

FORM APPROVED COUNTY COUNSEL
 BY: Anita C. Willis 2-18-16
 ANITA C. WILLIS DATE

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY: Susana Garcia-Bocanegra 2/12/16
 Susana Garcia-Bocanegra
 Departmental Concurrence

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

742



FROM: Economic Development Agency and Riverside County Department of Waste Resources

SUBMITTAL DATE:
 February 18, 2016

SUBJECT: Resolution No. 2016-018, Authorizing a Resolution of Necessity for the Lamb Canyon Landfill Land Acquisition Project, District 5, [\$113,500], Riverside County Department of Waste Resources' Enterprise Funds 100%, CEQA – Nothing Further

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that nothing further is required pursuant to the California Environmental Quality Act (CEQA), whereas on January 26, 2016, the Board of Supervisors determined that the Project was exempt from CEQA pursuant to the State CEQA Guidelines Section 15061(b)(3) (General Rule for Exemption), and categorically exempt from CEQA pursuant to Section 15301 Existing Facilities;
2. Adopt Resolution No. 2016-018, Authorizing a Resolution of Necessity for the Lamb Canyon Landfill Land Acquisition Project;

(Continued)


 Hans Kernkamp
 General Manager – Chief Engineer
 Riverside County Department of Waste Resources


 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	\$ 113,500	\$ 0	\$ 113,500	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Riverside County Department of Waste Resources' Enterprise Funds 100%
Budget Adjustment: No
For Fiscal Year: 2015/16

C.E.O. RECOMMENDATION: APPROVE
 BY: 
 Rohini Dasika
 County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 3-16 of 1/26/2016 | District: 5 | Agenda Number:

9-4

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

Economic Development Agency and Riverside County Department of Waste Resources

FORM 11: Resolution No. 2016-018, Authorizing a Resolution of Necessity for the Lamb Canyon Landfill Land Acquisition Project, District 5, [\$113,500], Riverside County Department of Waste Resources' Enterprise Funds 100%, CEQA – Nothing Further Required

DATE: February 18, 2016

PAGE: 2 of 3

RECOMMENDED MOTION: (Continued)

3. Allocate the sum of \$103,000 for deposits to the State Condemnation Fund; and
4. Authorize reimbursement to Economic Development Agency for costs not-to-exceed \$10,500 in staff time.

BACKGROUND:

Summary

The Lamb Canyon Landfill (LCL) is a County-owned public facility located in the County of Riverside south of the City of Beaumont (Exhibit A), and is operated by the Riverside County Department of Waste Resources (RCDWR). RCDWR desires to obtain ownership of two parcels owned by Southern California Edison (SCE), which borders the LCL at the north and southwest ends of the property. The County desires to offer certain real property interests it owns as the consideration for acquiring the described fee interests in real property from SCE. The first parcel measures approximately 16 acres, Assessor's Parcel Number 421-200-025, which bisects the LCL property at the southwest corner of the property (Southwest Parcel). The second parcel measures approximately 11 acres, comprising two contiguous Assessor's Parcel Numbers 421-190-012 and 421-190-014, and is located immediately north of the LCL Property (North Parcel).

In addition, currently SCE holds an easement interest of real property over and upon approximately twenty-three acres of land within the LCL Property (Existing SCE Easement). The existing SCE Easement is bordered from the north and south by the North Parcel and the Southwest Parcel respectively as depicted in Exhibit A.

To gain consistency and continuity of ownership and real property interests, the proposed project would grant the County of Riverside, on behalf of RCDWR, fee interest ownership of all three parcels and as consideration County would provide SCE with easement interests over the same three parcels. RCDWR staff has determined that this acquisition would help facilitate and further the purposes and operations of property. It was further concluded that the County's acquisition of SCE's land will not interfere with the current landfill area.

The acquisition of the north and southwest parcels by RCDWR will facilitate several aspects of the ongoing landfill operations at the LCL including but not limited to site access, surface drainage, site security, facility maintenance, environmental monitoring, and dirt management. However, at this time, no future development is planned by RCDWR within these two parcels, which they are expected to be maintained at their current condition with minor alteration to address issues such as environmental monitoring and access to remote areas within the LCL property.

The Economic Development Agency (EDA) has presented a written offer to SCE (the property owner) as required by Government Code Section 7267.2. The amount of the offer is consistent with current property values in the Beaumont area and is based upon a fair market value appraisal report. EDA 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.

(Continued)

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
Economic Development Agency and Riverside County Department of Waste Resources
FORM 11: Resolution No. 2016-018, Authorizing a Resolution of Necessity for the Lamb Canyon Landfill Land Acquisition Project, District 5, [\$113,500], Riverside County Department of Waste Resources' Enterprise Funds 100%, CEQA – Nothing Further Required
DATE: February 18, 2016
PAGE: 3 of 3

BACKGROUND:
Summary (Continued)

The county is authorized to acquire property by eminent domain pursuant to various statutes including Government Code, §25350.5.

Resolution No. 2016-018 has been reviewed and approved by County Counsel as to legal form.

California Environmental Quality Act (CEQA) Findings

On January 26, 2016, the Board of Supervisors approved Resolution No. 2016-017, Notice of Intention to Adopt a Resolution of Necessity for the Lamb Canyon Landfill Proposed Land Acquisition Project. As such, a Notice of Exemption (NOE) was filed, identifying that the Project was exempt from CEQA pursuant to the State CEQA Guidelines Section 15061(b)(3) (General Rule for Exemption), and categorically exempt from CEQA pursuant to Section 15301 Existing Facilities. The 35-day statute of limitations for review and comment has expired, with no comments or challenges to the NOE received. Since the proposed recommendations in this Form-11 continues the process approved by the Board, for which the Project was already assessed under a NOE, nothing further is required under CEQA.

Impact on Citizens and Businesses

The proposed project (land acquisition and consolidation of easement interests) is beneficial as it will allow the County to more effectively and efficiently manage its operations within its LCL property.

SUPPLEMENTAL:
Additional Fiscal Information

The Acquisition in the amount of \$103,000 represents the deposits to be made to the State Condemnation Fund for the Southwest and North Parcels referenced above. The costs are not reimbursable to EDA-Real Estate as they are paid directly by the Waste Resources Department. The remaining costs in the amount of \$10,500 are reimbursable to EDA-Real Estate:

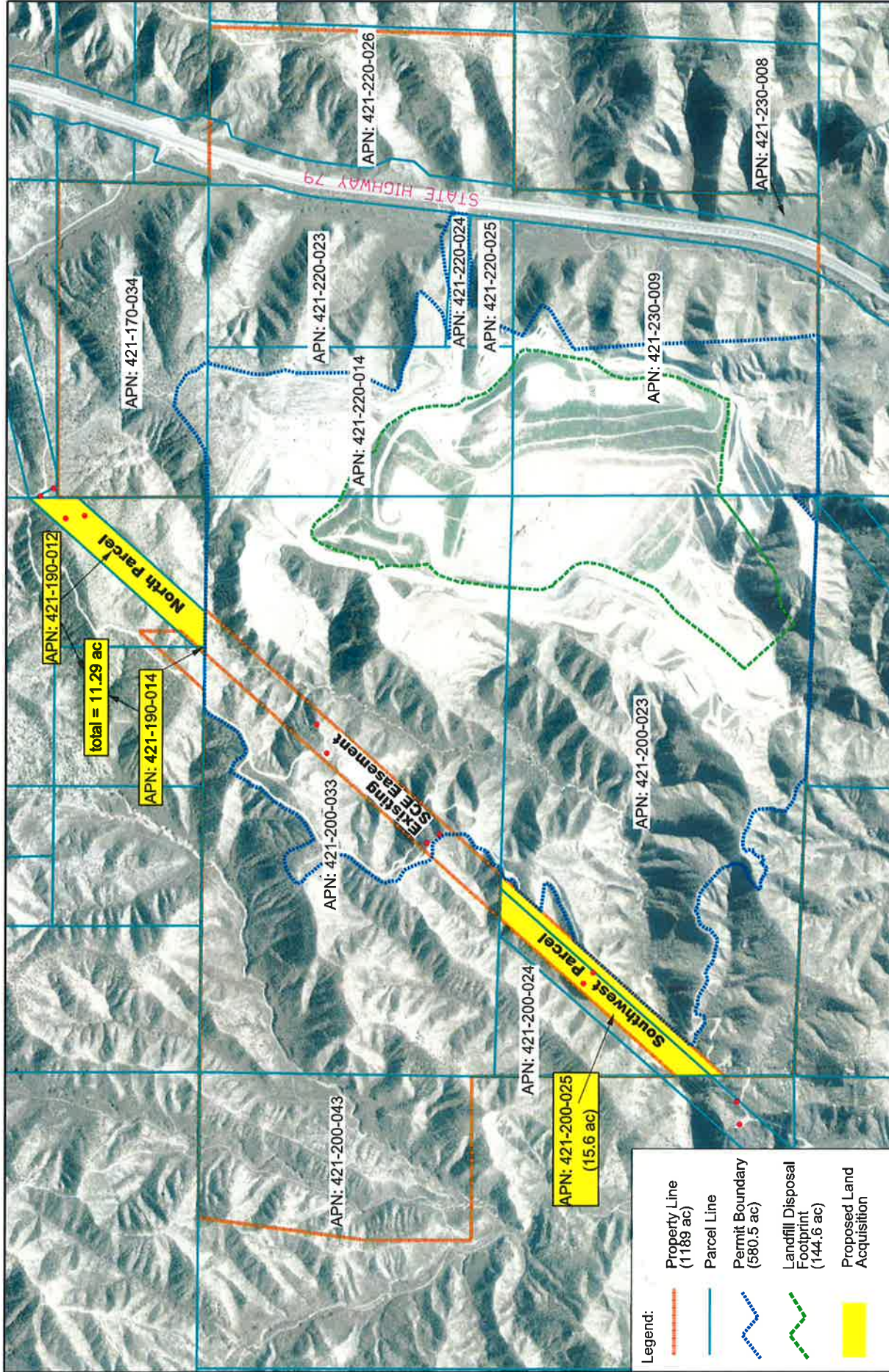
Acquisition	\$ 91,000
County Appraisal	\$ 12,000
EDA/FM Real Property Staff Time	\$ 10,500
Total Estimated Acquisition Costs	\$113,500

All costs associated with the acquisition of these properties are fully funded by RCDWR's Enterprise Funds. No net county costs will be incurred as a result of this transaction.

Attachments:
Exhibit A – LCL Site Map
Resolution No. 2016-018
Legal Descriptions and Plat Maps

Attachment 1

LCL Site Map



RIVERSIDE COUNTY
 DEPARTMENT OF
WASTE RESOURCES

Scale: 1" = 1,200'

0 1,200 2,400

File: /sites/lamb/spec_prljedison/easement2014/lc_property_APN 3.dgn
 Date: Jan. 2016

16411 Lamb Canyon Rd. Beaumont, CA 92223

Lamb Canyon Sanitary Landfill

LCL Site Map

Exhibit A

Legend:

- Property Line (1189 ac)
- Parcel Line
- Permit Boundary (580.5 ac)
- Landfill Disposal Footprint (144.6 ac)
- Proposed Land Acquisition
- Existing SCE Tower

Attachment 2
Resolution No. 2016-18

2 **Resolution No. 2016-018**

3 **Authorizing Resolution of Necessity Regarding**
4 **the Lamb Canyon Land Acquisition 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 City of Beaumont, County of
8 Riverside, State of California;

9 **WHEREAS**, each one of the Subject Properties are listed below and includes
10 the relevant Subject Property within its boundaries, and whereas the real properties are
11 listed below;

Assessor's Parcel Numbers
421-200-025
421-190-012
421-190-014

12
13
14
15
16 **WHEREAS**, the proposed project that is the subject of this Notice (the
17 "Proposed Project") is to acquire land for the ongoing landfill operations at the Lamb
18 Canyon Landfill;

19 **WHEREAS**, the statutes that authorize the County of Riverside to acquire the
20 Subject Property Interests by eminent domain include Article 1, Section 19 of the
21 California Constitution; Section 25350.5 of the Government Code; Section 760 of the
22 Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040,
23 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

24 **NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of
25 Supervisors of Riverside County, State of California, not less than four/fifths of all
26 members concurring, in regular session assembled on March 1, 2016, that this Board
27 finds and determines each of the following:
28

FORM APPROVED COUNTY COUNSEL
BY: *Marsha Victor*
MARSHA VICTOR
DATE: *4/25/16*

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

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

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

8 4. That the Subject Property Interests are necessary for the Proposed
9 Project;

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

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

19 7. That acquisition of the Subject Property Interests will promote the
20 interests of the County of Riverside.

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

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

26 2. To prepare and prosecute in the name of the County such proceedings in
27 the proper court having jurisdiction thereof as are necessary for such acquisition.
28

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

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

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

Exhibit A

Exhibit A

Page 1 of 2

SCE Property Acquisition

All that portion of that particular 290.00-foot wide strip of land as described in Instrument No. 1974-123261 recorded September 24, 1974 records of Riverside County, and delineated on Record of Survey Book 130, Pages 91 through 95, inclusive, records of Riverside County, State of California.

Containing 15.62 acres more or less.




WILLIAM R. HOFFERBER JR.

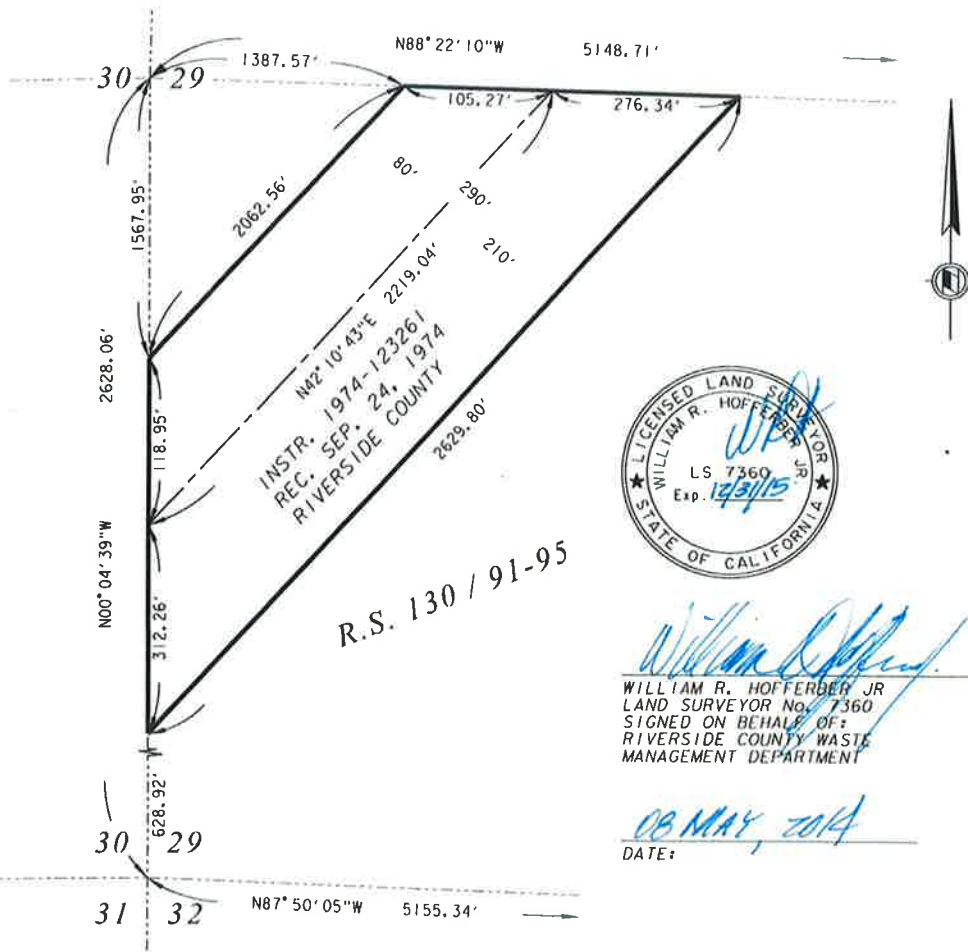
Land Surveyor No. 7360
Signed For: Riverside County Flood Control
and Water Conservation District

Date: 08 MAY, 2014

Exhibit A

Page 2 of 2

BEING A PORTION OF THE SOUTH ONE-HALF OF SECTION 29 TOWNSHIP 3 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN AS SHOWN ON RECORD OF SURVEY BOOK 130, PAGES 91 THROUGH 95, INCLUSIVE, REECORDS OF RIVERSIDE COUNTY, CALIFORNIA.



William R. Hofferber Jr.
 WILLIAM R. HOFFERBER JR.
 LAND SURVEYOR No. 7360
 SIGNED ON BEHALF OF:
 RIVERSIDE COUNTY WASTE
 MANAGEMENT DEPARTMENT

08 MAY, 2014
 DATE:

RIVERSIDE COUNTY WASTE MANAGEMENT DEPARTMENT
 14310 FREDERICK STREET MORENO VALLEY, CA. 92553

PROJECT NAME: LAMB CANYON SLF		SCALE: NO SCALE	PREPARED BY: DAC
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): SCE PROPERTY ACQUISITION	MAY-07-2014	SHEET NO. 1 OF 1

Exhibit B

Exhibit B

Page 1 of 2

Lambs Canyon Sanitary Land Fill
Parcel 2

Being a portion of the Southeast Quarter of Section 20, Township 3 South, Range 1 West, San Bernardino Base and Meridian as shown on Record of Survey Book 58, Pages 71 through 74, inclusive, records of Riverside County, California, described as follows:

All that portion of land described in Instrument Number 55231, dated June 12, 1970 and Instrument Number 115918, dated November 18, 1970, records of Riverside County, California, lying Southeasterly and Southerly of the following described line:

Commencing at the Southeast corner of said Section;

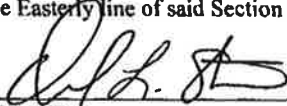
Thence North 89° 22' 22" West 1811.15 feet along the southerly line of said Section to the Point of Beginning;

Thence North 39° 49' 48" East 1466.64 feet;

Thence North 65° 54' 00" East 391.59 feet;

Thence South 89° 46' 12" East 507.10 feet to the Easterly line of said Section 20.





DAVID L. STONE

Land Surveyor No. 4758
Signed For: Riverside County Flood Control
and Water Conservation District

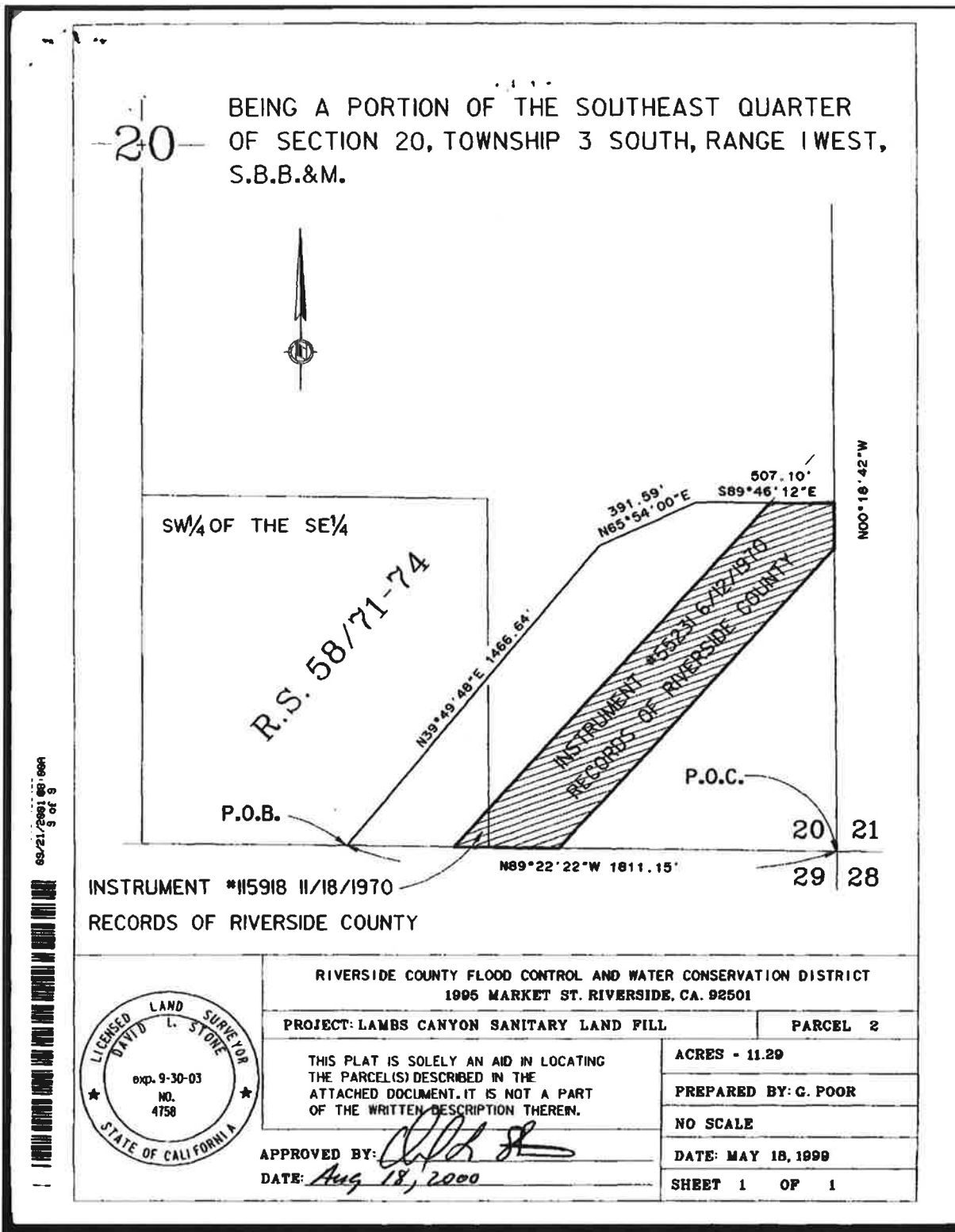
Date: Aug 18, 2000



2001-450466
09/21/2001 08:00A
6 of 9

Exhibit B

Page 2 of 2



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

PROJECT: LAMBS CANYON SANITARY LAND FILL PARCEL 2

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.

ACRES - 11.29
PREPARED BY: G. POOR
NO SCALE
DATE: MAY 18, 1999
SHEET 1 OF 1

APPROVED BY: *[Signature]*
DATE: Aug 18, 2000