

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

317B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
September 9, 2014

SUBJECT: Approve Resolution No. F2014-30 – Authorize Condemnation of Real Property for Flood Control Purposes Regarding the Romoland Line A Stage 4 Project, Project No. 4-0-00310, APN 331-150-025. District 3/District 3 [Total District Cost \$215,000]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. F2014-30 – Authorizing Condemnation of Real Property regarding the Romoland Line A Stage 4 Project

BACKGROUND:

Summary

(Continued on Page 2)

GSW:rlp
P8/161690

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$215,000	\$ 0	\$215,000	\$ 0	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$215,000	\$ 0	\$215,000	\$ 0	

SOURCE OF FUNDS: 25140 947460 540040 Zone 4

Budget Adjustment: No
For Fiscal Year: 2014-2015

C.E.O. RECOMMENDATION:

APPROVE
BY:
Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FISCAL PROCEDURES APPROVED
JEANINE J. REY, FINANCE DIRECTOR
BY:
JEANINE J. REY

FORM APPROVED COUNTY COUNSEL
DATE: 7/14/14
BY: ANNA W. WANG
DEPARTMENT/IBL CONSULTING

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

Prev. Agn. Ref.: 11.1 07/29/2014 District: 3rd/3rd Agenda Number:

BACKGROUND:

11 - 8

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

FORM 11: Approve Resolution No. F2014-30 – Authorize Condemnation of Real Property for Flood Control Purposes Regarding the Romoland Line A Stage 4 Project, Project No. 4-0-00310, APN 331-150-025. District 3/District 3 [Total District Cost \$215,000]

DATE: September 9, 2014

PAGE: Page 2 of 2

Summary (continued)

The Homeland Master Drainage Plan (Revision No.1), Romoland Master Drainage Plan (Revision No.1), and Homeland/Romoland Area Drainage Plan Final Environmental Impact Report (FEIR) SCH 2003111131 was certified by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District (District) on March 28, 2006, and the Project was approved. The FEIR identified "Proposed Phase I Facilities" that were expected to be constructed over the next few years. Since that time, final design was completed and regulatory permit authorizations were obtained by a private corporation for the construction Proposed Phase I Facilities (Approved Project). Except for some interim excavation, the construction of the Approved Project by the private corporation was delayed and will now be constructed by District. The Project consists of the construction, operation and maintenance of the following facilities which were included in the Approved Project: Romoland MDP Line A, Romoland MDP Line A-2, Romoland MDP Line A-3, Homeland MDP Briggs Road Basin, Homeland MDP Line 1, and Homeland MDP Juniper Flats Basin. The Project will begin just upstream of I-215 and terminate northeast of the intersection of Juniper Flats Road and Falcon View Lane. The Project length is approximately 41,000 lineal feet and consists of open channels; underground reinforced concrete boxes/reinforced concrete pipes and two basins. The Project will convey runoff from the hills northeast of Romoland and flows emanating from the Homeland area starting upstream in the vicinity of Juniper Flats area. It will also provide as an outlet to such storm runoff.

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 least private injury. The affected property is improved land, the improvements consist of a 1,200 square foot single family residential mobile home, which is tenant occupied. The subject property interest is needed for the facility. Offers required by Section 7267.2 have been made to the owners.

Negotiations have been conducted with the affected owners and the tenants will be relocated pursuant to the Uniform Relocation and Property Acquisition Act of 1970, as amended. Staff will continue to negotiate with the owners, however, in order to facilitate the timely construction of the flood facility for the Romoland Line A, Stage 4 project; staff is recommending the approval of Resolution No. F2014-30

Impact on Residents and Businesses

The proposed Project will protect people, property and the watershed from damage or destruction from flood and storm water impacts. There is a residential tenant who will be relocated pursuant to the Uniform Relocation and Property Acquisition Act of 1970, as amended.

SUPPLEMENTAL:

Additional Fiscal Information

Sufficient funds were budgeted in the Fiscal Year 2014-2015 for the Romoland Line A, Stage 4 Project and are available in the Zone 4 Fund.

ATTACHMENTS (if needed, in this order):

1. Resolution No. F2014-30

BOARD OF SUPERVISORS

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. F2014-30

AUTHORIZE CONDEMNATION OF REAL PROPERTY
FOR FLOOD CONTROL PURPOSES REGARDING THE
ROMOLAND LINE A, STAGE 4, PROJECT NO. 4-0-00310-04

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 September 9, 2014, 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
District, the Proposed Project being known as the Romoland Line A, Stage 4 Project.

FORM APPROVED COUNTY COUNSEL
BY: ANNA W. WANG
DATE: 9/14/14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 District's Zone 4, in the
3 City of Menifee, County of Riverside, State of California; the Proposed Project alignment
4 generally follows just upstream of I-215 and terminates northeast of the intersection of Juniper
5 Flats Road and Falcon View Lane; are legally described and visually depicted in the documents
6 attached hereto as Exhibits "A" and "B", and incorporated herein by this reference; and are
7 referred to in attached Exhibits "A" and "B", as Parcel 4310-18 (which is Riverside County
8 Assessor's Parcel No. APN 331-150-025);
9

10 6. That the public improvement is planned and located in the manner that will be most
11 compatible with the greatest public good and the least private injury.
12

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.

15 BE IT FURTHER RESOLVED that County Counsel representing District is hereby
16 authorized and empowered:

17 1. To acquire in the name of District, the interests in property that is subject to this
18 Authorization (collectively the Subject Property Interests) is a Fee Interest, Parcel 4310-18 on
19 said real property by condemnation in accordance with the Constitution and laws relating to
20 eminent domain.
21

22 2. To prepare and prosecute in the name of District such proceedings in the proper
23 Court having jurisdiction thereof as are necessary for such acquisition.

24 3. To make application to the Court for an order to deposit the probable amount of
25 compensation out of proper funds under the control of District into the State Treasurer
26 Condemnation Fund and for an Order permitting District to take prejudgment possession and use
27 the real property for the purpose of constructing the public improvement.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. To compromise and settle such proceedings, if such settlement can be reached, and 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.

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

Exhibit "A"

**Romoland MDP Line A Stage 4
Parcel 4310-18**

All of Parcel 4 together with Lot "B" of Parcel Map Book No. 12337 as shown on Parcel Map Book 67, Page 94, records of Riverside County, State of California, located within the city of Menifee, county of Riverside, State of California.

Containing 2.39 net acres, more or less.



A handwritten signature in black ink, appearing to read "William R. Hofferber Jr.", written over a horizontal line.

WILLIAM R. HOFFERBER JR.

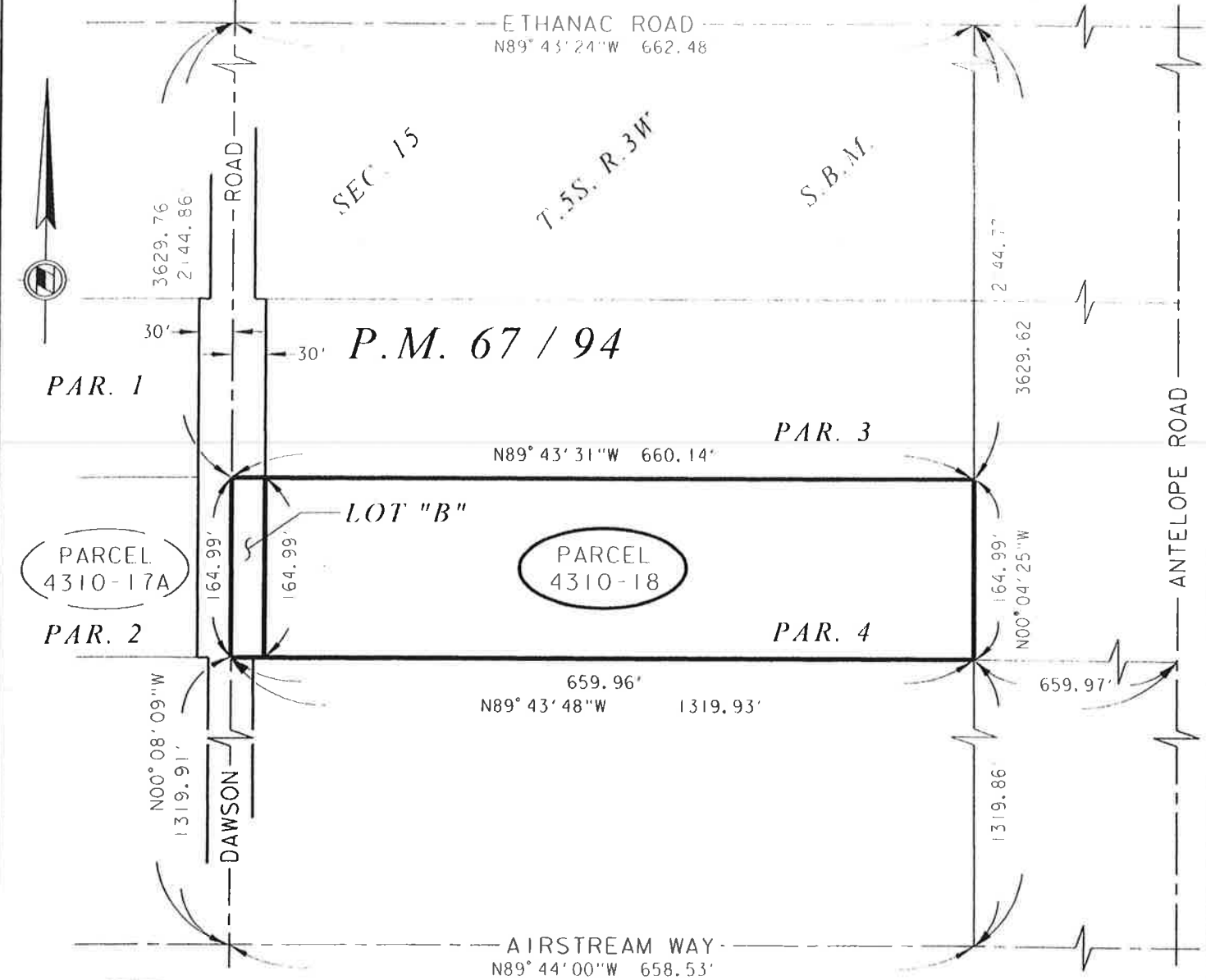
Land Surveyor No. 7360

Signed For: Riverside County Flood Control
and Water Conservation District

Date: 02 JULY, 2014

Exhibit "B"

ALL THAT PORTION OF PARCEL 4 TOGETHER WITH LOT "B" OF PARCEL MAP BOOK NO. 12557 AS SHOWN ON PARCEL MAP BOOK 67 PAGE 94, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITHIN THE CITY OF MENIFEE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.



William R. Hoff
 DATE: 02 JULY, 2014

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME: ROMOLAND MDP LINE A STAGE 4			
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 4310-18	NO SCALE	DAC
		JUN-17-2014	SHEET NO. 1 OF 1