

842



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

FROM: Economic Development Agency/Facilities Management and Transportation Department

SUBMITTAL DATE:
May 25, 2011

SUBJECT: Resolution No. 2011-110, Authorizing Resolution of Necessity Regarding the Project to Improve Magnolia Avenue and Neece Street Traffic Signal Project

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution No. 2011-110, Authorizing Resolution of Necessity Regarding the Project to Improve Magnolia Avenue and Neece Street Traffic Signal Project.

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.

(Continued)

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 Development Impact Fund	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 BY:
Jennifer L. Sargent

FISCAL PROCEDURES APPROVED
FORM APPROVED COUNTY COUNSEL
PAUL ANGULO, CPA, AUDITOR-CONTROLLER
BY: Samuel Wong 5/23/11 DATE: 5/11/11
BY: ANNA W. WANG
Departmental Concurrence

Policy Policy
Dept't Recomm.: Consent
Per Exec. Ofc.: Consent

BACKGROUND: (Continued)

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. There is an urgent need to move forward and obtain possession of the property so a traffic signal at the intersection of Magnolia and Neece can be built, 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.

On May 3, 2011, the Board approved 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.

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

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. 2011-110

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

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

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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: 5/16/11

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

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

13 **NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of
14 Supervisors of Riverside County, State of California, not less than four/fifths of all
15 members concurring, in regular session assembled on June 7, 2011, that this Board
16 finds and determines each of the following:

17 1. Notice of the Board's intention to adopt this resolution of necessity was
18 duly given as required by Section 1245.235 of the Code of Civil Procedure and, on the
19 date and at the time and place fixed for hearing, this Board did hear and consider all of
20 the evidence presented.

21 2. That the public interest and necessity require the Proposed Project;

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

24 4. That the Subject Property Interests are necessary for the Proposed
25 Project;

26 5. That the offer required by Section 7267.2 of the Government Code has
27 been made to the owners of record of the Subject Properties;

28 ///

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

8 7. That the Subject Property Interests are needed for road purposes; and

9 8. That acquisition of the Subject Property Interests will promote the
10 interests of the County of Riverside.

11 **BE IT FURTHER RESOLVED AND ORDERED** that the County Counsel of the
12 County of Riverside is hereby authorized and empowered:

13 1. To acquire (in the name of the County) the Subject Property Interests by
14 condemnation in accordance with the Constitution and laws relating to eminent
15 domain.

16 2. To prepare and prosecute in the name of the County such proceedings in
17 the proper court having jurisdiction thereof as are necessary for such acquisition.

18 3. To make application to the Court for an order to deposit the probable
19 amount of compensation out of proper funds under the control of the County into the
20 County Treasury and for an order permitting the County to take prejudgment
21 possession and use the Subject Property Interests for the purpose of constructing the
22 Proposed Project.

23 4. To compromise and settle such proceedings if such settlement can be
24 reached and, in that event, to take all necessary actions to complete the acquisition,
25 including stipulations as to judgment and other matters and the causing of all payments
26 to be made.

27 ///

28 SV:ra/042511/281TR/14.066 S:\Real Property\TYPING\Docs-14.000 to 14.499\14.066.doc

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.

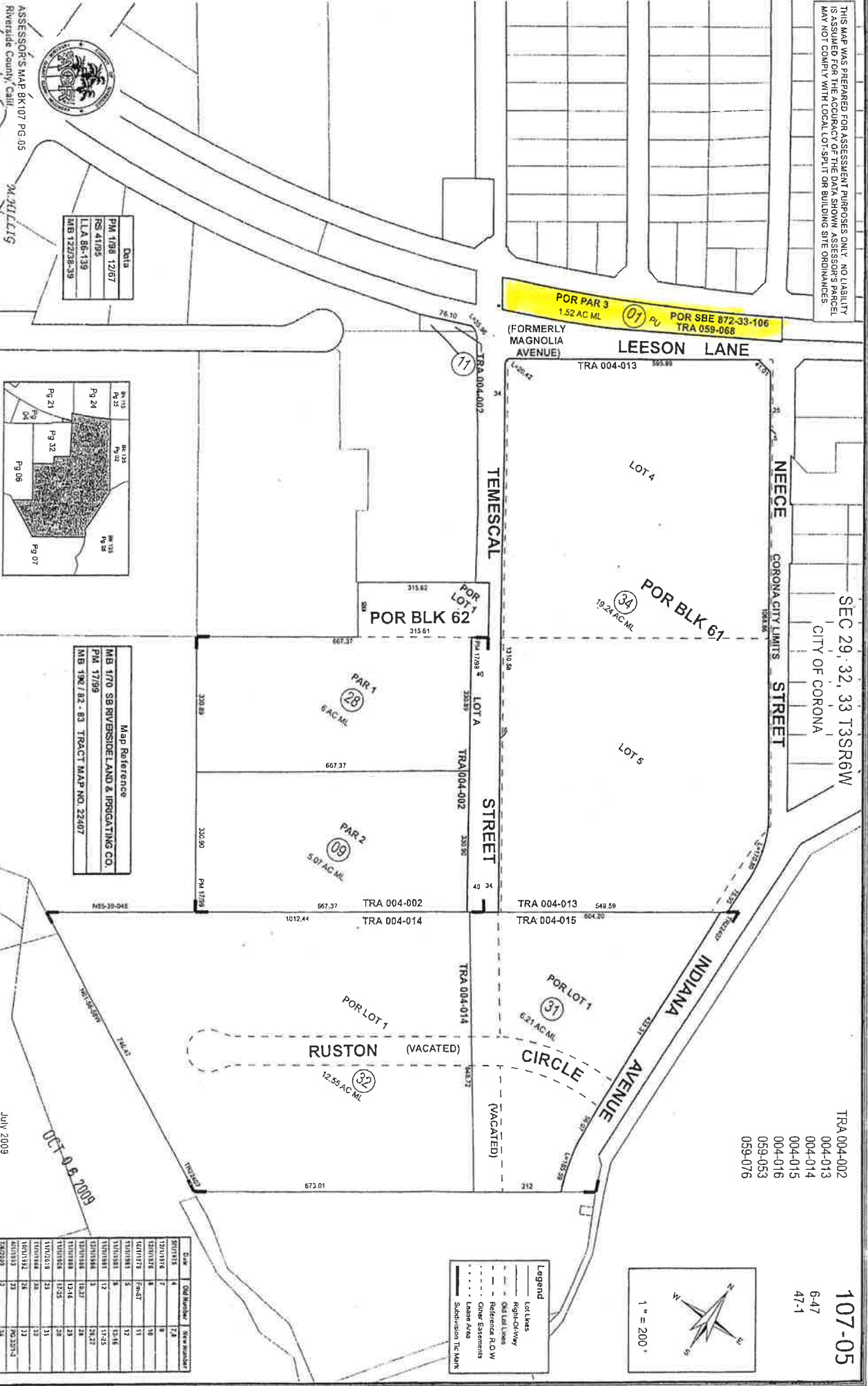
Note: The above legal description is provided as an accommodation only and is used solely for the purpose of facilitating the issuance of this title report. It is not to be sued in any policy of title insurance.

(End of Legal Description)

EXHIBIT "B"

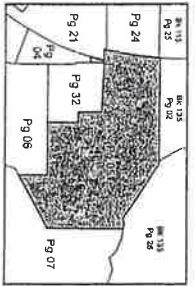
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

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



Data

PM 1188	12/67
RS 41795	
LLA 86-139	
MB 122238-39	



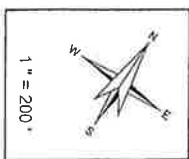
Map Reference

MB 1770	SB RIVERSIDE LAND & IRRIGATING CO.
PMA	17/99
MB 1967/62-83	TRACT MAP NO. 22407

Date	Old Number	New Number
5/17/15	1	1
7/21/15	2	2
7/21/15	3	3
7/21/15	4	4
7/21/15	5	5
7/21/15	6	6
7/21/15	7	7
7/21/15	8	8
7/21/15	9	9
7/21/15	10	10
7/21/15	11	11
7/21/15	12	12
7/21/15	13	13
7/21/15	14	14
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7/21/15	26	26
7/21/15	27	27
7/21/15	28	28
7/21/15	29	29
7/21/15	30	30
7/21/15	31	31
7/21/15	32	32
7/21/15	33	33
7/21/15	34	34
7/21/15	35	35

Legend

- Lot Lines
- Right-Of-Way
- One-Full Lines
- Reference R.O.W
- Other Easements
- Lease Area
- Subdivision Tie Mark



107-05
6-47
47-1

EXHIBIT "B"

Page 1 of 2

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.

AUG 04 2010

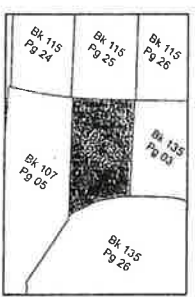
SEC. 28 29 T3S R6W
CITY OF CORONA

TRA 059-004
059-068

135-02
647-1

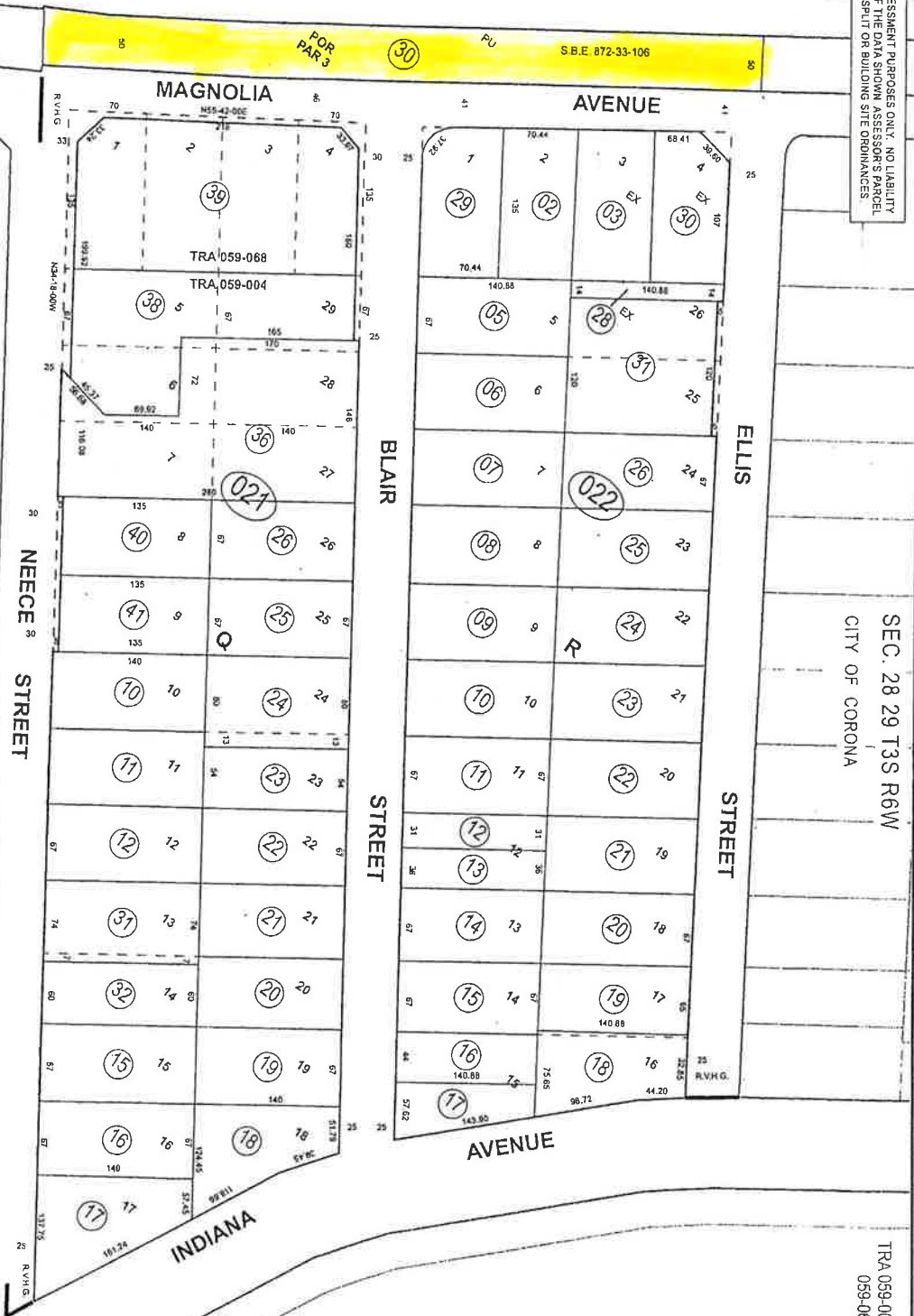
ASSESSOR'S MAP BK135 PG.02
Riverside County, Calif.

Quadrangle



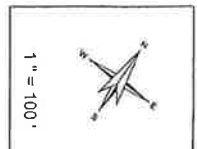
Map Reference
MB 1188 REVERSID VALLEY HOME GARDENS

JUNE 2010



Legend

- Lot Lines
- Proprietary
- City Lot Lines
- Reference R.O.W.
- Other Easements
- Water Area
- Shaded to Link



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	5-7,27-29	021-34
7/14/2005	021-34	35,36
7/14/2005	2,33	021-37
7/15/2005	021-35	38 ST.
7/15/2005	021-37	39 ST.
7/16/2005	022-1	29
12/14/2005	022-4	30 ST.
9/9/2008	021-8	40 ST.
9/9/2008	021-9	41 ST.
9/22/2010	022-27	31 ST.