

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

508 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 17, 2012

SUBJECT: Arroyo Del Toro Channel Stage 1; Project No. 3-0-00170
Authorize Condemnation of Real Property for Flood Control Purposes
District One / District One

RECOMMENDED MOTION:

Approve and adopt Resolution No. F2012-12, Authorize Condemnation of Real Property for Flood Control Purposes Regarding the Arroyo Del Toro Channel Stage 1 Project.

BACKGROUND: See Page 2

FINANCIAL: See Page 2

GSW:rlp

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$322,000.00	In Current Year Budget:	Yes
	Current F.Y. County Cost:	\$ N/A	Budget Adjustment:	No
	Annual Net District Cost:	\$ N/A	For Fiscal Year:	11-12

SOURCE OF FUNDS: Arroyo Del Toro Channel Project 540040 25120 947420 (Land)	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY:
Michael R. Shetler

County Executive Office Signature

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

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

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

SUBJECT: Arroyo Del Toro Channel Stage 1; Project No. 3-0-00170
Authorize Condemnation of Real Property for Flood Control Purposes

SUBMITTAL DATE: July 17, 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, crosses under Collier Avenue, then turns northwest, 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. F2012-12.

FINANCIAL:

Sufficient funds were budgeted and are available in the Zone 3 fund for FY 2011-2012.

BOARD OF SUPERVISORS**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. F2012-12

AUTHORIZE CONDEMNATION OF REAL PROPERTY
FOR FLOOD CONTROL PURPOSES

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of Riverside County Flood Control and Water Conservation District, County of Riverside, State of California, not less than four-fifths of all members concurring, in regular session assembled on July 17, 2012, as follows:

1. That Notice of Intention to Adopt this Resolution was given to each person, whose hereinafter described real property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board of Supervisors on the matters contained herein.

2. That the authority for the District to acquire the real property by eminent domain is contained in Article 1, Section 19 of the California Constitution; the California Water Code -- Appendix, Chapter 48, Section 48-9, Paragraph 9; Sections 1240.010, 1240.020, 1240.110 and 1240.420 of the Code of Civil Procedure.

3. That the public interest and necessity requires the proposed project.

4. That the use for which the real property is to be taken is for the construction of a public improvement project consisting of flood control facilities, maintenance roads and appurtenant works for the control and flow of flood and stormwaters, and for other uses incidental thereto and required thereby, in order to protect from damage, life and property within the boundaries of the District, the project being known as the Arroyo Del Toro Channel, Stage 1 Project.

5. That the real property sought to be condemned is necessary for the construction of the public improvement and is located entirely within the boundaries of the District's Zone 3, in the city of Lake Elsinore, County of Riverside, State of California, generally described 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. A specific description of the real properties and the interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this reference made a part hereof.

6. That the public improvement is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

7. That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

1 BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside is
hereby authorized and empowered:

2 1. To acquire in the name of the District, fee simple title in Parcel 3170-1, permanent
3 subterranean easement in Parcel 3170-2 and temporary construction easements over Parcels
4 3170-1T, 3170-2T1 and 3170-2T2 in said real properties by condemnation in accordance with
the Constitution and laws relating to eminent domain.

5 2. To prepare and prosecute in the name of the District such proceedings in the proper
6 court having jurisdiction thereof as are necessary for such acquisition.

7 3. To make application to the Court for an order to deposit the probable amount of
8 compensation out of proper funds under the control of the District into the County Treasury and
9 for an order permitting the District to take prejudgment possession and use the real property for
the purpose of constructing the public improvement.

10 4. To compromise and settle such proceedings, if such settlement can be reached, and
11 in that event, to take all necessary action to complete the acquisition, including stipulations as to
judgment and other matters, and causing all payments to be made.

12 5. County Counsel is further authorized to correct any errors or to make or agree to
13 nonmaterial changes in the legal description of the real property that are deemed necessary for
14 the conduct of the condemnation action, or other proceedings or transaction required to acquire
15 the subject real property. County Counsel is further authorized to reduce or modify the extent of
16 the interests or property to be acquired so as to reduce the compensation payable in the action
17 where such change would not substantially impair the construction and operation for the project
18 for which the real property is being acquired.

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

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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.



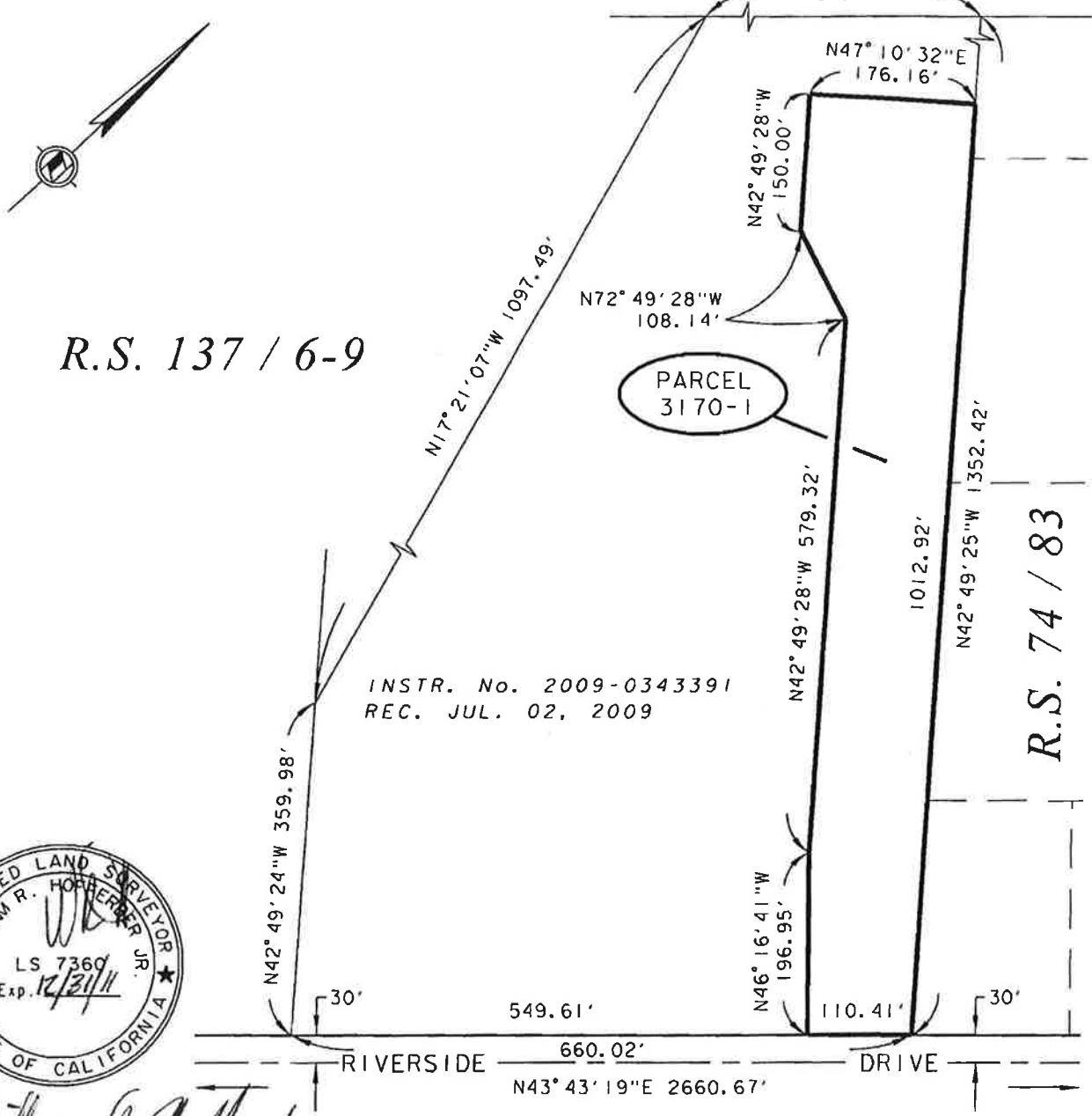
William R. Hofferber Jr.
WILLIAM R. HOFFERBER JR.

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. Hoberger, 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):	SCALE:	PREPARED BY:
	PARCEL 3170-1	NO SCALE	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.



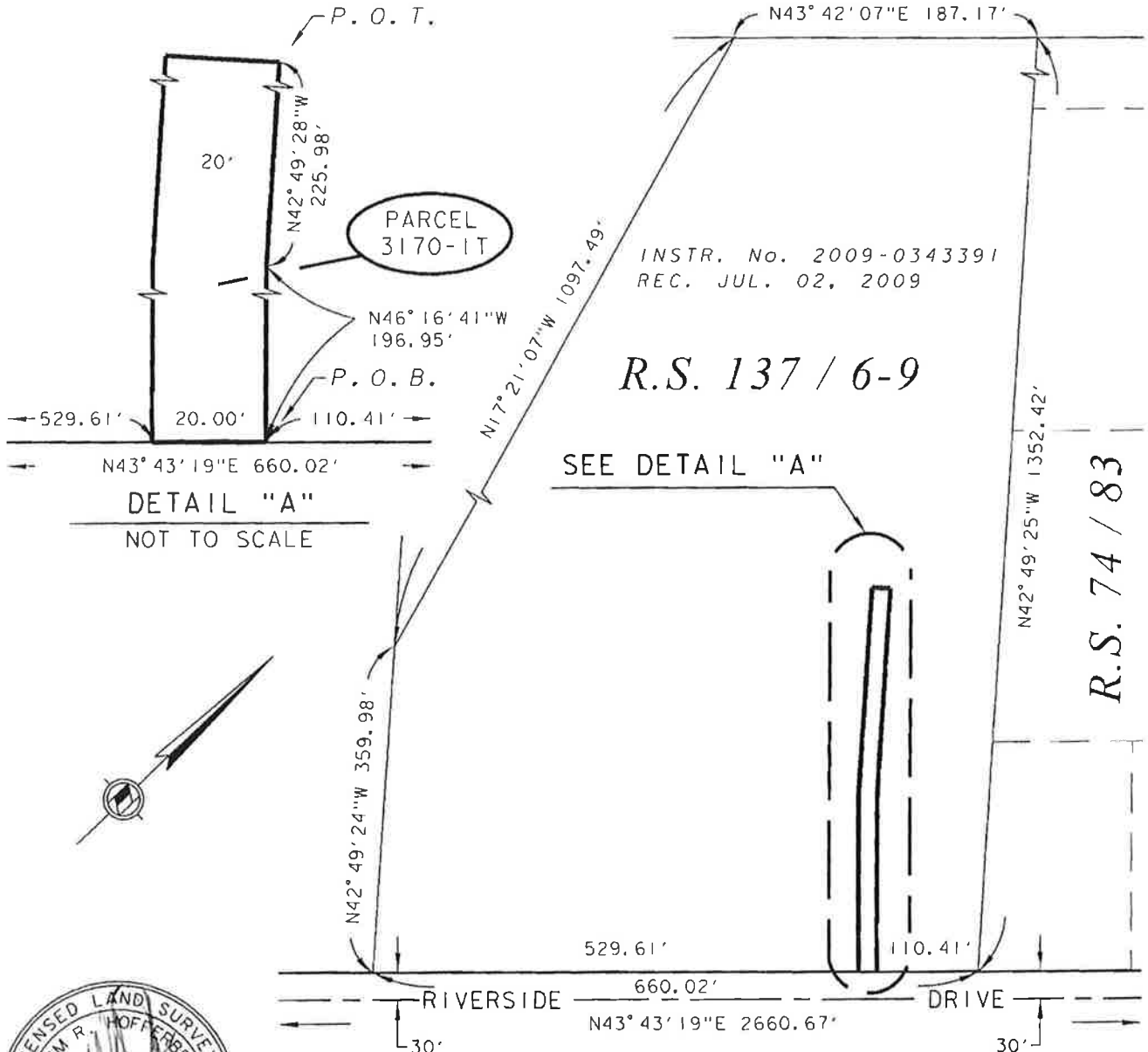

WILLIAM R. HOFFERBER, JR.

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

PARCEL 3170-1T



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):	SCALE:	PREPARED BY:
	PARCEL 3170-1T	NO SCALE	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.



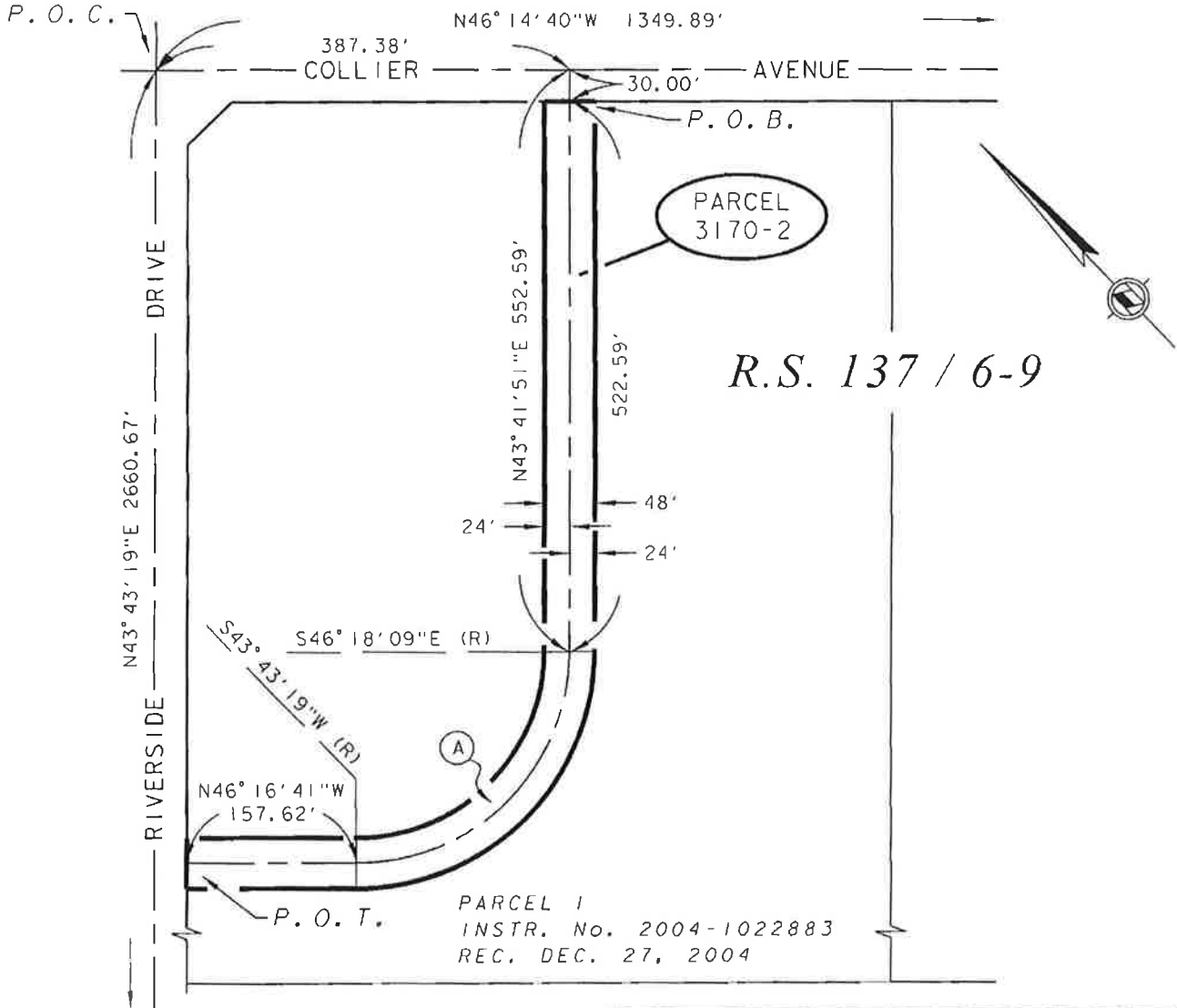

WILLIAM R. HOFFERBER JR.

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.



William R. Hoffenberg
DATE: 07 Nov. 2011

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

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 3170-2

SCALE:

NO SCALE

NOV-3-2011

PREPARED BY:

DAB

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;



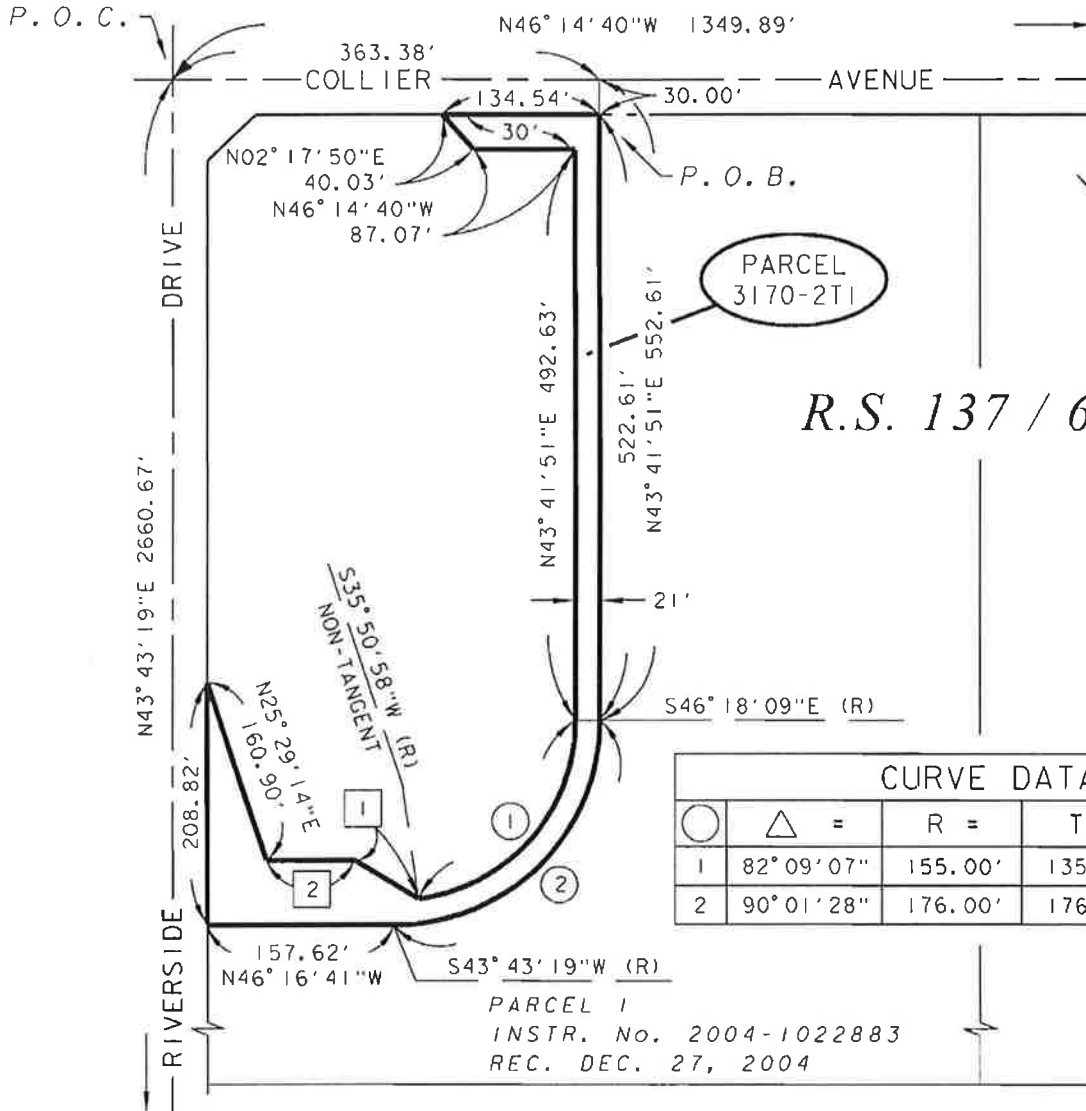
William R. Hofferber Jr.
WILLIAM R. HOFFERBER JR.

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				
⊙	△ =	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		
□	BEARING	DISTANCE
1	N14°16'44"W	63.29'
2	N46°16'41"W	74.83'



William R. Hopfinger 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

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	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 $46^{\circ} 16' 41''$ 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 $90^{\circ} 01' 28''$, a distance of 351.95 feet;

Thence North $43^{\circ} 41' 51''$ 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.

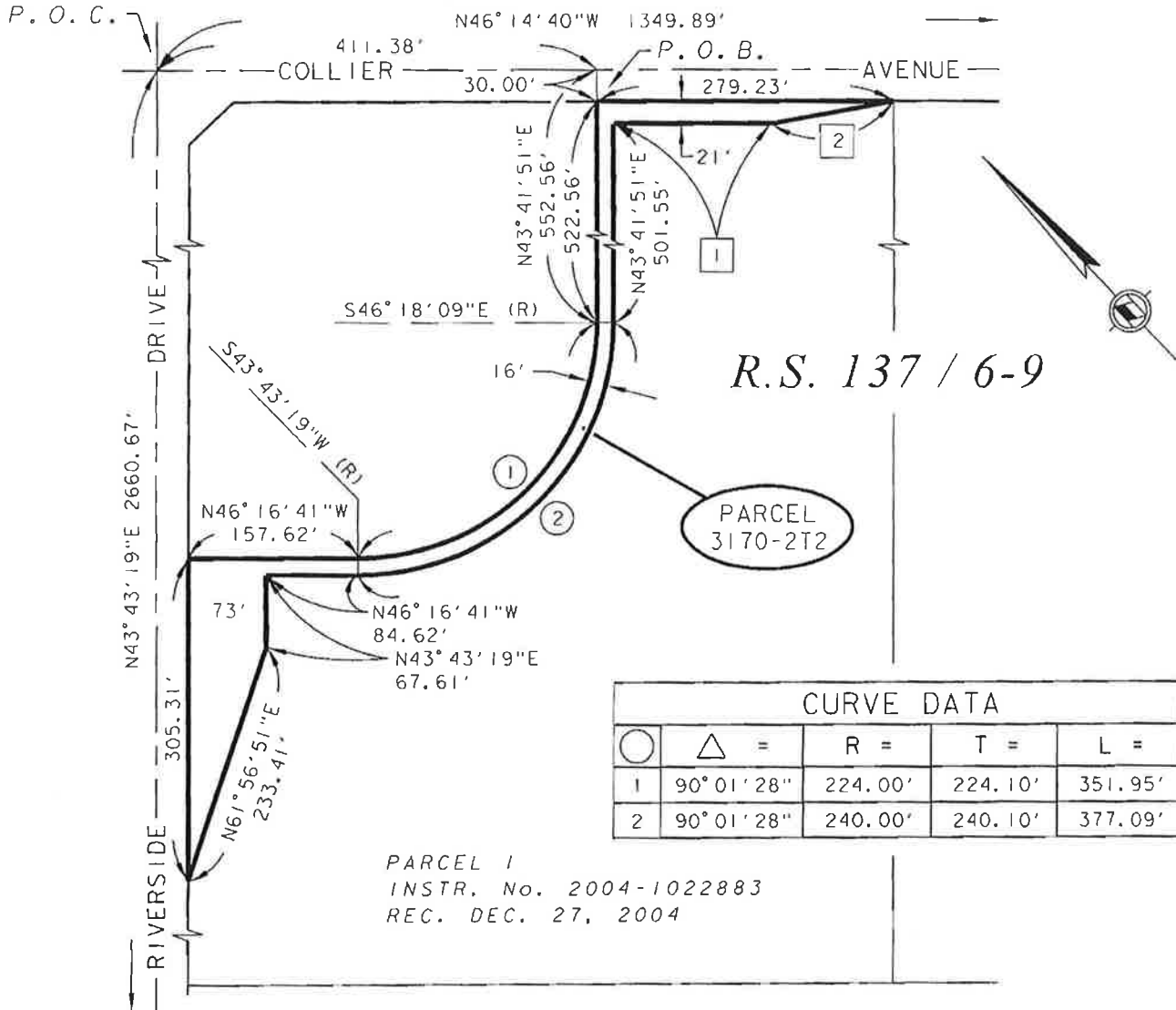
Land Surveyor No. 7360

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,
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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. 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 1		SCALE: NO SCALE	PREPARED BY: DAB
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	SHEET NO. 1 OF 1
		NOV-3-2011	