

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

508 B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
July 17, 2012

**SUBJECT:** Arroyo Del Toro Channel Stage 1; Project No. 3-0-00170  
Authorize Condemnation of Real Property for Flood Control Purposes  
District One / District One

**RECOMMENDED MOTION:**

Approve and adopt Resolution No. F2012-12, Authorize Condemnation of Real Property for Flood Control Purposes Regarding the Arroyo Del Toro Channel Stage 1 Project.

**BACKGROUND:** See Page 2

**FINANCIAL:** See Page 2

GSW:rlp

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	Current F.Y. District Cost:	\$322,000.00	In Current Year Budget:	Yes
	Current F.Y. County Cost:	\$ N/A	Budget Adjustment:	No
	Annual Net District Cost:	\$ N/A	For Fiscal Year:	11-12

<b>SOURCE OF FUNDS:</b> Arroyo Del Toro Channel Project 540040 25120 947420 (Land)	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

BY:   
Michael R. Shettler

County Executive Office Signature

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

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

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

Ayes: Buster, Tavaglione, Benoit and Ashley  
Nays: None  
Absent: Stone  
Date: August 28, 2012  
xc: Flood, Co.Co.

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: 11.2 of 6/5/12 | District: 1/1 | Agenda Number:

11.7

FORM APPROVED COUNTY COUNSEL  
BY: ANNA W. WANG  
DATE: 8/14/12

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

**SUBJECT:** Arroyo Del Toro Channel Stage 1; Project No. 3-0-00170  
Authorize Condemnation of Real Property for Flood Control Purposes

**SUBMITTAL DATE:** July 17, 2012

**Page 2**

**BACKGROUND:**

The Arroyo Del Toro Channel Project consists of the construction and, subsequent operation and maintenance of a concrete rectangular channel, reinforced concrete box and an earthen trapezoidal channel which has a total system length of 3500 lineal feet. The facility was identified in the 1986 Elsinore Valley Benefit Assessment Flood Control Bond Issue, and will provide flood protection for the local area including the Elsinore Valley Cemetery.

The rectangular channel alignment is parallel to the I-15 Freeway, then transitions into a reinforced concrete box heading southwest, crosses under Collier Avenue, then turns northwest, crosses under Riverside Drive and terminates as an earthen trapezoidal channel in the Collier Marsh area. The system will be concrete lined except for approximately 660 lineal feet of the terminal end which will be earthen bottom.

Negotiations have been conducted with the affected owners, but to date, have not been successful. Although these negotiations will continue in order to facilitate the timely construction of the flood control facilities for the Arroyo Del Toro Channel Project, staff is recommending the approval of Resolution No. F2012-12.

**FINANCIAL:**

Sufficient funds were budgeted and are available in the Zone 3 fund for FY 2011-2012.

**BOARD OF SUPERVISORS****RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

## RESOLUTION NO. F2012-12

AUTHORIZE CONDEMNATION OF REAL PROPERTY  
FOR FLOOD CONTROL PURPOSES

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 July 17, 2012, as follows:

1. That Notice of Intention 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 project 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 the District, the project being known as the Arroyo Del Toro Channel, Stage 1 Project.

5. That the real property sought to be condemned is necessary for the construction of the public improvement and is located entirely within the boundaries of the District's Zone 3, in the city of Lake Elsinore, County of Riverside, State of California, generally described as Parcels 3170-1 and 3170-1T (which are a portion of Riverside County Assessor's Parcel No. [APN] 378-030-034) and, Parcels 3170-2, 3170-2T1 and 3170-2T2 (which are a portion of Riverside County APN 377-120-038. A specific description of the real properties and the interests sought to be condemned are set forth in Exhibit "A", attached hereto and by this reference made a part hereof.

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

7. That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

1 BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside is hereby authorized and empowered:

2 1. To acquire in the name of the District, fee simple title in Parcel 3170-1, permanent  
3 subterranean easement in Parcel 3170-2 and temporary construction easements over Parcels  
4 3170-1T, 3170-2T1 and 3170-2T2 in said real properties by condemnation in accordance with  
5 the Constitution and laws relating to eminent domain.

6 2. To prepare and prosecute in the name of the District such proceedings in the proper  
7 court having jurisdiction thereof as are necessary for such acquisition.

8 3. To make application to the Court for an order to deposit the probable amount of  
9 compensation out of proper funds under the control of the District into the County Treasury and  
10 for an order permitting the District to take prejudgment possession and use the real property for  
11 the purpose of constructing the public improvement.

12 4. To compromise and settle such proceedings, if such settlement can be reached, and  
13 in that event, to take all necessary action to complete the acquisition, including stipulations as to  
14 judgment and other matters, and causing all payments to be made.

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

22 ROLL CALL:

23 Ayes: Buster, Tavaglione, Benoit, and Ashley  
24 Nays: None  
25 Absent: Stone

26 FORM APPROVED COUNTY COUNSEL

27 BY: ANNA W. WANG 8/14/12 DATE

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

KECIA HARPER-IHEM, Clerk of said Board

By: \_\_\_\_\_ Deputy

Exhibit "A"

Arroyo Del Toro Channel, Stage 1  
Parcel 3170-1

Being a portion of that certain parcel described in Instrument No. 2009-0343391, recorded July 2 2009, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

All of Parcel 3170-1 as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County.



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

WILLIAM R. HOFFERBER JR.

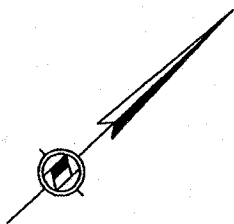
Land Surveyor No. 7360

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 07 Nov. 2011

Exhibit "B"

BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN INSTRUMENT NO. 2009-0343391,  
RECORDED JULY 2, 2009, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA,  
WITHIN THE CITY OF LAKE ELSINORE.

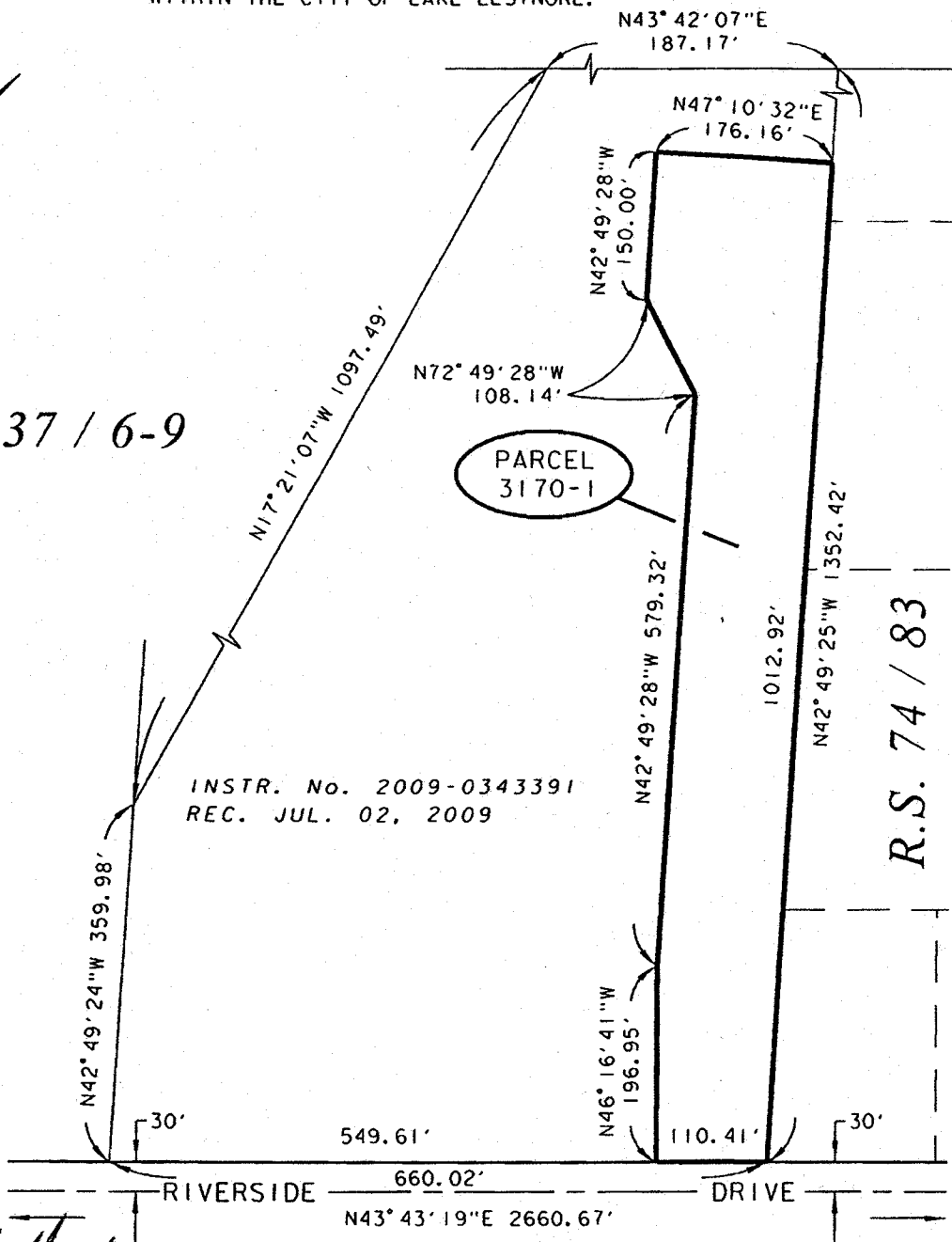


R.S. 137 / 6-9

INSTR. No. 2009-0343391  
REC. JUL. 02, 2009



*William R. Hopper, Jr.*  
DATE: 07 Nov. 2011



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

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME: ARROYO DEL TORO CHANNEL STAGE I			
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): PARCEL 3170-1	SCALE: NO SCALE	PREPARED BY: DAB
		NOV-3-2011	SHEET NO. 1 OF 1

Exhibit "A"

Arroyo Del Toro Channel, Stage 1  
Parcel 3170-1T

Being a portion of that certain Parcel described in Instrument No. 2009-0343391, recorded July 2 2009, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

A strip of land 20.00 feet in width, lying Southwesterly of the following described line:

Beginning at a point on the Northwesterly right of way of Riverside Drive, distant South 43° 43' 19" West 110.41 feet from the Easterly corner thereof;

Thence North 46° 16' 41" West, a distance of 196.95 feet;

Thence North 42° 49' 28" West, a distance of 225.98 feet to the Point of Termination;

The sidelines of said strip are to be lengthened or shortened to terminate on the Southeast on said Northwesterly right of way of Riverside Drive and on the Northwest perpendicular to the Point of Termination.



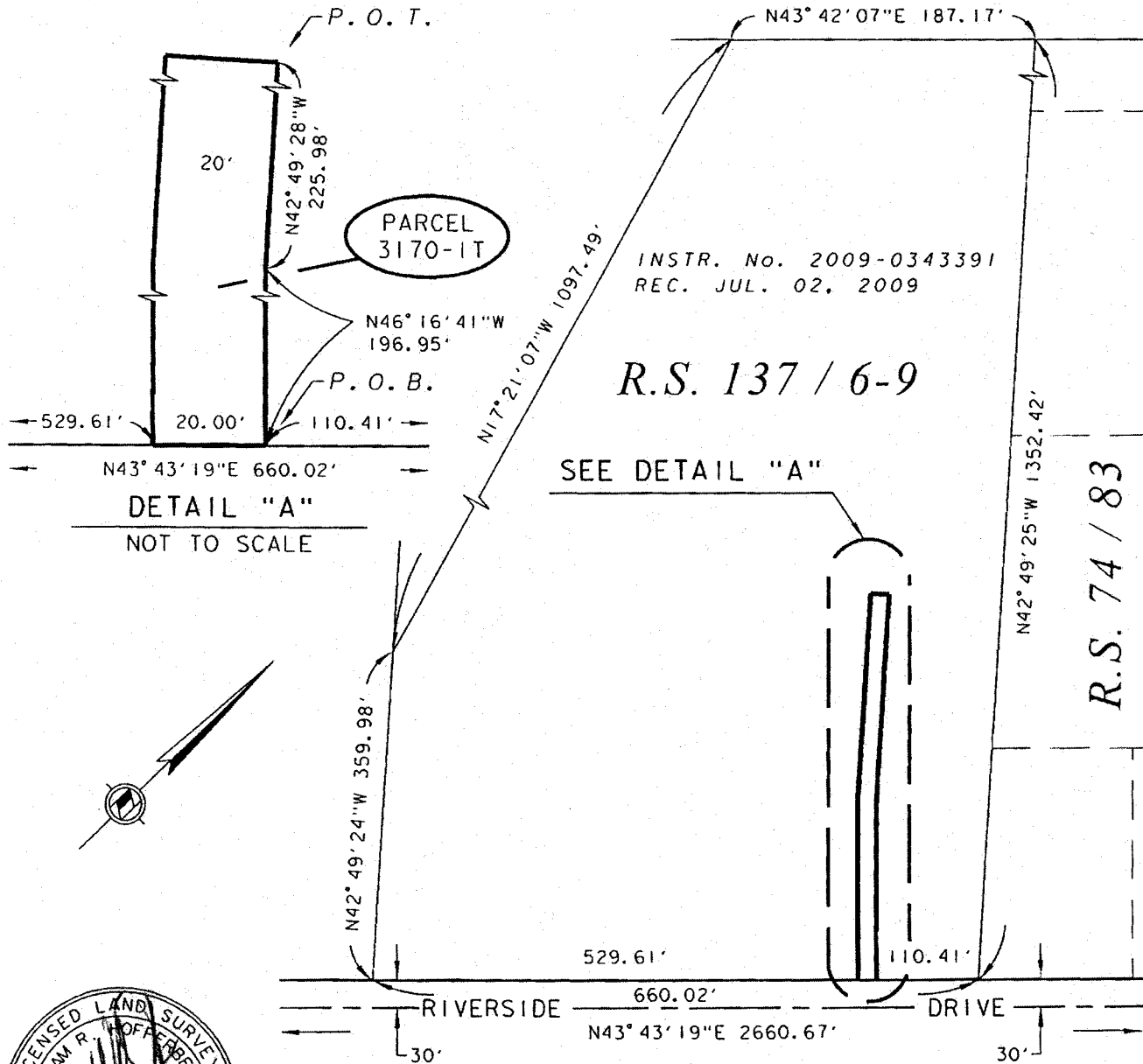
  
WILLIAM R. HOFFERBER JR.

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

Date: 07 Nov. 2011

**Exhibit "B"**

BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN INSTRUMENT NO. 2009-0343391,  
 RECORDED JULY 2, 2009, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA,  
 WITHIN THE CITY OF LAKE ELSINORE.



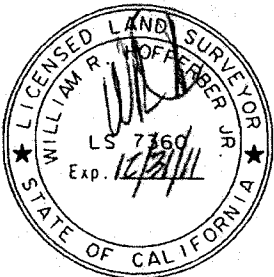
INSTR. No. 2009-0343391  
 REC. JUL. 02, 2009

**R.S. 137 / 6-9**

SEE DETAIL "A"

**R.S. 74 / 83**

**DETAIL "A"**  
 NOT TO SCALE



*William R. Hoffmeyer Jr.*  
 DATE: 07 Nov. 2011

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

PROJECT NAME: ARROYO DEL TORO CHANNEL STAGE I			
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 3170-1T	NO SCALE	DAB
		NOV-3-2011	SHEET NO. 1 OF 1



Exhibit "A"

Arroyo Del Toro Channel, Stage 1  
Parcel 3170-2

Being a portion of Parcel 1 as described in Instrument No. 2004-1022883, recorded December 27, 2004, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

A strip of land 48.00 feet in width, lying 24.00 feet on each side of the following described line:

Commencing at the centerline intersection of Riverside Drive and Collier Avenue as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County;

Thence South  $46^{\circ} 14' 40''$  East, a distance of 387.38 feet along the centerline of Collier Avenue;

Thence South  $43^{\circ} 41' 51''$  West, a distance of 30.00 feet to the Southwesterly right of way of said Collier Avenue, said point being the Point of Beginning;

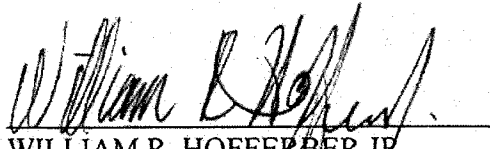
Thence continuing South  $43^{\circ} 41' 51''$  West, a distance of 522.59 feet to the beginning of a tangent curve, concave northerly, having a radius of 200.00 feet;

Thence southwesterly along said curve through a central angle of  $90^{\circ} 01' 28''$ , a distance of 314.25 feet;

Thence North  $46^{\circ} 16' 41''$  West, a distance of 157.62 feet to the southeasterly right of way of said Riverside Drive, said point being the Point of Termination;

The sidelines of said strip are to be lengthened or shortened to terminate on the North on said southwesterly right of way of Collier Avenue and on the West on said southeasterly right of way of Riverside Drive.



  
WILLIAM R. HOFFERBER JR.

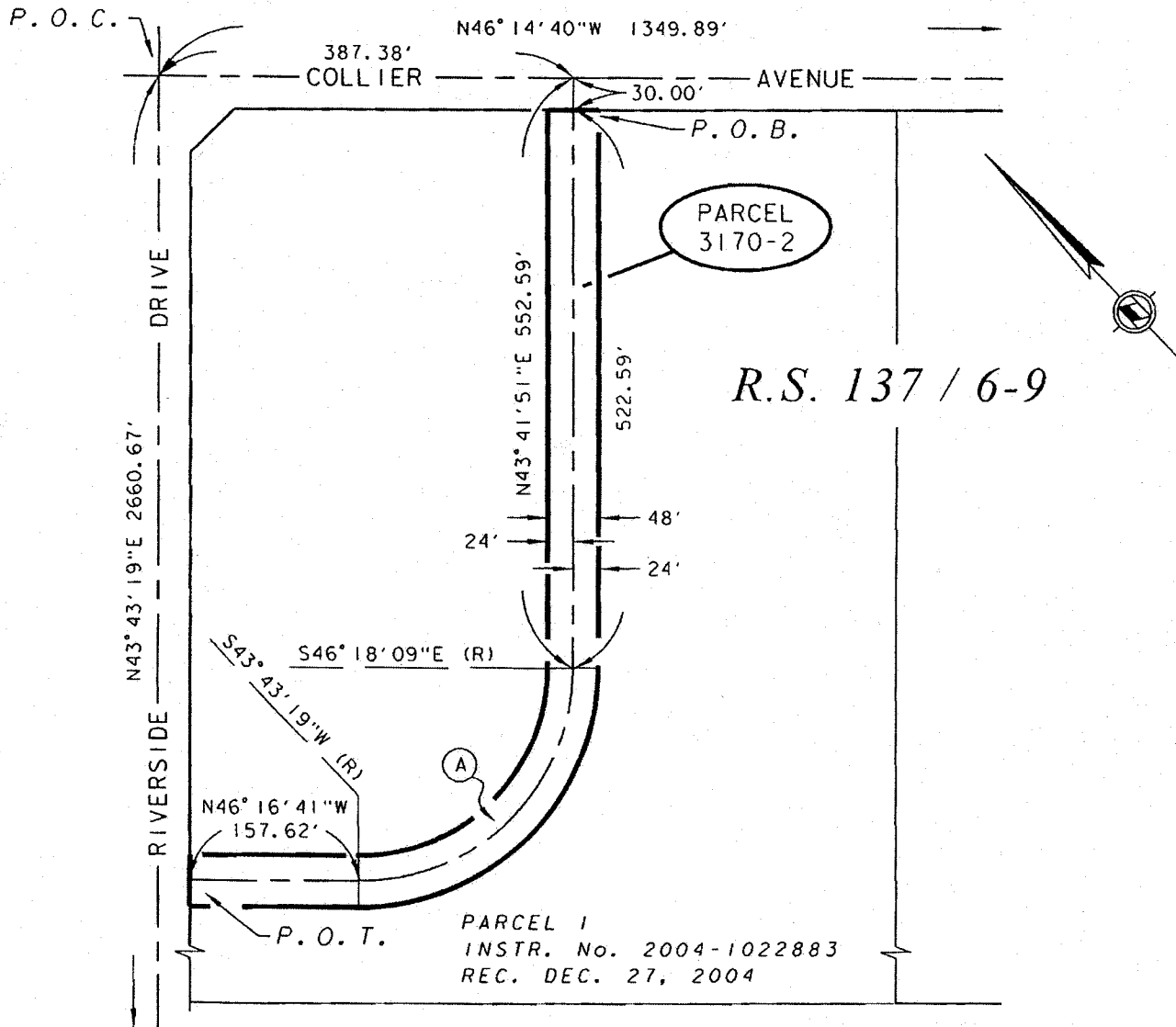
Land Surveyor No. 7360

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 07 Nov. 2011

Exhibit "B"

BEING A PORTION OF PARCEL 1 AS DESCRIBED IN INSTRUMENT NO. 2004-1022883,  
RECORDED DECEMBER 27, 2004, RECORDS OF RIVERSIDE COUNTY, STATE OF  
CALIFORNIA, WITHIN THE CITY OF LAKE ELSINORE.



R.S. 137 / 6-9

PARCEL 1  
INSTR. No. 2004-1022883  
REC. DEC. 27, 2004



*William P. Hofer, Jr.*  
DATE: 07 Nov. 2011

C CURVE DATA					
○	△	=	R =	T =	L =
A	90° 01' 28"		200.00'	200.09'	314.25'

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

PROJECT NAME: ARROYO DEL TORO CHANNEL STAGE I

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): <b>PARCEL 3170-2</b>	SCALE: <b>NO SCALE</b>	PREPARED BY: <b>DAB</b>
		<b>NOV-3-2011</b>	SHEET NO. <b>1 OF 1</b>

Exhibit "A"

Arroyo Del Toro Channel, Stage 1  
Parcel 3170-2T1

Being a portion of Parcel 1 as described in Instrument No. 2004-1022883, recorded December 27, 2004, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

Commencing at the centerline intersection of Riverside Drive and Collier Avenue as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County;

Thence along the centerline of Collier Avenue, South  $46^{\circ} 14' 40''$  East, a distance of 363.38 feet;

Thence South  $43^{\circ} 41' 51''$  West, a distance of 30.00 feet to the Southwesterly right of way of said Collier Avenue, said point being the Point of Beginning;

Thence continuing South  $43^{\circ} 41' 51''$  West, a distance of 522.61 feet to the beginning of a tangent curve, concave Northerly, having a radius of 176.00 feet;

Thence Southwesterly along said curve through a central angle of  $90^{\circ} 01' 28''$ , a distance of 276.54 feet;

Thence North  $46^{\circ} 16' 41''$  West, a distance of 157.62 feet to the Southeasterly right of way of said Riverside Drive;

Thence North  $43^{\circ} 43' 19''$  East, a distance of 208.82 feet along said right of way of Riverside Drive;

Thence South  $25^{\circ} 29' 14''$  West, a distance of 160.90 feet;

Thence South  $46^{\circ} 16' 41''$  East, a distance of 74.83 feet;

Thence South  $14^{\circ} 16' 44''$  East, a distance of 63.29 feet to the beginning of a non-tangent curve, concave Northerly, having a radius of 155.00 feet, a radial to said point bears South  $35^{\circ} 50' 58''$  West;

Thence Northeasterly along said curve through a central angle of  $82^{\circ} 09' 07''$ , a distance of 222.24 feet;

Thence North  $43^{\circ} 41' 51''$  East, a distance of 492.63 feet to a point being on a line parallel with and distant Southwesterly 30.00 feet, measured at a right angle, from said Southwesterly right of way of Collier Avenue;

Thence North  $46^{\circ} 14' 40''$  West, a distance of 87.07 feet along said parallel line;

Thence North 02° 17' 50" East, a distance of 40.03 feet to said Southwesterly right of way of Collier Avenue;

Thence South 46° 14' 40" East, a distance of 134.54 feet along said right of way of Collier Avenue to the Point of Beginning;



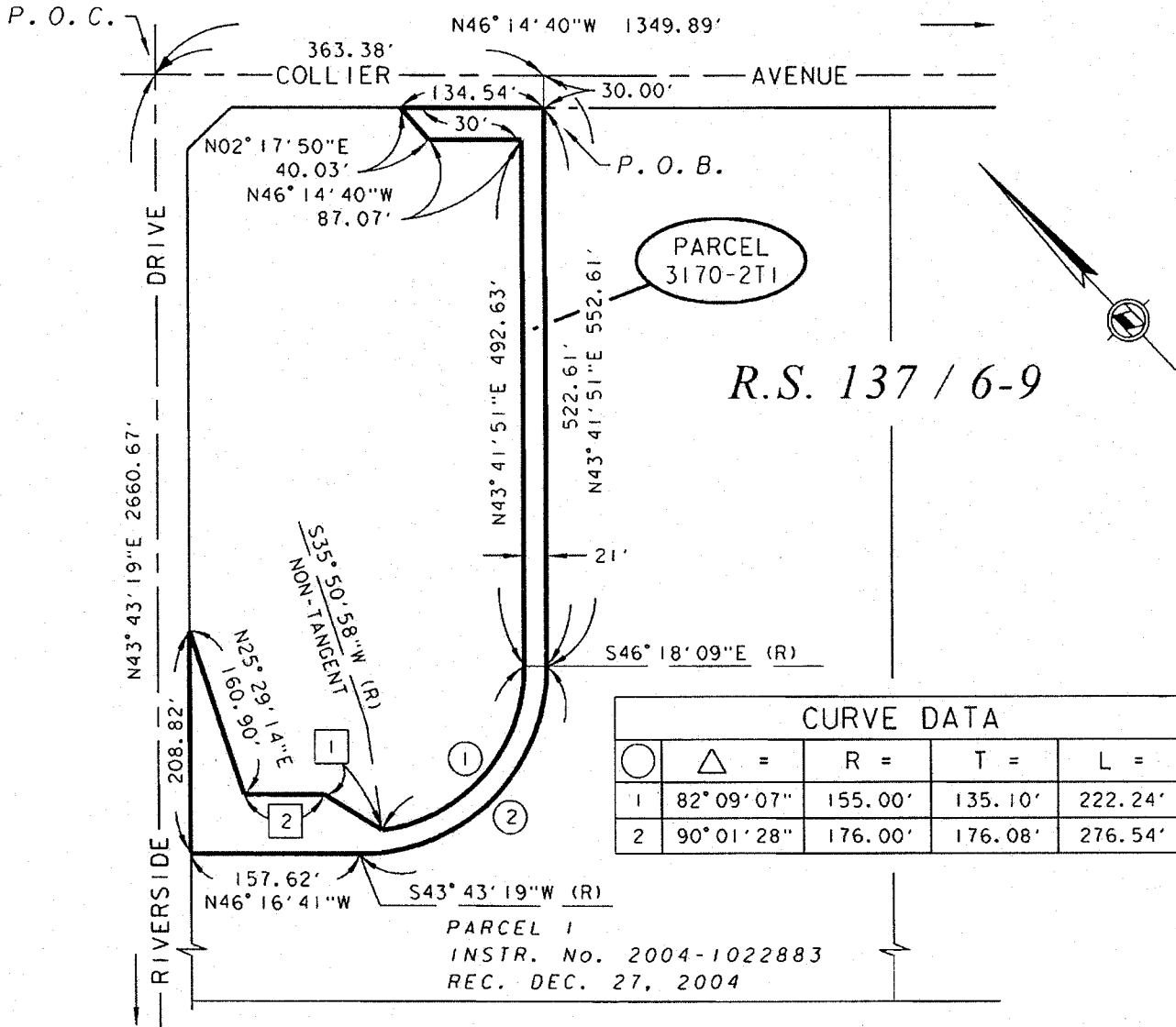
*William R. Hofferber Jr.*  
\_\_\_\_\_  
WILLIAM R. HOFFERBER JR.

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

Date: 07 Nov. 2011

### Exhibit "B"

BEING A PORTION OF PARCEL 1 AS DESCRIBED IN INSTRUMENT NO. 2004-1022883,  
RECORDED DECEMBER 27, 2004, RECORDS OF RIVERSIDE COUNTY, STATE OF  
CALIFORNIA, WITHIN THE CITY OF LAKE ELSINORE.



CURVE DATA				
Circle	Triangle =	R =	T =	L =
1	82°09'07"	155.00'	135.10'	222.24'
2	90°01'28"	176.00'	176.08'	276.54'

LINE DATA		
Box	BEARING	DISTANCE
1	N14°16'44"W	63.29'
2	N46°16'41"W	74.83'



*William R. Fox*  
DATE: 08 Nov. 2011

<b>RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</b> 1995 MARKET ST. RIVERSIDE, CA. 92501			
PROJECT NAME: ARROYO DEL TORO CHANNEL STAGE I			
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): <b>PARCEL 3170-2T1</b>	SCALE: <b>NO SCALE</b>	PREPARED BY: <b>DAB</b>
		<b>NOV-3-2011</b>	SHEET NO. <b>1 OF 1</b>

Exhibit "A"

Arroyo Del Toro Channel, Stage 1  
Parcel 3170-2T2

Being a portion of Parcel 1 as described in Instrument No. 2004-1022883, recorded December 27, 2004, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

Commencing at the centerline intersection of Riverside Drive and Collier Avenue as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County;

Thence South  $46^{\circ} 14' 40''$  East, a distance of 411.38 feet along the centerline of Collier Avenue;

Thence South  $43^{\circ} 41' 51''$  West, a distance of 30.00 feet to the Southwesterly right of way of said Collier Avenue, said point being the Point of Beginning;

Thence South  $46^{\circ} 14' 40''$  East, a distance of 279.23 feet along said right of way of Collier Avenue to the East corner of said Parcel 1;

Thence North  $56^{\circ} 40' 10''$  West, a distance of 116.06 feet to a point being on a line parallel with and distant Southwesterly 21.00 feet, measured at a right angle, from said Southwesterly right of way of Collier Avenue;

Thence North  $46^{\circ} 14' 40''$  West, a distance of 149.07 feet along said parallel line;

Thence South  $43^{\circ} 41' 51''$  West, a distance of 501.55 feet to the beginning of a tangent curve, concave northerly, having a radius of 240.00 feet;

Thence Southwesterly along said curve through a central angle of  $90^{\circ} 01' 28''$ , a distance of 377.09 feet;

Thence North  $46^{\circ} 16' 41''$  West, a distance of 84.62 feet to a point being on a line parallel with and distant Southeasterly 73.00 feet, measured at a right angle, from the Southeasterly right of way of said Riverside Drive;

Thence South  $43^{\circ} 43' 19''$  West, a distance of 67.61 feet along said parallel line;

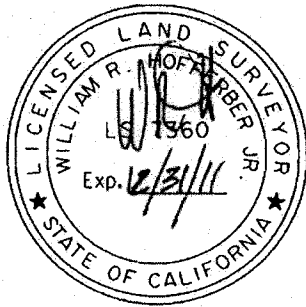
Thence South  $61^{\circ} 56' 51''$  West, a distance of 233.41 feet to said Southeasterly right of way of Riverside Drive;

Thence North  $43^{\circ} 43' 19''$  East, a distance of 305.31 feet along said right of way of Riverside Drive;

Thence South 46° 16' 41" East, a distance of 157.62 feet to the beginning of a tangent curve, concave northerly, having a radius of 224.00 feet;

Thence Northeasterly along said curve through a central angle of 90° 01' 28", a distance of 351.95 feet;

Thence North 43° 41' 51" East, a distance of 522.56 feet to said Southwesterly right of way of Collier Avenue and the Point of Beginning;



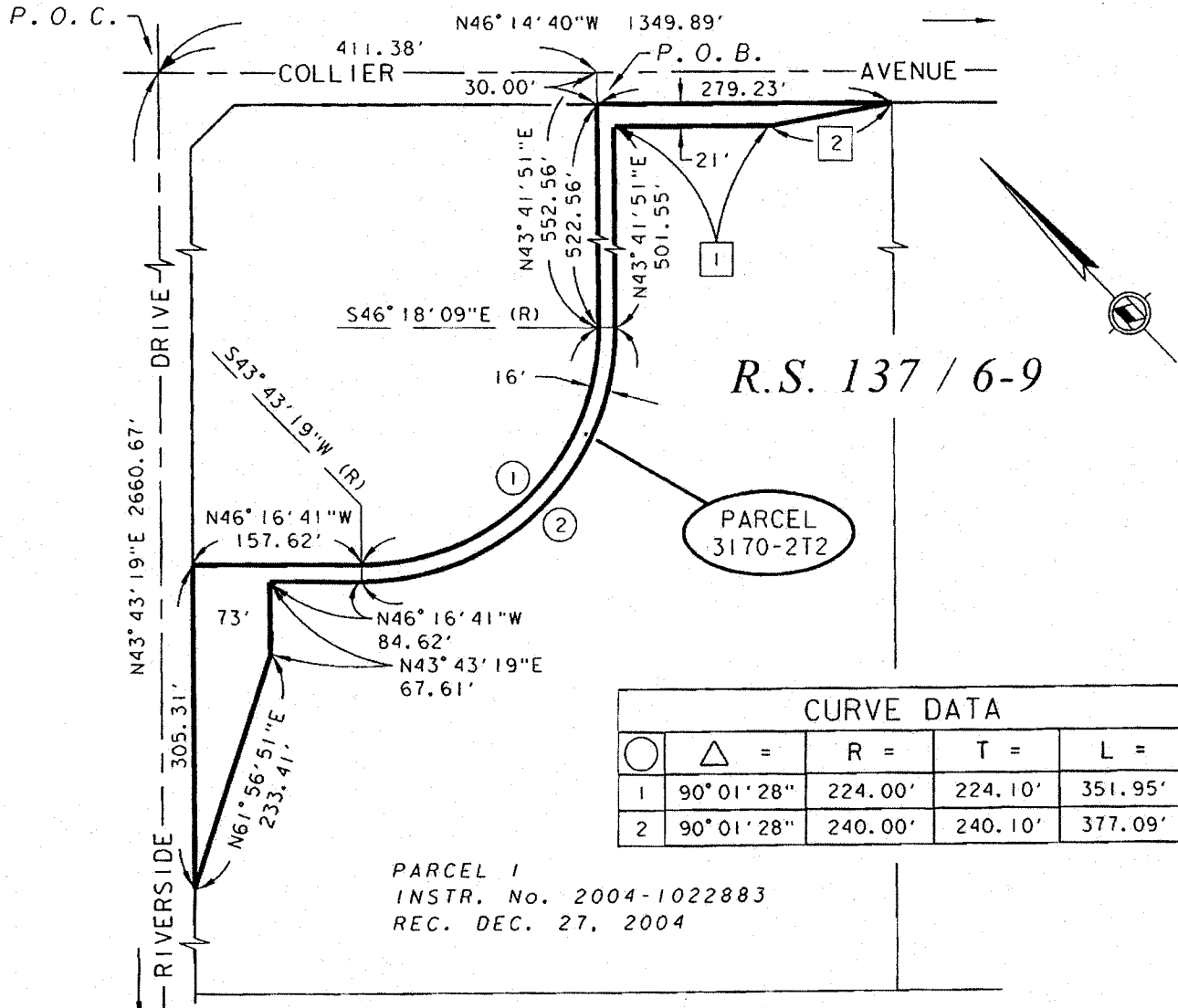
*William R. Hofferber Jr.*  
\_\_\_\_\_  
WILLIAM R. HOFFERBER JR.

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

Date: 08 Nov. 2011

### Exhibit "B"

BEING A PORTION OF PARCEL 1 AS DESCRIBED IN INSTRUMENT NO. 2004-1022883,  
 RECORDED DECEMBER 27, 2004, RECORDS OF RIVERSIDE COUNTY, STATE OF  
 CALIFORNIA, WITHIN THE CITY OF LAKE ELSINORE.



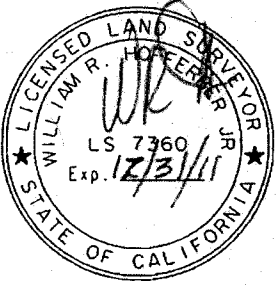
R.S. 137 / 6-9

PARCEL 3170-2T2

CURVE DATA				
○	△ =	R =	T =	L =
1	90° 01' 28"	224.00'	224.10'	351.95'
2	90° 01' 28"	240.00'	240.10'	377.09'

PARCEL 1  
 INSTR. No. 2004-1022883  
 REC. DEC. 27, 2004

LINE DATA		
	BEARING	DISTANCE
1	N46° 14' 40"W	149.07'
2	N56° 40' 10"W	116.06'



*William R. Hoffer*  
 DATE: 07 Nov. 2011

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

PROJECT NAME: ARROYO DEL TORO CHANNEL STAGE I			
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 3170-2T2	NO SCALE	DAB
		NOV-3-2011	SHEET NO. 1 OF 1



DECLARATION OF MAILING OF NOTICE OF INTENTION TO  
ADOPT A RESOLUTION OF NECESSITY REGARDING THE MAGNOLIA AVENUE  
GRADE SEPARATION PROJECT

I, Cecilia Gil, (Name) Board Assistant to the Clerk of the Board, (Title) hereby declares as follows:

That on June 12, 2012, I served by mail (1) a copy of the Notice of Intention to Adopt a Resolution of Necessity to Condemn Real Property for Flood Control Purposes; (2) a copy of the plat maps and legal descriptions, copies of which are on file in the Office of the Clerk of the Board of Supervisors and (3) the original of the letter dated June 12, 2012 from the Clerk of the Board of Supervisors to the following addresses, (a copy of which is attached hereto as Exhibit "A") by depositing said letters enclosed in a sealed envelope, in the United States Postal Service mailbox at the City of Riverside, California:

First Citizens Bank-REO  
Attn: Peter Fagrell, VP  
27708 Jefferson Ave., Ste. 100  
Temecula, CA 92590

Certified Mail #: 7008 2810 0002 2114 8745

RKW & MLW Elsinore, LP  
Attn: Debra Wong, Manager  
2384 Hoxie Drive  
Tustin, CA 92782

Certified Mail #: 7002 1000 0005 0459 9943

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 12<sup>th</sup> of June 2012, at Riverside County, California.

  
\_\_\_\_\_  
Cecilia Gil, Board Assistant

OWNERS NAMES  
AND  
ADDRESS

AS SHOWN ON THE LAST EQUALIZED ROLL

1. First Citizens Bank-REO  
Attn: Peter Fagrell, VP  
27708 Jefferson Ave., Ste 100  
Temecula, CA 92590

APN 378-030-034

RCFC No. 3170-1 & 3170-1T

2. RKW & MLW Elsinore, LP  
Attn: Debra Wong, Manager.  
2384 Hoxie Drive  
Tustin, CA. 92782

APN 377-120-038

RCFC 3170-2, 3170-2T1 & 3170-2T2



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1<sup>st</sup> FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
Office: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

June 12, 2012

First Citizens Bank-REO  
Attn: Peter Fagrell, VP  
27708 Jefferson Ave., Ste. 100  
Temecula, CA 92590

**SUBJECT: CONDEMN REAL PROPERTY**  
**Resolution No. F2012-11**  
**Project No. 3-8-00170**  
**APN 378-030-034**

**PROJECT: Arroyo del Toro Channel, Stage 1 Project**

Ladies and Gentlemen:

We have enclosed herewith the following documents:

1. *Notice of Intention to Condemn Real Property for Flood Control Purposes (Res. F2012-11)*
2. *Legal Description*
3. *Parcel Map.*

As noted in the enclosed Notice, you may appear and be heard on four specified matters which are underlined for your quick and easy reference.

You may use the second page portion of this letter to request to be heard on these matters; however, it must be filed or delivered within 15 days after this letter and enclosed Notice were mailed to you. Please mail or personally deliver your request to:

Kecia Harper-Ihem  
Clerk, Board to Supervisors  
County Administrative Center  
Post Office Box 1147  
4080 Lemon Street, 1<sup>st</sup> floor  
Riverside, California 92502-1147



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1<sup>st</sup> FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
Office: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

June 12, 2012

RKW & MLW Elsinore, LP  
Attn: Debra Wong, Manager  
2384 Hoxie Drive  
Tustin, CA 92782

**SUBJECT: CONDEMN REAL PROPERTY**  
**Resolution No. F2012-11**  
**Project No. 3-8-00170**  
**APN 378-030-034**

**PROJECT: Arroyo del Toro Channel, Stage 1 Project**

Ladies and Gentlemen:

We have enclosed herewith the following documents:

1. *Notice of Intention to Condemn Real Property for Flood Control Purposes (Res. F2012-11)*
2. *Legal Description*
3. *Parcel Map.*

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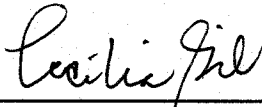
Kecia Harper-Ihem  
Clerk, Board to Supervisors  
County Administrative Center  
Post Office Box 1147  
4080 Lemon Street, 1<sup>st</sup> floor  
Riverside, California 92502-1147

If you should have any questions concerning the proposed public improvement, we suggest that you contact:

Warren D. Williams  
General Manager-Chief Engineer  
Flood Control  
1995 Market Street  
Riverside, California 92501  
Telephone: (951) 955-1200

Sincerely,

KECIA HARPER-IHEM  
CLERK OF THE BOARD

By:   
Deputy, Clerk of the Board

REQUEST  
TO APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN THE NOTICE OF  
INTENTION ON **JULY 17, 2012 @ 1:30pm**, TO CONDEMN REAL PROPERTY FOR  
FLOOD CONTROL PURPOSES (6/5/12, 11.2)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NO.: ( \_\_\_\_\_ ) \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

BOARD OF SUPERVISORSRIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

## RESOLUTION NO. F2012-11

NOTICE OF INTENT TO ADOPT A RESOLUTION OF NECESSITY REGARDING  
THE ARROYO DEL TORO, STAGE 1 PROJECT

WHEREAS, the portions of real properties that are the subjects of this Notice (collectively the "Subject Properties") are 1) located in the city of Lake Elsinore, County of Riverside, California; 2) located in the general vicinity of Collier Avenue and Riverside Drive; 3) legally described and visually depicted in the documents attached hereto as Exhibits "A" and "B" and incorporated herein by this reference; and 4) referred to in attached Exhibits "A" and "B", as Parcels 3170-1 and 3170-1T (which are a portion of Riverside County Assessor's Parcel No. ["APN"] 378-030-034) and Parcels 3170-2, 3170-2T1 and 3170-2T2 (which are a portion of Riverside County APN 377-120-038);

WHEREAS, the proposed project that is the subject of this Notice (the "Proposed Project") is one to develop and construct a public flood control facility, and is one for other uses incidental to that stated use and required by that stated use including but not limited to the development and construction of an access road, and including but not limited to the incidental creation of "remnant[s]" within the meaning of Code of Civil Procedure Section 1240.410;

WHEREAS, the interests in property that are the subjects of this Notice (collectively the "Subject Property Interests") are: (a) fee simple ownerships in Parcels 3170-1; (b) perpetual subsurface easement in Parcel 3170-2; and (c) temporary construction easements in Parcels 3170-1T, 3170-2T1 and 3170-2T2.

WHEREAS, the authorities that authorize the Riverside County Flood Control and Water Conservation District (the "District") to acquire the Subject Property Interest by eminent domain include Article 1, Section 19 of the California Constitution; Section 25350.5 of the Government Code; Section 48-9 of the Water Code-Appendix; and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.410, 1240.510 and 1240.610 of the Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District in regular session assembled on June 5, 2012:

1. You are hereby notified that this Board (at its public meeting on July 17, 2012 at 1:30 p.m. in the meeting room of the Board of Supervisors located on the 1<sup>st</sup> Floor of the County Administrative Center, 4080 Lemon Street, Riverside, California) may decide to adopt a Resolution of Necessity that would authorize the District to acquire the Subject Property Interest by eminent domain (and that would find and determine each of the following matters):

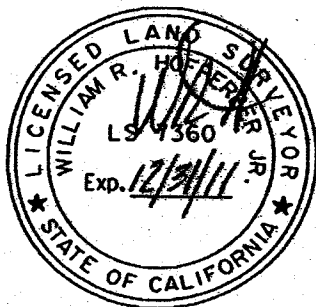
- (a) The public interest and necessity require the Proposed Project;
- (b) The Proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) The Subject Property Interest is necessary for the Proposed Project;

Exhibit "A"

Arroyo Del Toro Channel, Stage 1  
Parcel 3170-1

Being a portion of that certain parcel described in Instrument No. 2009-0343391, recorded July 2 2009, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

All of Parcel 3170-1 as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County.



*William R. Hofferber Jr.*  
\_\_\_\_\_  
WILLIAM R. HOFFERBER JR.

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

Date: 07 Nov. 2011

Exhibit "A"

Arroyo Del Toro Channel, Stage 1  
Parcel 3170-1T

Being a portion of that certain Parcel described in Instrument No. 2009-0343391, recorded July 2 2009, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

A strip of land 20.00 feet in width, lying Southwesterly of the following described line:


Beginning at a point on the Northwesterly right of way of Riverside Drive, distant South 43° 43' 19" West 110.41 feet from the Easterly corner thereof;

Thence North 46° 16' 41" West, a distance of 196.95 feet;

Thence North 42° 49' 28" West, a distance of 225.98 feet to the Point of Termination;

The sidelines of said strip are to be lengthened or shortened to terminate on the Southeast on said Northwesterly right of way of Riverside Drive and on the Northwest perpendicular to the Point of Termination.



  
WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 07 Nov. 2011



Exhibit "A"

Arroyo Del Toro Channel, Stage 1  
Parcel 3170-2

Being a portion of Parcel 1 as described in Instrument No. 2004-1022883, recorded December 27, 2004, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

A strip of land 48.00 feet in width, lying 24.00 feet on each side of the following described line:

Commencing at the centerline intersection of Riverside Drive and Collier Avenue as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County;

Thence South  $46^{\circ} 14' 40''$  East, a distance of 387.38 feet along the centerline of Collier Avenue;

Thence South  $43^{\circ} 41' 51''$  West, a distance of 30.00 feet to the Southwesterly right of way of said Collier Avenue, said point being the Point of Beginning;

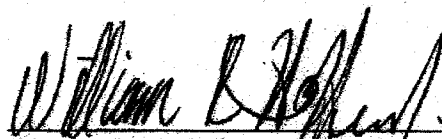
Thence continuing South  $43^{\circ} 41' 51''$  West, a distance of 522.59 feet to the beginning of a tangent curve, concave northerly, having a radius of 200.00 feet;

Thence southwesterly along said curve through a central angle of  $90^{\circ} 01' 28''$ , a distance of 314.25 feet;

Thence North  $46^{\circ} 16' 41''$  West, a distance of 157.62 feet to the southeasterly right of way of said Riverside Drive, said point being the Point of Termination;

The sidelines of said strip are to be lengthened or shortened to terminate on the North on said southwesterly right of way of Collier Avenue and on the West on said southeasterly right of way of Riverside Drive.



  
WILLIAM R. HOFFERBER JR.

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

Date: 07 Nov. 2011

Exhibit "A"

Arroyo Del Toro Channel, Stage 1  
Parcel 3170-2T1

Being a portion of Parcel 1 as described in Instrument No. 2004-1022883, recorded December 27, 2004, records of Riverside County, State of California, within the city of Lake Elsinore described as follows:

Commencing at the centerline intersection of Riverside Drive and Collier Avenue as shown on Record of Survey filed in Book 137, Pages 6 through 9, inclusive, records of said County;

Thence along the centerline of Collier Avenue, South  $46^{\circ} 14' 40''$  East, a distance of 363.38 feet;

Thence South  $43^{\circ} 41' 51''$  West, a distance of 30.00 feet to the Southwesterly right of way of said Collier Avenue, said point being the Point of Beginning;

Thence continuing South  $43^{\circ} 41' 51''$  West, a distance of 522.61 feet to the beginning of a tangent curve, concave Northerly, having a radius of 176.00 feet;

Thence Southwesterly along said curve through a central angle of  $90^{\circ} 01' 28''$ , a distance of 276.54 feet;

Thence North  $46^{\circ} 16' 41''$  West, a distance of 157.62 feet to the Southeasterly right of way of said Riverside Drive;

Thence North  $43^{\circ} 43' 19''$  East, a distance of 208.82 feet along said right of way of Riverside Drive;

Thence South  $25^{\circ} 29' 14''$  West, a distance of 160.90 feet;

Thence South  $46^{\circ} 16' 41''$  East, a distance of 74.83 feet;

Thence South  $14^{\circ} 16' 44''$  East, a distance of 63.29 feet to the beginning of a non-tangent curve, concave Northerly, having a radius of 155.00 feet, a radial to said point bears South  $35^{\circ} 50' 58''$  West;

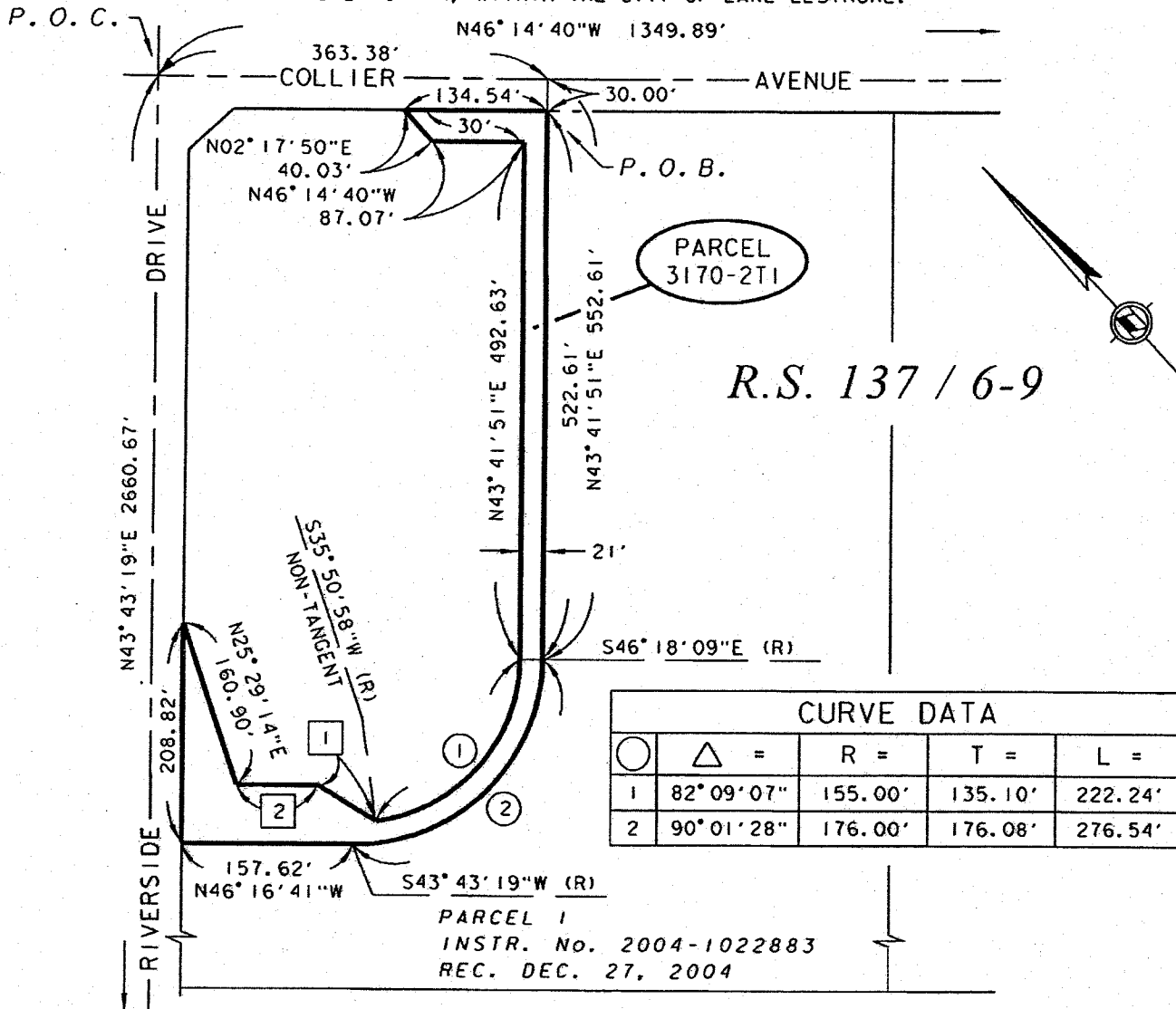
Thence Northeasterly along said curve through a central angle of  $82^{\circ} 09' 07''$ , a distance of 222.24 feet;

Thence North  $43^{\circ} 41' 51''$  East, a distance of 492.63 feet to a point being on a line parallel with and distant Southwesterly 30.00 feet, measured at a right angle, from said Southwesterly right of way of Collier Avenue;

Thence North  $46^{\circ} 14' 40''$  West, a distance of 87.07 feet along said parallel line;

### Exhibit "B"

BEING A PORTION OF PARCEL 1 AS DESCRIBED IN INSTRUMENT NO. 2004-1022883,  
RECORDED DECEMBER 27, 2004, RECORDS OF RIVERSIDE COUNTY, STATE OF  
CALIFORNIA, WITHIN THE CITY OF LAKE ELSINORE.



CURVE DATA				
Curve	Δ =	R =	T =	L =
1	82° 09' 07"	155.00'	135.10'	222.24'
2	90° 01' 28"	176.00'	176.08'	276.54'

LINE DATA		
Line	BEARING	DISTANCE
1	N14° 16' 44"W	63.29'
2	N46° 16' 41"W	74.83'



*William R. [Signature]*  
DATE: 03 Nov. 2011

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

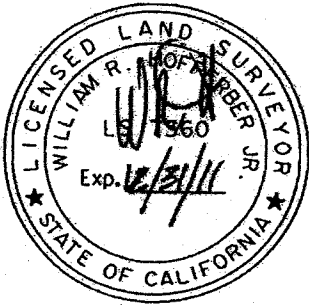
PROJECT NAME: **ARROYO DEL TORO CHANNEL STAGE I**

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): <b>PARCEL 3170-2T1</b>	SCALE: <b>NO SCALE</b>	PREPARED BY: <b>DAB</b>
		<b>NOV-3-2011</b>	SHEET NO. <b>1 OF 1</b>

Thence South 46° 16' 41" East, a distance of 157.62 feet to the beginning of a tangent curve, concave northerly, having a radius of 224.00 feet;

Thence Northeasterly along said curve through a central angle of 90° 01' 28", a distance of 351.95 feet;

Thence North 43° 41' 51" East, a distance of 522.56 feet to said Southwesterly right of way of Collier Avenue and the Point of Beginning;



*William R. Hofferber Jr.*  
\_\_\_\_\_  
WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 08 Nov. 2011



916B

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

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
June 5, 2012

**SUBJECT:** Notice of Intent to Adopt a Resolution of Necessity  
Arroyo Del Toro Channel, Stage 1 Project  
District One/ District One

**RECOMMENDED MOTION:**

Approve Resolution No. F2012-11, Notice of Intent to Adopt a Resolution of Necessity and set a public hearing on July 17, 2012.

**BACKGROUND:**

See Page 2

**FINANCIAL:** N/A

GSW:rlp

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	Current F.Y. District Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	\$ N/A	For Fiscal Year:	N/A

**SOURCE OF FUNDS:**

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Michael R. Shetler

County Executive Office Signature

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

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

On motion of Supervisor Tavaglione, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended and is set for public hearing on Tuesday, July 17, 2012 at 1:30 p.m.

Ayes: Buster, Tavaglione and Stone  
Nays: None  
Absent: Ashley and Benoit  
Date: June 5, 2012  
xc: Flood, COB

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.:

District: 1/1

Agenda Number:

**11.2**

FORM APPROVED COUNTY COUNSEL  
BY: ANNA W. WANG  
DATE: 6/14/12

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Debra Wong

**Address:** 1080 N. Batavia #K  
(only if follow-up mail response requested)

**City:** Orange **Zip:** 92867

**Phone #:** (714) ~~988~~ 289-1900

**Date:** 7-17-12 **Agenda #** 11.5

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**  
Support  Oppose  Neutral

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

Support  Oppose  Neutral

**I give my 3 minutes to:** \_\_\_\_\_



**First Citizens  
Bank**

July 17, 2012

County of Riverside Board of Supervisors  
Attn: Kecia Harper Ithem, Clerk of the Board  
Riverside County Flood Control District  
4080 Lemon Street  
Riverside, CA 92502

**RE: Arroyo del Toro Channel, Stage 1 project**

Dear Ladies and Gentlemen:

First-Citizens Bank and Trust ("FCB") has been approached by the Flood District Real Property Department, with an offer to acquire a portion of a 14.79 acre parcel in Lake Elsinore, APN 378-030-034, presently owned by FCB.

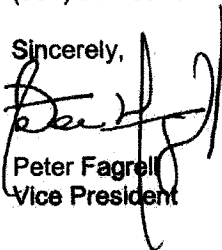
Discussions have taken place between FCB and the Flood District, under which FCB has expressed its concerns regarding the impacts of the channel on the remainder parcel. Attached is a letter dated 3/16/12 from FCB to the District, detailing these concerns.

The District has subsequently presented an offer to FCB to acquire the entire parcel, and detailed discussions have commenced regarding the form and content of a purchase and sale agreement.

First Citizens does not support the commencement of Flood District activities on the property, prior to the completion and execution of a mutually agreeable purchase agreement, and FCB hereby reserves all rights available to a property owner under this set of circumstances.

In the event you have any questions regarding this matter, please do not hesitate to contact me directly at (951) 587-8046. In the meantime, thank you for your cooperation in this matter.

Sincerely,



Peter Fagrell  
Vice President

Cc: John Mecklenburg, FCB

07.17.2012  
11.5



**First Citizens  
Bank**

March 16, 2012

Mr. Gregory Walker  
Senior Real Property Agent  
Riverside County Flood Control District  
1995 Market Street  
Riverside, CA 92501

**RE: Arroyo del Toro Channel project  
Proposed Offer to Purchase dated 1/19/12**

Dear Mr. Walker:

As a follow up on our conference call several days ago, we reviewed our list of concerns against the responses provided by the District. We are concerned that the issues we raised will not be adequately addressed, resulting in a deterioration of value for the property we would retain (the "Remainder Parcel") should we agree to proceed with the District's offer.

Our concerns stem primarily from the potential that the Remainder Parcel would be burdened with greater costs as a result of specific elements of the district's proposed channel east of Riverside Drive.

Sewer Service:

Our first concern is regarding sewer service. As you are probably aware, there is currently no existing sewer facility within Riverside Drive along the frontage of our parcel. The nearest sewer facility is in Colliers Drive.

We recently retained a local engineer to assess the feasibility of running a sewer line from our property to Colliers, to connect to sewer. Attached are diagrams illustrating the nearest connection point for sewer. Our engineer's assessment is that without any obstacles, it is feasible for a gravity sewer line to be extended from our site to the nearest connection point. However, if a box culvert were constructed as currently designed, a gravity sewer line would no longer be feasible and a force line would become necessary. Our engineer's initial estimate is that a basic gravity sewer line is estimated to cost \$50,000, while a private sewer lift station might add \$150,000. It is unclear at this stage whether EMWD would allow a private facility, and if it were required that it be public, the additional cost might be as large as \$450,000 above and beyond the cost of a gravity line. Regardless of whether a force sewer line could be private, and therefore less costly, or public and therefore more expensive, in either case the need to construct a sewer pumping facility of any kind would become a certainty with the District's box culvert as presently designed.

This additional cost has the potential of being a minimum of \$150,000 over the cost of a gravity line, and the cost would need to be absorbed entirely by the future development of the Remainder Parcel. As such, the elimination of the gravity sewer option devalues the Remainder Parcel by at least \$150,000.

Riverside Drive future widening:

The City of Lake Elsinore's General Plan Circulation Element classifies Riverside Drive as an Urban Arterial, which would be built out to 6 lanes of width within a 120 foot right-of-way. Given that the intended ultimate sizing for Riverside Drive is known today, it appears shortsighted for the District not to plan the construction of the box culvert adequately today. Doing so would eliminate the need for the future owner of the Remainder Parcel to extend the culvert as part of a future project, to provide the



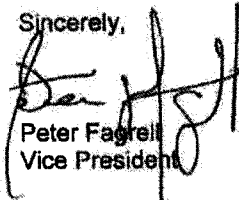
Mr. Gregory Walker  
Arroyo del Toro – Proposed Offer to Purchase  
Page 2

necessary roadway width. We believe the incremental cost of extending the culvert the necessary additional short distance is a prudent investment to make at the present. The Arroyo del Toro project is of a size where there will be certain economies of scale for this work, whereas leaving it up to a future project to extend the culvert in the future would clearly cost more per lineal foot. We ask the District to reconsider our request. We desire that the culvert be constructed in conjunction with the Arroyo del Toro project with sufficient length west of Riverside Drive, so that extending the culvert in the future is not necessary if a project is proposed on the Remainder Parcel.

Please advise what steps the District can take to further consider these concerns, as they each have the potential to significantly impact the value of the Remainder Parcel. The path of least resistance may be for the District to purchase the entire parcel. To that extent, we would ask that you provide us with an offer to purchase the property in its entirety.

In the event you have any questions regarding this matter, please do not hesitate to contact me directly at (951) 587-8046. In the meantime, thank you for your cooperation in this matter.

Sincerely,



Peter Fagrell  
Vice President

Cc: John Mecklenburg, FCB

If you should have any questions concerning the proposed public improvement, we suggest that you contact:

Warren D. Williams  
General Manager-Chief Engineer  
Flood Control  
1995 Market Street  
Riverside, California 92501  
Telephone: (951) 955-1200

Sincerely,

KECIA HARPER-IHEM  
CLERK OF THE BOARD

By: *Cecilia Gil*  
Deputy, Clerk of the Board

I, *Debra Wong* REQUEST  
TO APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN THE NOTICE OF  
INTENTION ON JULY 17, 2012 @ 1:30pm, TO CONDEMN REAL PROPERTY FOR  
FLOOD CONTROL PURPOSES (6/5/12, 11.2)

NAME: *Debra Wong*

ADDRESS: *1080 N. Batavia St., Ste. K*

TELEPHONE NO.: *(714) 289-1900*

DATED: *6-24-12*

*Debra Wong*  
(Signature)

*11.7 08.28.12*  
*07.17.12*

*202-4-113805*

Letter to Board of Supervisors dated August 28, 2012

Re: Arroyo Del Toro Channel, Stage 1

Notice of Intention to Condemn Real Property for Flood Control Purposes

Affected area: 5 acres of a total of 33 acres on corner of State Highway 74 (Riverside Dr. and Collier Ave, Lake Elsinore)

To the Honorable Supervisors of the County of Riverside:

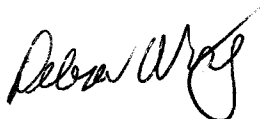
I represent my parents Robert and May Wong and their 7 grandchildren on a property which they have owned for 48 years. Their dream was that the children and grandchildren would develop this property. They have invested large sums of money and time on this property and they have never missed a single property tax payment. In times like this, how many owners and builders have defaulted on their property taxes let alone made payments over a span of 48 years? Because this is the largest parcel of commercial/industrial land in Elsinore, they have spent \$1,000,000 on assessment bond 86-1 to support sewer infrastructure for the neighboring properties. My father is 93 years old and cannot be here today but he wishes me to ask you to consider two requests.

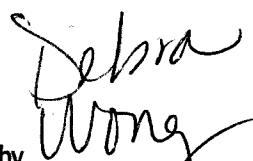
First, we are deeply saddened that the choicest part of 33 acres will be carved into an undesirable shape by the proposed flood channel as shown by Exhibit A and A-1. We had hoped to settle amicably without litigation. We have retained Gary Washburn a local broker for over 30 years to be our consultant. He determined that the District offer was below market value. Mr. Washburn submitted comps to help the District adjust their appraisal by Riggs and Riggs. Thankfully, the District did rescind their offer on August 8 and increased their offer. In the meantime, our appraiser Mr. Perdue submitted an appraisal which was considerably higher than the District's last week.

The 2 requests are as follows. We are asking the board to grant us **fair compensation** for what the property is worth according to the laws of eminent domain. Mr. Williams indicated that the Board would be uncomfortable with his requesting acceptance of our higher appraisal due to the huge discrepancy in price. Riggs and Riggs appraisal severely undervalued our property, not taking into consideration the special circumstances of a large parcel bound by 2 state highways and the fact that location and size dictate value. Furthermore, Mr. Williams inferred last week that the amount of compensation was not his concern but a matter for the jury and the courts. Please keep in mind that the cost of a court battle could be the extra money that is being denied us for a public taking which is to rectify the problems of a flooded cemetery across the street from our property. Secondly, we are requesting extra time for Riggs and Riggs to update their second appraisal to correctly reflect current market value. We would like to work with the District to agree to a favorable settlement for all without the leverage of the eminent domain lawsuit hanging over our parents heads. Our father has never known when this day would come, and the action you are taking today is very stressful for him.

Thank you for considering our wishes.

Sincerely,



  
Submitted by \_\_\_\_\_  
8 ~~8/27~~ 28/12 (date) Item 19.7

Debra Wong, Manager  
RKW & MLW Elsinore ,LP

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Diana Russell

**Address:** 18170 Colver Ave  
(only if follow-up mail response requested)

**City:** Lake Elsinore **Zip:** 92530

**Phone #:** 951 674 2418

**Date:** 8/28/12 **Agenda #** 11.7

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

**Support**       **Oppose**       **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

**Support**       **Oppose**       **Neutral**

**I give my 3 minutes to:** Self

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Debra Wong

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone #:** 714-289-1900

**Date:** 8/28/12 **Agenda #** 117

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

**Support**     **Oppose**     **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

**Support**     **Oppose**     **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Gary Washburn

**Address:** 905 Lakeshore  
(only if follow-up mail response requested)

**City:** ELSINORE **zip:** 92530

**Phone #:** (951) 674-6878

**Date:** 8/28/12 **Agenda #** 1107

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

**Support**       **Oppose**       **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

**Support**       **Oppose**       **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

June 19, 2012

Gary Washburn  
WCI  
905 W. Lakeshore Drive  
Lake Elsinore, CA 92530

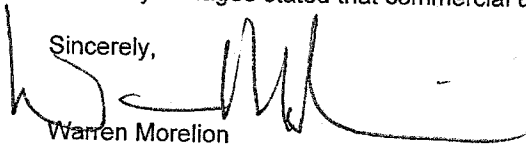
SUBJECT: Robert K. Wong and May L. Wong Property  
at the southwest corner of Collier and Riverside Drive  
APNs: 377-120-002 and 377-120-038

Dear Gary:

We are in receipt of your letter dated May 24, 2012, and concur with your conclusion that the above-referenced property has a higher value for commercial uses rather than simple industrial use. The subject property is currently zoned Commercial-Manufacturing (C-M) within an area previously designated Freeway Business in the 1990 General Plan. With the adoption of the General Plan Update on December 13, 2011, the zoning will likely remain C-M during the Consistency Zoning process. The C-M zone allows for a combination of commercial and industrial uses calling for a high degree of visibility and high quality of appearance. Staff can support the C-M zone because of the special circumstance that the site is at the crossroads of two heavily-traveled roadways, State Route 74 (Riverside Drive) and Collier Avenue. Non-industrial traffic already occurs on both of these roadways fronting the subject site.

In previous discussions with you, during the adoption of the General Plan last December, Staff supported your client's intent to develop commercial businesses on the site, such as service stations, service businesses, vehicle sales, restaurants, and trade schools, which are allowed under the current C-M zone. Subsequent to your testimony at the City Council hearing on the General Plan, Vice-Mayor Magee stated that commercial uses would be appropriate at the site.

Sincerely,



Warren Morelion  
Acting Community Development Director



Carole K. Donahoe, AICP  
Planning Consultant

951.674.3124

130 S. MAIN STREET

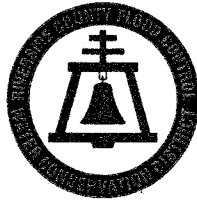
LAKE ELSINORE, CA 92530

WWW.LAKE-ELSINORE.ORG

EXHIBIT B



WARREN D. WILLIAMS  
General Manager-Chief Engineer



1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
FAX 951.788.9965  
www.rcflood.org

147510

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

June 26, 2012

Ms. Debra Wong  
RKW & MLW Elsinore, L. P.  
Regency Realty, LLC  
1080 N. Batavia Street, Suite K  
Orange, CA 92867

Dear Ms. Wong:

Re: Arroyo Del Toro Channel  
Project No: 3-0-00170  
APN: 377-120-038  
Parcel Nos: 3170-2, 3170-2T & 2T2

The District received the "Broker Statement Facts of Wong Property" on May 8, 2012 which was submitted by Gary Washburn of WCI. Mr. Washburn's analysis shows the "Highest and Best Use" as commercial development. The City Council of Lake Elsinore approved this property as C-2 use and not light industrial as our original appraisal expressed. Today the District received a letter dated June 19, 2012 from Warren Morelion, Acting Community Development Director of the City of Lake Elsinore. Mr. Morelion states that the "With the adoption of the General Plan Update on December 13, 2011, the zoning will likely remain C-M during the Consistency Zoning process". At this time, the District will have to meet with Mrs. Joyce Riggs regarding an update to the original appraisal.

The District recommends hiring an independent General Certified Appraiser to appraise the property on your behalf, and the District to provide the cost, not to exceed \$5,000.00. Along with the independent appraisal, the District requests a copy of the engineering design plans that will be used to develop the site and to assist the District with the construction of the manhole covers and the grading.

If you have any questions please feel free to contact Barbara A. Ford at 951.955.4211 or [baford@rcflood.org](mailto:baford@rcflood.org).

Very truly yours,

A handwritten signature in black ink that reads "Gregory S. Walker".

GREGORY S. WALKER  
Senior Real Property Agent

BAF:rlp

EXHIBIT C

RECEIVED  
JUN 28 2012