

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

621A



FROM: Economic Development Agency/Facilities Management and Transportation Department

SUBMITTAL DATE:
May 9, 2013

SUBJECT: Resolution No. 2013-026, Authorizing Resolution of Necessity Regarding the Emperor Road Improvement Project - Homeland

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution No. 2013-026, Authorizing Resolution of Necessity Regarding the Emperor Road Improvement Project.

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.

(Continued)

Juan C. Perez, Director
Transportation and Land Management

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	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 checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY:
Jennifer L. Sargent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Tavaglione, Stone, Benoit and Ashley
Nays: Jeffries
Absent: None
Date: May 21, 2013
xc: EDA Transp.

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

STAFF AND BOARD OF SUPERVISORS
SECRETARY RIVERSIDE COUNTY

Prev. Agn. Ref.: 3.11 of 12/18/12; 3-15 of 4/23/13 | District: 3/3 | Agenda Number **9-3**

M APPROVED COUNTY COUNSEL
 FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 DATE BY Samuel Wong 5/9/13
 SAMUEL WONG
 INNA WANG
 Departmental Concurrence

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

BACKGROUND: (Continued)

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 negotiation is 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.

On April 23, 2013, the Board approved Resolution No. 2013-025, Notice of Intention to Adopt Resolution of Necessity Regarding the Emperor Road Improvement Project.

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

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.

FORM APPROVED COUNTY COUNSEL
BY: AMMA WANG
DATE: 11/23/13

1 Board of Supervisors

County of Riverside

2 Resolution No. 2013-026
3 Authorizing 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:

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.

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** by the Board of Supervisors of Riverside County, State of California, not less than fourth/fifths of all members concurring, in regular session assembled on May 21, 2013, that this Board finds and determines each of the following:

1. Notice of the Board's intention to adopt this resolution of necessity was duly given as required by Section 1245.235 of the Code of Civil Procedure and, on the date and at the time and place fixed for hearing, this Board did hear and consider all of the evidence presented.
2. That the public interest and necessity require the Proposed Project;
3. 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;
4. That the Subject Property Interests are necessary for the Proposed Project;

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

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

10 7. That the Subject Property Interests are necessary for the Proposed
11 Project;

12 8. That acquisition of the Subject Property Interests will promote the
13 interests of the County of Riverside.

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

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

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

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

26 4. To compromise and settle such proceedings if such settlement can be
27 reached and, in that event, to take all necessary actions to complete the acquisition,
28

1 including stipulations as to judgment and other matters and the causing of all payments
2 to be made.

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

10
11 ROLL CALL:

12 Ayes: Tavaglione, Stone, Benoit and Ashley
13 Nays: Jeffries
14 Absent: None

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

17 KECIA HARPER-IHEM, Clerk of said Board

18 By: _____
19 Deputy

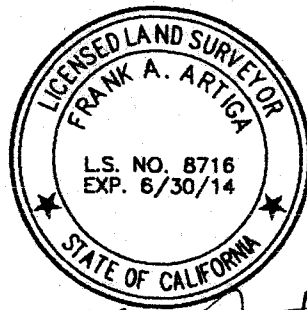
EXHIBIT "A"
TR 30972

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>

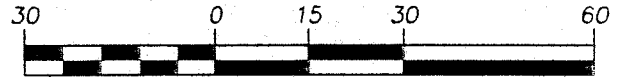
EXHIBIT "B"

SHEET 1 OF 1

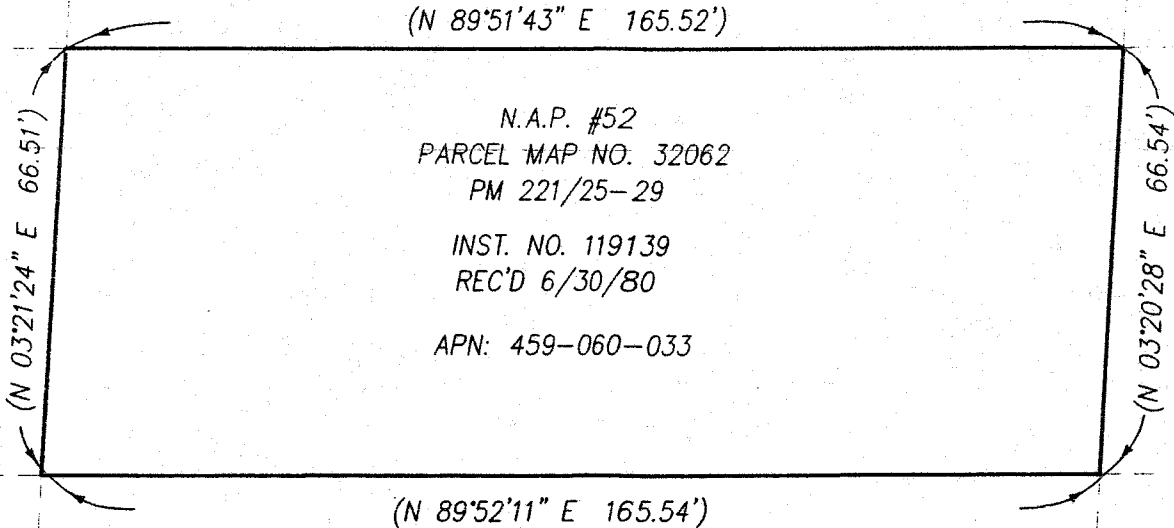
TRACT 30972

TEMPORARY CONSTRUCTION

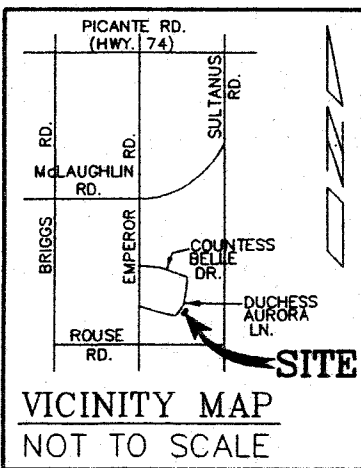
EASEMENT



SCALE: 1"=30'

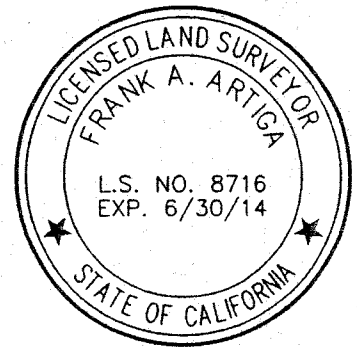


N.A.P. #52
PARCEL MAP NO. 32062
PM 221/25-29
INST. NO. 119139
REC'D 6/30/80
APN: 459-060-033



VICINITY MAP
NOT TO SCALE

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



PREPARED BY:

Frank Artiga 8/1/12
FRANK A. ARTIGA DATE
LS 8716

LEGEND

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

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;

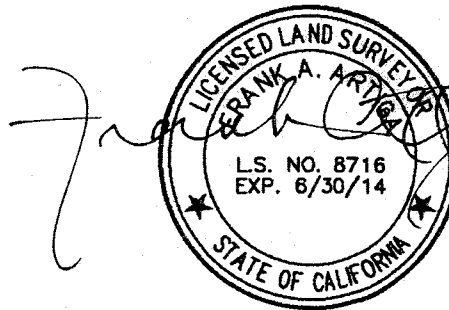
THENCE SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 887.00 FEET, THROUGH A CENTRAL ANGLE OF 04°26'44", AN ARC LENGTH OF 68.82 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT WITH A RADIAL BEARING OF N 76°27'11" E;

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.

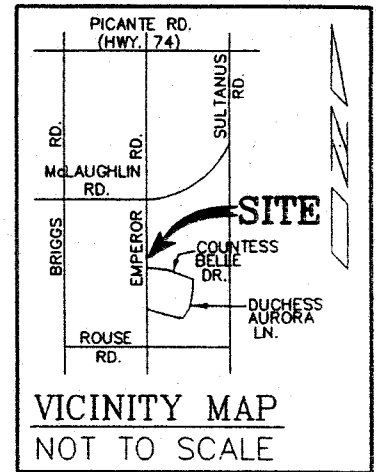
SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF



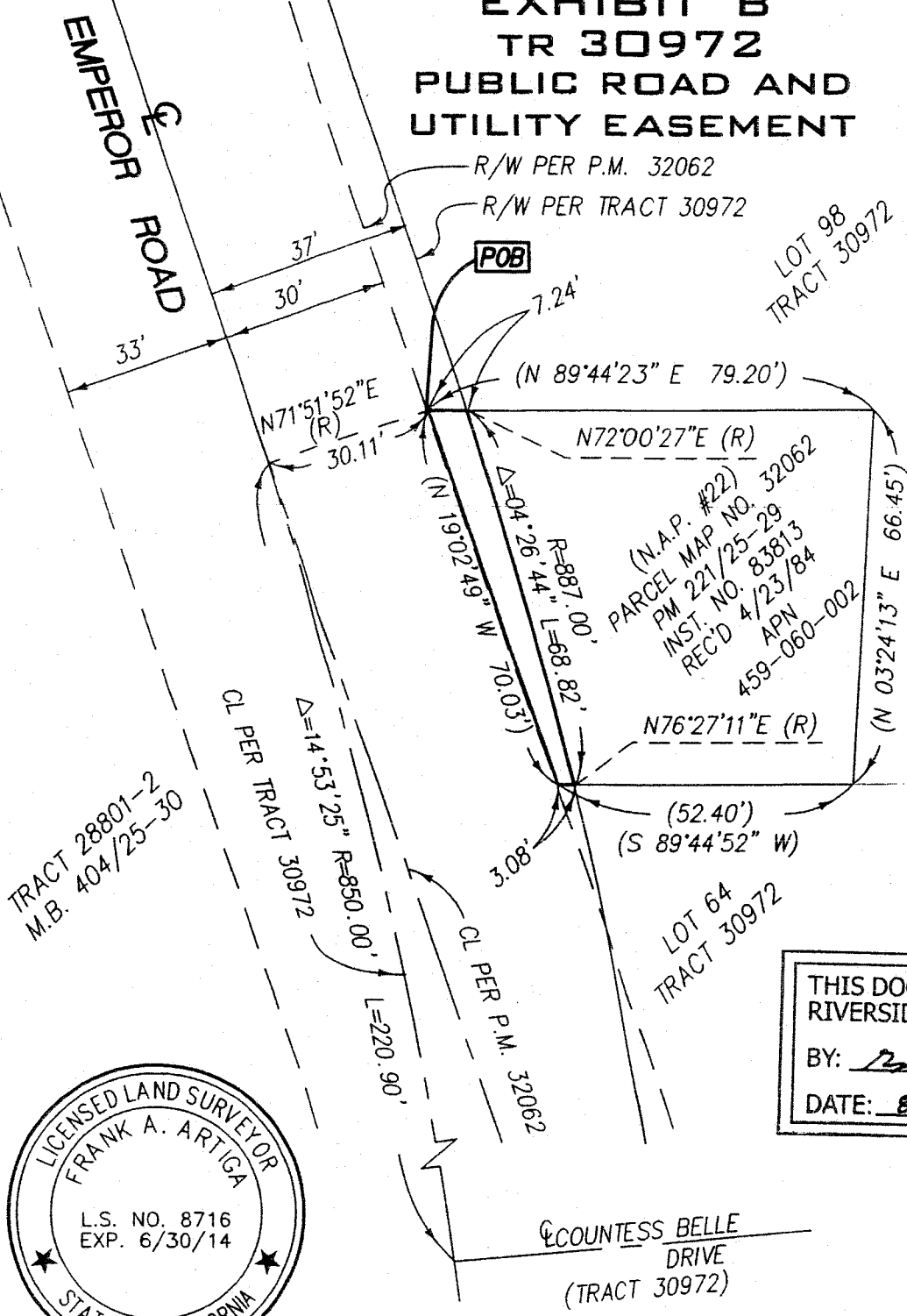
THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: [Signature]
DATE: 8-15-12

EXHIBIT "B" TR 30972 PUBLIC ROAD AND UTILITY EASEMENT

SHEET 1 OF 1

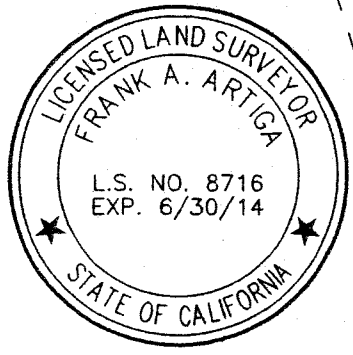


SCALE: 1"=30'

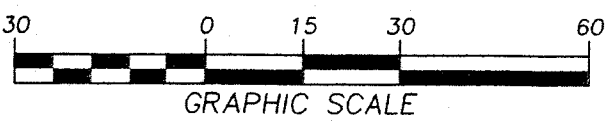


TRACT 28801-2
M.B. 404/25-30

(N.A.P. #22)
PARCEL MAP NO. 32062
PM 221/25-29
INST. NO. 83813
REC'D 4/23/84
APN 459-060-002



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 A. 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;

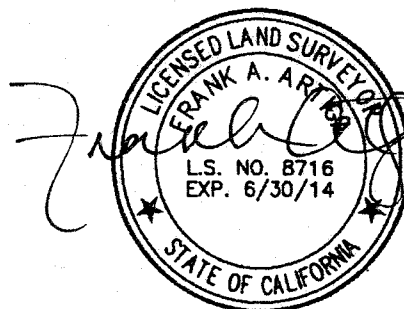
THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT N 89°44'52" E 52.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT;

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.

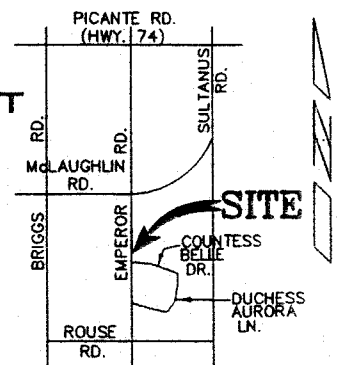
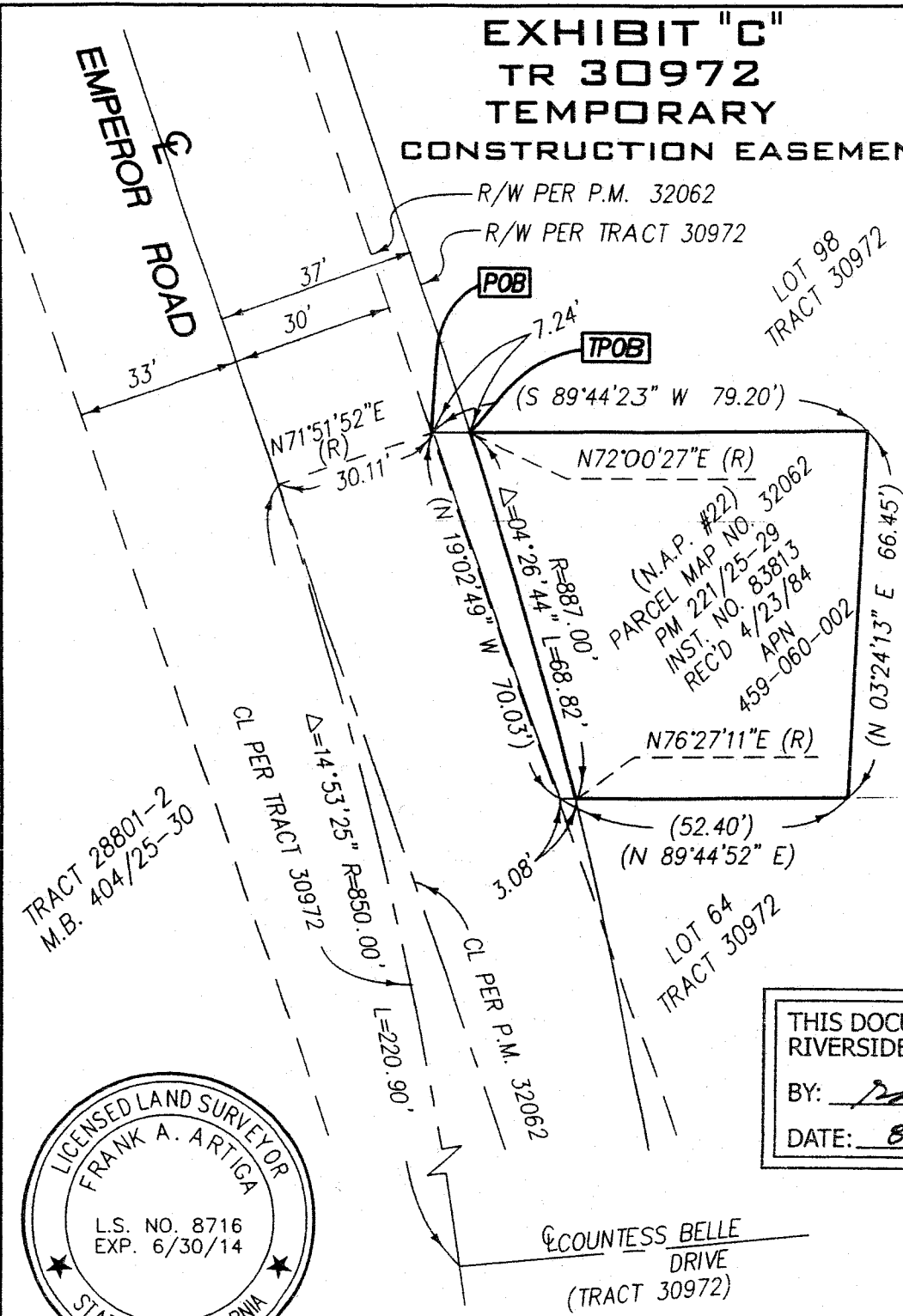
SEE EXHIBIT "C" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF



THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: <u>[Signature]</u>
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'

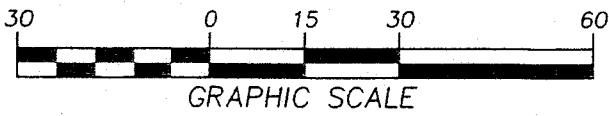
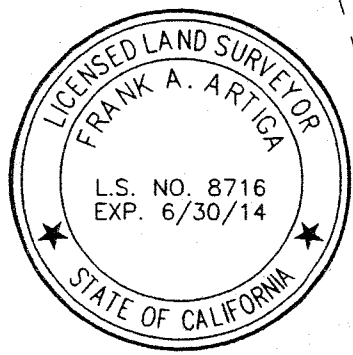
TRACT 28801-2
M.B. 404/25-30

LOT 64
TRACT 30972

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

**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

FINANCIAL DATA	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. WANG
DATE: 11/23/13
Compliance

Dept's Recomm.: Consent Policy Policy
Per Exec. Ofc.: Consent Policy

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
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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 WANG
1/23/13
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 1st 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
28 Nays: None
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-HEM Clerk of said Board
 Deputy

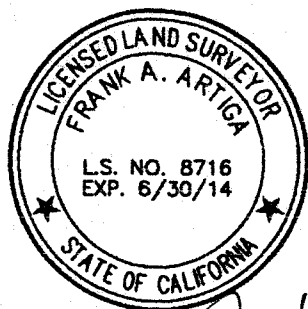
EXHIBIT "A"
TR 30972

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 SOUTHWEST 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

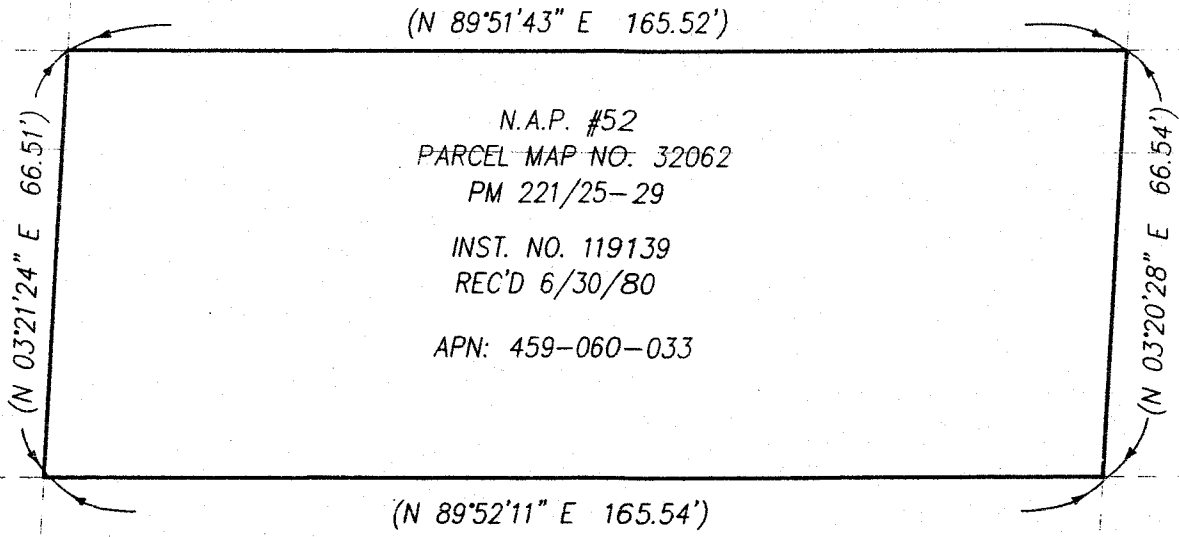
THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: <u><i>[Signature]</i></u>
DATE: <u>8-15-12</u>

EXHIBIT "B"
TRACT 30972
TEMPORARY CONSTRUCTION
EASEMENT

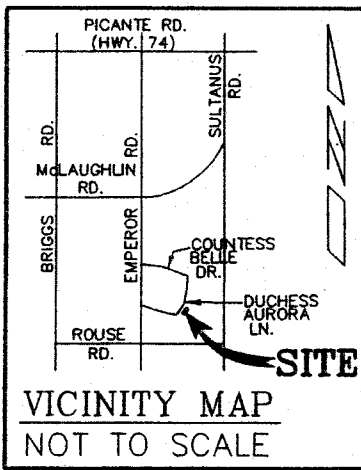
SHEET 1 OF 1



SCALE: 1"=30'



N.A.P. #52
 PARCEL MAP NO: 32062
 PM 221/25-29
 INST. NO. 119139
 REC'D 6/30/80
 APN: 459-060-033



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



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

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

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

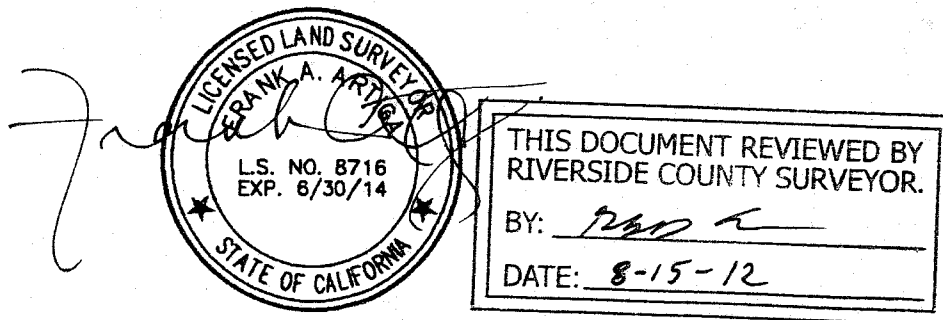
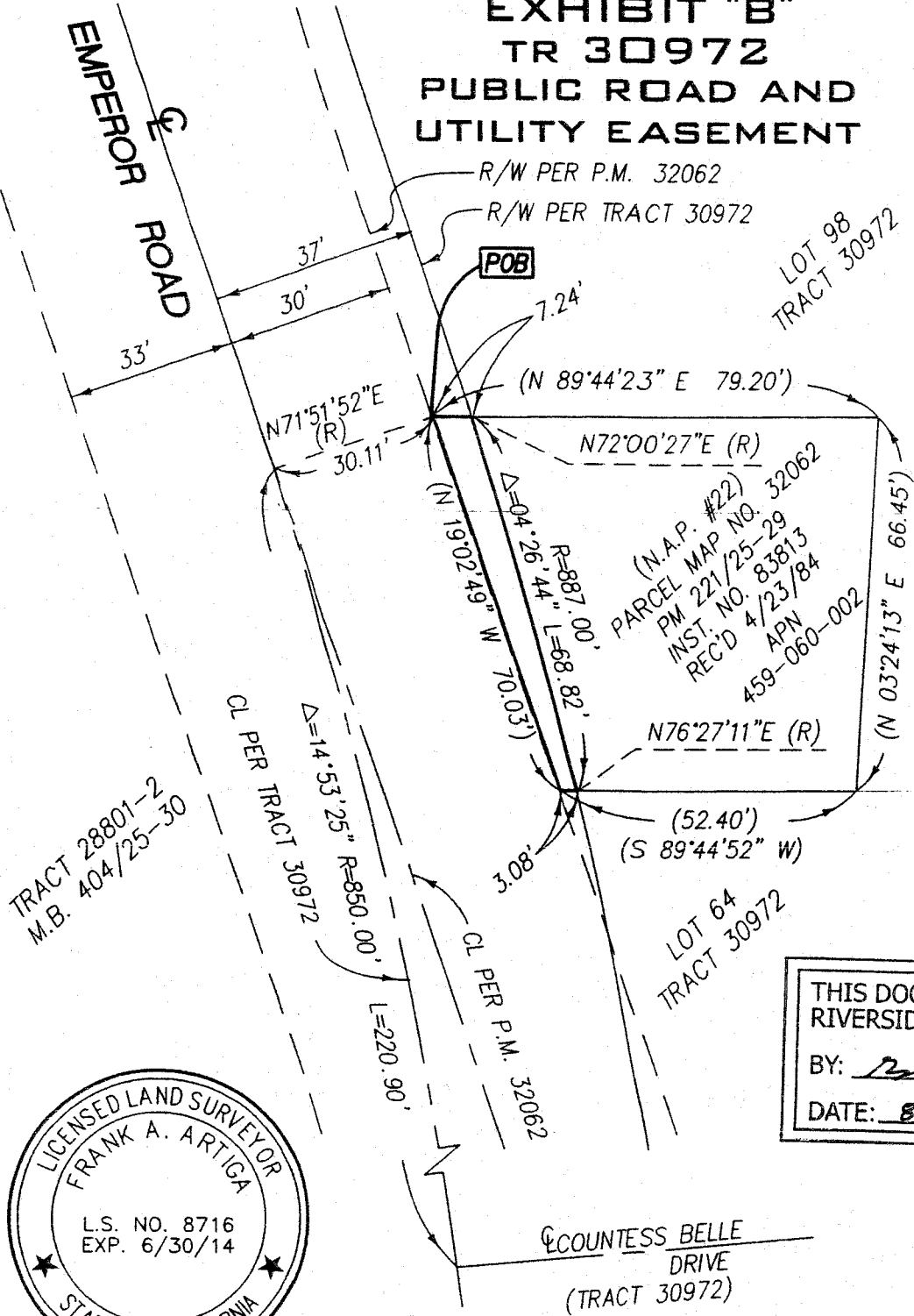
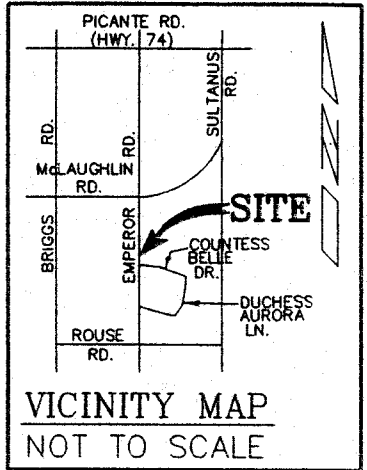


EXHIBIT "B"

TR 30972

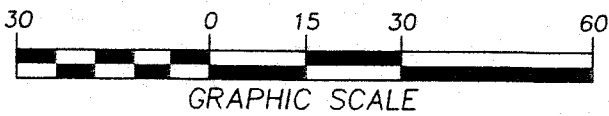
PUBLIC ROAD AND UTILITY EASEMENT

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 A. 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;

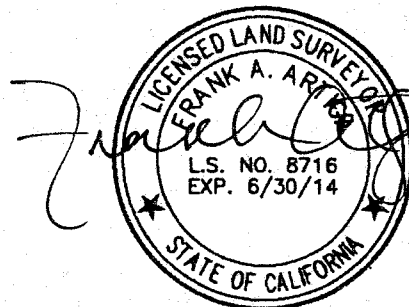
THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT N 89°44'52" E 52.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT;

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.

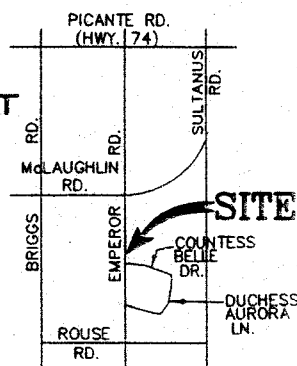
SEE EXHIBIT "C" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF



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

EXHIBIT "C" TR 30972 TEMPORARY CONSTRUCTION EASEMENT

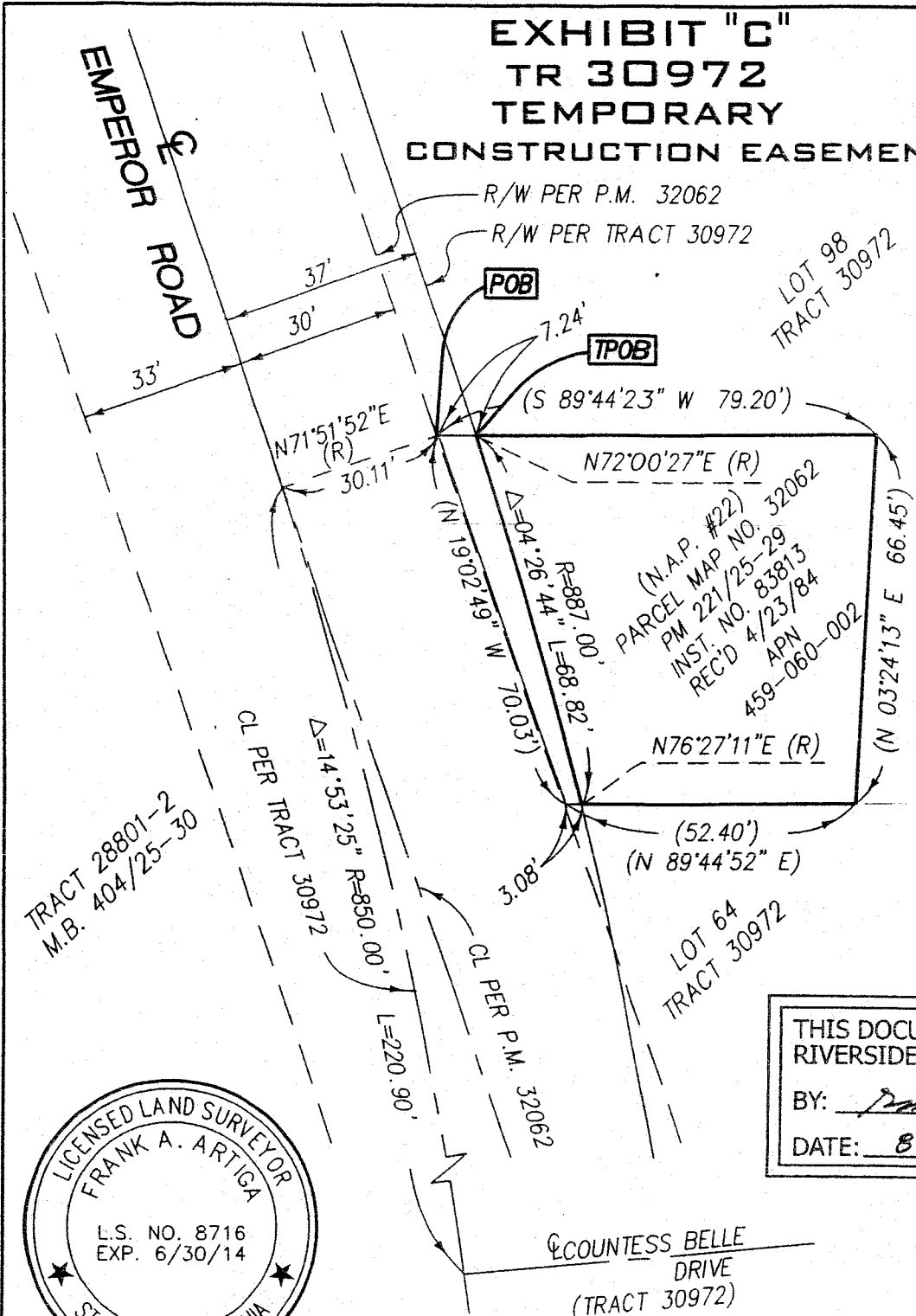
SHEET 1 OF 1



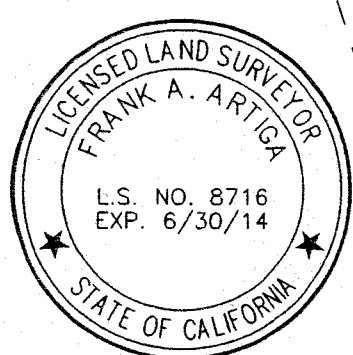
VICINITY MAP
NOT TO SCALE



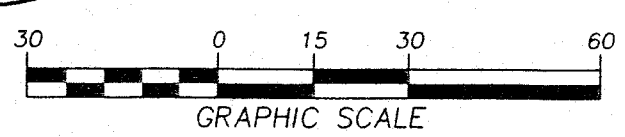
SCALE: 1"=30'



TRACT 28801-2
M.B. 404/25-30



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 A. 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

DECLARATION OF MAILING OF
NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY REGARDING
THE PROJECT TO IMPROVE EMPEROR ROAD AND OTHER ROADS
IN WESTERN RIVERSIDE COUNTY

I, Cecilia Gil, Board Assistant to the Clerk of the Board, hereby declares as follows:

That on April 25, 2013, I served by mail (1) a copy of the Notice of Intention to Adopt a Resolution of Necessity Regarding the Project to Emperor Road Project and (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 April 25, 2013 from the Clerk of the Board of Supervisors to (see below names and addresses), a copy of which is attached hereto as Exhibit "A", by depositing said copies enclosed in a sealed envelope, postage prepaid, in the United States Postal Service mailbox at the City of Riverside, California, addressed as follows:

Bermaco
6927 Magnolia Avenue
Riverside, CA 92506

7007 0710 0002 2790 4565

Mrs. Marjorie Letitias Berry
c/o Cheryl Potter
HCR No. 2 8016
Anza, CA 92539

7007 0710 0002 2790 4572

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

Executed this 25th day of April, 2013 at Riverside County, California.

Cecilia Gil

Signature



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st 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

April 25, 2013

Bermaco
6927 Magnolia Avenue
Riverside, CA. 92506

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

Dear Property Owner:

The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property notify the owners of its intention to condemn. 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 California Code of Civil Procedures (CCP) provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following 7 conditions are established:

- (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 Interest is necessary for the Proposed Project;
- (D) That the offer required by Section 7267.2 of the Government Code has been made to the owner of record of the Subject Property;
- (E) That, to the extent that the Subject Property is already devoted to a public use, the use of the Proposed Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510) or the use of the Proposed Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610);
- (F) That the Subject Property Interests are needed for Temporary Construction access purposes; and
- (G) That acquisition of the Subject Property Interest will promote the interests of the County of Riverside.

You are hereby notified that the Board of Supervisors ("Board") of Riverside County, State of California at its public meeting to be held on **May 21, 2013 at 9:30 a.m.** in the meeting room of the Board of Supervisors located on the 1st floor of the County Administrative Center, 4080 Lemon Street, Riverside, California, will be asked to decide if the above conditions have been met concerning your property and, if so, to adopt the Resolution of Necessity ("Resolution").

Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Board will not consider such in determining whether a Resolution should be adopted.

The Board's adoption of the Resolution authorized the County to acquire the property by eminent domain. Within six months of the adopted Resolution, the County will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding. Enclosed is a copy of Resolution No. 2013-025, Notice of Intention to Adopt a Resolution of Necessity Regarding the Emperor Road Project which includes the legal description and plat map of the required property is attached to this Notice.

The law provides you an opportunity to appear before the Board and raise questions concerning only the conditions cited above. If you file a written request to appear (within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution.

Your written request to appear should include a statement indicating which of the conditions listed in the first paragraph above you contend have not been met. By designating which of the conditions form the basis of your challenge and explaining why you believe they have not been met, you will enable the Board to authorize a full and expeditious review of the project's effect on your property. The Transportation Department and Real Estate Division will conduct the review on behalf of the Board and ask for your participation. Based on this review, the Transportation Department and Real Estate Division will then prepare a report to be presented to the Board at the meeting at which you intend to appear.

Your written request to appear must actually be on file with the Clerk of the Riverside County Board of Supervisors. Please mail or personally deliver your request to:

Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
PO Box 1147
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

Failure to file such a timely written response will result in a waiver of your right to appear and be heard.

If you have any questions, please call Lorie G. Houghlan, Real Property Agent for the Economic Development Agency/Facilities Management Real Estate Division at (951) 955-9276. Thank you.

Sincerely,

Board Assistant to:
KECIA HARPER-IHEM, Clerk of the Board

REQUEST TO APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN THE
NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY REGARDING THE
EMPEROR ROAD IMPROVEMENT PROJECT (HEARING DATE: 05/21/13)

NAME: _____

ADDRESS: _____

TELEPHONE NO.: (_____) _____

DATED: _____

(Signature)



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st 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

April 25, 2013

Mrs. Marjorie Letitias Berry
C/o Cheryl Potter
HCR No. 2 8016
Anza, California 92539

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

Dear Property Owner:

The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property notify the owners of its intention to condemn. 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 California Code of Civil Procedures (CCP) provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following 7 conditions are established:

- (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 offer required by Section 7267.2 of the Government Code has been made to the owner of record of the Subject Property;
- (E) That, to the extent that the Subject Property is already devoted to a public use, the use of the Proposed Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510) or the use of the Proposed Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610);
- (F) That the Subject Property Interests are needed for public road purposes and utility purposes as well as temporary construction access purposes; and
- (G) That acquisition of the Subject Property Interests will promote the interests of the County of Riverside.

You are hereby notified that the Board of Supervisors ("Board") of Riverside County, State of California at its public meeting to be held on **May 21, 2013 at 9:30 a.m.** in the meeting room of the Board of Supervisors located on the 1st floor of the County Administrative Center, 4080 Lemon Street, Riverside, California, will be asked to decide if the above conditions have been

met concerning your property and, if so, to adopt the Resolution of Necessity ("Resolution"). Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Board will not consider such in determining whether a Resolution should be adopted.

The Board's adoption of the Resolution authorized the County to acquire the property by eminent domain. Within six months of the adopted Resolution, the County will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding. Enclosed is a copy of Resolution No. 2013-025, Notice of Intention to Adopt a Resolution of Necessity Regarding the Emperor Road Project which includes the legal description and plat map of the required property is attached to this Notice.

The law provides you an opportunity to appear before the Board and raise questions concerning only the conditions cited above. If you file a written request to appear (within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution.

Your written request to appear should include a statement indicating which of the conditions listed in the first paragraph above you contend have not been met. By designating which of the conditions form the basis of your challenge and explaining why you believe they have not been met, you will enable the Board to authorize a full and expeditious review of the project's effect on your property. The Transportation Department and Real Estate Division will conduct the review on behalf of the Board and ask for your participation. Based on this review, the Transportation Department and Real Estate Division will then prepare a report to be presented to the Board at the meeting at which you intend to appear.

Your written request to appear must actually be on file with the Clerk of the Riverside County Board of Supervisors. Please mail or personally deliver your request to:

Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
PO Box 1147
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

Failure to file such a timely written response will result in a waiver of your right to appear and be heard.

If you have any questions, please call Lorie G. Houghlan, Real Property Agent for the Economic Development Agency/Facilities Management Real Estate Division at (951) 955-9276. Thank you.

Sincerely,



Board Assistant to:
KECIA HARPER-IHEM, Clerk of the Board

REQUEST TO APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN THE
NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY REGARDING THE
EMPEROR ROAD IMPROVEMENT PROJECT (HEARING DATE: 05/21/13)

NAME: _____

ADDRESS: _____

TELEPHONE NO.: (_____) _____

DATED: _____

(Signature)

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:

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28

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 1st 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
28 Nays: None
Absent: None

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: Cecilia Harper-Ihem

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 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

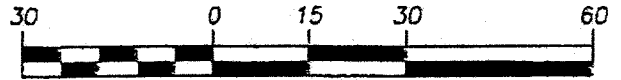
THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: <i>[Signature]</i>
DATE: <i>8-15-12</i>

EXHIBIT "B"

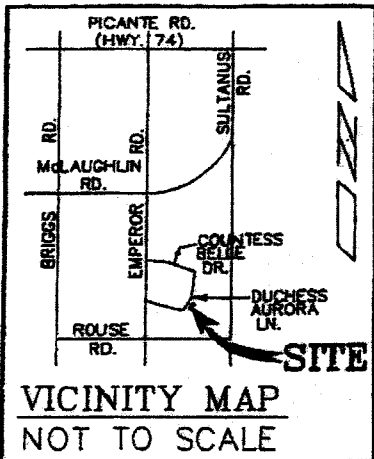
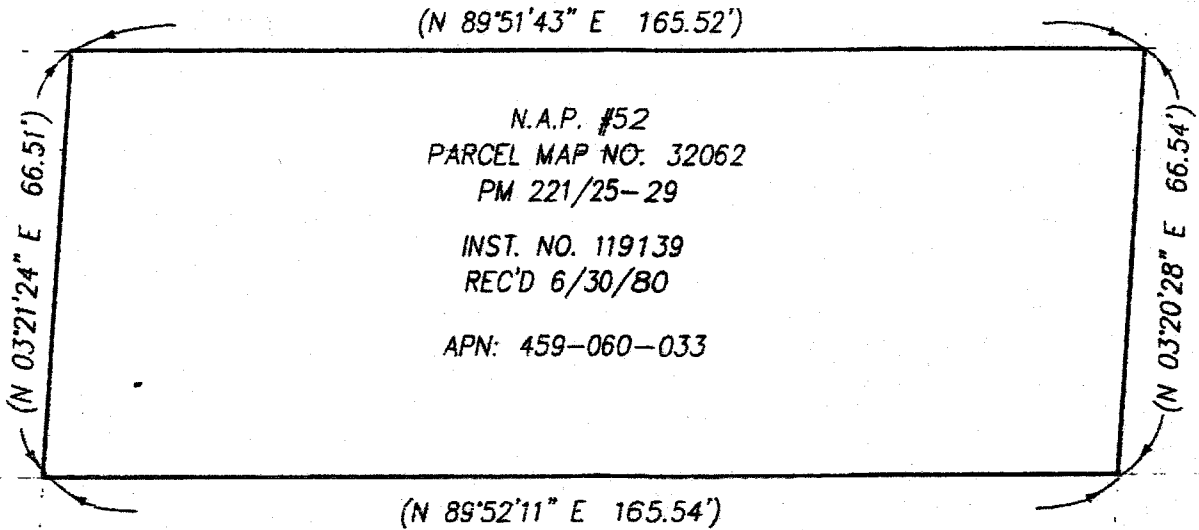
TRACT 30972

TEMPORARY CONSTRUCTION

EASEMENT



SCALE: 1"=30'



VICINITY MAP
NOT TO SCALE

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



PREPARED BY:

[Signature] 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

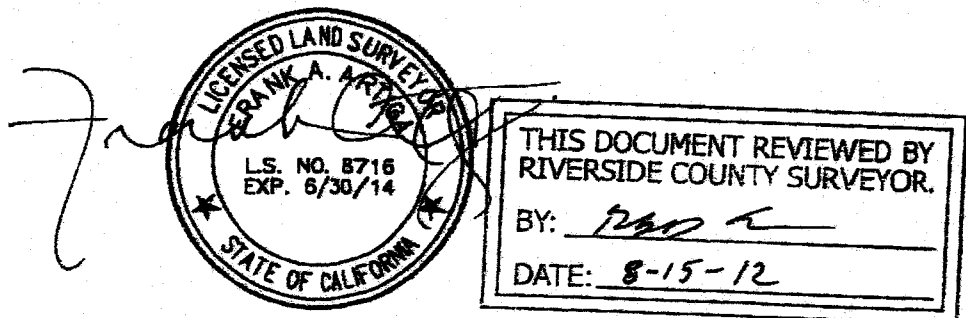
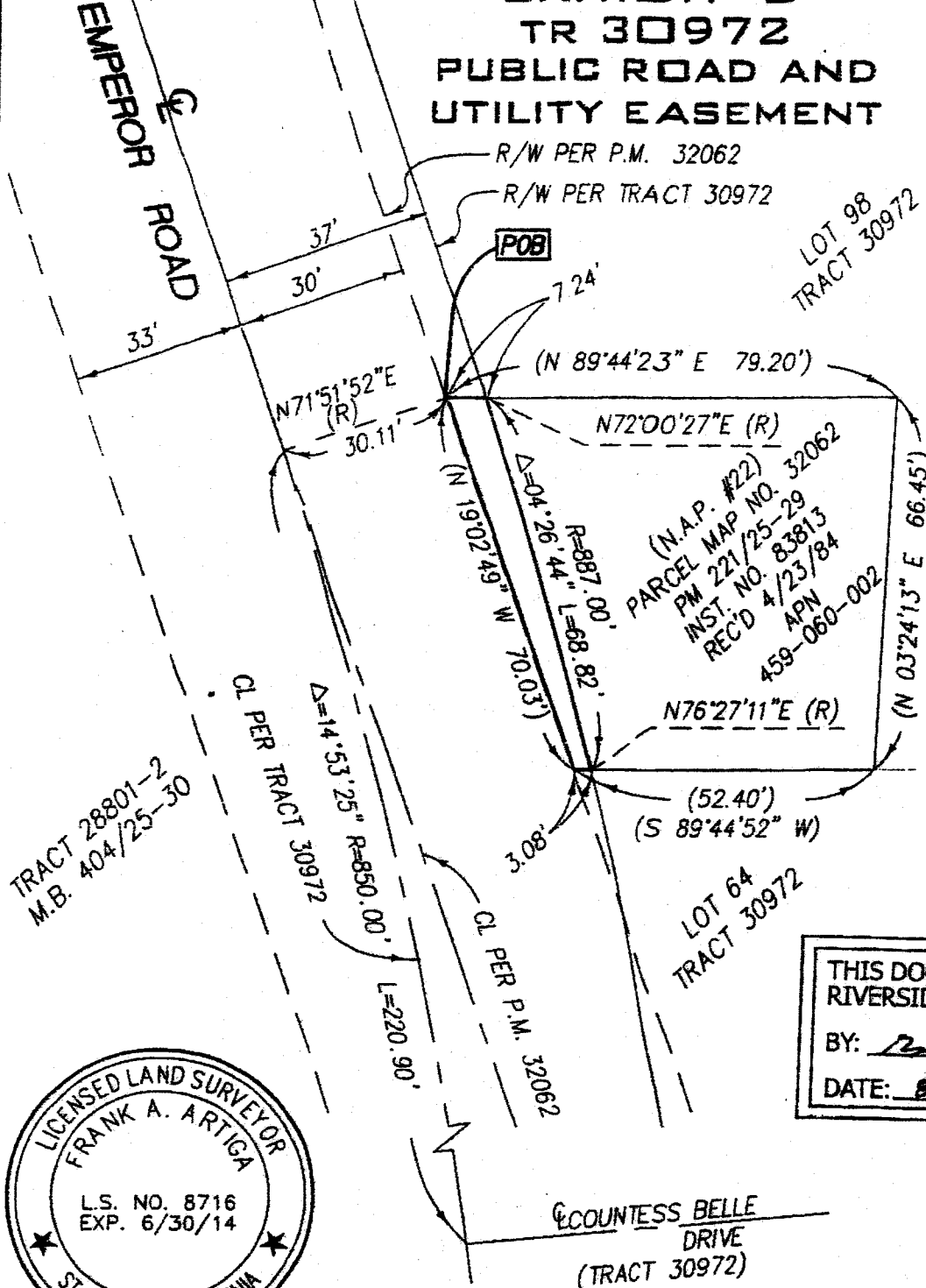
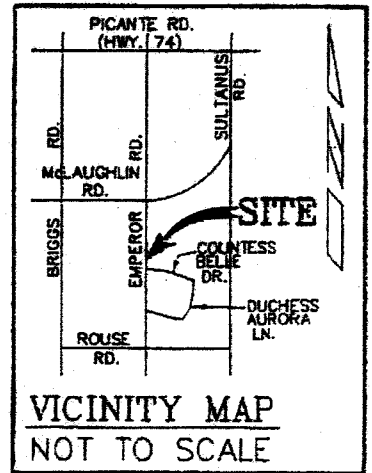


EXHIBIT "B" TR 30972 PUBLIC ROAD AND UTILITY EASEMENT

R/W PER P.M. 32062
R/W PER TRACT 30972

POB

LOT 98
TRACT 30972



TRACT 28801-2
M.B. 404/25-30

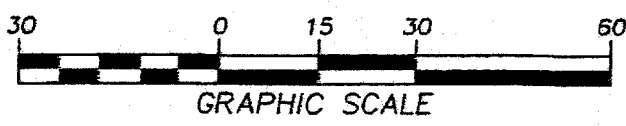
(N.A.P. #22)
PARCEL MAP NO. 32062
INST. NO. 83813
REC'D 4/23/84
APN
459-060-002

LOT 64
TRACT 30972



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:
[Signature] 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;

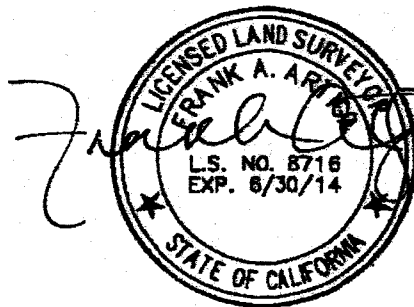
THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT N 89°44'52" E 52.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT;

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



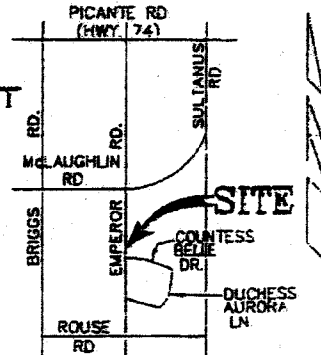
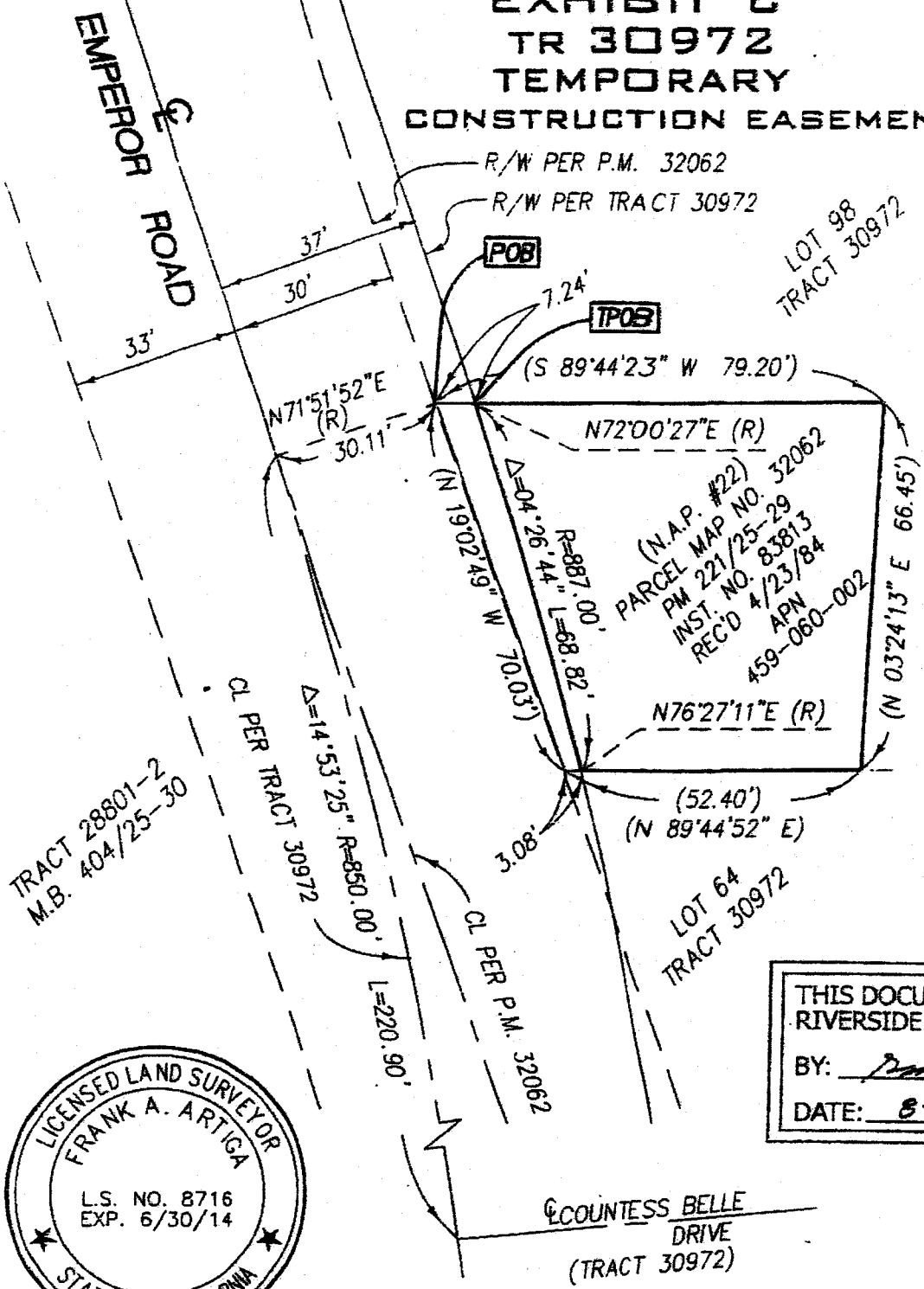
THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: <u>[Signature]</u>
DATE: <u>8-15-12</u>

EXHIBIT "C"

TR 30972

TEMPORARY CONSTRUCTION EASEMENT

SHEET 1 OF 1



VICINITY MAP
NOT TO SCALE

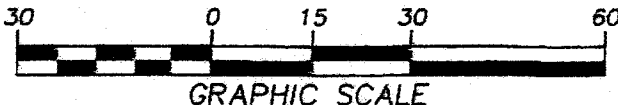


SCALE: 1"=30'

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

ACS CONSULTING, INC.

PO BOX 2252
TEMECULA CA 92593
951-757-5178

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