

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

406B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
November 26, 2013

**SUBJECT:** Resolution No. F2013-31, Authorizing Condemnation of Real Property for Flood Control Purposes Regarding the West End Moreno MDP Line L-L, Stage 1 Project.; Project No. 4-0-00783 District 5/District 5, [Total District Cost \$87,500]

**RECOMMENDED MOTION:** That the Board of Supervisors:  
Approve and Adopt Resolution No. F2013-31, Authorizing Condemnation of Real Property Regarding the West End Moreno MDP Line L-L, Stage 1 Project.

**BACKGROUND:**

**Summary**

The West End Moreno MDP Line L-L, Stage 1, consists of the construction, operation, and maintenance of approximately 1,800 lineal feet of storm drain and improvements to the existing outlet structure and the construction of a new headwall, earthwork for proper drainage, and placement of riprap. The outlet structure and daylight channel is located on vacant land.

Continue on Page 2

BAF:rlp  
P8/156081

*Steve Thomas*  
FOR **WARREN D. WILLIAMS**  
General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
<b>COST</b>	\$ 87,500.00	\$ 0.00	\$ 87,500.00	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
<b>NET DISTRICT COST</b>	\$ 87,500.00	\$ 0.00	\$ 87,500.00	\$ N/A	
<b>SOURCE OF FUNDS:</b> 25140 947460 540040 Zone 4 Const/Maint/Misc-Land				<b>Budget Adjustment:</b> NO	
				<b>For Fiscal Year:</b> 2013-2014	

**C.E.O. RECOMMENDATION:**

APPROVE  
*Steven C. Horn*  
BY  
Steven C. Horn, MPA

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

FISCAL PROCEDURES APPROVED  
JEANINE J. REY, FINANCE DIRECTOR  
BY: *Jeannie J. Rey 11/19/13*  
JEANINE J. REY  
Departmental Copy

FORM APPROVED COUNTY COUNSEL  
DATE: *11-19-13*  
BY: ANITA C. WILLIS

- A-30
- Positions Added
- 4/5 Vote
- Change Order
- [ ]

2013 NOV 18 PM 8:12  
2013 NOV 18 PM 8:12

Prev. Agn. Ref.: 11.3, 10/22/2013 | District: 5<sup>th</sup>/5<sup>th</sup> | Agenda Number:

**11 - 5**

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

**FORM 11:** Resolution No. F2013-31, Authorizing Condemnation of Real Property for Flood Control Purposes Regarding the West End Moreno MDP Line L-L, Stage 1 Project.; Project No. 4-0-00783  
District 5/District 5 [Total District Cost \$87,500.00]

**DATE:** November 26, 2013

**PAGE:** Page 2 of 2

**BACKGROUND:**

**Summary (continued)**

The storm drain alignment is entirely within existing street right of way and will require the relocation of existing gas utility lines and water meters.

The proposed project is located in Zone 4 within the cities of Moreno Valley and Riverside, within Riverside County. The proposed project alignment generally follows Old Highway 215 between Dracaea Avenue and Cottonwood Avenue. The proposed project is located within Township 3 South, Range 4 West, Section 10 of the Riverside East California 7.5 Minute USGS Quadrangle. The facility is identified in the Moreno Valley and Riverside General Plan Land Use Maps. A portion of the alignment is shown to be within a Business Park (BP) in both general plan land use designations, while the other portion of the alignment is within a Residential/Office (R/O) designation shown in the Moreno Valley General Plan. The project will alleviate flooding and provide 100-year storm protection.

The public interest and necessity for this project is demonstrated by the flooding which occurs in the area and the erosion of both public and private property. The proposed project is planned in a manner that is most compatible with the greatest public good and the least private injury. The affected properties are vacant unimproved land; no building improvements are affected. The subject properties interests are needed for the facility. Offers required by Section 7267.2 have been made to all the owners.

Negotiations have been conducted with the affected owners. Negotiations will continue with the owner, however, in order to facilitate the timely construction of the flood facility for the West End Moreno MDP Line L-L, Stage 1 project, staff is recommending the approval of Resolution No. F2013-31.

**Impact on Citizens and Businesses**

The proposed project will protect people, property, and the watershed from damage or destruction from flood and stormwater impacts. The health and safety concerns prompt the District to construct the proposed project.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

Sufficient funds were budgeted in the Fiscal Year 2013-2014 for the West End Moreno MDP Line L-L Project and are available in the Zone 4 Fund.

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2013-31

AUTHORIZE CONDEMNATION OF REAL PROPERTY  
FOR FLOOD CONTROL PURPOSES REGARDING THE  
WEST END MORENO MDP LINE L-L, STAGE 1 PROJECT NO. 4-0-00783

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 November 26, 2013, as follows:

1. That Notice of Intent 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 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 Proposed Project being known as the West End Moreno MDP Line L-L, Stage 1 Project.

1           5. That the real property sought to be condemned is necessary for the construction of  
2 the public improvement and is located entirely within the boundaries of the District's Zone 4, in  
3 the cities of Moreno Valley and Riverside, County of Riverside, State of California; the Proposed  
4 Project alignment generally follows the Old Highway 215 between Dracaea Avenue and  
5 Cottonwood Avenue; are legally described and visually depicted in the documents attached  
6 hereto as Exhibits "A" and "B", and incorporated herein by this reference; and are referred to in  
7 attached Exhibits "A" and "B", as Parcel 4783-1 (which is a portion of Riverside County  
8 Assessor's Parcel No. APN 263-070-048); and Parcels 4783-2 and 4783-2T (which are a portion  
9 of APN 263-070-059);  
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11           6. That the public improvement is planned and located in the manner that will be most  
12 compatible with the greatest public good and the least private injury.

13           7. That the offer required by Section 7267.2 of the Government Code has been made  
14 to the owner or owners of record.  
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16           BE IT FURTHER RESOLVED that County Counsel representing the District is hereby  
17 authorized and empowered:

18           1. To acquire in the name of the District, the interests in property that is subject to this  
19 Authorization (collectively the Subject Property Interests) are: (a) an Inundation Easement,  
20 Parcel 4783-1; (b) an Inundation Easement, Parcel 4783-2; and (c) a Temporary Construction  
21 Easement, Parcel 4783-2T on said real properties by condemnation in accordance with the  
22 Constitution and laws relating to eminent domain.  
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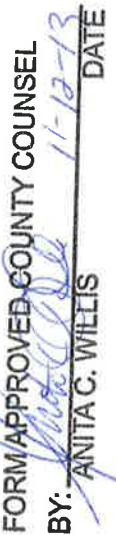
24           2. To prepare and prosecute in the name of the District such proceedings in the proper  
25 Court having jurisdiction thereof as are necessary for such acquisition.

26           3. To make application to the Court for an order to deposit the probable amount of  
27 compensation out of proper funds under the control of the District into the State Treasurer and  
28

1 for an Order permitting the District to take prejudgment possession and use the real property for  
2 the purpose of constructing the public improvement.

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

6 5. The County Counsel is further authorized to correct any errors or to make or agree  
7 to nonmaterial changes in the legal description of the real property that are deemed necessary for  
8 the conduct of the condemnation action, or other proceedings or transaction required to acquire  
9 the subject property. The County Counsel is further authorized to reduce or modify the extent of  
10 the interests or property to be acquired so as to reduce the compensation payable in the action  
11 where such changes would not substantially impair the construction and operation for the project  
12 for which the real property is being acquired.  
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FORM APPROVED COUNTY COUNSEL  
BY:  ANITA C. WILLIS  
DATE 11-12-13

## Exhibit "A"

**West End Moreno MDP Line LL  
Parcel 4783-1**

Being a portion of that certain Parcel "A" as described in Instrument No. 2001-095958 recorded March 9, 2001 in the County Recorder's Office, records of Riverside County and being located within the Northwest Quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, County of Riverside, California, lying within the city of Riverside.

A strip of land 60.00 feet wide lying 30.00 feet on each side of the following described line:

Commencing at the Northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County. Said point also being the intersection of the Easterly line of the Northwest Quarter of said Section 10 with the Southwesterly boundary of that certain Riverside County Transportation Commission (RCTC) Surplus Parcel No. 7723-"A" as described in Instrument No. 2005-0996807 recorded December 2, 2005 in the County Recorder's Office, records of Riverside County;

Thence North 19° 23' 30" West 93.00 feet along said Southwesterly line, to the Point of Beginning;

Thence South 50° 32' 33" West 135.00 feet;

Thence South 24° 51' 09" West 198.33 feet to a point on the Easterly boundary of Interstate 215 as shown on California Department of Transportation Right of Way Map 451200-10, said point also being the Point of Terminus.

The sidelines of said strip shall be prolonged or shortened to terminate at the Northeasterly, Westerly and Southerly boundaries of said Parcel "A".



*William R. Hofferber Jr.*

WILLIAM R. HOFFERBER JR.

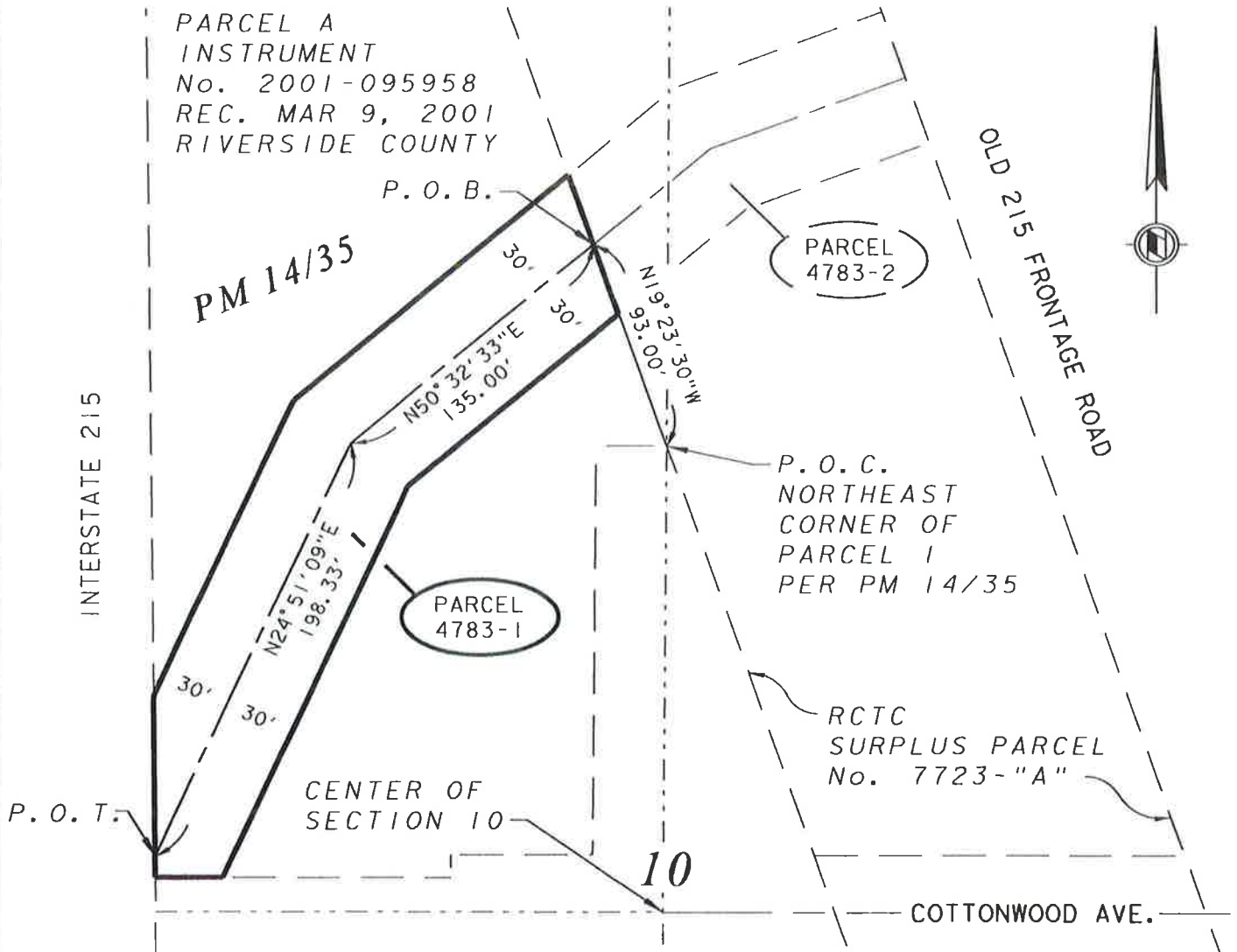
Land Surveyor No. 7360

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 04 FEB. 2013

# Exhibit "B"

BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, LOCATED WITHIN THE CITY OF RIVERSIDE, RIVERSIDE COUNTY, CALIFORNIA.



## CALTRANS MON. MAP 435571-9



*William R. Hoffer, Jr.*  
DATE: 04 FEB. 2013

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

PROJECT NAME: WEST END MORENO MDP LINE LL			
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 4783-1	SCALE: NO SCALE	PREPARED BY: PO
		FEB-4-2013	SHEET NO. 1 OF 1

## Exhibit "A"

**West End Moreno MDP Line LL  
Parcel 4783-2**

Being a portion of the Riverside County Transportation Commission (RCTC) Surplus Parcel No. 7723-"A" as described in Instrument No. 2005-0996807 recorded December 2, 2005 in the County Recorder's Office, records of Riverside County and being located within the North half of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, County of Riverside, California.

A strip of land 60.00 feet lying 30.00 feet on each side of the following described line:

Commencing at the Northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County, said point also being the intersection of the Easterly line of the Northwest Quarter of said Section 10 with the Southwesterly line of said RCTC Surplus Parcel;

Thence North 19° 23' 30" West 93.00 feet along said Southwesterly line, to the Point of Beginning;

Thence North 50° 32' 33" East 65.00 feet;

Thence North 69° 47' 55" East 89.10 feet to a point on the Northeasterly boundary of said RCTC Surplus parcel, said point also being the Point of Terminus.

The sidelines of said strip shall be prolonged or shortened to terminate at the Southwesterly and Northeasterly boundary of said RCTC Surplus parcel.



*William R. Hofferber Jr.*

WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360

Signed For: Riverside County Flood Control  
and Water Conservation District

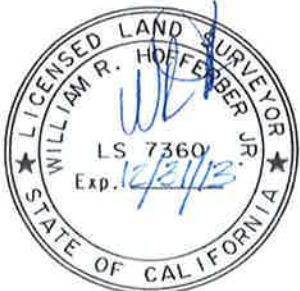
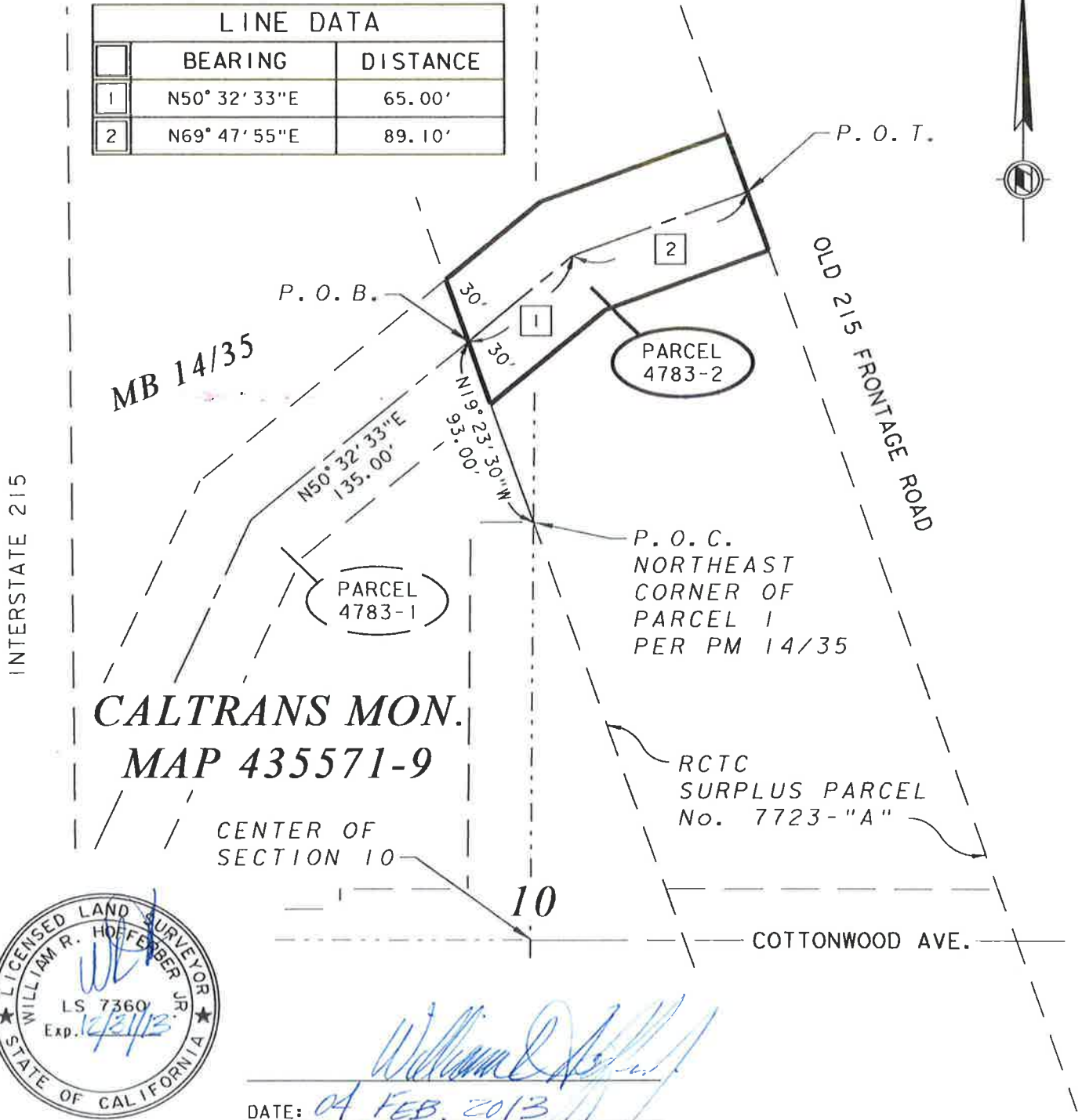
Date: 04 FEB. 2013



# Exhibit "B"

BEING A PORTION OF THE NORTH HALF OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SAN BERNARDINO MERIDIAN, COUNTY OF RIVERSIDE, CALIFORNIA.

LINE DATA		
	BEARING	DISTANCE
1	N50° 32' 33"E	65.00'
2	N69° 47' 55"E	89.10'



DATE: 04 FEB. 2013

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

PROJECT NAME: WEST END MORENO MDP LINE LL		SCALE: NO SCALE	PREPARED BY: PO
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 4783-2	FEB-4-2013	SHEET NO. 1 OF 1

Exhibit "A"

**West End Moreno MDP Line L-L  
Parcel 4783-2T**

Being a portion of the Riverside County Transportation Commission (RCTC) Surplus Parcel No. 7723-"A" as described in Instrument No. 2005-0996807 recorded December 2, 2005 in the County Recorder's Office, records of Riverside County and being located within the north half of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, County of Riverside, California.

A strip of land 60.00 feet lying 30.00 feet on each side of the following described line:

Commencing at the northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County, said point also being the intersection of the easterly line of the northwest quarter of said Section 10 with the southwesterly line of said RCTC Surplus Parcel;

Thence North 19° 23' 30" West 93.00 feet along said southwesterly line, to the Point of Beginning;

Thence North 50° 32' 33" East 65.00 feet;

Thence North 69° 47' 55" East 89.10 feet to a point on the northeasterly boundary of said RCTC Surplus Parcel, said point also being the Point of Terminus.

The sidelines of said strip shall be prolonged or shortened to terminate at the southwesterly and northeasterly boundary of said RCTC Surplus Parcel.



  
WILLIAM R. HOFFERBER JR.

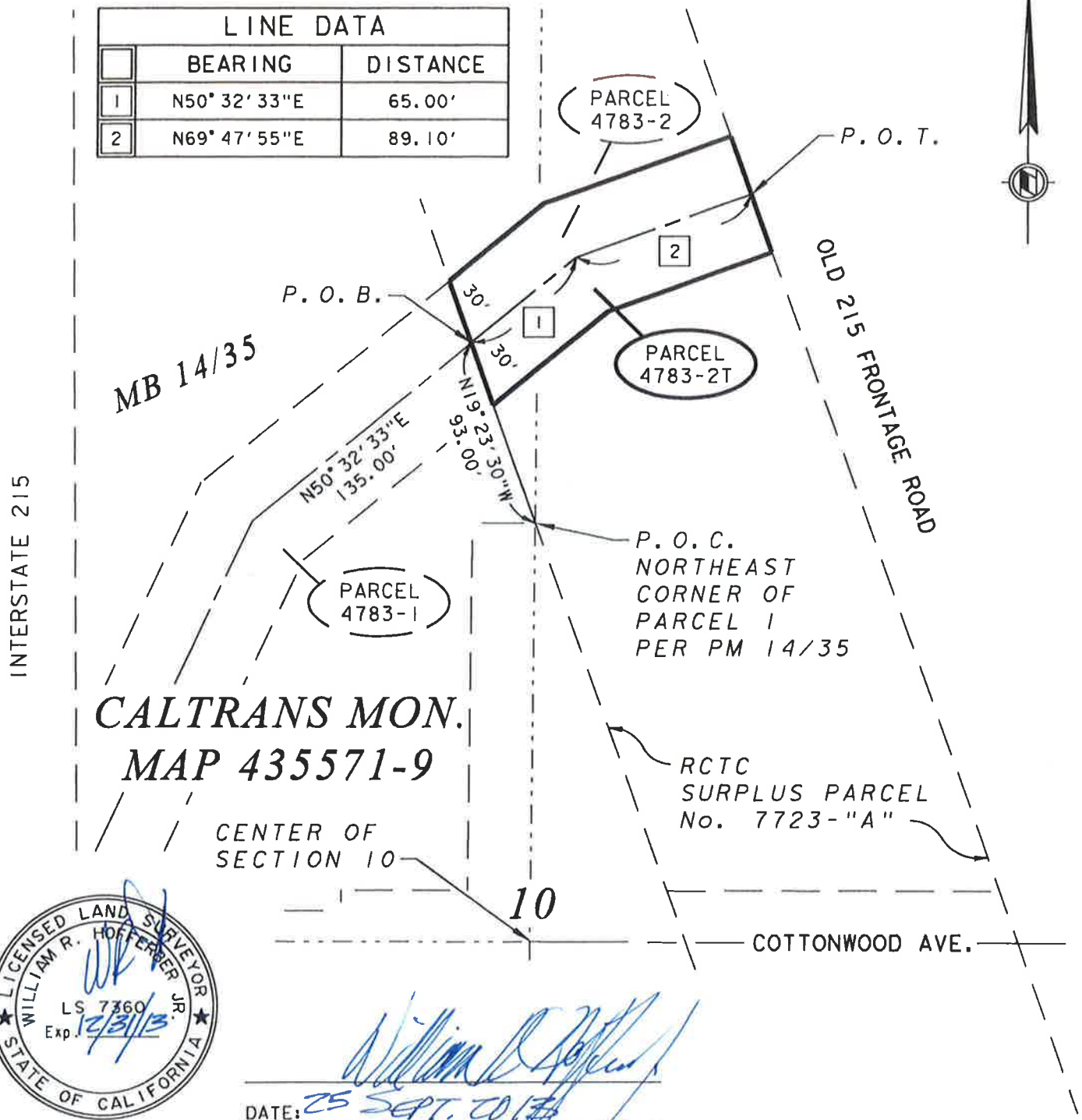
Land Surveyor No. 7360  
Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 25 SEPT, 2013

# Exhibit "B"

BEING A PORTION OF THE NORTH HALF OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 4 WEST,  
SAN BERNARDINO MERIDIAN, COUNTY OF RIVERSIDE, CALIFORNIA.

LINE DATA		
	BEARING	DISTANCE
1	N50° 32' 33"E	65.00'
2	N69° 47' 55"E	89.10'



*William R. Hoffer Jr.*  
DATE: 25 SEPT. 2013

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

PROJECT NAME: WEST END MORENO MDP LINE LL			
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 4783-2T	NO SCALE	PO
		SEP-25-2013	SHEET NO. 1 OF 1