

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

468A



FROM: Economic Development Agency /Facilities Management and Transportation Department

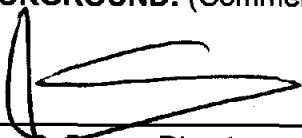
SUBMITTAL DATE:
April 21, 2011

SUBJECT:Resolution No. 2011-109, Notice of Intention to Adopt a Resolution of Necessity Regarding the Project to Improve Magnolia Avenue and Neece Street Traffic Signal Project

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2011-109, Notice of Intention to Adopt a Resolution of Necessity Regarding the Project to Improve Magnolia Avenue and Neece Street Traffic Signal Project;
2. Set a public hearing on June 7, 2011, for Resolution No. 2011-110, Authorizing Resolution of Necessity Regarding the Project to Improve Magnolia Avenue and Neece Street Traffic Signal Project; and,
3. Direct the Clerk of the Board to send the required notice to the property owners as required per Section 1245.235 of the Code of Civil Procedure.

BACKGROUND: (Commences on Page 2)



Juan C. Perez, Director
Transportation Department



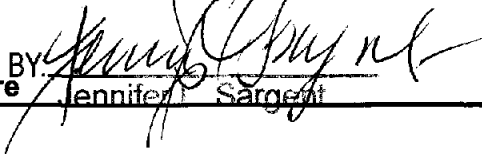
Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 22,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

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

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY: 
Jennifer Sargent

FORM APPROVED COUNTY COUNSEL
 FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY: ANNA W. WANG
 DATE: 4/21/11
 Departmental Concurrence
 SAMUEL WONG

Prev. Agn. Ref.: N/A District: 2 Agenda Number:

3.22

BACKGROUND:

Magnolia Avenue is a four lane road measuring 12 feet in width for each lane. The street currently has a median separating eastbound from westbound traffic. The Riverside County Transportation Department proposes to construct two left turn lanes, one for east bound and one for westbound traffic, and a traffic signal at the intersection of Magnolia Avenue and Neece Street. Each turn lane will cross its adjacent median causing a portion of the median to be removed.

The Notice of Exemption was filed and posted on January 30, 2008. The Riverside County Transportation Department staff conducted a review of the above-referenced project and determined that the project qualifies for a Categorical Exemption per the California Environmental Quality Act (CEQA) Guidelines, Section 15301 (c).

The Economic Development Agency (EDA) has presented a written offer to the property owner as required by Government Code Section 7267.2 for Assessor's Parcel Numbers 107-050-001 and 135-021-030. The amount of the offer is consistent with current property value in the Riverside area for this property type (and is based upon a fair market value appraisal report). EDA has also offered to pay the reasonable costs, not to exceed \$5,000, for an independent appraisal obtained by the property owner (as required by Code of Civil Procedure Section 1263.025).

The County has been negotiating with Union Pacific for over a year in good faith to acquire the needed property. We are at a point that there is an urgent need to move forward and obtain possession of the property so that we can build a traffic signal at the intersection of Magnolia and Neece, which has been allocated \$150,000 in grant funding. The right-of-way needs to be obtained by June 2011 or the grant funding will likely be lost. Settlement has not been reached with Union Pacific Railroad, although negotiation is still in progress for the necessary right-of-way.

The subject Notice of Intention would schedule a hearing on June 7, 2011 for proposed Resolution No. 2011-110 (Authorizing Resolution of Necessity Regarding the Project to Improve Magnolia Avenue and Neece Street Traffic Signal. The scheduling of a Resolution of Necessity hearing on June 7, 2011 is needed in order to permit the Magnolia and Neece Traffic Signal Project to move forward.

The County is authorized to acquire property by eminent domain pursuant to various statutes including Government Code, §25350.5.

This Resolution has been reviewed and approved by County Counsel as to legal form.

FINANCIAL DATA: (Commences on Page 3)

FINANCIAL DATA:

The following summarizes the funding necessary for the acquisition of the property referenced above:

Purchase Price:	\$2,000
Appraisal:	\$0
Preliminary Title Report:	\$0
EDA Real Property Costs:	\$20,000
Total Estimated Acquisition Costs:	\$22,000

EDA has already covered the costs for due diligence (appraisal and preliminary title reports) and will be or has been reimbursed by the Transportation Department. The remaining costs will be paid directly by the Transportation Department. All costs associated with this property acquisition are fully funded in the Transportation Department's budget for FY 2010/11. Thus, no additional net county cost will be incurred as a result of this transaction.

2
3 Resolution No. 2011-109

4 Notice of Intention to Adopt a Resolution of Necessity Regarding
5 the Project to Improve Magnolia Avenue and Neece Street Traffic Signal Project
6

7 **WHEREAS**, the portions of real properties that are the subjects of this Notice
8 (collectively the "Subject Properties") are located in the unincorporated County of
9 Riverside, State of California; are generally located within an area in the middle of
10 Magnolia Avenue bounded by Temescal Street on the west and Ellis Street on the
11 east; are legally described and pictorially depicted on the documents attached hereto
12 as Exhibit "A" and Exhibit "B" (and incorporated herein by this reference); are referred
13 to on attached Exhibit "A" and Exhibit "B" as Assessor's Parcel Numbers 107-050-001
14 and 135-021-030;

15 **WHEREAS**, each one of the Subject Properties is listed below in Table One that
16 includes the relevant Subject Property within its boundaries, and whereas each one of
17 those larger real properties is listed below in Table One by its Riverside County
18 Assessor's Parcel Number:

19	TABLE ONE	
20	Riverside County Assessor's Parcel Numbers	
21	Of the Larger Real Properties	
22	107-050-001	
23	135-021-030	

24
25
26
27 **WHEREAS**, the proposed project that is the subject of this Notice (the
28 "Proposed Project") is one to construct two left turn lanes, one for east bound and one

FORM APPROVED COUNTY COUNSEL
BY: ANNA W. WANG
DATE: 4/21/11

1 for westbound traffic, and a traffic signal at the intersection of Magnolia Avenue and
2 Neece Street, and to otherwise improve the public road system (including, but not
3 limited to, the use of the Subject Properties for public road purposes, for utility
4 purposes, for drainage purposes, and for other uses incidental to the Proposed Project
5 and required by the Proposed Project);

6
7 **WHEREAS**, the interests in property that are the subjects of this Notice
8 (collectively the "Subject Property Interests") are fee simple interests;

9 **WHEREAS**, the statutes that authorize the County of Riverside to acquire the
10 Subject Property Interests by eminent domain include Article 1, Section 19 of the
11 California Constitution; Section 25350.5 of the Government Code; Section 760 of the
12 Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040,
13 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

14 Now, therefore, **BE IT RESOLVED AND ORDERED** as follows by the Board of
15 Supervisors of Riverside County, State of California, in regular session assembled on
16 May 3, 2011.

17 1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on
18 June 7, 2011 at 9:30 a.m. in the meeting room of the Board of Supervisors located on
19 the 1st floor of the County Administrative Center, 4080 Lemon Street, Riverside,
20 California) may decide to adopt a Resolution of Necessity that would authorize the
21 County of Riverside to acquire the Subject Property Interests by eminent domain (and
22 that would find and determine each of the following matters):

23 (a) That the public interest and necessity require the Proposed
24 Project;

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

27 (c) That the Subject Property Interests are necessary for the
28 Proposed Project;

1 (d) That the offer required by Section 7267.2 of the Government Code
2 has been made to the owner of record of the Subject Properties;

3 (e) That, to the extent that the Subject Properties are already devoted
4 to a public use, the use of the Proposed Project is a compatible use that will not
5 unreasonably interfere with or impair the continuance of the public use as it presently
6 exists or may reasonably be expected to exist in the future (California Code of Civil
7 Procedure Section 1240.510) or the use of the Proposed Project is a more necessary
8 public use than is the presently existing public use (California Code of Civil Procedure
9 Section 1240.610);

10 (f) That the Subject Property Interests are needed for road purposes;
11 and

12 (g) That acquisition of the Subject Property Interests will promote the
13 interests of the County of Riverside.

14 2. If (within 15 days from the mailing of this Notice) you file a written request
15 to appear at the public meeting and be heard on the matters described above in 1(a),
16 1(b), 1(c), 1(d), 1(e), 1(f), 1(g), (or any one or more of them), you will have a right to
17 appear at that meeting and be heard on those matters.

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

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

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

26 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to
27 be sent by first-class mail to each person whose property may be acquired by eminent
28

1 domain and whose name and address appears on the last equalized county
2 assessment roll (including the roll of state-assessed property).

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4 ///

5 SV:ad/042011/281TR/14.065 S:\Real Property\TYPING\Docs-14.000 to 14.499\14.065.doc

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EXHIBIT "A"

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Riverside, and described as follows:

That portion of the land conveyed to the Pacific Electric Railway Company by deed recorded November 5, 1913 in Book 385, Page 232 of Deeds, records of Riverside County, as shown on a map of Riverside Land and Irrigation Company lands on file in Book 1, Page 70 of Maps, records of San Bernardino County, lying within the boundaries of Riverside County Assessor's Parcel Numbers 135-021-030 and 107-050-001, as shown by the maps of said Assessor.

Note: The above legal description is provided as an accommodation only and is used solely for the purpose of facilitating the issuance of this title report. It is not to be sued in any policy of title insurance.

(End of Legal Description)

EXHIBIT "B"

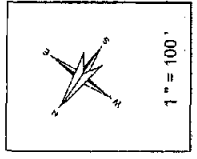
Page 1 of 2

135-02
6-47-1

TRA 059-004
059-068

SEC. 28 29 T3S R6W
CITY OF CORONA

AUG 04 2010
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.



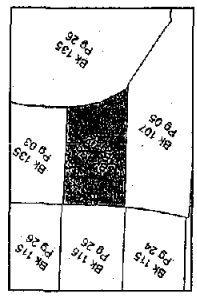
Legend

- Lot Lines
- Right-of-Way
- - - Old Lot Lines
- - - Reference (C O W)
- - - Other Elements
- - - Lease Area
- Subdivision To Mark

Date	Old No	New No
6/1/2003	021-13	31
6/1/2003	021-14	32
11/1/2003	1,3,4	021-33
11/1/2003	5-7, 21-29	021-34
7/14/2005	021-34	35,36
7/14/2005	2,33	021-37
7/15/2005	021-35	38,ST.
7/18/2005	022-1	39,ST.
12/14/2005	022-4	30,ST.
9/9/2008	021-8	40,ST.
6/9/2008	021-9	41,ST.
6/22/2010	022-27	31,ST.



Map Reference
MB 1188 RIVERSIDE VALLEY HOME GARDENS



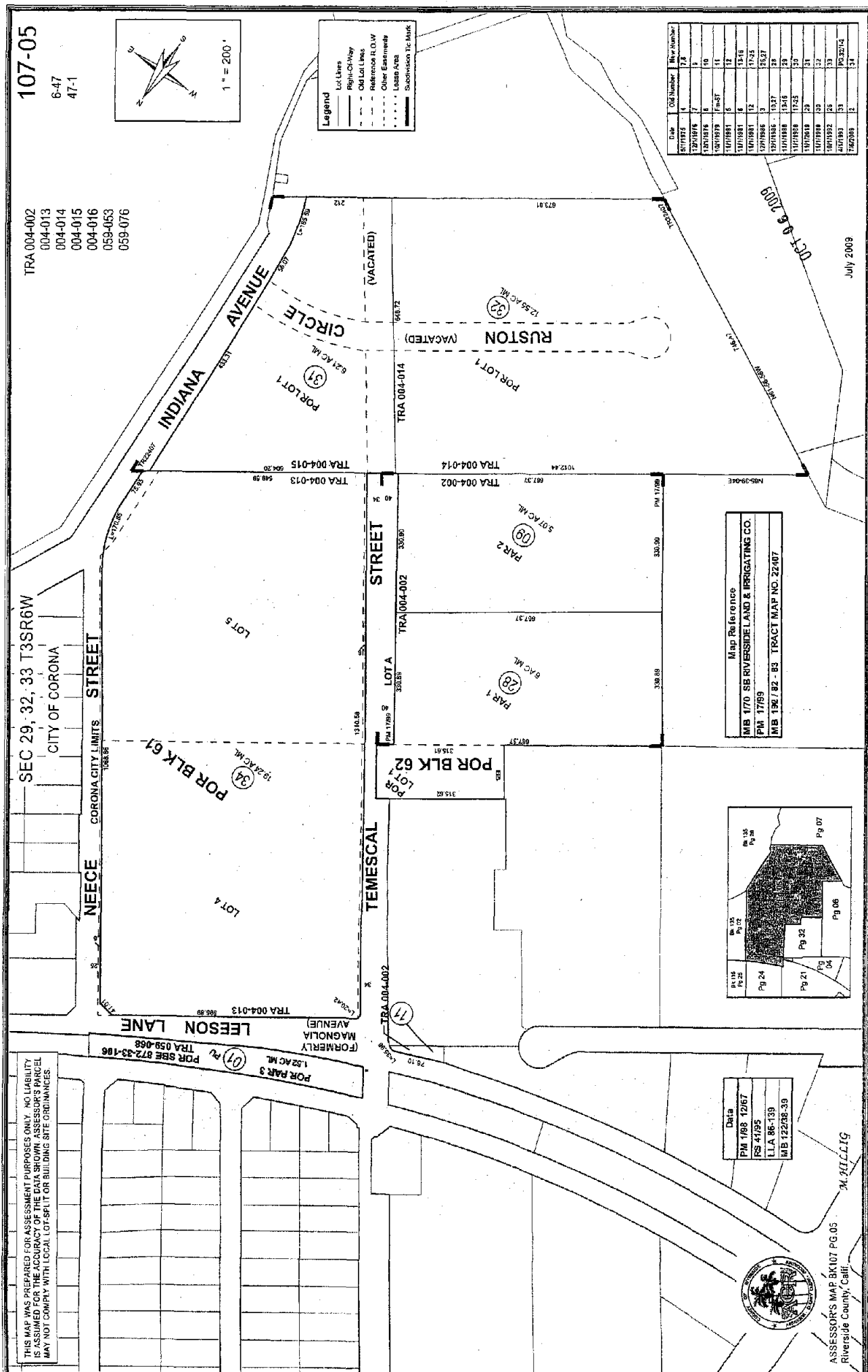
JUNE 2010

ASSESSOR'S MAP BK135 PG.02
Riverside County, Calif.



EXHIBIT "B"

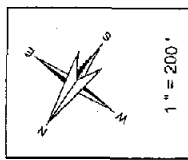
Page 2 of 2



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107-05
6-47
47-1

TRA 004-002
004-013
004-014
004-015
004-016
059-053
059-076

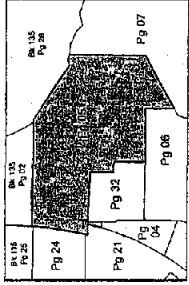


Legend

- Lot Lines
- Right-of-Way
- Old Lot Lines
- Reference R.O.W
- Other Easements
- Lease Area
- Subdivision Tick Mark

Date	Old Number	New Number
12/18/82	4	7,8
12/18/86	7	9
12/18/86	8	10
10/19/89	10	11
10/19/89	11	12
10/19/89	12	13,14
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10/19/89	99	100

Map Reference
MB 170 SB RIVERSIDE LAND & IRRIGATING CO.
PM 1789
MB 196 / 82 - 83 TRACT MAP NO. 22407



Data
PM 188 1267
RS 4795
LLA 86-139
MB 12238-39



ASSESSOR'S MAP BK107 PG.05
Riverside County, Calif.

July 2009

Oct 8 2009