

237A



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

FROM: Economic Development Agency / Facilities Management and Transportation Department

SUBMITTAL DATE:

June 16, 2011

SUBJECT: Resolution No. 2011-062, Notice of Intention to Adopt a Resolution of Necessity Regarding the Project to Improve State Route 79 (Winchester Road)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2011-062, Notice of Intention to Adopt a Resolution of Necessity Regarding the Project to Improve State Route 79 (Winchester Road);
2. Set a public hearing on Aug. 16, 2011 for Resolution No. 2011-063, Authorizing Resolution of Necessity Regarding the Project to Improve State Route 79 (Winchester Road); 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: | \$ 0 | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | 2010/2012 |

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

| | | |
|---|---|--------------------------|
| SOURCE OF FUNDS: 35% Transportation Uniform Mitigation Fee; 65% Combined Improvement Fund | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION: APPROVE


BY: 
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing on Tuesday, August 16, 2011, at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: June 28, 2011
 xc: EDA, Transp., COB, Property owners

Kecia Harper-Ihem
 Clerk of the Board
 By: 
 Deputy

Prev. Agn. Ref.: 3.14 of 3/24/09 | District: 3 | Agenda Number: 9.22

9.22

BY: Glenn R. Beloit 04/11/11 DATE
 APPROVED COUNTY COUNSEL
 FORN/Approved County Counsel
 Potential Concurrence

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

BACKGROUND:

Winchester Road (State Route 79) is one of the key north-south corridors in Southwest Riverside County. Due to significant regional and local growth in the vicinity of that corridor, a project to widen and otherwise improve SR-79 from Domenigoni Parkway (on the north) to Thompson Road (on the south) has been proposed and is needed. Specifically, this road improvement project would widen and transform that section of SR-79 from a two-lane road with one lane in each direction (its existing condition) into a four-lane road with two lanes in each direction that would be separated by a single two-way left-hand turn lane in the median (its proposed condition).

The project report was approved on December 28, 2010 by District 8 of the California Department of Transportation. The project report identifies the following deficiencies on SR-79 between Thompson Road and Domenigoni Parkway: (1) this portion of SR-79 does not provide adequate capacity to accommodate both local and regional travel demand with the existing demand and projected growth (residential, retail, and commercial development) in the French Valley area and to the nearby regional attraction (Diamond Valley Lake Recreational Area) through the interim planning year 2025; (2) this portion of SR-79 has a higher accident rate than the statewide average for similar facilities; (3) commercial and residential areas along SR-79 in the proposed project area have numerous direct access points on the existing route. These access points lead to frequent ingress and egress and many points of conflict between local and through-traffic; and, (4) widening improvements to the adjoining portions of SR-79 are either completed, already underway, or under study. Implementation of these improvements without improving the proposed project area would result in a bottleneck condition that would limit the capacity and operations of the overall route.

Upon completion, this project would address the relevant traffic needs in the vicinity of that corridor by enhancing inter-regional travel, relieving traffic congestion, improving traffic safety, and reducing response time for emergency service vehicles. The need to improve SR-79 has been recognized by various public authorities including the Riverside County Transportation Department, the City of Murrieta, the City of Temecula, and Cal Trans. Since SR-79 is a state highway, acquisition of the below-listed property interests has been recommended in writing by the Department of Transportation of the State of California. On March 24, 2009, the County Board of Supervisors approved Resolution No. 2009-048 (Agreement to Hear Future Resolutions of Necessity for the State Route 79 Widening Project from Thompson Road to Domenigoni Parkway).

The Initial Study with Mitigated Negative Declaration/Environmental Assessment with Finding of No Significant Impact pursuant to Division 13 of the Public Resources Code was approved on December 28, 2010 by District 8 Division of Environmental Planning for the California Department of Transportation.

The Economic Development Agency (EDA) has presented written offers to purchase to the property owners as required by Government Code Section 7267.2. The amounts of those offers are consistent with current property values in the Winchester/French Valley area (and are based upon fair market value appraisal reports). EDA has also offered to pay the reasonable costs, not to exceed \$5,000, for independent appraisals obtained by the property owners (as required by Code of Civil Procedure Section 1263.025).

(Continued)

BACKGROUND: (Continued)

Settlements have not been reached with the following property owners, although negotiations are still in progress for the necessary rights-of-way and temporary construction easements:

| Parcel No. | Ownership Assessor's Parcel No(s). |
|--------------------|--|
| 21118-1 21118-4 | Newport Road 103 476-010-018 and 476-010-025 |
| 21119-1 21119-4 | Winchester Agave 476-010-023 |

The subject Notice of Intention would schedule a hearing on August 16, 2011 for proposed Resolution No. 2011-063 (Authorizing Resolution of Necessity Regarding the Project to Improve State Route 79 (Winchester Road)). The scheduling of a Resolution of Necessity hearing on August 16, 2011 is needed in order to permit the Winchester Road 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: The following summarizes the funding necessary for the acquisition of the property referenced above:

| | |
|------------------------------------|-----------|
| Purchase Price: | \$96,523 |
| Appraisal: | \$0 |
| Preliminary Title Report: | \$0 |
| EDA Real Property Costs: | \$20,000 |
| Total Estimated Acquisition Costs: | \$116,523 |

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.