

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

317



FROM: Economic Development Agency/Facilities Management and Transportation Department

SUBMITTAL DATE:
December 30, 2014

SUBJECT: Resolution No. 2015-002, Authorizing a Resolution of Necessity for the Street A Improvement Project, District 1/District 1, [\$289,308], Developer Contributions 100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2015-002, Authorizing a Resolution of Necessity for the Street A Improvement Project;
2. Allocate the sum of \$254,408 for deposits to the State Condemnation Fund; and
3. Authorize reimbursement to Economic Development Agency/Facilities Management-Real Estate for costs not-to-exceed \$19,900 in due diligence expenses and \$15,000 in staff time.

BACKGROUND:

Summary (Commences on Page 2)

Patricia Romo
Assistant Director of Transportation
for Juan C. Perez
Director of Transportation and Land
Management


Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 289,308	\$ 0	\$ 289,308	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Developer contributions-100%
Budget Adjustment: No
For Fiscal Year: 2014/15

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FISCAL PROCEDURES APPROVED
PAUL ANGLILO, CPA, AUDITOR-CONTROLLER
BY:  11/20/14
Departmental Concurrence

FORM APPROVED COUNTY COUNSEL
BY:  11-19-14
DATE
ANITA C. WILLIS

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

Prev. Agn. Ref.: 3.58 of 12/18/07; 3.38 of 3/27/12

District: 1/1

Agenda Number:

9-2

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

Economic Development Agency/Facilities Management and Transportation Department

FORM 11: Resolution No. 2015-002, Authorizing Resolution of Necessity for the Street A Improvement Project, District 1/District 1, [\$289,308], Developer Contributions-100%

DATE: December 30, 2014

PAGE: 2 of 4

BACKGROUND:

Summary

The Street A Project is a proposed two lane collector road connecting McAllister Parkway to Van Buren Boulevard, of which 40 percent is located within the jurisdiction of the County of Riverside (County) and 60 percent is located within the jurisdiction of the City of Riverside (City).

In 2006, the County approved Tract 30153 (McAllister Hills), which would have constructed a golf course residential community development. The County required this tract to construct a new road between McAllister Street and Van Buren Boulevard, referred to as Street A, which would serve traffic from the development and provide an alternate access route for residents of Victoria Grove, The Orchards, and other communities in the area north of El Sobrante and east of La Sierra Avenue.

On December 18, 2007, the Board of Supervisors (Board) approved Item 3-58, which consented to and authorized the City to act as lead agency on behalf of the County for purposes of land acquisition and eminent domain necessary for Street A, since most of the property to be acquired was within the City limits. The road design was nearly complete and right-of-way was about to commence in 2008 when work ceased on the developer's project, which went into foreclosure due to the economic downturn. Since that time, the community desires to and Tract 30153 went into foreclosure due to the economic downturn. Since that time, the community desires to see Street A move forward ahead of development due to the closure of the extension of McAllister north into the City of Riverside, which was done by the City in 2009.

On March 27, 2012, the Board approved Item 3-38, an agreement between the County and City which revoked the County's consent to authorize the City to act as lead agency and designated the County as lead agency. On November 19, 2013, the City approved an amendment to the agreement, because both the County and the City expressed their desire to designate the County as lead agency for purposes of land acquisition services and any eminent domain necessary for the project. On November 25, 2014, the Board approved the following: 1) amendment to the agreement, 2) Resolution No. 2014-136, Resolution Agreeing to Hear Future Resolutions of Necessity for the Street A Improvement Project, and 3) Resolution No. 2014-137, Notice of Intention to Adopt a Resolution of Necessity for the Street A Improvement Project.

Environmental Impact Report No. 433 (EIR) was completed in compliance with the EIR Guidelines and Riverside County Rules to implement California Environmental Quality Act (CEQA). On December 21, 2004, the Board of Supervisors adopted Resolution No. 2004-539, Certifying Environmental Impact Report (EIR) No. 433. On September 24, 2013, the Board approved Item 3.67, Amendment No. 1 to EIR No. 433.

The Economic Development Agency/Facilities Management (EDA/FM) has presented written offers to the property owners as required by Government Code Section 7267.2. The amount of the offers is consistent with current property values in the Woodcrest area 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.

The Project consists of six property owners; two of which have settled. However, settlement has not been reached with the remaining four property owners, although negotiations are still in process for the necessary right-of-way:

(Continued)

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Economic Development Agency/Facilities Management and Transportation Department

FORM 11: Resolution No. 2015-002, Authorizing Resolution of Necessity for the Street A Improvement Project, District 1/District 1, [\$289,308], Developer Contributions-100%**DATE:** December 30, 2014**PAGE:** 3 of 4**BACKGROUND:****Summary:** (Continued)

Assessor's Parcel Number (Portion)	Parcel No.	Owner(s)
239-270-001	0641-003A to 0641-003M 0641-003O to 0641-003Q	Chris Hong Wen and Mei Lung Wen, Trustees of the Wen Revocable Family Trust dated December 15, 1988, and May Yu Wen as to an undivided 50% interest and Chao Tung Tang and/or Hsueh-Mei Lee Tang, Trustees of the Tang Living Trust dated June 18, 1993, as to an undivided 25% interest and Chin Hsian Tang and Kuei Chun Chen Tang, husband and wife as joint tenants, as to an undivided 25% interest
239-240-001	0641-004A to 0641-004K	David Pai-Hsien Lin, a single man and Helen Mei-Hsien Lin, a single woman as joint tenants
239-240-004	0641-005A to 0641-005G 0641-005I and 0641-005J	Chin Hsien Tang and Kuei Chun Chen Tang, husband and wife as joint tenants, as to an undivided one-half interest and Chao Tung Tang and/or Hsueh-Mei Lee Tang, Trustees of the Tang Living Trust dated June 18, 1993, as to an undivided one-half interest
269-060-012	0641-007A to 0641-007G	El Sobrante Estates Company

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.

Impact on Citizens and Businesses

The Project is a critical circulation and emergency access link for the communities of The Orchard, Victoria Grove and other developments located east of La Sierra Avenue, and north of El Sobrante.

SUPPLEMENTAL:**Additional Fiscal Information**

The Acquisition and Temporary Construction access in the amount of \$254,408 represent the deposits to be made to the State Condemnation Fund for the portion of the four properties referenced above. These costs are not reimbursable to EDA/FM-Real Estate as they are paid directly by the Transportation Department. The remaining costs in the amount of \$34,900 are reimbursable to EDA/FM-Real Estate. :

Acquisition and Temporary Construction Access	\$254,408
Preliminary Title Reports	2,400
County Appraisal	17,500
EDA/FM Real Property Staff Time	15,000
Total Estimated Acquisition Costs	\$289,308

(Continued)

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Economic Development Agency/Facilities Management and Transportation Department

FORM 11: Resolution No. 2015-002, Authorizing Resolution of Necessity for the Street A Improvement Project,
District 1/District 1, [\$289,308], Developer Contributions-100%

DATE: December 30, 2014

PAGE: 4 of 4

SUPPLEMENTAL:

Additional Fiscal Information (Continued)

All costs associated with the acquisition of these properties are fully funded by Developer Contributions in the Transportation Department's budget for FY 2014/15. No net county costs will be incurred as a result of this transaction.

2 **Resolution No. 2015-002**

3 **Authorizing Resolution of Necessity Regarding**
4 **the Street A Improvement Project**

5
6 **WHEREAS**, the portion of real properties that are the subject of this Notice
7 (collectively the "Subject Properties") are located in the Woodcrest area, County of
8 Riverside, State of California; within an area bounded by Van Buren Boulevard on the
9 east and McAllister Street on the west; are legally described and pictorially depicted on
10 the documents attached hereto as Exhibit "A" and Exhibit "B" (and incorporated herein
11 by this reference); as Parcels 0641-003A through 0641-003M and Parcels 0641-003O
12 through 0641-003Q; Parcels 0641-004A through 0641-004K; Parcels 0641-005A
13 through 0641-005G and Parcels 0641-005I and 0641-005J; and Parcels 0641-007A
14 through 0641-007G and are portions of larger real properties in all cases;

15 **WHEREAS**, each one of the Subject Properties are listed below and includes
16 the relevant Subject Property within its boundaries, and whereas the larger real
17 properties are listed below, in Table One across by its Riverside County's Parcel
18 Number;

Assessor's Parcel Number (Portion)	Parcel No.
239-270-001	0641-003A to 0641-003M 0641-003O to 0641-003Q
239-240-001	0641-004A to 0641-004K
239-240-004	0641-005A to 0641-005G 0641-005I and 0641-005J
269-060-012	0641-007A to 0641-007G

1 **WHEREAS**, the proposed project that is the subject of this Notice (the
2 “Proposed Project”) is to construct a new road, Street A, that will provide a two lane
3 collector road connecting Van Buren Boulevard to McAllister Street;

4 **WHEREAS**, the Project is a critical circulation and emergency access link for the
5 community, including but not limited to, the use of the Subject Properties for public road
6 purposes, for slope purposes, for drainage purposes, for temporary construction
7 purposes and or other work, and for other incidental uses required by the Proposed
8 Project;

9 **WHEREAS**, Parcels 0641-003A and 0641-003B, Parcels 0641-004A and 0641-
10 004B, Parcel 0641-005A and Parcel 0641-007A will each be used for public road
11 purposes; Parcels 0641-003D, 0641-003F, 0641-003H, and 0641-003J; Parcels 0641-
12 004C, 0641-004F, 0641-004G, 0641-004H; Parcels 0641-005B, 0641-005C, and 0641-
13 005E will each be used for slope/drainage purposes; Parcels 0641-003L, 0641-003M,
14 0641-003O; Parcels 0641-004I through 0641-004K; Parcels 0641-005I and 0641-005J
15 and Parcels 0641-007D through 0641-007G will each be used for storm drainage
16 purposes, and whereas the uses that will be made of each one of the remaining
17 Subject Properties is/are described in Exhibit “A”;

18 **WHEREAS**, the interests in the property that are the subject of this notice
19 (collectively the “Subject Property Interests”) are identified below in Table Two; and

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TABLE TWO				
Permanent Easements				
Subject Properties	Road Easement	Slope/Drainage	Storm Drainage	Temporary Easement
0641-003A	X			
0641-003B	X			
0641-003C				X
0641-003D		X		
0641-003E				X
0641-003F		X		
0641-003G				X
0641-003H		X		
0641-003I				X
0641-003J		X		
0641-003K				X
0641-003L			X	
0641-003M			X	
0641-003O			X	
0641-003P				X
0641-003Q				X
0641-004A	X			
0641-004B	X			
0641-004C		X		
0641-004D				X
0641-004E				X
0641-004F		X		
0641-004G		X		
0641-004H		X		
0641-004I			X	
0641-004J			X	
0641-004K			X	
0641-005A	X			
0641-005B		X		
0641-005C		X		
0641-005D				X
0641-005E		X		
0641-005F				X
0641-005G				X
0641-005I			X	
0641-005J			X	
0641-007A	X			
0641-007B		X		
0641-007C		X		
0641-007D			X	
0641-007E			X	
0641-007F			X	
0641-007G			X	

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1 **WHEREAS**, the statutes that authorize the County of Riverside to acquire the
2 Subject Property Interests by eminent domain include Article 1, Section 19 of the
3 California Constitution; Section 25350.5 of the Government Code; Section 760 of the
4 Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040,
5 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

6 Now, therefore, **BE IT RESOLVED AND ORDERED** by the Board of
7 Supervisors of Riverside County, State of California, not less than four/fifths of all
8 members concurring, in regular session assembled on January 13, 2015, that this
9 Board finds and determines each of the following:

10 1. Notice of the Board's intention to adopt this resolution of necessity was
11 duly given as required by Section 1245.235 of the Code of Civil Procedure and, on the
12 date and at the time and place fixed for hearing, this Board did hear and consider all of
13 the evidence presented.

14 2. That the public interest and necessity require the Proposed Project;

15 3. That the Proposed Project is planned or located in the manner that will be
16 most compatible with the greatest public good and the least private injury;

17 4. That the Subject Property Interests are necessary for the Proposed
18 Project;

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

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

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1 7. That the Subject Property Interests are necessary for the Proposed
2 Project;

3 8. That acquisition of the Subject Property Interests will promote the
4 interests of the County of Riverside.

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

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

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

12 3. To make application to the Court for an order to deposit the probable
13 amount of compensation out of proper funds under the control of the County into the
14 County Treasury and for an order permitting the County to take prejudgment
15 possession and use the Subject Property Interests for the purpose of constructing the
16 Proposed Project.

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

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

FORM APPROVED COUNTY COUNSEL
BY: ANNA W. WANG DATE: 11/19/17