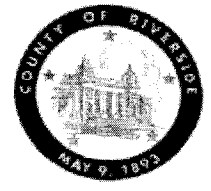


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

167



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
December 29, 2010

SUBJECT: Programming and Expenditure of DIF Funds for a Billboard Relocation needed for the Widening of Varner Road

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Authorize the use of \$40,000 of Development Impact Fee (DIF) Fund 30508 (Coachella Western Area Plan No. 2), Roads, Bridges, Major Improvements for costs associated with a billboard relocation settlement agreement needed for the widening of Varner Road, and;
- 2) Direct the Executive Office to transfer \$40,000 from DIF Fund 30508 Roads, Bridges, Major Improvements to the Transportation and Land Management Agency as needed, pursuant to the settlement agreement.

Juan C. Perez
Director of Transportation

JCP:gh
(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 40,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/2011
SOURCE OF FUNDS: DIF Fund 30508 (100%)				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 11, 2011
xc: Transp., EO

Kecia Harper-Ihem
Clerk of the Board
By: Deputy

Prev. Agn. Ref. | **District:** 4 | **Agenda Number:**

3.75

Departmental Concurrence
 FORM APPROVED COUNTY COUNSEL
 BY: Glenn R. Beilorian
 DATE: 12/27/2010

Policy Policy
 Consent Consent
 Dep't Recomm.:
 Per Exec. Ofc.:

The Honorable Board of Supervisors

RE: Programming and Expenditure of DIF Funds for a Billboard Relocation needed for the Widening of Varner Road

December 29, 2010

Page 2 of 2

BACKGROUND: The developers of the Northstar Project were conditioned to widen Varner Road from Cook Street to a point 1000 feet to the east of the Project's easterly boundary (TTM 34484 and SP 343). A sliver of real property for this road-widening project was needed from a vacant parcel at the intersection of Varner Road and 38th Avenue (the "Fields Parcel"). This sliver of property contained two billboard structures, which needed to be relocated for the Project.

In October of 2007, the Board approved various items which facilitated the relocation of the two billboards to other locations in order to accommodate the ultimate widening of Varner Road. In about June of 2008, the two billboards were removed from the Fields Parcel. Due to the downturn in the economy, the Northstar Project was not able to move forward, and improvements to Varner Road were not completed. The County is currently pursuing Bond enforcement action against the Northstar Project to compel completion of certain public improvements.

On April 2, 2009, Tamara Fields filed suit against the County for inverse condemnation. In that suit, property owner Tamara Fields was seeking compensation for loss of income due to the relocated billboards. The Board has approved a settlement of the lawsuit, which includes a compensation payment from the County to Tamara Fields of \$40,000 in exchange for a dismissal of the lawsuit and a release of claims.

The widening of Varner Road between Monterey Avenue and Berkey Drive is identified in the existing Public Facilities Needs List, which was part of the 2006 Development Impact Fee (DIF) Program update, and is listed under the Coachella Western Area Plan (AP No. 2). Staff is requesting to expend \$40,000, which is within the programmed facility cost estimate. The Northstar Project, which is in a primarily vacant stage, will need to pay DIF fees when they eventually develop.