

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

164



**FROM:** Economic Development Agency/Facilities Management and  
Transportation Department

**SUBMITTAL DATE:**  
April 11, 2013

**SUBJECT:** Resolution No. 2013-025, Notice of Intention to Adopt a Resolution of Necessity Regarding the Emperor Road Improvement Project - Homeland

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve Resolution No. 2013-025, Notice of Intention to Adopt a Resolution of Necessity Regarding the Emperor Road Improvement Project;
2. Set a public hearing on May 21, 2013 for Resolution No. 2013-026, Authorizing Resolution of Necessity Regarding the Emperor Road Improvement Project; and

**FISCAL PROCEDURES APPROVED**

**PAUL ANGULO, CPA, AUDITOR-CONTROLLER**

(Continued)

BY: Lisette Rose 4/10/13

Juan C. Perez, Director  
Transportation and Land Management

Robert Field  
Assistant County Executive Officer/EDA

|                       |                               |           |                         |         |
|-----------------------|-------------------------------|-----------|-------------------------|---------|
| <b>FINANCIAL DATA</b> | Current F.Y. Total Cost:      | \$ 19,550 | In Current Year Budget: | Yes     |
|                       | Current F.Y. Net County Cost: | \$ 0      | Budget Adjustment:      | No      |
|                       | Annual Net County Cost:       | \$ 0      | For Fiscal Year:        | 2012/13 |

**COMPANION ITEM ON BOARD AGENDA:** No

**SOURCE OF FUNDS:** Developer Funds-100%

|                                  |                          |
|----------------------------------|--------------------------|
| 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 L. Sargent

☒ Policy

☐ Consent

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

Prev. Agn. Ref.: 3.11 of 12/18/12

District: 3/3

Agenda Number

3-15

**RECOMMENDED MOTION:** (Continued)

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:**

As a condition of approval for Tract Map 30972, Stone Star River, LLC (Developer) is planning to construct off-site road improvements in the unincorporated Homeland area of Riverside County. The Economic Development Agency/Facilities Management (EDA/FM) has presented a written offer to the property owners as required by Government Code Section 7267.2. The amount of the offer is consistent with current property values in the Homeland area for the various property types (and is based upon a fair market value appraisal report). EDA/FM has also offered to pay the reasonable costs, not-to-exceed \$5,000, for an independent appraisal obtained by the property owners (as required by Code of Civil Procedure Section 1263.025).

Settlement has not been reached with the following property owners, although negotiations are still in process for the necessary permanent easement and temporary construction easements:

| Assessor's Parcel No. | Ownership |
|-----------------------|-----------|
| 459-060-002           | Berry     |
| 459-060-033           | Berma Co. |

The subject Notice of Intention would schedule a hearing on May 21, 2013, for proposed Resolution No. 2013-026 (Authorizing Resolution of Necessity Regarding the Emperor Road Improvement Project). The scheduling of a Resolution of Necessity hearing on May 21, 2013, is needed in order to permit the Emperor Road Improvement 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 properties referenced above:

|                                    |          |
|------------------------------------|----------|
| Purchase Price:                    | \$ 3,000 |
| County Appraisal:                  | \$0      |
| Owner Appraisals:                  | \$10,000 |
| Preliminary Title Reports:         | \$0      |
| EDA/FM Real Property Costs:        | \$ 6,550 |
| Total Estimated Acquisition Costs: | \$19,550 |

(Continued)

**FINANCIAL DATA: (Continued)**

The Developer has already covered the costs for due diligence (appraisals and preliminary title reports). All remaining costs associated with this property acquisition, including costs incurred by County staff will be paid directly by the Developer. Thus, no additional net county cost will be incurred as a result of this transaction.

Board of Supervisors

County of Riverside

Resolution No. 2013-025

Notice of Intention to Adopt a Resolution of Necessity Regarding  
the Emperor Road Improvement Project

**WHEREAS**, the portions of real properties that are the subjects of this Notice (collectively the "Subject Properties") are located in the Homeland area, County of Riverside, State of California; are generally located on the east side of Emperor Road, south of McLaughlin Road; are legally described and pictorially depicted on the documents attached hereto as Exhibits "A" and Exhibits "B" (and incorporated herein by this reference); are referred to on attached Exhibits "A" and Exhibits "B"; and are portions of larger real properties in all cases;

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

| Table One<br>Assessor's Parcel No(s) |
|--------------------------------------|
| 459-060-002                          |
| 459-060-033                          |

**WHEREAS**, the proposed project that is the subject of this Notice (the "Proposed Project") is one to widen and improve Emperor Road in the Homeland area of unincorporated Riverside County, California (including but not limited to the use of the Subject Properties for public road and utility purposes, for purposes of a staging area for construction and/or other work, and for other uses incidental to the Proposed Project and required by the Proposed Project);

**WHEREAS**, the interests in property that are the subjects of this Notice (collectively the "Subject Property Interests") are identified below in Table Two:

FORM APPROVED COUNTY COUNSEL  
BY: ANNA W. WANG  
DATE: 1/23/13

| TABLE TWO          |                     |                     |
|--------------------|---------------------|---------------------|
| Subject Properties | Perpetual Easements | Temporary Easements |
| 459-060-002        | X                   | X                   |
| 459-060-033        |                     | X                   |

**WHEREAS**, the statutes that authorize the County of Riverside to acquire the Subject Property Interests by eminent domain include Article 1, Section 19 of the California Constitution; Section 25350.5 of the Government Code; Section 760 of the Streets and Highways Code; 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 Riverside County, State of California, in regular session assembled on April 23, 2013.

1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on May 21, 2013, at 9:30 a.m. in the meeting room of the Board of Supervisors located on the 1<sup>st</sup> floor of the County Administrative Center, 4080 Lemon Street, Riverside, California) may decide to adopt a Resolution of Necessity that would authorize the County of Riverside to acquire the Subject Property Interests by eminent domain (and that would find and determine each of the following matters):

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

(b) That 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) That the Subject Property Interests are necessary for the Proposed Project;

(d) That the offers required by Section 7267.2 of the Government Code have been made to the owner of record of the Subject Properties;

(e) That, to the extent that the Subject Properties are already devoted to a public use, the use of the Proposed Project is a compatible use that will not

1 unreasonably interfere with or impair the continuance of the public use as it presently  
2 exists or may reasonably be expected to exist in the future (California Code of Civil  
3 Procedure Section 1240.510) or the use of the Proposed Project is a more necessary  
4 public use than is the presently existing public use (California Code of Civil Procedure  
5 Section 1240.610);

6 (f) That the Subject Property Interests are necessary for the  
7 Proposed Project;

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

10 2. If (within 15 days from the mailing of this Notice) you file a written request  
11 to appear at the public meeting and be heard on the matters described above in 1(a),  
12 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  
13 appear at that meeting and be heard on those matters.

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

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

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

22 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to  
23 be sent by first-class mail to each person whose property may be acquired by eminent  
24 domain and whose name and address appears on the last equalized county  
25 assessment roll (including the roll of state-assessed property).

**EXHIBIT "A"**  
**TR 30972**

**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

BEING ALL OF THE WEST ONE-HALF OF THE SOUTH ONE-THIRD OF THE NORTH THREE-FIFTHS OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE MERIDIAN AS DESCRIBED IN INSTRUMENT NO. 119139 RECORDED JUNE 30, 1980 OFFICIAL RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

CONTAINING 10,991 SQ. FT. OR 0.25 ACRES, MORE OR LESS.

**SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF**



*Frank Artiga*

|   |
|---|
| THIS DOCUMENT REVIEWED BY<br>RIVERSIDE COUNTY SURVEYOR. |
| BY: <i>[Signature]</i>                                  |
| DATE: <i>8-15-12</i>                                    |

# EXHIBIT "B"

SHEET 1 OF 1

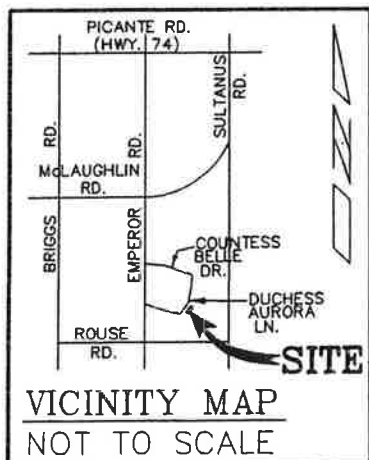
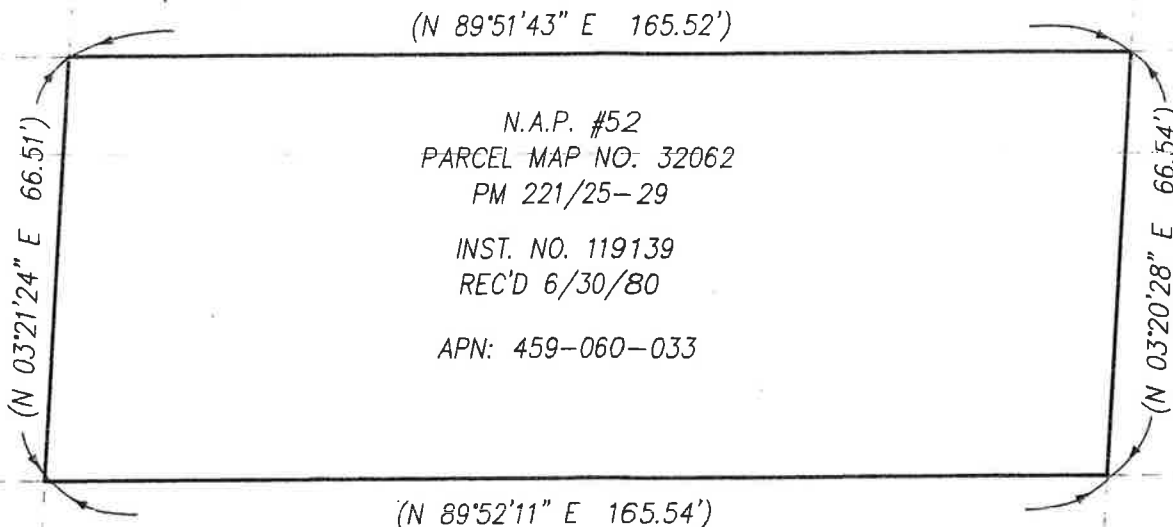
## TRACT 30972

### TEMPORARY CONSTRUCTION

### EASEMENT



SCALE: 1"=30'



THIS DOCUMENT REVIEWED BY  
RIVERSIDE COUNTY SURVEYOR.

BY: *[Signature]*

DATE: 8-15-12



PREPARED BY:

*[Signature]* 8/1/12  
FRANK A. ARTIGA DATE  
LS 8716

#### LEGEND

( ) INDICATES RECORD DATA  
PER PARCEL MAP NO. 32062.  
PM 221/25-29

**ACS CONSULTING, INC.**

PO BOX 2252  
TEMECULA CA 92593  
951-757-5178

SCALE: 1"= 30'

DRAWN BY FA DATE 3-17-12



**EXHIBIT "A"**  
**TR 30972**

**LEGAL DESCRIPTION**  
**PUBLIC ROAD AND UTILITY EASEMENT**

THAT CERTAIN PARCEL OF LAND DESCRIBED BY GRANT DEED RECORDED APRIL 23, 1984 AS INSTRUMENT NUMBER 83813, OFFICIAL RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, SHOWN AS N.A.P. NUMBER 22 BY PARCEL MAP 32062, IN BOOK OF PARCEL MAPS 221, PAGES 25 THROUGH 29, OF SAID COUNTY, WITHIN THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, OF SAID COUNTY;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWESTERLY CORNER OF SAID LOT AS DESCRIBED BY INSTRUMENT NO. 83813, RECORDED APRIL 23, 1984;

THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF EMPEROR ROAD (HALF-WIDTH) PER PARCEL MAP 32062, BOOK 221, PAGES 25 THROUGH 29, N 89°44'23" E 7.24 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE WITH A RADIUS OF 887.00 FEET WITH A RADIAL BEARING OF N 72°00'27" E;

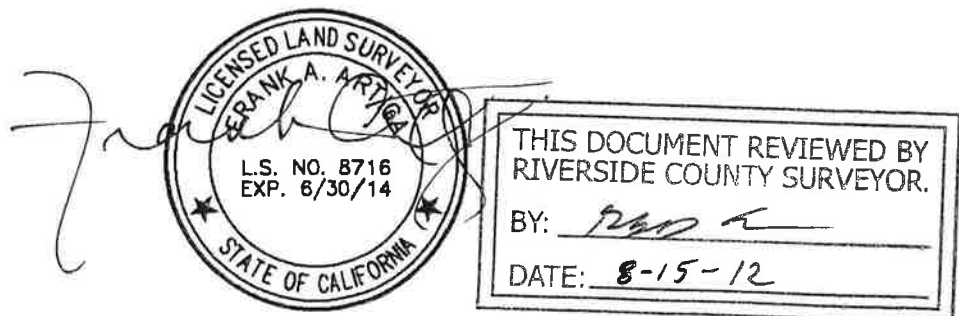
THENCE SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 887.00 FEET, THROUGH A CENTRAL ANGLE OF 04°26'44", AN ARC LENGTH OF 68.82 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT WITH A RADIAL BEARING OF N 76°27'11" E;

THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT S 89°44'52" W 3.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT AND SAID EASTERLY RIGHT-OF-WAY LINE;

THENCE N 19°02'49"W 70.03 FEET ALONG THE WESTERLY LINE OF SAID LOT AND SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 351 SQ. FT. MORE OR LESS.

**SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF**



DRAWN BY FA DATE 1-16-12

**EXHIBIT "A"**  
**TR 30972**

**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

THAT CERTAIN PARCEL OF LAND DESCRIBED BY GRANT DEED RECORDED APRIL 23, 1984 AS INSTRUMENT NUMBER 83813, OFFICIAL RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, SHOWN AS N.A.P. NUMBER 22 BY PARCEL MAP 32062, IN BOOK OF PARCEL MAPS 221, PAGES 25 THROUGH 29, OF SAID COUNTY, WITHIN THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, OF SAID COUNTY;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWESTERLY CORNER OF SAID LOT AS DESCRIBED BY INSTRUMENT NO. 83813, RECORDED APRIL 23, 1984;

THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF EMPEROR ROAD (HALF-WIDTH) PER PARCEL MAP 32062, BOOK 221, PAGES 25 THROUGH 29, N 89°44'23" E 7.24 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE WITH A RADIUS OF 887.00 FEET WITH A RADIAL BEARING OF N 72°00'27" E, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**;

THENCE SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 887.00 FEET, THROUGH A CENTRAL ANGLE OF 04°26'44", AN ARC LENGTH OF 68.82 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT WITH A RADIAL BEARING OF N 76°27'11" E;

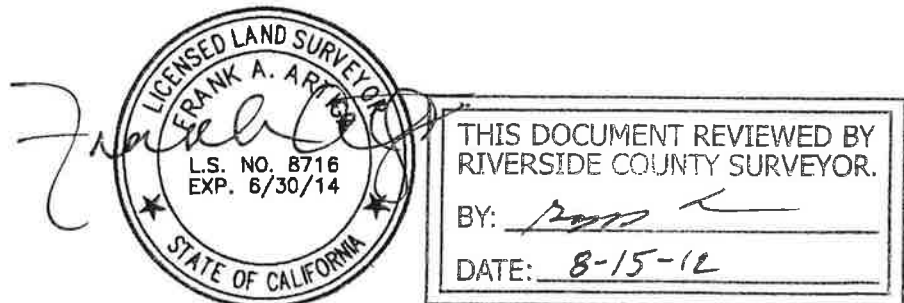
THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT N 89°44'52" E 52.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT;

THENCE N 03°24'13" E 66.45 FEET ALONG THE EASTERLY LINE OF SAID LOT;

THENCE S 89°44'23" W 79.20 FEET ALONG THE NORTHERLY LINE OF SAID LOT TO THE **TRUE POINT OF BEGINNING**.

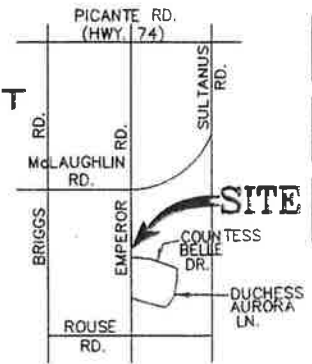
CONTAINING 4,011 SQ. FT. MORE OR LESS.

**SEE EXHIBIT "C" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF**



# EXHIBIT "C" TR 30972 TEMPORARY CONSTRUCTION EASEMENT

SHEET 1 OF 1

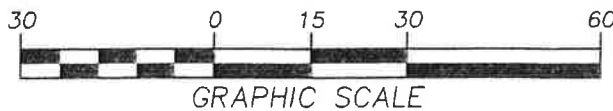


VICINITY MAP  
NOT TO SCALE



SCALE: 1"=30'

TRACT 28801-2  
M.B. 404/25-30



## LEGEND

( ) INDICATES RECORD DATA  
PER PARCEL MAP NO. 32062.  
PM 221/25-29

SCALE: 1"= 30'

DRAWN BY FA DATE 1-16-12

R/W PER P.M. 32062

R/W PER TRACT 30972

POB

TPOB

LOT 98  
TRACT 30972

(S 89°44'23" W 79.20')

N71°51'52"E (R)  
30.11'

N72°00'27"E (R)

N 19°02'49" W 70.03'  
R=887.00'  
L=68.82'

(N.A.P. #22)  
PARCEL MAP NO. 32062  
PM 221/25-29  
INST. NO. 83813  
REC'D 4/23/84  
APN 459-060-002

N76°27'11"E (R)

(N 03°24'13" E 66.45')

(52.40')  
(N 89°44'52" E)

LOT 64  
TRACT 30972

CL PER P.M. 32062

CL PER TRACT 30972

Δ=14°53'25" R=850.00'  
L=220.90'

COUNTRESS BELLE  
DRIVE  
(TRACT 30972)

THIS DOCUMENT REVIEWED BY  
RIVERSIDE COUNTY SURVEYOR.

BY: *[Signature]*

DATE: 8-15-12

PREPARED BY:

*Frank A. Artiga* 8/1/12  
FRANK A. ARTIGA DATE  
LS 8716

ACS CONSULTING, INC.

PO BOX 2252  
TEMECULA CA 92593  
951-757-5178