

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

621A



FROM: Economic Development Agency/Facilities Management and Transportation Department

SUBMITTAL DATE:

May 9, 2013

SUBJECT: Resolution No. 2013-026, Authorizing Resolution of Necessity Regarding the Emperor Road Improvement Project - Homeland

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution No. 2013-026, Authorizing Resolution of Necessity Regarding the Emperor Road Improvement Project.

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.

(Continued)



Juan C. Perez, Director
Transportation and Land Management



Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	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 checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY: 
Jennifer L. Sargent

APPROVED COUNTY COUNSEL 1/23/13
 WINA WANG
 DEPARTMENTAL CONCURRENCE
 FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 DATE BY Samuel Wong 5/9/13
 SAMUEL WONG

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

BACKGROUND: (Continued)

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 negotiation is 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.

On April 23, 2013, the Board approved Resolution No. 2013-025, Notice of Intention to Adopt Resolution of Necessity Regarding the Emperor Road Improvement Project.

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

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.

FORM APPROVED COUNTY COUNSEL
BY: ANNA WANG DATE: 11/23/13

1 Board of Supervisors

County of Riverside

2 Resolution No. 2013-026

3 Authorizing Resolution of Necessity Regarding
4 the Emperor Road Improvement Project
5

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

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

Table One Assessor's Parcel No(s).
459-060-002
459-060-033

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

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

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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.

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** by the Board of Supervisors of Riverside County, State of California, not less than fourth/fifths of all members concurring, in regular session assembled on May 21, 2013, that this Board finds and determines each of the following:

1. Notice of the Board’s intention to adopt this resolution of necessity was duly given as required by Section 1245.235 of the Code of Civil Procedure and, on the date and at the time and place fixed for hearing, this Board did hear and consider all of the evidence presented.
2. That the public interest and necessity require the Proposed Project;
3. 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;
4. That the Subject Property Interests are necessary for the Proposed Project;

1 5. That the offers required by Section 7267.2 of the Government Code have
2 been made to the owners of record of the Subject Properties;

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

10 7. That the Subject Property Interests are necessary for the Proposed
11 Project;

12 8. That acquisition of the Subject Property Interests will promote the
13 interests of the County of Riverside.

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

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

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

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

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

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

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SV:ra/010313/132CC/15.588 S:\Real Property\TYPING\Docs-15.500 to 15.999\15.588.doc

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 RIVERSIDE COUNTY SURVEYOR.
BY: <u><i>[Signature]</i></u>
DATE: <u>8-15-12</u>

EXHIBIT "B"

SHEET 1 OF 1

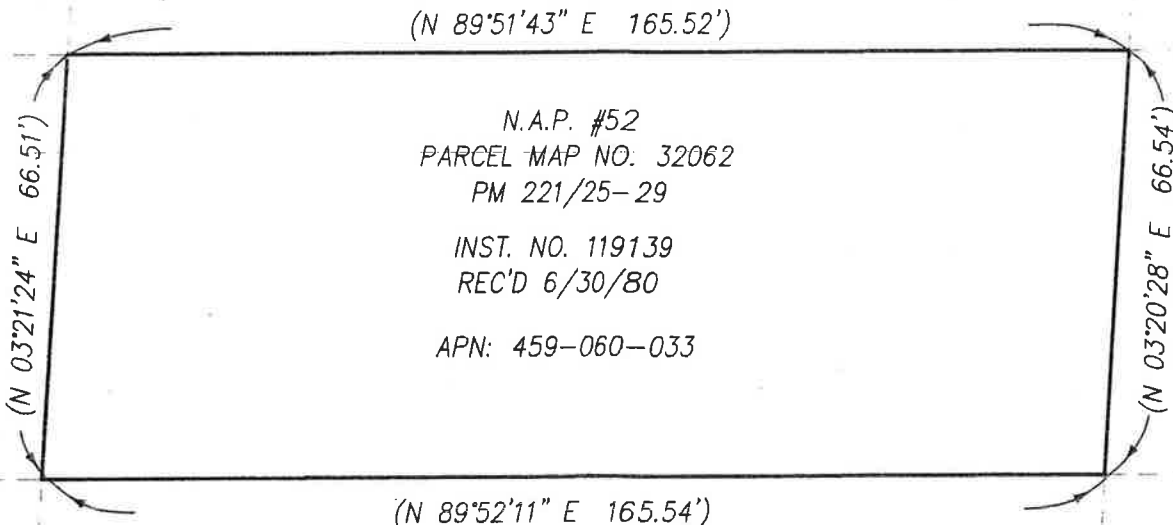
TRACT 30972

TEMPORARY CONSTRUCTION

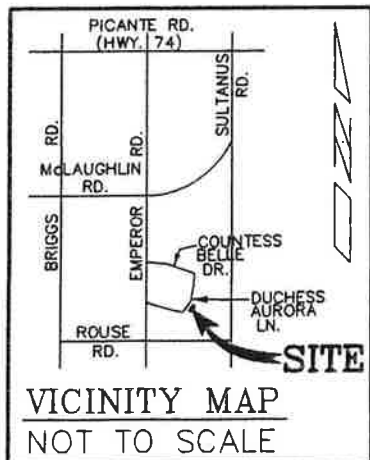
EASEMENT



SCALE: 1"=30'



N.A.P. #52
 PARCEL MAP NO. 32062
 PM 221/25-29
 INST. NO. 119139
 REC'D 6/30/80
 APN: 459-060-033



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

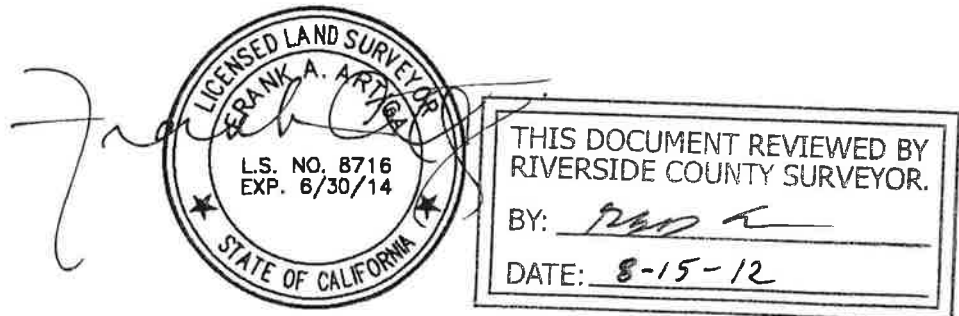
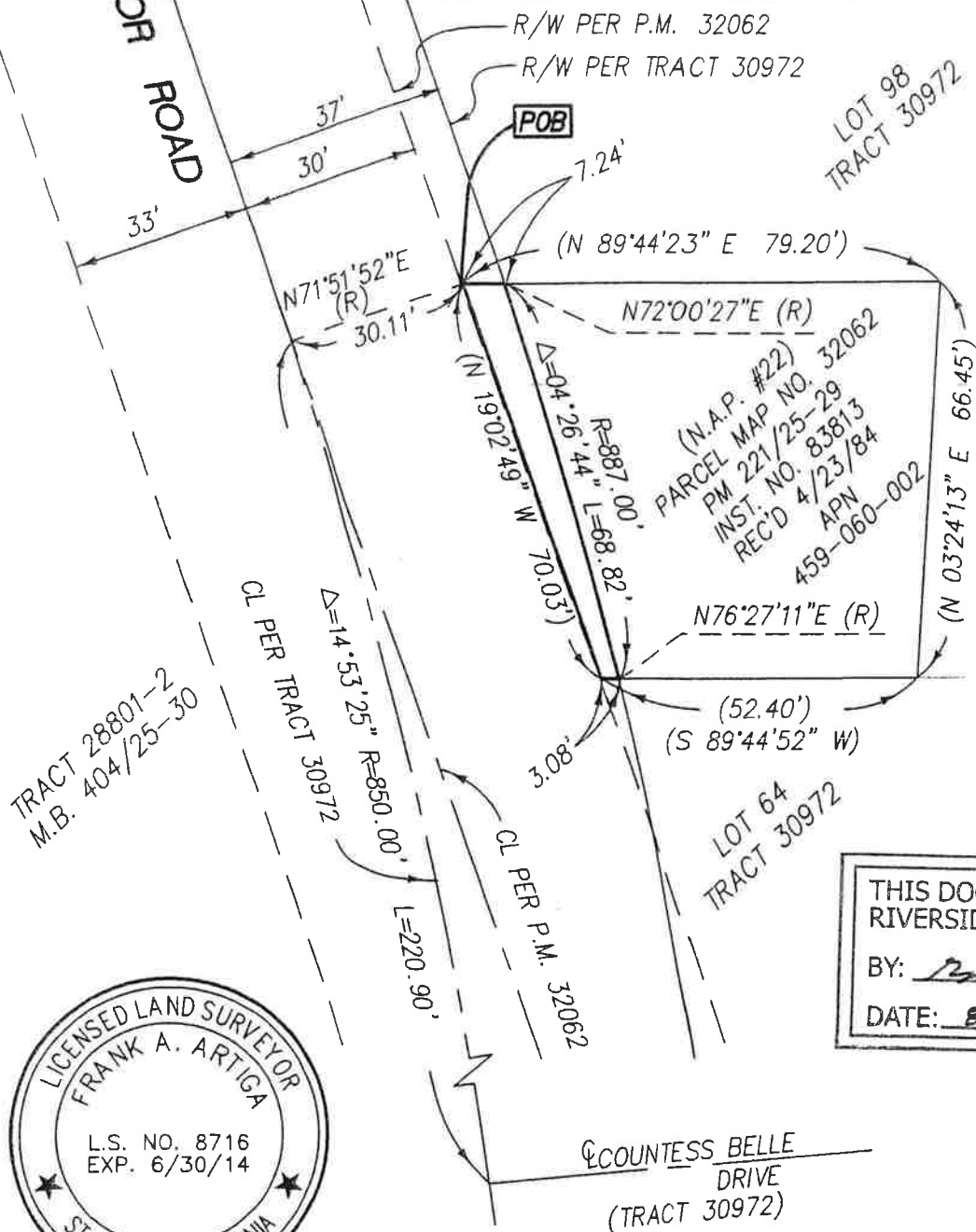
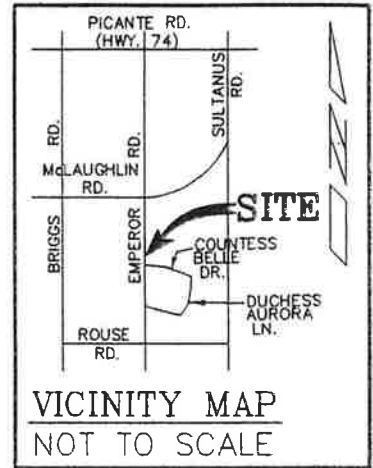


EXHIBIT "B"

TR 30972

PUBLIC ROAD AND UTILITY EASEMENT



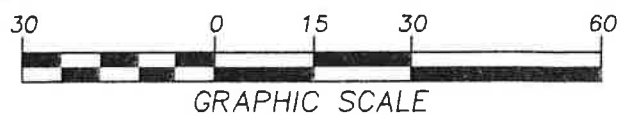
TRACT 28801-2
M.B. 404/25-30

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



SCALE: 1" = 30'

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *[Signature]*
DATE: 8-15-12



LEGEND

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

PREPARED BY:

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

ACS CONSULTING, INC.

PO BOX 2252
TEMECULA CA 92593
951-757-5178

SCALE: 1" = 30' 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

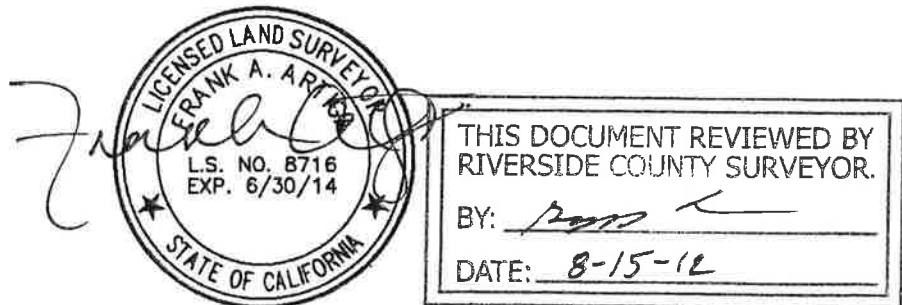
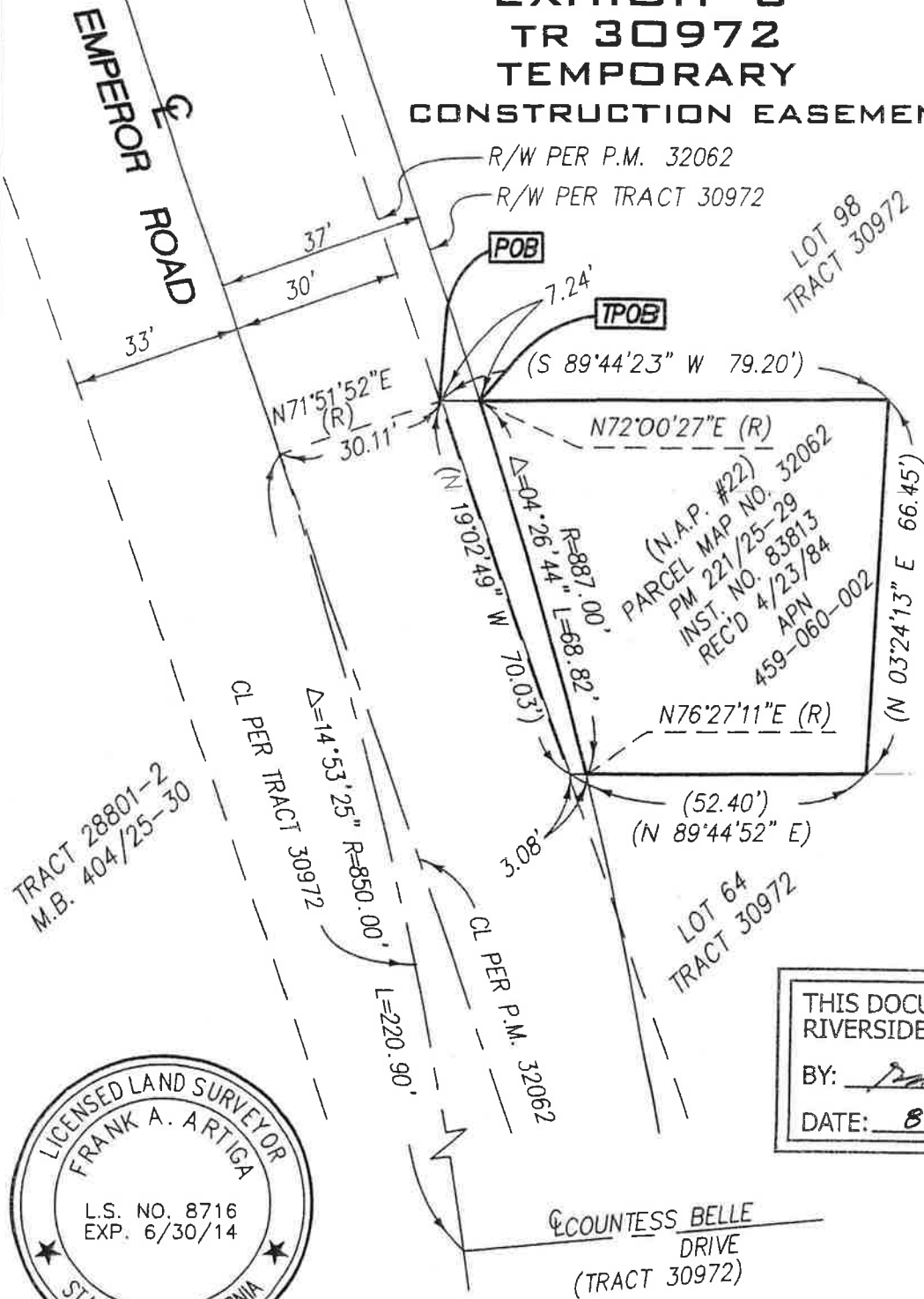


EXHIBIT "C" TR 30972 TEMPORARY CONSTRUCTION EASEMENT

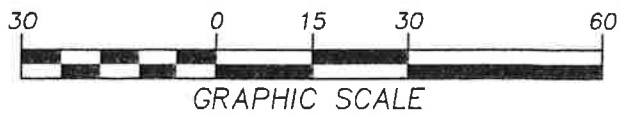


VICINITY MAP
NOT TO SCALE



SCALE: 1"=30'

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: [Signature]
DATE: 8-15-12



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

PREPARED BY:
Frank Artiga 8/1/12
FRANK A. ARTIGA DATE
LS 8716

ACS CONSULTING, INC.
PO BOX 2252
TEMECULA CA 92593
951-757-5178

SCALE: 1"= 30' DRAWN BY FA DATE 1-16-12