

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

164



**FROM:** Economic Development Agency/Facilities Management and  
Transportation Department

**SUBMITTAL DATE:**  
April 11, 2013

**SUBJECT:** Resolution No. 2013-025, Notice of Intention to Adopt a Resolution of Necessity Regarding the Emperor Road Improvement Project - Homeland

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve Resolution No. 2013-025, Notice of Intention to Adopt a Resolution of Necessity Regarding the Emperor Road Improvement Project;
2. Set a public hearing on May 21, 2013 for Resolution No. 2013-026, Authorizing Resolution of Necessity Regarding the Emperor Road Improvement Project; and

**FISCAL PROCEDURES APPROVED  
PAUL ANGULO, CPA, AUDITOR-CONTROLLER**

(Continued)

BY: Lisette Rose 4/10/13  
Lisette Rose

*[Signature]*

*[Signature]*

Juan C. Perez, Director  
Transportation and Land Management

Robert Field  
Assistant County Executive Officer/EDA

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 19,550	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/13

**COMPANION ITEM ON BOARD AGENDA:** No

**SOURCE OF FUNDS:** Developer Funds-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** BY: Jennifer L. Sargent  
Jennifer L. Sargent

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing on Tuesday, May 21, 2013, at 9:30 a.m.

**Ayes:** Jeffries, Tavaglione, Stone, Benoit and Ashley  
**Nays:** None  
**Absent:** None  
**Date:** April 23, 2013  
**xc:** EDA, Transp., Auditor, COB

Kecia Harper-Ihem  
Clerk of the Board  
By: [Signature]  
Deputy

**Prev. Agn. Ref.:** 3.11 of 12/18/12

**District:** 3/3

**Agenda Number:** 3-15

FORM APPROVED COUNTY COUNSEL  
BY: ANNA W. MORGAN  
DATE: 11/23/13  
Department of Administrative Services

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

**RECOMMENDED MOTION:** (Continued)

3. Direct the Clerk of the Board to send the required notice to the property owners as required per Section 1245.235 of the Code of Civil Procedure.

**BACKGROUND:**

As a condition of approval for Tract Map 30972, Stone Star River, LLC (Developer) is planning to construct off-site road improvements in the unincorporated Homeland area of Riverside County. The Economic Development Agency/Facilities Management (EDA/FM) has presented a written offer to the property owners as required by Government Code Section 7267.2. The amount of the offer is consistent with current property values in the Homeland area for the various property types (and is based upon a fair market value appraisal report). EDA/FM has also offered to pay the reasonable costs, not-to-exceed \$5,000, for an independent appraisal obtained by the property owners (as required by Code of Civil Procedure Section 1263.025).

Settlement has not been reached with the following property owners, although negotiations are still in process for the necessary permanent easement and temporary construction easements:

Assessor's Parcel No.	Ownership
459-060-002	Berry
459-060-033	Berma Co.

The subject Notice of Intention would schedule a hearing on May 21, 2013, for proposed Resolution No. 2013-026 (Authorizing Resolution of Necessity Regarding the Emperor Road Improvement Project). The scheduling of a Resolution of Necessity hearing on May 21, 2013, is needed in order to permit the Emperor Road Improvement Project to move forward.

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

This resolution has been reviewed and approved by County Counsel as to legal form.

**FINANCIAL DATA:**

The following summarizes the funding necessary for the acquisition of the properties referenced above:

Purchase Price:	\$ 3,000
County Appraisal:	\$0
Owner Appraisals:	\$10,000
Preliminary Title Reports:	\$0
EDA/FM Real Property Costs:	\$ 6,550
Total Estimated Acquisition Costs:	\$19,550

(Continued)

**FINANCIAL DATA:** (Continued)

The Developer has already covered the costs for due diligence (appraisals and preliminary title reports). All remaining costs associated with this property acquisition, including costs incurred by County staff will be paid directly by the Developer. Thus, no additional net county cost will be incurred as a result of this transaction.

2 Resolution No. 2013-025

3 Notice of Intention to Adopt a Resolution of Necessity Regarding  
4 the Emperor Road Improvement Project

5  
6 **WHEREAS**, the portions of real properties that are the subjects of this Notice  
7 (collectively the "Subject Properties") are located in the Homeland area, County of  
8 Riverside, State of California; are generally located on the east side of Emperor Road,  
9 south of McLaughlin Road; are legally described and pictorially depicted on the  
10 documents attached hereto as Exhibits "A" and Exhibits "B" (and incorporated herein  
11 by this reference); are referred to on attached Exhibits "A" and Exhibits "B"; and are  
12 portions of larger real properties in all cases;

13 **WHEREAS**, each one of the Subject Properties is listed below in Table One that  
14 includes the relevant Subject Property within its boundaries, and whereas each one of  
15 those larger real properties is listed below in Table One by its Riverside County  
16 Assessor's Parcel Number:

Table One Assessor's Parcel No(s).
459-060-002
459-060-033

17  
18  
19  
20  
21 **WHEREAS**, the proposed project that is the subject of this Notice (the  
22 "Proposed Project") is one to widen and improve Emperor Road in the Homeland area  
23 of unincorporated Riverside County, California (including but not limited to the use of  
24 the Subject Properties for public road and utility purposes, for purposes of a staging  
25 area for construction and/or other work, and for other uses incidental to the Proposed  
26 Project and required by the Proposed Project);

27 **WHEREAS**, the interests in property that are the subjects of this Notice  
28 (collectively the "Subject Property Interests") are identified below in Table Two:

FORM APPROVED COUNTY COUNSEL  
BY: ANNA W. MANG  
1/23/12  
DATE

TABLE TWO		
Subject Properties	Perpetual Easements	Temporary Easements
459-060-002	X	X
459-060-033		X

**WHEREAS**, the statutes that authorize the County of Riverside to acquire the Subject Property Interests by eminent domain include Article 1, Section 19 of the California Constitution; Section 25350.5 of the Government Code; Section 760 of the Streets and Highways Code; 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 Riverside County, State of California, in regular session assembled on April 23, 2013.

1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on May 21, 2013, at 9:30 a.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 County of Riverside to acquire the Subject Property Interests by eminent domain (and that would find and determine each of the following matters):

(a) That the public interest and necessity require the Proposed Project;

(b) That 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) That the Subject Property Interests are necessary for the Proposed Project;

(d) That the offers required by Section 7267.2 of the Government Code have been made to the owner of record of the Subject Properties;

(e) That, to the extent that the Subject Properties are already devoted to a public use, the use of the Proposed Project is a compatible use that will not

1 unreasonably interfere with or impair the continuance of the public use as it presently  
2 exists or may reasonably be expected to exist in the future (California Code of Civil  
3 Procedure Section 1240.510) or the use of the Proposed Project is a more necessary  
4 public use than is the presently existing public use (California Code of Civil Procedure  
5 Section 1240.610);

6 (f) That the Subject Property Interests are necessary for the  
7 Proposed Project;

8 (g) That acquisition of the Subject Property Interests will promote the  
9 interests of the County of Riverside.

10 2. If (within 15 days from the mailing of this Notice) you file a written request  
11 to appear at the public meeting and be heard on the matters described above in 1(a),  
12 1(b), 1(c), 1(d), 1(e), 1(f), 1(g), (or any one or more of them), you will have a right to  
13 appear at that meeting and be heard on those matters.

14 3. All such written requests to appear and be heard must be filed with the  
15 Clerk of the Riverside County Board of Supervisors.

16 4. Your written request to appear and be heard must be filed within the  
17 fifteen (15) day time period. Failure to file such a timely written request will result in a  
18 waiver of your right to appear and be heard.

19 5. Questions regarding the amount of compensation to be paid will not be a  
20 part of the public meeting and the Board will not consider such questions in  
21 determining whether a Resolution of Necessity should be adopted.

22 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to  
23 be sent by first-class mail to each person whose property may be acquired by eminent  
24 domain and whose name and address appears on the last equalized county  
25 assessment roll (including the roll of state-assessed property).

26 ROLL CALL:

27 Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
28 Absent: None

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

KECIA HARPER-IHEM Clerk of said Board

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

**EXHIBIT "A"**  
**TR 30972**

**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

BEING ALL OF THE WEST ONE-HALF OF THE SOUTH ONE-THIRD OF THE NORTH THREE-FIFTHS OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE MERIDIAN AS DESCRIBED IN INSTRUMENT NO. 119139 RECORDED JUNE 30, 1980 OFFICIAL RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

CONTAINING 10,991 SQ. FT. OR 0.25 ACRES, MORE OR LESS.

**SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF**

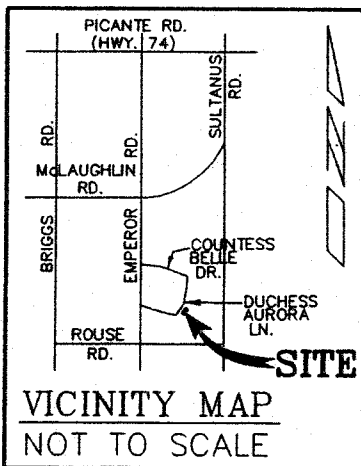
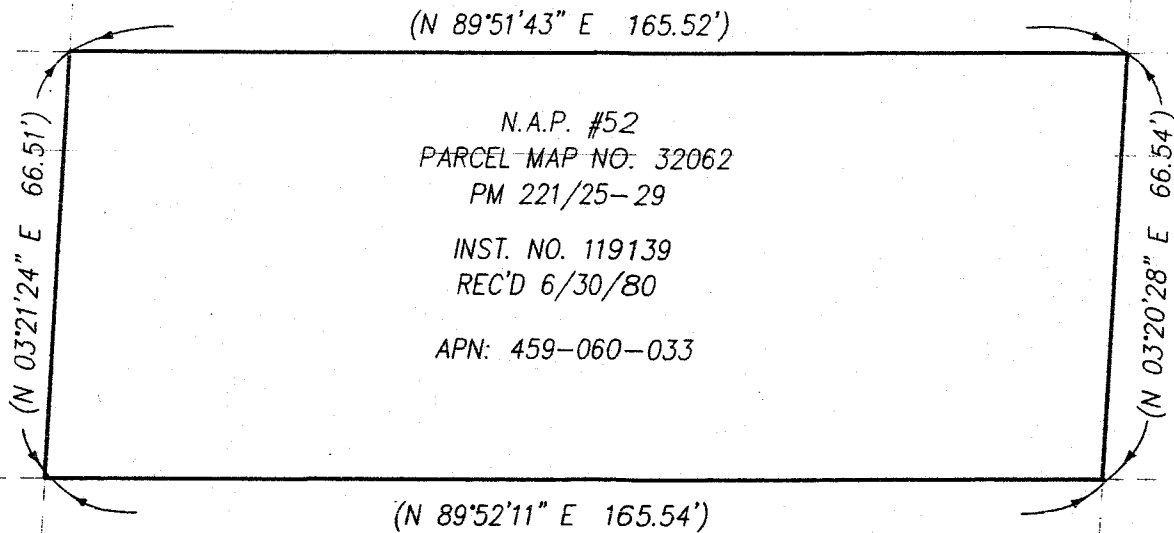
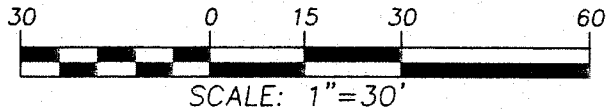
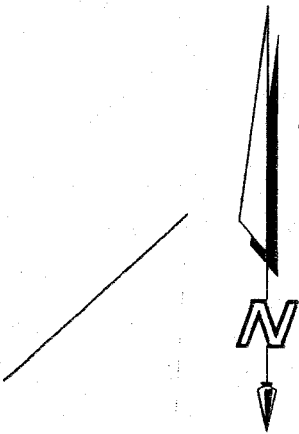


*Frank Artiga*

THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: <u><i>[Signature]</i></u>
DATE: <u>8-15-12</u>

**EXHIBIT "B"**  
**TRACT 30972**  
**TEMPORARY CONSTRUCTION**  
**EASEMENT**

SHEET 1 OF 1



THIS DOCUMENT REVIEWED BY  
 RIVERSIDE COUNTY SURVEYOR.  
 BY: *[Signature]*  
 DATE: 8-15-12



**LEGEND**

( ) INDICATES RECORD DATA  
 PER PARCEL MAP NO. 32062.  
 PM 221/25-29

PREPARED BY:  
*Frank Artiga* 8/1/12  
 FRANK A. ARTIGA DATE  
 LS 8716

**ACS CONSULTING, INC.**

PO BOX 2252  
 TEMECULA CA 92593  
 951-757-5178

SCALE: 1" = 30'      DRAWN BY FA      DATE 3-17-12



**EXHIBIT "A"**  
**TR 30972**

**LEGAL DESCRIPTION**  
**PUBLIC ROAD AND UTILITY EASEMENT**

THAT CERTAIN PARCEL OF LAND DESCRIBED BY GRANT DEED RECORDED APRIL 23, 1984 AS INSTRUMENT NUMBER 83813, OFFICIAL RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, SHOWN AS N.A.P. NUMBER 22 BY PARCEL MAP 32062, IN BOOK OF PARCEL MAPS 221, PAGES 25 THROUGH 29, OF SAID COUNTY, WITHIN THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, OF SAID COUNTY;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWESTERLY CORNER OF SAID LOT AS DESCRIBED BY INSTRUMENT NO. 83813, RECORDED APRIL 23, 1984;

THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF EMPEROR ROAD (HALF-WIDTH) PER PARCEL MAP 32062, BOOK 221, PAGES 25 THROUGH 29, N 89°44'23" E 7.24 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE WITH A RADIUS OF 887.00 FEET WITH A RADIAL BEARING OF N 72°00'27" E;

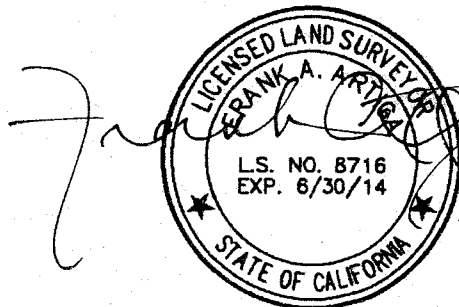
THENCE SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 887.00 FEET, THROUGH A CENTRAL ANGLE OF 04°26'44", AN ARC LENGTH OF 68.82 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT WITH A RADIAL BEARING OF N 76°27'11" E;

THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT S 89°44'52" W 3.08 FEET TO THE SOUTHWEST CORNER OF SAID LOT AND SAID EASTERLY RIGHT-OF-WAY LINE;

THENCE N 19°02'49"W 70.03 FEET ALONG THE WESTERLY LINE OF SAID LOT AND SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 351 SQ. FT. MORE OR LESS.

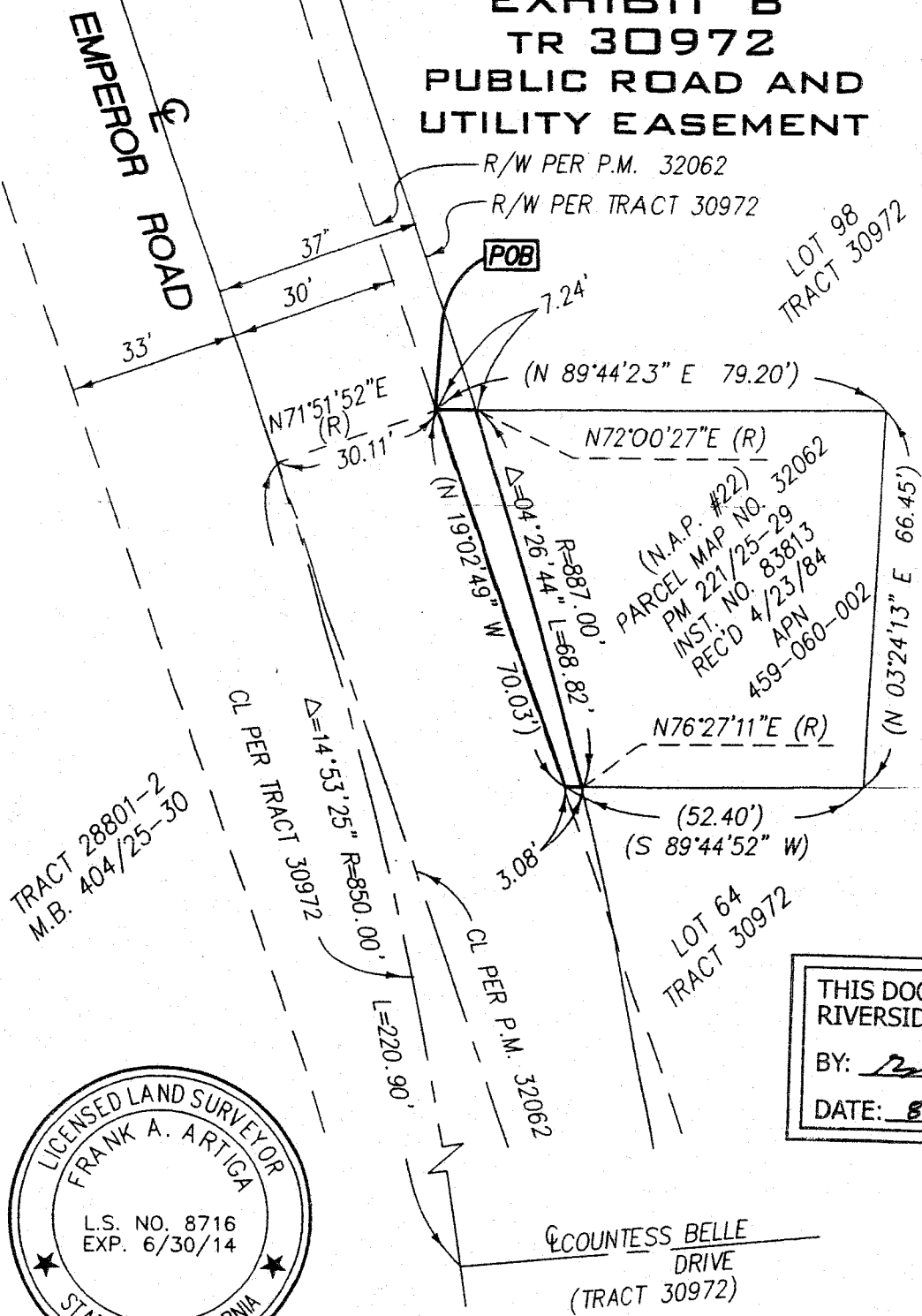
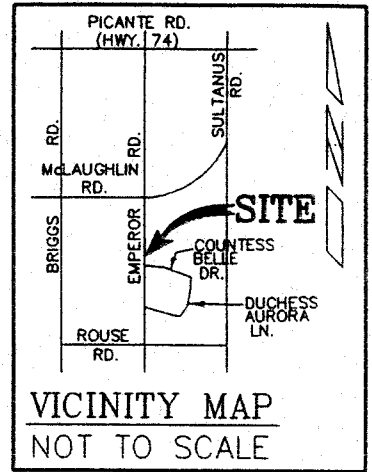
**SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF**



THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: <u>Frank A. Artale</u>
DATE: <u>8-15-12</u>

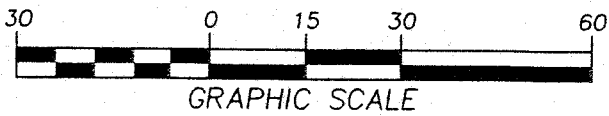
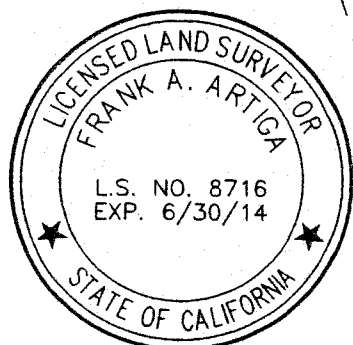
# EXHIBIT "B" TR 30972 PUBLIC ROAD AND UTILITY EASEMENT

SHEET 1 OF 1



SCALE: 1"=30'

THIS DOCUMENT REVIEWED BY  
RIVERSIDE COUNTY SURVEYOR.  
BY: *[Signature]*  
DATE: 8-15-12



**LEGEND**  
 ( ) INDICATES RECORD DATA  
 PER PARCEL MAP NO. 32062.  
 PM 221/25-29

PREPARED BY:  
*Frank Artiga* 8/1/12  
 FRANK A. ARTIGA DATE  
 LS 8716

**ACS CONSULTING, INC.**

PO BOX 2252  
 TEMECULA CA 92593  
 951-757-5178

SCALE: 1"= 30'      DRAWN BY FA      DATE 1-16-12

**EXHIBIT "A"**  
**TR 30972**

**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**

THAT CERTAIN PARCEL OF LAND DESCRIBED BY GRANT DEED RECORDED APRIL 23, 1984 AS INSTRUMENT NUMBER 83813, OFFICIAL RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, SHOWN AS N.A.P. NUMBER 22 BY PARCEL MAP 32062, IN BOOK OF PARCEL MAPS 221, PAGES 25 THROUGH 29, OF SAID COUNTY, WITHIN THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, OF SAID COUNTY;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWESTERLY CORNER OF SAID LOT AS DESCRIBED BY INSTRUMENT NO. 83813, RECORDED APRIL 23, 1984;

THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF EMPEROR ROAD (HALF-WIDTH) PER PARCEL MAP 32062, BOOK 221, PAGES 25 THROUGH 29, N 89°44'23" E 7.24 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE WITH A RADIUS OF 887.00 FEET WITH A RADIAL BEARING OF N 72°00'27" E, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**;

THENCE SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 887.00 FEET, THROUGH A CENTRAL ANGLE OF 04°26'44", AN ARC LENGTH OF 68.82 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT WITH A RADIAL BEARING OF N 76°27'11" E;

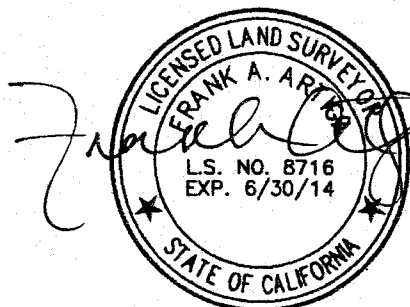
THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT N 89°44'52" E 52.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT;

THENCE N 03°24'13"E 66.45 FEET ALONG THE EASTERLY LINE OF SAID LOT;

THENCE S 89°44'23" W 79.20 FEET ALONG THE NORTHERLY LINE OF SAID LOT TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 4,011 SQ. FT. MORE OR LESS.

**SEE EXHIBIT "C" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF**



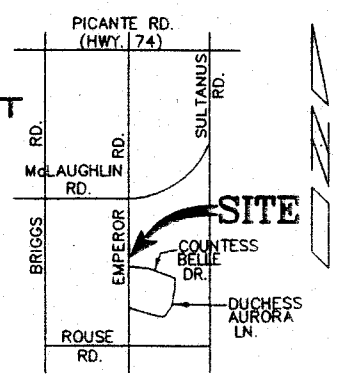
THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: _____
DATE: <u>8-15-12</u>

# EXHIBIT "C"

## TR 30972

### TEMPORARY CONSTRUCTION EASEMENT

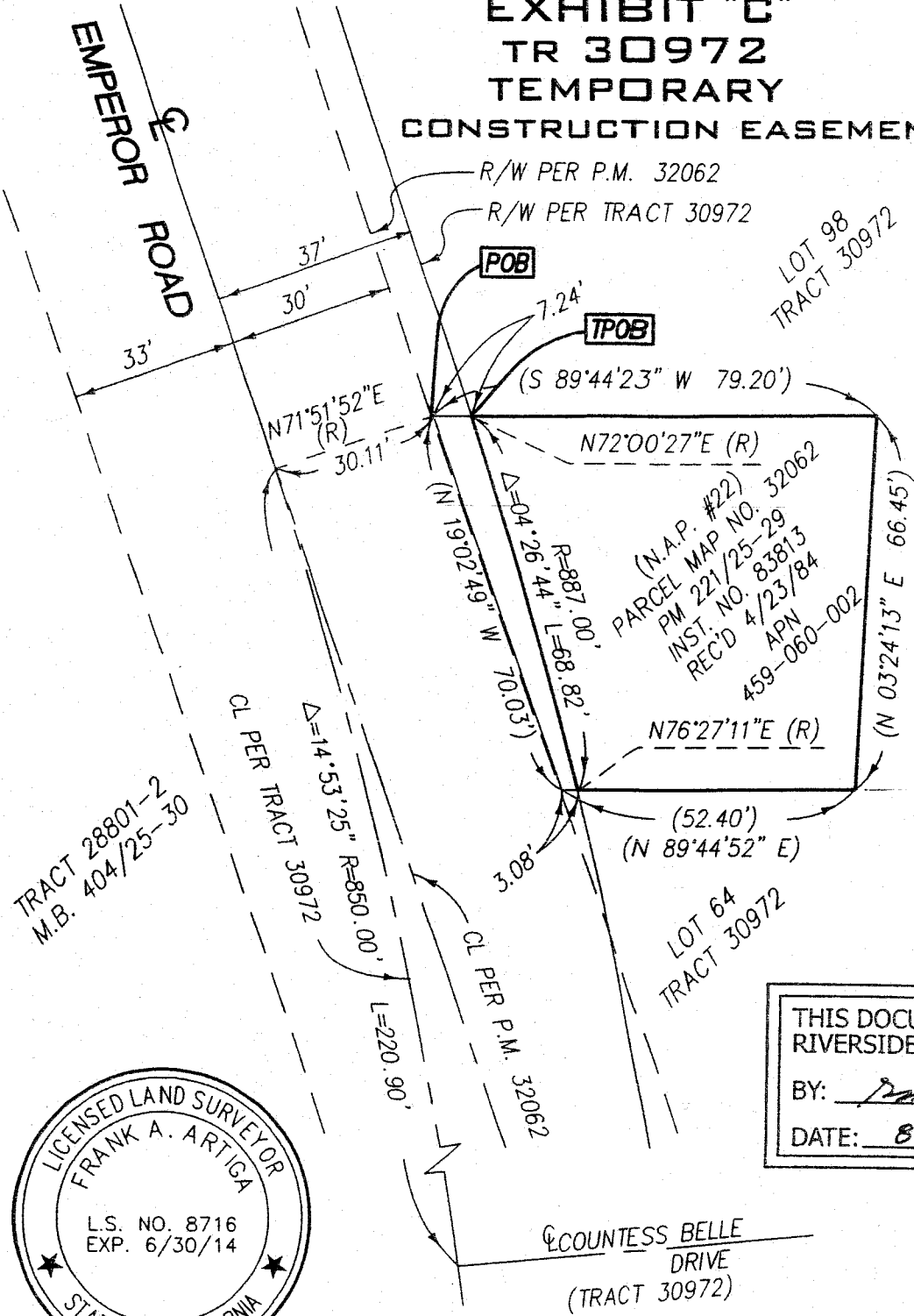
SHEET 1 OF 1



VICINITY MAP  
NOT TO SCALE



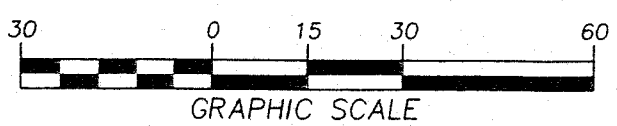
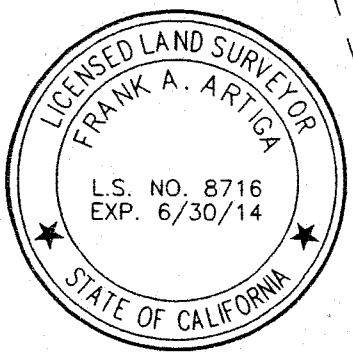
SCALE: 1"=30'



THIS DOCUMENT REVIEWED BY  
RIVERSIDE COUNTY SURVEYOR.

BY: Frank A. Artiga

DATE: 8-15-12



**LEGEND**

( ) INDICATES RECORD DATA  
PER PARCEL MAP NO. 32062.  
PM 221/25-29

PREPARED BY:

Frank A. Artiga 8/1/12

FRANK A. ARTIGA DATE  
LS 8716

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