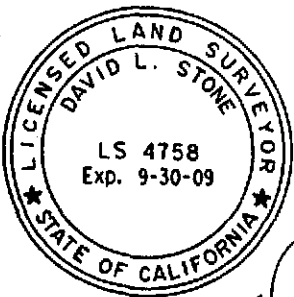
PARCEL
4163-2A

PARCEL
4163-2B

PARCEL
4163-2C

HOLLAND AVENUE

BYERS ST.



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		
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	DATE: SEPT 25, 2008	SHEET NO. 1 OF 1

If you should have any questions concerning the proposed public improvement, we suggest that you contact:

Warren D. Williams
General Manager-Chief Engineer
Riverside County Flood Control and Water Conservation District
1995 Market Street
Riverside, California 92501
Telephone: (951) 955-1250

Sincerely,

NANCY ROMERO
CLERK OF THE BOARD

By: *Cecilia Gil*
Cecilia Gil, Board Assistant

THOMAS FUHRMAN REQUEST TO
APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN THE NOTICE OF
INTENTION ON FEBRUARY 10, 2009 AT 1:30 PM TO CONDEMN REAL PROPERTY FOR
FLOOD CONTROL PURPOSES (1/6/09, 11.5)

NAME: THOMAS FUHRMAN

ADDRESS: 25690 HOLLAND RD
MEWEE, CA 92584

TELEPHONE NO.: (951) 679-1589

DATED: 1-28-09

Thomas P. Furman
Signature

2009-01-088056