

**SUBMITTAL TO THE BOARD OF DIRECTORS OF THE
REDEVELOPMENT AGENCY
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



235

FROM: Redevelopment Agency

SUBMITTAL DATE:
September 16, 2010

SUBJECT: RDA Resolution No. 2010-044 Authorization to Purchase Real Property in the Unincorporated Community of Mecca – 4th District

RECOMMENDED MOTION: That the Board of Directors:

1. Adopt RDA Resolution No. 2010-044, authorizing the purchase of real property located within the unincorporated community of Mecca from a portion of APN 727-141-001 between the Redevelopment Agency and Javier R. Gordo & Aurelia V. Gordo;
2. Approve and authorize the Chairman of the Board of Directors to execute the Acquisition Agreement pertaining to this purchase from a portion of APN 727-141-001;

Reviewed by
Christopher Hans
(continued)

Robert Field
Executive Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 90,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: Yes

SOURCE OF FUNDS: Desert Communities Project Area-Redevelopment Capital Improvement Funds (DCPA)	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY

On motion of Supervisor Buster, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: September 28, 2010
xc: RDA, Auditor, RDA, CIP

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

(Comp. Item 3.33)

Prev. Agn. Ref.: N/A

District: 4

Agenda Number:

4.4

FISCAL PROCEDURES APPROVED
 ROBERT E. BYRD, AUDITOR-CONTROLLER
 BY: Samuel Wong 9/16/10
 SAMUEL WONG
 DATE: 9-8-10
 ANITA C. WILLIS
 FORM APPROVED COUNTY COUNSEL
 BY: Anita C. Willis
 DEPT. RECOMM.: Consent Policy
 PER EXEC. OFF.: Consent Policy

RECOMMENDED MOTION: (Continued)

3. Authorize the allocation of \$79,600 for the purchase of real property, \$6,400 for labor, and \$4,000 for miscellaneous costs; and
4. Authorize the Executive Director of the Redevelopment Agency, or designee, to take all necessary steps to complete this transaction, including signing subsequent and necessary related documents to complete this transaction.

BACKGROUND:

The community of Mecca and the County of Riverside has identified certain improvements that are needed in the Mecca Downtown Area. These improvements include specified road and sidewalk improvements (the "Mecca Downtown Street Revitalization Project") that are a priority for the community. The project includes 33,315 linear feet of street repair or reconstruction, sidewalk repair and construction within right-of-way boundaries, construction of new curb and gutter, landscaping of parkways, roundabout entry, and street lights repair. As such, these activities consist of reconstruction of existing public facilities within a built-up and urbanized area that conform substantially to current size, purpose, and capacity.

RDA Resolution No. 2010-044 authorizes the Redevelopment Agency to acquire land from a portion of APN 727-141-001 for the reconstruction and realignment of Lincoln Street, which is included within the Mecca Downtown Street Revitalization Project. The proposed acquisition from a portion of APN 727-141-001 consists of approximately 9,146 square feet which is improved with landscaping improvements.

Agency Counsel has approved the item as to form, and staff recommends that the Board of Directors adopt RDA Resolution 2010-044, authorizing the purchase from a portion of APN 727-141-001 and the allocation of needed funds, \$90,000 for the purchase using Desert Communities Redevelopment Capital Improvement Funds (DCPA).

Notice of publication to satisfy California Government Code Section 6063 was completed on August 25, September 1, and 8, 2010.

FINANCIAL DATA:

The following summarizes the funding necessary for the partial acquisition of Assessor's Parcel Number 727-141-001:

Acquisition:	\$79,600
Labor cost:	\$6,400
Miscellaneous transaction expenses:	\$4,000
Total	\$90,000

2 **RDA RESOLUTION NO. 2010-044**
3 **AUTHORIZATION TO PURCHASE REAL PROPERTY IN THE UNINCORPORATED**
4 **COMMUNITY OF MECCA – PORTION OF 727-141-001**
5 **(Fourth Supervisorial District)**

6 **WHEREAS**, the Redevelopment Agency for the County of Riverside, ("Agency")
7 is a Redevelopment Agency duly created, established and authorized to transact
8 business and exercise its powers, all under and pursuant to the provisions of the
9 Community Redevelopment Law which is Part 1 of Division 24 of the California Health
and Safety Code (commencing with Section 33000 et seq.); and

10 **WHEREAS**, On July 20, 1999, the Riverside Board of Supervisors adopted
11 Ordinance No. 795 approving the redevelopment plan for the Desert Communities
12 Project Area ("Project Area"), amending and merging several previously established
13 redevelopment project areas; and

14 **WHEREAS**, pursuant to Section 33670 of the Health and Safety Code, the
15 Agency began receiving tax increment from the Project Area in January 1988, and
16 continues to receive annual tax increment revenue; and

17 **WHEREAS**, pursuant to the provisions of the Community Redevelopment Law,
18 Section 33445 of the Health and Safety Code, the Agency may purchase land and
provide payment for the construction of public improvements; and

19 **WHEREAS**, the Agency has, based on an independent fee appraisal report,
20 negotiated a purchase price of seventy nine thousand six hundred dollars (\$79,600) for
21 real property identified as a portion from Assessor's Parcel Number 727-141-001
22 ("Property") more particularly described in Exhibit "A," and Exhibit "B" attached hereto
and incorporated herein by reference; and

23 **WHEREAS**, the Mecca Sub-Area is located within the Desert Communities
24 Project Area ("Sub-Area"); and

25 **WHEREAS**, the Property is located within the Sub-Area; and

26 **WHEREAS**, the Agency intends to acquire the Property for the reconstruction
27
28

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* DATE: 9-8-10
ASST. CLERK: WPL/S

1 and realignment of Lincoln Street, repairing and constructing sidewalks, constructing
2 new curbs and gutter, installing landscaping and appropriate signage ("Project"); and

3 **WHEREAS**, the Project is part of the Mecca Downtown Street Revitalization;
4 and,

5 **WHEREAS**, the Project will assist in implementing the Sub-Area's
6 redevelopment plan ("Plan") and will benefit the Sub-Area and the unincorporated
7 community of Mecca by helping eliminate blight within the Project Area by expanding
8 Lincoln Street to improve traffic and a safer environment; and

9 **WHEREAS**, there are no other reasonable means of financing the cost of the
10 Project are available to the community due to the fact that the current economic crisis
11 has substantially reduced the communities revenue to fund the Project; and

12 **WHEREAS**, the payments of funds for the construction and cost of the Project is
13 consistent with the Implementation Plan for the Project Area and is necessary to
14 effectuate the purpose of the Project Area's Redevelopment Plan because the plan calls
15 for street improvements; and

16 **WHEREAS**, on November 4, 2008, the Board of Directors found the Mecca
17 Downtown Street Revitalization Project exempt from the California Environmental
18 Quality Act ("CEQA") and this Project was included within the Mecca Downtown Street
19 Revitalization Project.

20 **NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the
21 Board of Directors of the Redevelopment Agency for the County of Riverside, State of
22 California, in regular session assembled on September 28, 2010, as follows:

23 1. That the Board of Directors hereby finds and declares that the above
24 recitals are true and correct.

25 2. That the Redevelopment Agency for the County of Riverside is authorized
26 to purchase real property identified as a portion from Assessor's Parcel Numbers 727-
27 141-001, more particularly described in Exhibit "A" and Exhibit "B."

28 3. That Agency is requesting a total of ninety thousand dollars (\$90,000) for

1 the purchase of real property, labor, and miscellaneous costs.

2 4. That the Chairman of the Board of Directors is hereby authorized to
3 execute any and all documents necessary to complete this transaction from Javier R.
4 Gordo and Aurelia V. Gordo.

5 5. That the Executive Director of the Redevelopment Agency or designee is
6 hereby authorized to take all necessary steps to implement the acquisition agreement
7 including subsequent and necessary to complete this transaction.

8 ///

9 ROLL CALL:

10 ///

Ayes: Buster, Stone, Benoit, and Ashley

11 ///

Nays: None

Absent: Tavaglione

12 The foregoing is certified to be a true copy of a resolution duly
13 adopted by said Board of Supervisors on the date therein set forth.

14 KECIA HARPER-IHEM, Clerk of said Board

15 By: _____
16 Deputy

EXHIBIT "A"
LEGAL DESCRIPTION
MECCA STREETS
PUBLIC ROAD AND UTILITY EASEMENT

THAT PORTION OF LOT 8, BLOCK 32 OF AMENDED MAP OF MECCA TOWNSITE, ON FILE IN BOOK 9 OF MAPS, PAGE 93, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 7 SOUTH, RANGE 9 EAST, S.B.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8;

THENCE NORTH 00°22'06" WEST 435.58 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF LINCOLN STREET (30 FOOT HALF WIDTH), AS SHOWN ON SAID AMENDED MAP OF MECCA TOWNSITE;

THENCE NORTH 89°47'27" EAST 37.08 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF 7TH STREET (25 FOOT HALF WIDTH), AS SHOWN ON SAID AMENDED MAP OF MECCA TOWNSITE;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 31°00'42" WEST 32.80 FEET TO A POINT LYING PARALLEL WITH AND 20.00 FEET EASTERLY OF THE WEST LINE OF SAID LOT 8;

THENCE SOUTH 00°22'06" EAST 384.59 FEET ALONG SAID PARALLEL LINE;

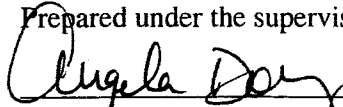
THENCE SOUTH 36°43'45" EAST 28.56 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF 6TH STREET (30 FOOT HALF WIDTH), AS SHOWN ON SAID AMENDED MAP OF MECCA TOWNSITE;

THENCE SOUTH 89°47'58" WEST 36.93 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINING 9,146 SQUARE FEET, MORE OR LESS

SHOWN ON THE ATTACHED EXHIBIT "B" AND BY THIS REFERENCE BEING MADE A PART HEREOF.

Prepared under the supervision of:

 Date: 4/22/09

Angela E. Dorf, P.L.S. #8010
Expires 12/31/10
STANTEC CONSULTING
73-733 Fred Waring Dr., Suite 100
Palm Desert, CA 92260
(760) 346-9844

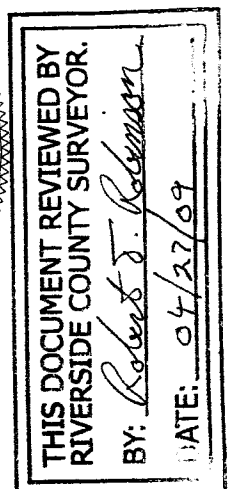
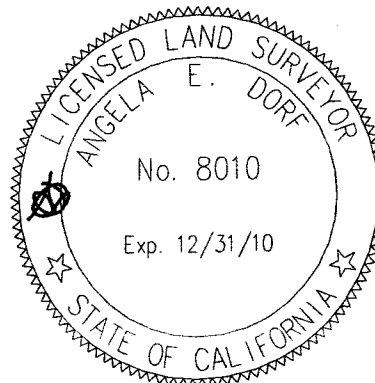
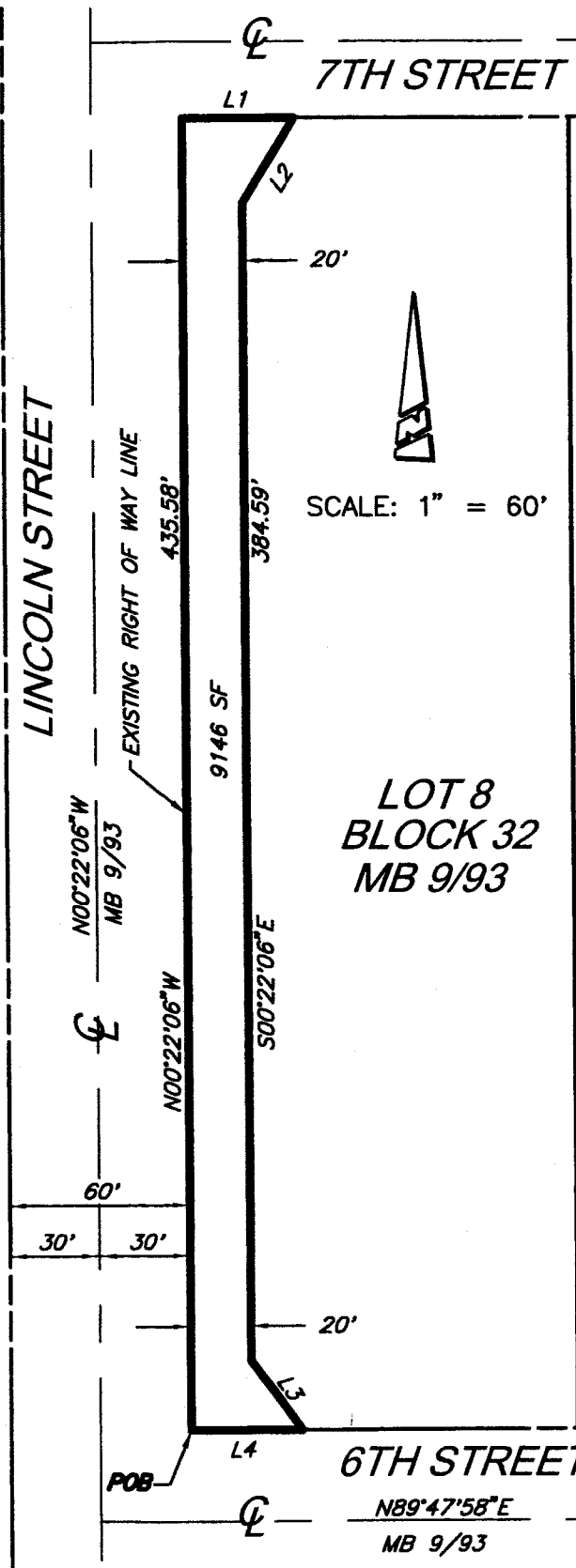


EXHIBIT "B"
PLAT
MECCA STREETS
PUBLIC ROAD AND UTILITY EASEMENT



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *Robert E. Robinson*
DATE: 04-27-09

SEC 8, T7S, R9E, SBM

LINE DATA

NO.	BEARING	DISTANCE
L1	N89°47'27"E	37.08'
L2	S31°00'42"W	32.80'
L3	S36°43'45"E	28.56'
L4	S89°47'58"W	36.93'

LOT 8



PREPARED UNDER THE
SUPERVISION OF:

Angela Dorf
ANGELA E. DORF, PLS 8010

4/27/09
DATE

SHEET 1 OF 1



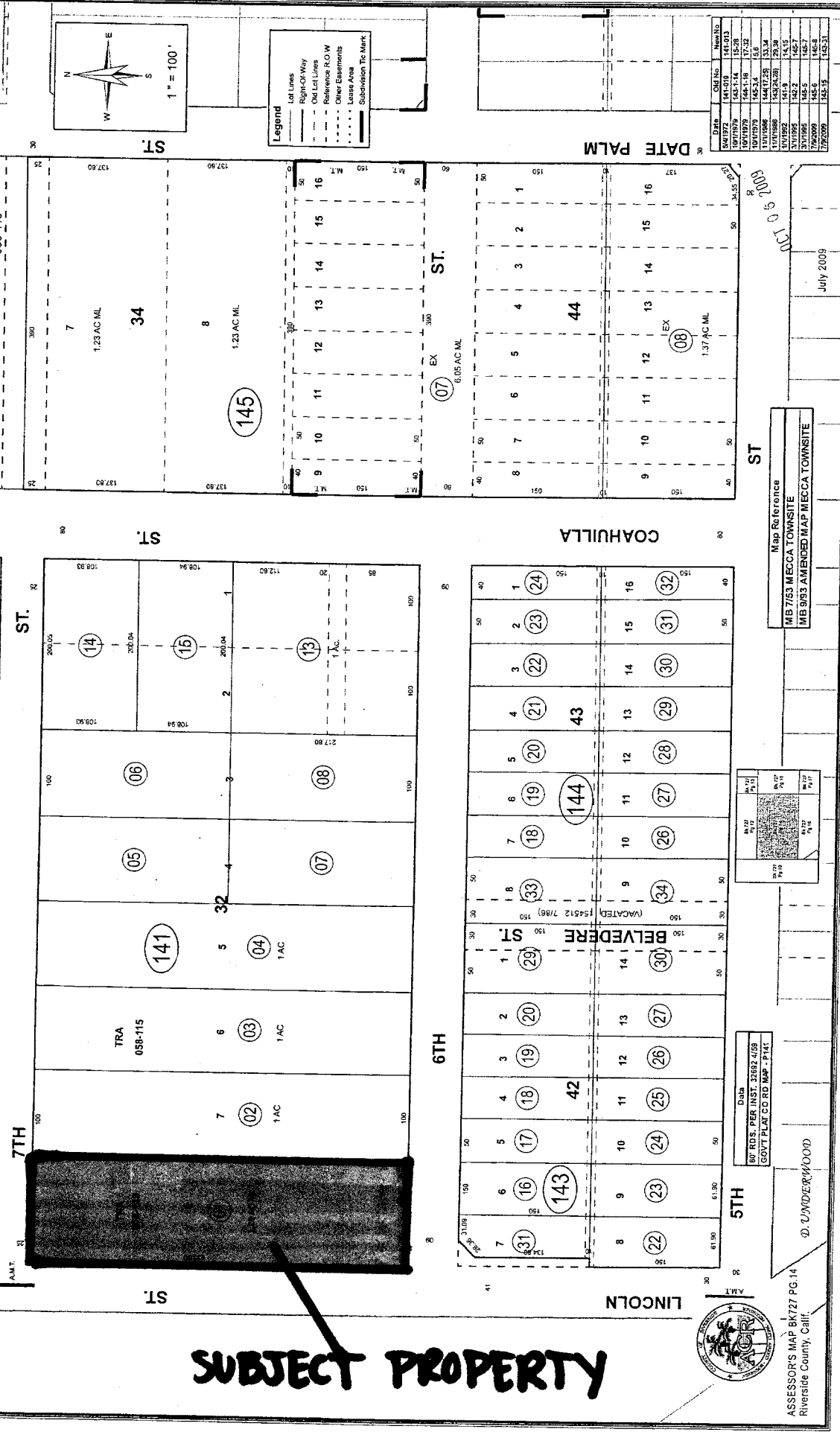
Stantec

STANTEC CONSULTING INC.
73-733 FRED WARING DRIVE
SUITE 100
PALM DESERT, CA 92260
760.346.9844

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

POR NW 1/4 SW 1/4 SEC. 8 T7S R9E

727-141-26-5

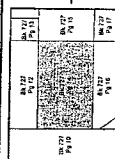


SUBJECT PROPERTY



ASSESSOR'S MAP BK727 PG.14
Riverside County, Calif.

Date: 3/26/12
BY: ROSE PER INST. 31672-4/09
GOV'T PLAT CD RD IMP - P141



D. UNDERWOOD

Map Reference
MS 7163 MECCA TOWNSITE
MB 9183 AMENDED MAP MECCA TOWNSITE

July 2009

OCT 9 2009

Printed by: Tinajero, Maria
at: 3:44 pm
on: Monday, Aug 23, 2010

Ad #: 10374015

Account Information

Phone #: (951) 955-8069
Name: WDC/EDA CO OF RIVERSIDE
Address: 1325 SPRUCE ST STE 400
RIVERSIDE CA 92507-0506

Acct #: 300444
Client:
Placed by: Hector Casillas, Real Estate
Division
Fax #: (951)

Ad Copy:

**NOTICE OF INTENT TO PURCHASE OF
REAL PROPERTY BY THE REDEVELOPMENT
AGENCY IN THE UNINCORPORATED COMMUNITY
OF MECCA A PORTION OF ASSESSOR'S PARCEL
NUMBER 727-141-001
(Fourth Supervisorial District)**

This Notice of Intent to Purchase Real Property is hereby given pursuant to California Health and Safety Code Section 33397 and Government Code 6063 that the Redevelopment Agency for the County of Riverside, the "Agency," intends to purchase real property identified as a portion of Assessor's Parcel Number 727-141-001, totaling approximately 9,146 square feet, the "Subject Property," for redevelopment purposes which may include sidewalks, curbs, gutters and public road improvements. The Subject Property is located in the unincorporated community of Mecca within the Desert Communities Project Area.

It is proposed that the Board approve the acquisition agreement between Javier R. Gordo & Aurelia V. Gordo and the Agency, and the allocation of needed funds. The total cost of \$90,000 is the estimated amount to cover the acquisition of the Subject Property, labor expenses, and any miscellaneous costs.

The Redevelopment Agency Board of Directors shall consider the adoption of Resolution Number 2010-044, Authorization to Purchase Real Property in the Unincorporated Community of Mecca on September 14, 2010, by and between the above aforementioned property owners and the Agency at 9:00 a.m., or as soon thereafter as the Board agenda permits, at the Riverside County Administrative Center, 4080 Lemon Street, 1st Floor, Riverside, California.

This notice of Publication satisfies the California Health and Safety Code Section 33397 and the California Government Code Section 6063.

At anytime, no later than the hour set forth above, any person may submit written comments regarding this proposed action to the Clerk of the Board of Directors at the above address. At the hour set forth above, the Board of Directors shall proceed to hear and pass upon all written and oral testimony relating to the proposed acquisition of the Subject Property. Interested persons may contact the Riverside County Economic Development Agency, 3403 10th Street, Suite 500, Riverside, CA 92501 or by calling Hector Casillas, Development Specialist I at (951) 955-8395. 8/25, 9/1, 9/8

Ad Information

Classification: Legals
Publications: Press-Enterprise

Start date: 08-25-10
Stop date: 09-08-10
Insertions: 3

Rate code: LE-County
Ad type: Ad Liner
Taken by: Tinajero, Maria

Size: 2x55.840
Bill size: 112.00x 5.14 agate lines

Amount due: **\$414.40**

1 Project: Mecca Street Improvement
2 APN: Portion of 727-141-001
3 Situs Address: 91025 7th Street

4 ACQUISITION AGREEMENT

5 This ACQUISITION AGREEMENT, the "Agreement," is made by and between the
6 REDEVELOPMENT AGENCY FOR THE COUNTY OF RIVERSIDE, herein called
7 "Agency," and JAVIER R. GORDO & AURELIA V. GORDO, husband and wife as joint
8 tenants, herein called "Grantor."

9 Grantor has executed and will deliver to Hector Casillas, Development Specialist I,
10 for the Agency; an Easement Deed dated May 27, 2010, identifying the needed right-of-
11 way from portion of APN 727-141-001 in consideration of which it is mutually agreed as
12 follows:

13 1. The Agency shall:

14 A. Pay to the order of Grantor the sum of \$79,600.00, including all
15 landscaping improvements located thereon, for the required right-of-way from APN 727-
16 141-001 or interest therein, conveyed by said Public Road & Utility Easement, when title to
17 said property or interest vests in the County of Riverside, a political subdivision, herein
18 called "County," free and clear of all liens, encumbrances, easements, leases (recorded or
19 unrecorded), and taxes except those encumbrances and easements which, in the sole
20 discretion of the Agency, are acceptable.

21 B. Handle real property taxes, bonds, and assessments in the following
22 manner:

23 1. All real property taxes shall be prorated, paid, and canceled
24 pursuant to the provisions of Section 5081 et.seq.of the Revenue and Taxation Code.

25 2. Agency is authorized to pay from the amount shown in
26 Paragraph 1A herein, any unpaid taxes together with penalties, cost and interest thereon,
27 and any bonds or assessments that are due on the date title is transferred to, or
28 possession is taken by the Agency, whichever first occurs.

C. Relocate, construct, or install and/or replace existing perimeter fencing

1 using like materials or closest available or better, to the new right-of-way line, all at
2 Agency's expense.

3 D. Construct, install or replace existing mail boxes, if affected, located at
4 the curb within the right-of-way line, all at Agency's expense.

5 E. Repave or reconstruct drive way approach, as necessary, all at
6 Agency's expense.

7 F. Pay all typical escrow, recording, reconveyance, and other fees
8 incurred in this transaction, and if title insurance is desired by Agency, the premium
9 charged therefore.

10 2. Grantor shall:

11 A. Indemnify, defend, protect, and hold Agency and County, its officers,
12 employees, agents, successors, and assigns free and harmless from and against any and
13 all claims, liabilities, penalties, forfeitures, losses, or expenses, including without limitation,
14 attorneys' fees, whatsoever, arising from or caused in whole or in part, directly or indirectly,
15 by either (a) the presence in, on, within, under, or about the parcel of hazardous materials,
16 toxic substances, or hazardous substances as a result of Grantor's use, storage, or
17 generation of such materials or substances or (b) Grantor's failure to comply with any
18 federal, state, or local laws relating to such materials or substances. For the purpose of
19 this Agreement, such materials or substances shall include without limitation hazardous
20 substances, hazardous materials, or toxic substances as defined in the Comprehensive
21 Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C.
22 Section 9601, et seq.; the Hazardous Materials Transportation Act, 49 U.S.C. Section
23 1801, et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et
24 seq.; and those substances defined as hazardous wastes in Section 25117 of the
25 California Health and Safety Code or hazardous substances in Section 25316 of the
26 California Health and Safety Code; and in the regulations adopted in publications
27 promulgated pursuant to said laws.

28 B. Be obligated hereunder to include without limitation, and whether

1 foreseeable or unforeseeable, all costs of any required or necessitated repair, clean-up,
2 detoxification, or decontamination of the parcel, and the preparation and implementation of
3 any closure, remedial action, or other required plans in connection therewith, and such
4 obligation shall continue until the parcel has been rendered in compliance with applicable
5 federal, state, and local laws, statutes, ordinances, regulations, and rules.

6 3. It is mutually understood and agreed by and between the parties hereto that
7 the right of possession and use of the subject property by Agency, including the right to
8 remove and dispose of improvements, shall commence upon the execution of this
9 Agreement by all parties. The amount shown in Paragraph 1A includes, but is not limited
10 to, full payment for such possession and use.

11 4. Grantor hereby agrees and consents to the dismissal of any condemnation
12 action which has been or may be commenced by Agency in the Superior Court of Riverside
13 County to condemn said land, and waives any and all claim to money that has been or may
14 be deposited in court in such case or to damages by reason of the filing of such action.

15 5. Grantor recognizes and understands that the consideration hereunder may
16 originate from local, state, and/or federal sources; and therefore, Agency shall have the
17 right to terminate this transaction if:

18 A. Such funding is reduced or otherwise becomes unavailable, based on
19 Agency's annual fiscal budget.

20 B. If any law, rule or regulation precludes, prohibits or materially
21 adversely impairs Agency's ability to use the Property for the use permitted herein.

22 C. If Agency in its sole discretion determines that the Property is no
23 longer suitable for its use for any reason or cause. Agency shall provide Grantor with
24 written notification of its election to terminate this transaction at least 30 days prior to the
25 date of close of escrow. Agency's notice shall state reason for its termination.

26 6. Grantor hereby agrees and consents to the dismissal of any condemnation
27 action which has been or may be commenced by Agency in the Superior Court of Riverside
28 County to condemn said Property, and waives any and all claim to money that has been or

1 may be deposited in court in such case or to damages by reason of the filing of such
2 action.

3 7. The performance by the Agency of its obligations under this Agreement shall
4 relieve the Agency of any and all further obligations or claims on account of the acquisition
5 of the Property referred to herein or on account of the location, grade, or construction of the
6 proposed public improvement.

7 8. This Agreement shall not be changed, modified, or amended except upon the
8 written consent of the parties hereto.

9 9. This Agreement is the result of negotiations between the parties and is
10 intended by the parties to be a final expression of their understanding with respect to the
11 matters herein contained. This Agreement supersedes any and all other prior agreements
12 and understandings, oral or written, in connection therewith. No provision contained herein
13 shall be construed against the Agency solely because it prepared this Agreement in its
14 executed form.

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1 10. Grantor, their assigns and successors in interest shall be bound by all the
2 terms and conditions contained in this Agreement, and all the parties thereto shall be jointly
3 and severally liable thereunder.

4
5 Dated: 8/9/10

By: Javier R. Gordo
Javier R. Gordo

6
7
8 Dated: 8/9/10

By: Aurelia V. Gordo
Aurelia V. Gordo

9
10 REDEVELOPMENT AGENCY FOR THE
11 COUNTY OF RIVERSIDE

12 By: Marion Ashley
13 Marion Ashley, Chairman
14 Board of Directors

15 RECOMMENDED FOR APPROVAL:

16 By: Hector Casillas
17 Hector Casillas
18 Development Specialist I

19 APPROVED AS TO FORM:
20 County Counsel

21 By: Keith O. Ode
22 Deputy

23 ATTEST:
24 KECIA HARPER-IHEM
25 Clerk of the Board

26 By: Keith O. Ode
27 Deputy

28
HC:jg
8/4/10
13.585