

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

916B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
June 5, 2012

SUBJECT: Notice of Intent to Adopt a Resolution of Necessity
Arroyo Del Toro Channel, Stage 1 Project
District One/ District One

RECOMMENDED MOTION:

Approve Resolution No. F2012-11, Notice of Intent to Adopt a Resolution of Necessity and set a public hearing on July 17, 2012.

BACKGROUND:

See Page 2

FINANCIAL: N/A

GSW:rp

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA

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

SOURCE OF FUNDS:

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

C.E.O. RECOMMENDATION:

APPROVE

BY:
Michael R. Shetler

County Executive Office Signature

FOR THE APPROVED COUNTY COUNSEL
BY: ANNA W. WANG
DATE: 5/14/12

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

Prev. Agn. Ref.:

District: 1/1

Agenda Number:

11.2

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

SUBJECT: Notice of Intent to Adopt a Resolution of Necessity
Arroyo Del Toro Channel, Stage 1 Project

SUBMITTAL DATE: June 5, 2012

Page 2

BACKGROUND:

The Arroyo Del Toro Channel Project consists of the construction and subsequent operation and maintenance of a concrete rectangular channel, reinforced concrete box and an earthen trapezoidal channel which has a total system length of 3500 lineal feet. The facility was identified in the 1986 Elsinore Valley Benefit Assessment Flood Control Bond Issue and will provide flood protection for the local area including the Elsinore Valley Cemetery.

The rectangular channel alignment is parallel to the I-15 Freeway, then transitions into a reinforced concrete box heading southwest and crosses under Collier Avenue, then turns northwest and crosses under Riverside Drive and terminates as an earthen trapezoidal channel in the Collier Marsh area. The system will be concrete lined except for approximately 660 lineal feet of the terminal end which will be earthen bottom.

Negotiations have been conducted with the affected owners, but to date, have not been successful. Although these negotiations will continue in order to facilitate the timely construction of the flood control facilities for the Arroyo Del Toro Channel Project, staff is recommending the approval of Resolution No. F2012-11.

BOARD OF SUPERVISORSRIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2012-11

NOTICE OF INTENT TO ADOPT A RESOLUTION OF NECESSITY REGARDING
THE ARROYO DEL TORO, STAGE 1 PROJECT

WHEREAS, the portions of real properties that are the subjects of this Notice (collectively the "Subject Properties") are 1) located in the city of Lake Elsinore, County of Riverside, California; 2) located in the general vicinity of Collier Avenue and Riverside Drive; 3) legally described and visually depicted in the documents attached hereto as Exhibits "A" and "B" and incorporated herein by this reference; and 4) referred to in attached Exhibits "A" and "B", as Parcels 3170-1 and 3170-1T (which are a portion of Riverside County Assessor's Parcel No. ["APN"] 378-030-034) and Parcels 3170-2, 3170-2T1 and 3170-2T2 (which are a portion of Riverside County APN 377-120-038);

WHEREAS, the proposed project that is the subject of this Notice (the "Proposed Project") is one to develop and construct a public flood control facility, and is one for other uses incidental to that stated use and required by that stated use including but not limited to the development and construction of an access road, and including but not limited to the incidental creation of "remnant[s]" within the meaning of Code of Civil Procedure Section 1240.410;

WHEREAS, the interests in property that are the subjects of this Notice (collectively the "Subject Property Interests") are: (a) fee simple ownerships in Parcels 3170-1; (b) perpetual subsurface easement in Parcel 3170-2; and (c) temporary construction easements in Parcels 3170-1T, 3170-2T1 and 3170-2T2.

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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session assembled on June 5, 2012:

1. You are hereby notified that this Board (at its public meeting on July 17, 2012 at 1:30 p.m. in the meeting room of the Board of Supervisors located on the 1st Floor of the County Administrative Center, 4080 Lemon Street, Riverside, California) may decide to adopt a Resolution of Necessity that would authorize the District to acquire the Subject Property Interest by eminent domain (and that would find and determine each of the following matters):
 - (a) The public interest and necessity require the Proposed Project;
 - (b) The Proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 - (c) The Subject Property Interest is necessary for the Proposed Project;

- (d) The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record of the Subject Property;
- (e) To the extent that the Subject Property is already devoted to a public use, the use of the Proposed Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510) or the use of the Proposed Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610); and
- (f) This notice was duly given as required by Section 1245.235 of the California Code of Civil Procedure.

2. If, within fifteen (15) days from the mailing of this Notice, you file a written request to appear at the public meeting and be heard on the matters described in 1(a), 1(b), 1(c), 1(d), 1(e) and 1(f) (or any one or more of them), you will have a right to appear at that meeting and be heard on those matters.
3. All such written requests to appear and be heard must be filed with the Clerk of the Board of Supervisors of the Riverside County Flood Control and Water Conservation District.
4. Your written request to appear and be heard must be filed within the fifteen (15) day time period. Failure to file such a timely written request will result in a waiver of your right to appear and be heard.
5. Questions regarding the amount of compensation to be paid will not be a part of the public meeting and the Board will not consider such questions in determining whether a Resolution of Necessity should be adopted.
6. The Clerk of the Board of Supervisors of the Riverside County Flood Control and Water Conservation District shall cause a copy of this Notice to be sent by first-class mail to each person whose property may be acquired by eminent domain and whose name and address appears on the last equalized County Assessment Roll (including the roll of State-assessed property).

FORM APPROVED COUNTY COUNSEL
 BY: ANNA W. WANG 5/14/12
 DATE

Exhibit "A"

Arroyo Del Toro Channel, Stage 1
Parcel 3170-1

Being a portion of that certain parcel described in Instrument No. 2009-0343391, recorded July 2 2009, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

All of Parcel 3170-1 as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County.



William R. Hofferber Jr.

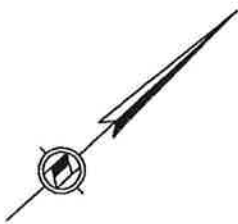
WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360
Signed For: Riverside County Flood Control
and Water Conservation District

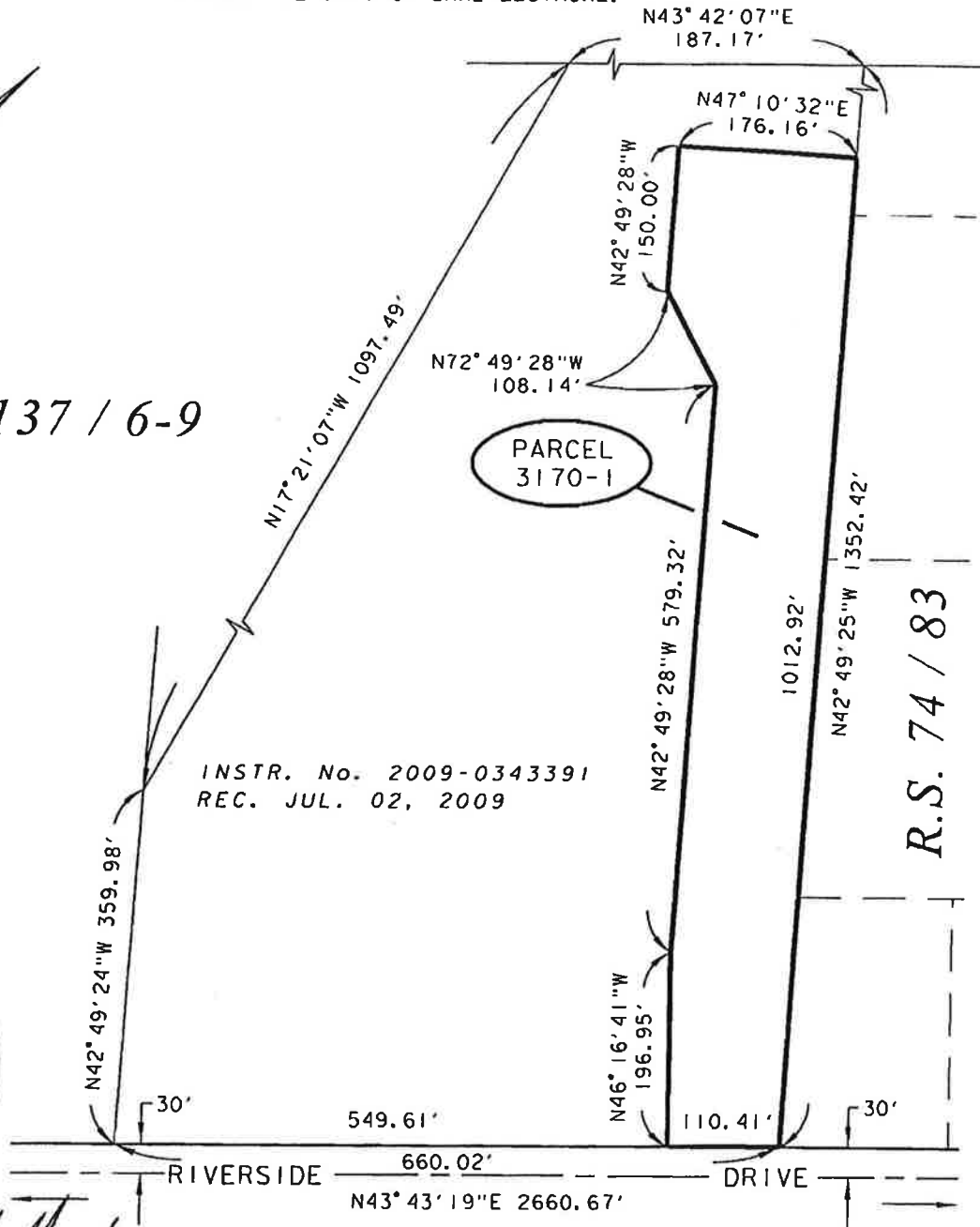
Date: 07 Nov. 2011

Exhibit "B"

BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN INSTRUMENT NO. 2009-0343391,
RECORDED JULY 2, 2009, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA,
WITHIN THE CITY OF LAKE ELSINORE.



R.S. 137 / 6-9



INSTR. No. 2009-0343391
REC. JUL. 02, 2009



William R. Hofer, Jr.
DATE: 07 Nov. 2011

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

PROJECT NAME: ARROYO DEL TORO CHANNEL STAGE I			
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.	RCFC PARCEL NUMBER(S): PARCEL 3170-1	SCALE: NO SCALE	PREPARED BY: DAB
		NOV-3-2011	SHEET NO. 1 OF 1

Exhibit "A"

Arroyo Del Toro Channel, Stage 1
Parcel 3170-1T

Being a portion of that certain Parcel described in Instrument No. 2009-0343391, recorded July 2 2009, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

A strip of land 20.00 feet in width, lying Southwesterly of the following described line:

Beginning at a point on the Northwesterly right of way of Riverside Drive, distant South $43^{\circ} 43' 19''$ West 110.41 feet from the Easterly corner thereof;

Thence North $46^{\circ} 16' 41''$ West, a distance of 196.95 feet;

Thence North $42^{\circ} 49' 28''$ West, a distance of 225.98 feet to the Point of Termination;

The sidelines of said strip are to be lengthened or shortened to terminate on the Southeast on said Northwesterly right of way of Riverside Drive and on the Northwest perpendicular to the Point of Termination.



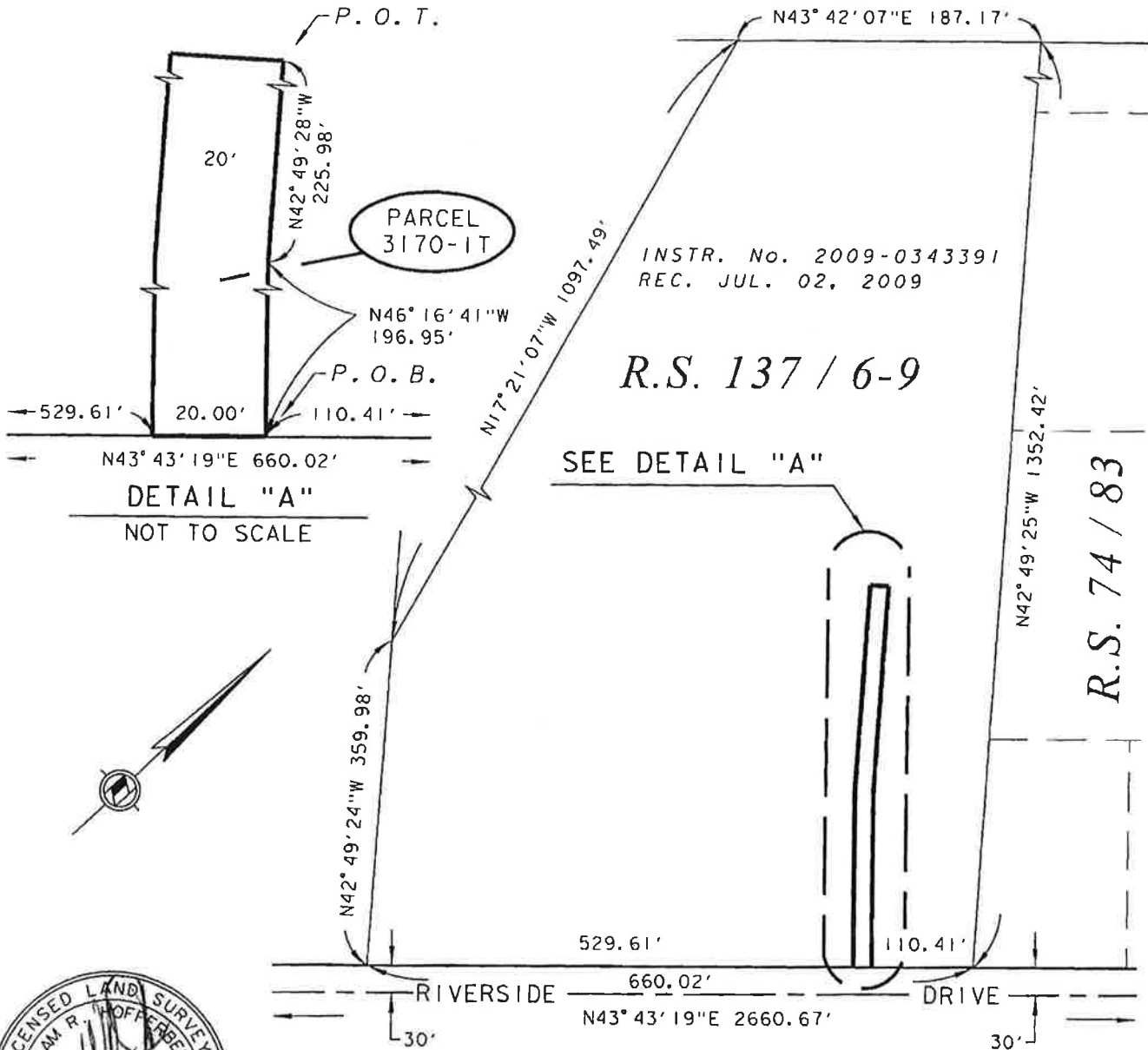

WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360
Signed For: Riverside County Flood Control
and Water Conservation District

Date: 07 Nov. 2011

Exhibit "B"

BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN INSTRUMENT NO. 2009-0343391,
RECORDED JULY 2, 2009, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA,
WITHIN THE CITY OF LAKE ELSINORE.



PARCEL 3170-1T

INSTR. No. 2009-0343391
REC. JUL. 02, 2009

R.S. 137 / 6-9

DETAIL "A"
NOT TO SCALE

R.S. 74 / 83



William R. Hofferber Jr.
DATE: 07 Nov. 2011

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

PROJECT NAME: ARROYO DEL TORO CHANNEL STAGE I			
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.	RCFC PARCEL NUMBER(S): PARCEL 3170-1T	SCALE: NO SCALE	PREPARED BY: DAB
		NOV-3-2011	SHEET NO. 1 OF 1

Exhibit "A"

Arroyo Del Toro Channel, Stage 1
Parcel 3170-2

Being a portion of Parcel 1 as described in Instrument No. 2004-1022883, recorded December 27, 2004, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

A strip of land 48.00 feet in width, lying 24.00 feet on each side of the following described line:

Commencing at the centerline intersection of Riverside Drive and Collier Avenue as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County;

Thence South $46^{\circ} 14' 40''$ East, a distance of 387.38 feet along the centerline of Collier Avenue;

Thence South $43^{\circ} 41' 51''$ West, a distance of 30.00 feet to the Southwesterly right of way of said Collier Avenue, said point being the Point of Beginning;

Thence continuing South $43^{\circ} 41' 51''$ West, a distance of 522.59 feet to the beginning of a tangent curve, concave northerly, having a radius of 200.00 feet;

Thence southwesterly along said curve through a central angle of $90^{\circ} 01' 28''$, a distance of 314.25 feet;

Thence North $46^{\circ} 16' 41''$ West, a distance of 157.62 feet to the southeasterly right of way of said Riverside Drive, said point being the Point of Termination;

The sidelines of said strip are to be lengthened or shortened to terminate on the North on said southwesterly right of way of Collier Avenue and on the West on said southeasterly right of way of Riverside Drive.



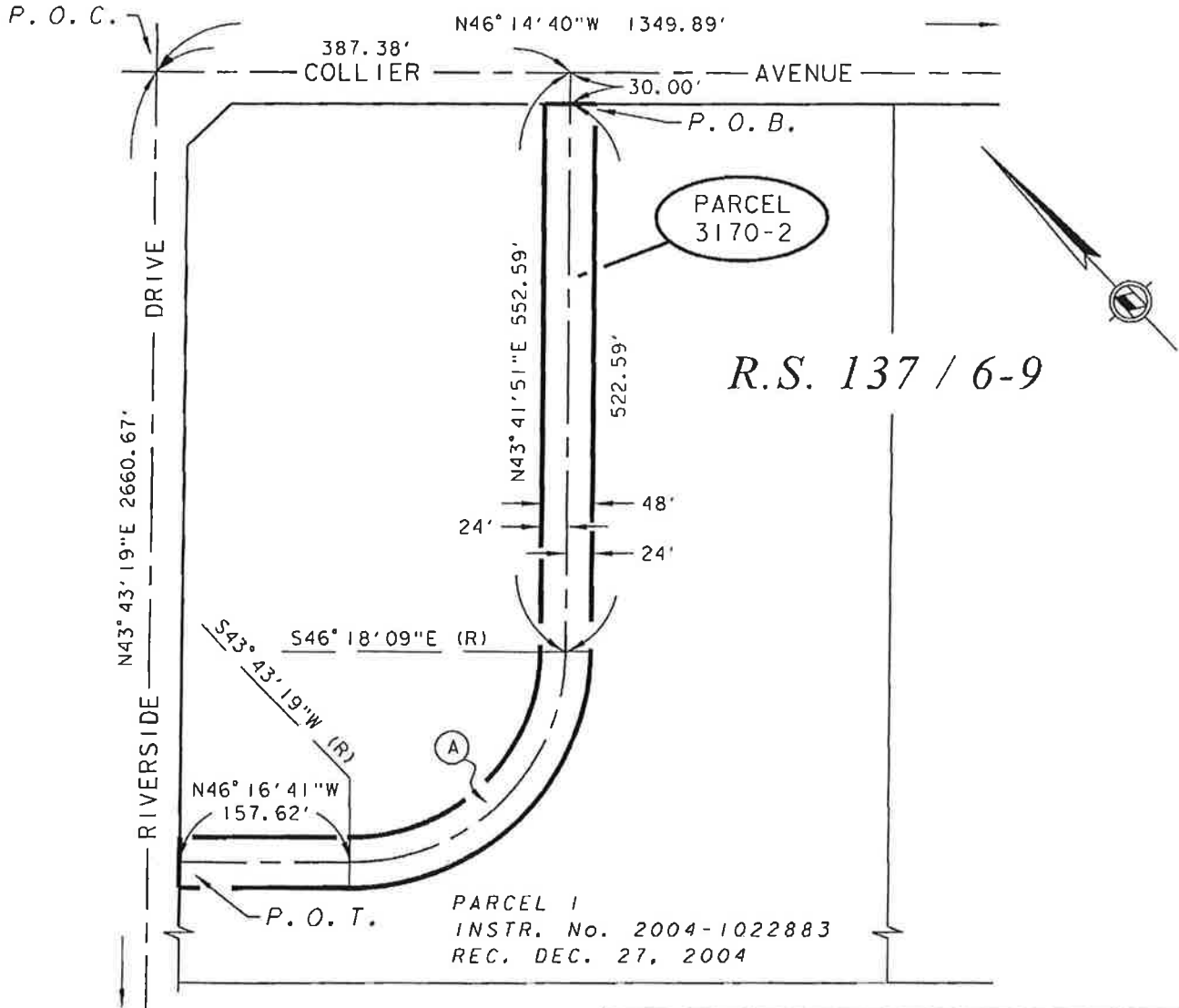

WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360
Signed For: Riverside County Flood Control
and Water Conservation District

Date: 07 Nov. 2011

Exhibit "B"

BEING A PORTION OF PARCEL 1 AS DESCRIBED IN INSTRUMENT NO. 2004-1022883,
RECORDED DECEMBER 27, 2004, RECORDS OF RIVERSIDE COUNTY, STATE OF
CALIFORNIA, WITHIN THE CITY OF LAKE ELSINORE.



PARCEL 1
INSTR. No. 2004-1022883
REC. DEC. 27, 2004

☉ CURVE DATA

☉	△ =	R =	T =	L =
A	90° 01' 28"	200.00'	200.09'	314.25'



William R. Hofer
DATE: 07 Nov. 2011

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME: ARROYO DEL TORO CHANNEL STAGE 1

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.	RCFC PARCEL NUMBER(S):	SCALE:	PREPARED BY:
	PARCEL 3170-2	NO SCALE	DAB
		NOV-3-2011	SHEET NO. 1 OF 1

Exhibit "A"

**Arroyo Del Toro Channel, Stage 1
Parcel 3170-2T1**

Being a portion of Parcel 1 as described in Instrument No. 2004-1022883, recorded December 27, 2004, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

Commencing at the centerline intersection of Riverside Drive and Collier Avenue as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County;

Thence along the centerline of Collier Avenue, South $46^{\circ} 14' 40''$ East, a distance of 363.38 feet;

Thence South $43^{\circ} 41' 51''$ West, a distance of 30.00 feet to the Southwesterly right of way of said Collier Avenue, said point being the Point of Beginning;

Thence continuing South $43^{\circ} 41' 51''$ West, a distance of 522.61 feet to the beginning of a tangent curve, concave Northerly, having a radius of 176.00 feet;

Thence Southwesterly along said curve through a central angle of $90^{\circ} 01' 28''$, a distance of 276.54 feet;

Thence North $46^{\circ} 16' 41''$ West, a distance of 157.62 feet to the Southeasterly right of way of said Riverside Drive;

Thence North $43^{\circ} 43' 19''$ East, a distance of 208.82 feet along said right of way of Riverside Drive;

Thence South $25^{\circ} 29' 14''$ West, a distance of 160.90 feet;

Thence South $46^{\circ} 16' 41''$ East, a distance of 74.83 feet;

Thence South $14^{\circ} 16' 44''$ East, a distance of 63.29 feet to the beginning of a non-tangent curve, concave Northerly, having a radius of 155.00 feet, a radial to said point bears South $35^{\circ} 50' 58''$ West;

Thence Northeasterly along said curve through a central angle of $82^{\circ} 09' 07''$, a distance of 222.24 feet;

Thence North $43^{\circ} 41' 51''$ East, a distance of 492.63 feet to a point being on a line parallel with and distant Southwesterly 30.00 feet, measured at a right angle, from said Southwesterly right of way of Collier Avenue;

Thence North $46^{\circ} 14' 40''$ West, a distance of 87.07 feet along said parallel line;

Thence North 02° 17' 50" East, a distance of 40.03 feet to said Southwesterly right of way of Collier Avenue;

Thence South 46° 14' 40" East, a distance of 134.54 feet along said right of way of Collier Avenue to the Point of Beginning;



William R. Hofferber Jr.

WILLIAM R. HOFFERBER JR.

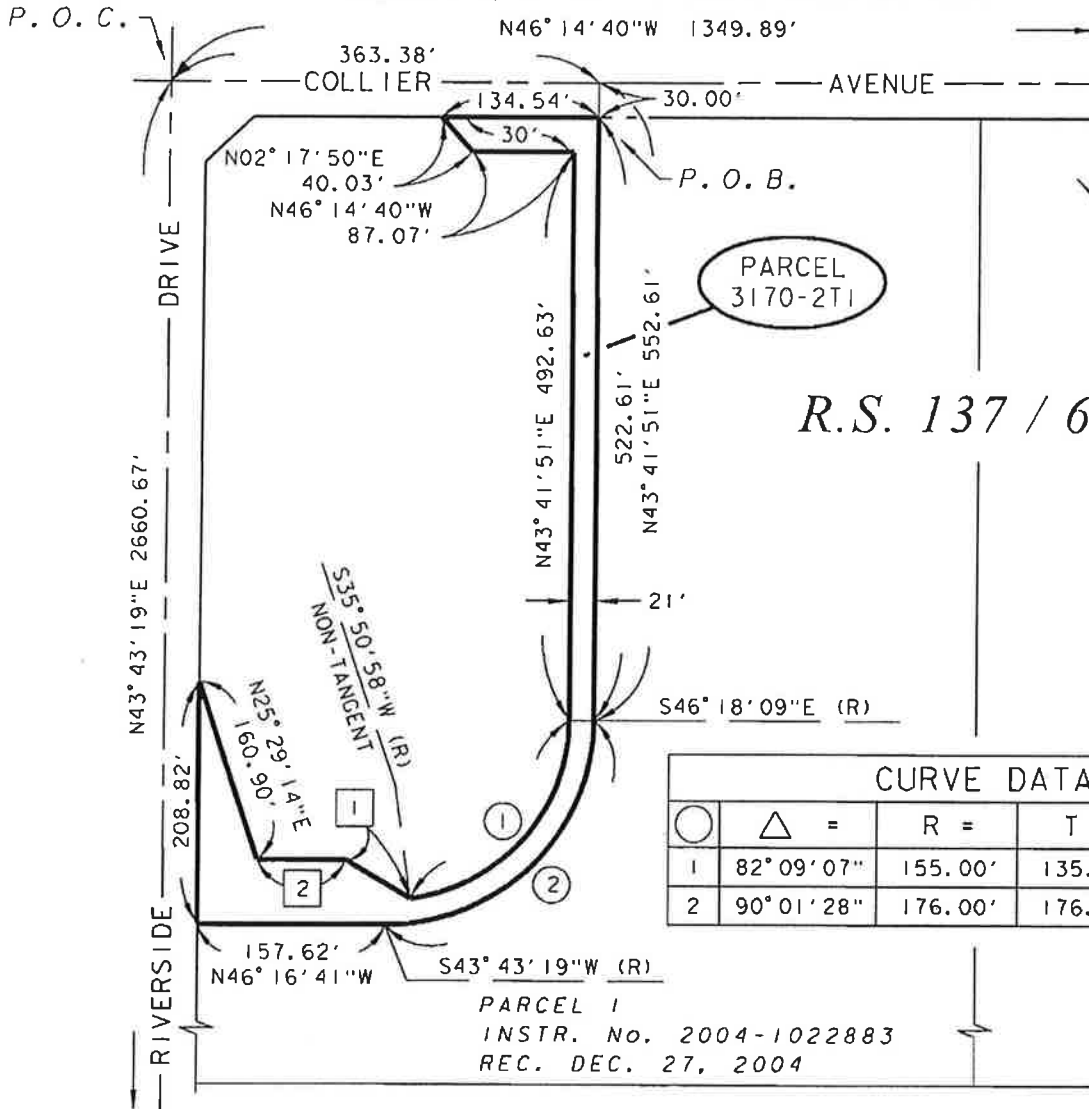
Land Surveyor No. 7360

Signed For: Riverside County Flood Control
and Water Conservation District

Date: *07 Nov. 2011* _____

Exhibit "B"

BEING A PORTION OF PARCEL 1 AS DESCRIBED IN INSTRUMENT NO. 2004-1022883,
RECORDED DECEMBER 27, 2004, RECORDS OF RIVERSIDE COUNTY, STATE OF
CALIFORNIA, WITHIN THE CITY OF LAKE ELSINORE.



R.S. 137 / 6-9

CURVE DATA					
Circle	Triangle	=	R =	T =	L =
1	82°09'07"		155.00'	135.10'	222.24'
2	90°01'28"		176.00'	176.08'	276.54'

LINE DATA		
Box	BEARING	DISTANCE
1	N14°16'44"W	63.29'
2	N46°16'41"W	74.83'



William R. Hoffmann, Jr.
DATE: 08 Nov. 2011

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME:

ARROYO DEL TORO CHANNEL STAGE I

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.	RCFC PARCEL NUMBER(S):	SCALE:	PREPARED BY:
	PARCEL 3170-2T1	NO SCALE	DAB
		NOV-3-2011	SHEET NO. 1 OF 1

Exhibit "A"

**Arroyo Del Toro Channel, Stage 1
Parcel 3170-2T2**

Being a portion of Parcel 1 as described in Instrument No. 2004-1022883, recorded December 27, 2004, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

Commencing at the centerline intersection of Riverside Drive and Collier Avenue as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County;

Thence South $46^{\circ} 14' 40''$ East, a distance of 411.38 feet along the centerline of Collier Avenue;

Thence South $43^{\circ} 41' 51''$ West, a distance of 30.00 feet to the Southwesterly right of way of said Collier Avenue, said point being the Point of Beginning;

Thence South $46^{\circ} 14' 40''$ East, a distance of 279.23 feet along said right of way of Collier Avenue to the East corner of said Parcel 1;

Thence North $56^{\circ} 40' 10''$ West, a distance of 116.06 feet to a point being on a line parallel with and distant Southwesterly 21.00 feet, measured at a right angle, from said Southwesterly right of way of Collier Avenue;

Thence North $46^{\circ} 14' 40''$ West, a distance of 149.07 feet along said parallel line;

Thence South $43^{\circ} 41' 51''$ West, a distance of 501.55 feet to the beginning of a tangent curve, concave northerly, having a radius of 240.00 feet;

Thence Southwesterly along said curve through a central angle of $90^{\circ} 01' 28''$, a distance of 377.09 feet;

Thence North $46^{\circ} 16' 41''$ West, a distance of 84.62 feet to a point being on a line parallel with and distant Southeasterly 73.00 feet, measured at a right angle, from the Southeasterly right of way of said Riverside Drive;

Thence South $43^{\circ} 43' 19''$ West, a distance of 67.61 feet along said parallel line;

Thence South $61^{\circ} 56' 51''$ West, a distance of 233.41 feet to said Southeasterly right of way of Riverside Drive;

Thence North $43^{\circ} 43' 19''$ East, a distance of 305.31 feet along said right of way of Riverside Drive;

Thence South 46° 16' 41" East, a distance of 157.62 feet to the beginning of a tangent curve, concave northerly, having a radius of 224.00 feet;

Thence Northeasterly along said curve through a central angle of 90° 01' 28", a distance of 351.95 feet;

Thence North 43° 41' 51" East, a distance of 522.56 feet to said Southwesterly right of way of Collier Avenue and the Point of Beginning;



William R. Hofferber Jr.

WILLIAM R. HOFFERBER JR.

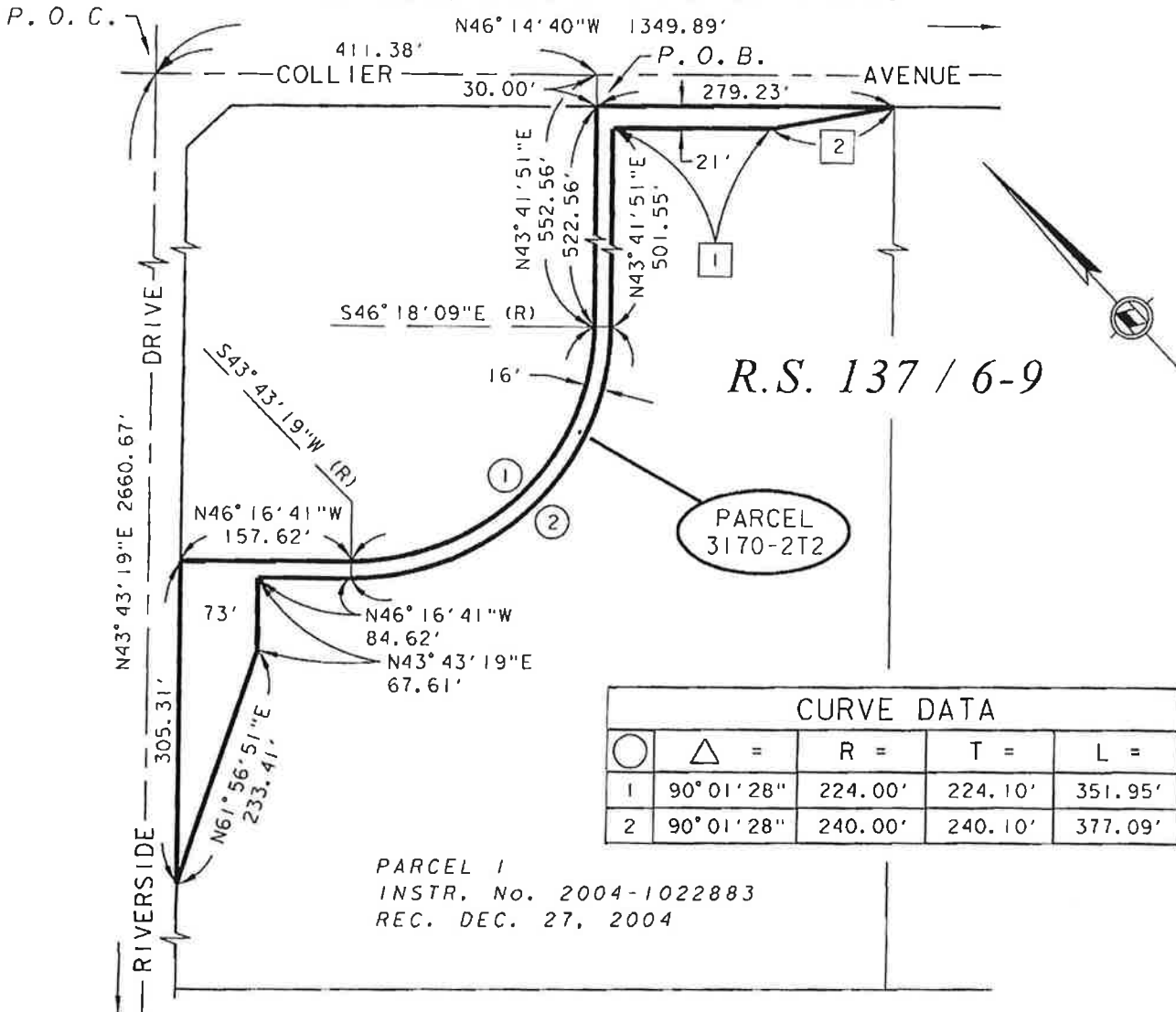
Land Surveyor No. 7360

Signed For: Riverside County Flood Control
and Water Conservation District

Date: 08 Nov. 2011

Exhibit "B"

BEING A PORTION OF PARCEL 1 AS DESCRIBED IN INSTRUMENT NO. 2004-1022883,
RECORDED DECEMBER 27, 2004, RECORDS OF RIVERSIDE COUNTY, STATE OF
CALIFORNIA, WITHIN THE CITY OF LAKE ELSINORE.



R.S. 137 / 6-9

PARCEL 3170-2T2

CURVE DATA				
Curve	Angle	R =	T =	L =
1	90° 01' 28"	224.00'	224.10'	351.95'
2	90° 01' 28"	240.00'	240.10'	377.09'

PARCEL 1
INSTR. No. 2004-1022883
REC. DEC. 27, 2004

LINE DATA		
Line	Bearing	Distance
1	N46° 14' 40"W	149.07'
2	N56° 40' 10"W	116.06'



William R. Hoffer
DATE: 07 Nov. 2011

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

PROJECT NAME: ARROYO DEL TORO CHANNEL STAGE 1

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.	RCFC PARCEL NUMBER(S): PARCEL 3170-2T2	SCALE: NO SCALE	PREPARED BY: DAB
		NOV-3-2011	SHEET NO. 1 OF 1