

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

210B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
October 22, 2013

SUBJECT: Notice of Intent to Adopt a Resolution of Necessity Regarding West End Moreno MDP Line L-L, Stage 1 Project. Project No. 4-0-00783, District 5 / District 5

RECOMMENDED MOTION: That the Board of Supervisors: Approve Resolution No. F2013-30, Notice of Intent to Adopt a Resolution of Necessity and set a public hearing for Resolution No. F2013-31 on November 26, 2013.

BACKGROUND:

Summary

The West End Moreno MDP Line L-L, Stage 1 consists of the construction, operation, and maintenance of approximately 1,800 lineal feet of storm drain, improvements to the existing outlet structure, construction of a new headwall, earthwork for proper drainage, and placement of riprap. The outlet structure and daylight channel is located on vacant land. The storm drain alignment is entirely within existing street right of way and will require the relocation of existing gas utility lines and water meters

Continue on Page 2

BAF:rlp
P8/156080

WARREN D. WILLIAMS
General Manager-Chief Engineer

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost: | POLICY/CONSENT (per Exec. Office) |
|--------------------------|-----------------------------|--------------------------|--------------------|------------------------------|--|
| COST | \$ N/A | \$ N/A | \$ N/A | \$ N/A | Consent <input type="checkbox"/> Policy <input type="checkbox"/> |
| NET DISTRICT COST | \$ N/A | \$ N/A | \$ N/A | \$ N/A | |
| SOURCE OF FUNDS: | | | | Budget Adjustment: NO | |
| | | | | For Fiscal Year: N/A | |

C.E.O. RECOMMENDATION:

APPROVE
BY:
Steven C. Horn, MPA

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Stone 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, November 26, 2013, at 10:30 a.m.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: October 22, 2013
xc: Flood, COB

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: District: 5th / 5th **Agenda Number:** 11-3

FORM APPROVED COUNTY COUNSEL
BY: ANNA W. WANG
DATE: 10/27/13

Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order

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

**FORM 11: Notice of Intent to Adopt a Resolution of Necessity Regarding West End Moreno MDP Line L-L,
Stage 1 Project, Project No. 4-0-00783, District 5/District 5**

DATE: October 22, 2013

PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

The Proposed Project is located in Zone 4 within the cities of Moreno Valley and Riverside, within Riverside County. The Proposed Project alignment generally follows Old Highway 215 between Dracaea Avenue and Cottonwood Avenue. The Proposed Project is located within Township 3 South, Range 4 West, Section 10 of the Riverside East California 7.5 Minute USGS Quadrangle. The facility is identified in the Moreno Valley and Riverside General Plan Land Use Maps. A portion of the alignment is shown to be within a Business Park (BP) in both general plan land use designations, while the other portion of the alignment is within a Residential/Office (R/O) designation shown in the Moreno Valley General Plan. The Proposed Project will alleviate flooding and provide 100-year storm protection.

Negotiations have been conducted with the affected owner. However, negotiations will continue with the owner in order to facilitate the timely construction of the flood control facility for the West End Moreno MDP Line L-L, Stage 1 Project. Staff is recommending the approval of Resolution No. F2013-30.

Impact on Citizens and Businesses

The proposed project will protect people, property, and the watershed from damage or destruction from flood and stormwater impacts. The health and safety concerns prompt the District to construct the proposed project.

SUPPLEMENTAL:

Additional Fiscal Information

Sufficient funds were budgeted in the Fiscal Year 2013-2014 for the West End Moreno MDP Line L-L, Stage 1 Project and are available in the Zone 4 Fund.

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2013-30

NOTICE OF INTENT TO ADOPT
A RESOLUTION OF NECESSITY REGARDING
WEST END MORENO MDP LINE L-L, STAGE 1 PROJECT

WHEREAS, the portions of real properties that are the subject of this Notice (collectively the Subject Properties) are located in the cities of Moreno Valley and Riverside, County of Riverside, State of California; the project (the Proposed Project) alignment generally follows the Old Highway 215 between Dracaea Avenue and Cottonwood Avenue; are legally described and visually depicted in the documents attached hereto as Exhibits "A" and "B", and incorporated herein by this reference; and are referred to in attached Exhibits "A" and "B", as Parcel 4783-1 (which is a portion of Riverside County Assessor's Parcel No. [APN] 263-070-048); and Parcels 4783-2 and 4783-2T (which are a portion of APN 263-070-059);

WHEREAS, the Proposed Project that is the subject of this Notice is to develop and construct a public flood control facility, and is 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 is the subject of this Notice (collectively the Subject Property Interests) are: (a) an Inundation Easement, Parcel 4783-1; (b) an Inundation Easement, Parcel 4783-2; and a Temporary Construction Easement, Parcel 4783-2T.

WHEREAS, the authorities that authorize 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

FORM APPROVED BY COUNTY COUNSEL
BY: ANNA W. WANG
10/7/13
DATE

1 Code of Civil Procedure.

2 NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows by the Board of
3 Supervisors of the County of Riverside in regular session assembled on October 22, 2013:

4 1. You are hereby notified that this Board (at its public meeting on November 26, 2013
5 at 10:30 a.m. in the meeting room of the Board of Supervisors located on the 1st
6 Floor of the County Administrative Center, 4080 Lemon Street, Riverside,
7 California) may decide to adopt a Resolution of Necessity that would authorize the
8 District to acquire the Subject Property Interest by eminent domain (and that would
9 find and determine each of the following matters):

- 11 (a) The public interest and necessity require the Proposed Project;
- 12 (b) The Proposed Project is planned or located in the manner that will be most
13 compatible with the greatest public good and the least private injury;
- 14 (c) The Subject Property Interest is necessary for the Proposed Project;
- 15 (d) The offer required by Section 7267.2 of the Government Code has been made
16 to the owner or owners of record of the Subject Property;
- 17 (e) To the extent that the Subject Property is already devoted to a public use, the
18 use of the Proposed Project is a compatible use that will not unreasonably
19 interfere with or impair the continuance of the public use as it presently exists
20 or may reasonably be expected to exist in the future (California Code of Civil
21 Procedure Section 1240.510), or the use of the Proposed Project is a more
22 necessary public use than is the presently existing public use (California Code
23 of Civil Procedure Section 1240.610); and
- 24 (f) This notice was duly given as required by Section 1245.235 of the California
25 Code of Civil Procedure.
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- 2. If, within fifteen (15) days from the mailing of this Notice, you file a written request to appear at the public meeting and be heard on the matters described in 1(a), 1(b), 1(c), 1(d), 1(e) and 1(f) (or any one or more of them), you will have a right to appear at that meeting and be heard on those matters.
- 3. All such written requests to appear and be heard must be filed with the Clerk of the Board of Supervisors of the District.
- 4. Your written request to appear and be heard must be filed within the fifteen (15) day time period. Failure to file such a timely written request will result in a waiver of your right to appear and be heard.
- 5. Questions regarding the amount of compensation to be paid will not be a part of the public meeting and the Board will not consider such questions in determining whether a Resolution of Necessity should be adopted.
- 6. The Clerk of the Board of Supervisors of the District shall cause a copy of this Notice to be sent by first-class mail to each person whose property may be acquired by eminent domain and whose name and address appears on the last equalized County Assessment Roll (including the roll of State-assessed property).

ROLL CALL:

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
 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 _____
 Deputy

Exhibit "A"

**West End Moreno MDP Line LL
Parcel 4783-1**

Being a portion of that certain Parcel "A" as described in Instrument No. 2001-095958 recorded March 9, 2001 in the County Recorder's Office, records of Riverside County and being located within the Northwest Quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, County of Riverside, California, lying within the city of Riverside.

A strip of land 60.00 feet wide lying 30.00 feet on each side of the following described line:

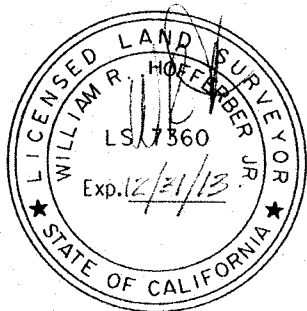
Commencing at the Northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County. Said point also being the intersection of the Easterly line of the Northwest Quarter of said Section 10 with the Southwesterly boundary of that certain Riverside County Transportation Commission (RCTC) Surplus Parcel No. 7723-"A" as described in Instrument No. 2005-0996807 recorded December 2, 2005 in the County Recorder's Office, records of Riverside County;

Thence North 19° 23' 30" West 93.00 feet along said Southwesterly line, to the Point of Beginning;

Thence South 50° 32' 33" West 135.00 feet;

Thence South 24° 51' 09" West 198.33 feet to a point on the Easterly boundary of Interstate 215 as shown on California Department of Transportation Right of Way Map 451200-10, said point also being the Point of Terminus.

The sidelines of said strip shall be prolonged or shortened to terminate at the Northeasterly, Westerly and Southerly boundaries of said Parcel "A".



William R. Hofferber, Jr.

 WILLIAM R. HOFFERBER, JR.

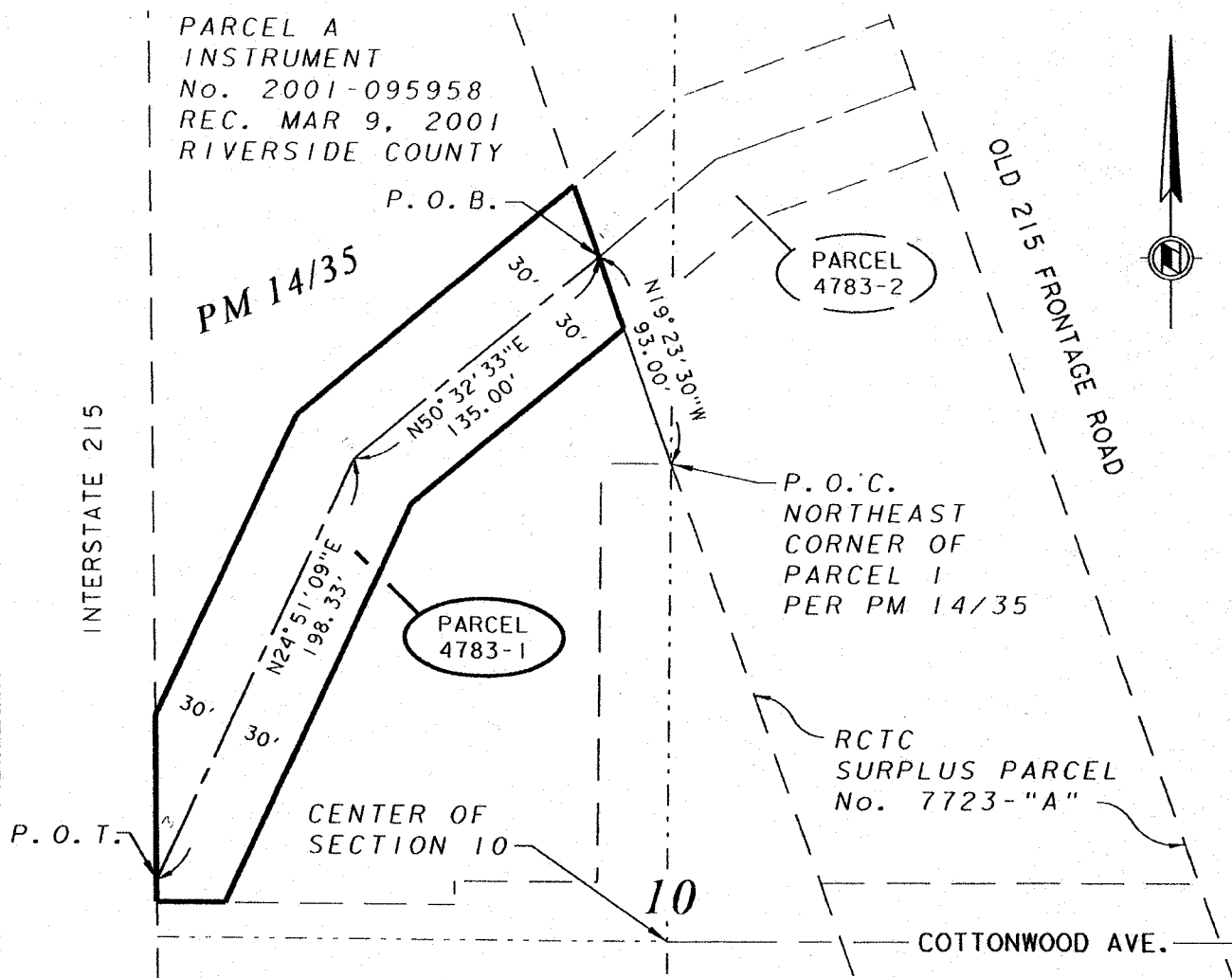
Land Surveyor No. 7360

Signed For: Riverside County Flood Control
 and Water Conservation District

Date: 04 FEB. 2013

Exhibit "B"

BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 3 SOUTH,
RANGE 4 WEST, SAN BERNARDINO MERIDIAN, LOCATED WITHIN THE CITY OF RIVERSIDE,
RIVERSIDE COUNTY, CALIFORNIA.



**CALTRANS MON.
MAP 435571-9**



William R. Hoffer
DATE: 04 FEB. 2013

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

| | | | |
|---|--|---------------------------|----------------------------|
| PROJECT NAME: WEST END MORENO MDP LINE LL | | | |
| 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 4783-1 | SCALE: NO SCALE | PREPARED BY: PO |
| | | FEB-4-2013 | SHEET NO. 1 OF 1 |

Exhibit "A"

**West End Moreno MDP Line LL
Parcel 4783-2**

Being a portion of the Riverside County Transportation Commission (RCTC) Surplus Parcel No. 7723-"A" as described in Instrument No. 2005-0996807 recorded December 2, 2005 in the County Recorder's Office, records of Riverside County and being located within the North half of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, County of Riverside, California.

A strip of land 60.00 feet lying 30.00 feet on each side of the following described line:

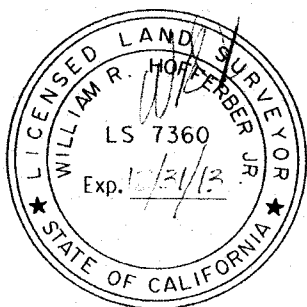
Commencing at the Northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County, said point also being the intersection of the Easterly line of the Northwest Quarter of said Section 10 with the Southwesterly line of said RCTC Surplus Parcel;

Thence North 19° 23' 30" West 93.00 feet along said Southwesterly line, to the Point of Beginning;

Thence North 50° 32' 33" East 65.00 feet;

Thence North 69° 47' 55" East 89.10 feet to a point on the Northeasterly boundary of said RCTC Surplus parcel, said point also being the Point of Terminus.

The sidelines of said strip shall be prolonged or shortened to terminate at the Southwesterly and Northeasterly boundary of said RCTC Surplus parcel.



William R. Hofferber Jr.
WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360

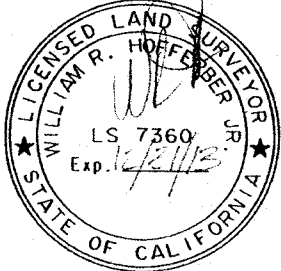
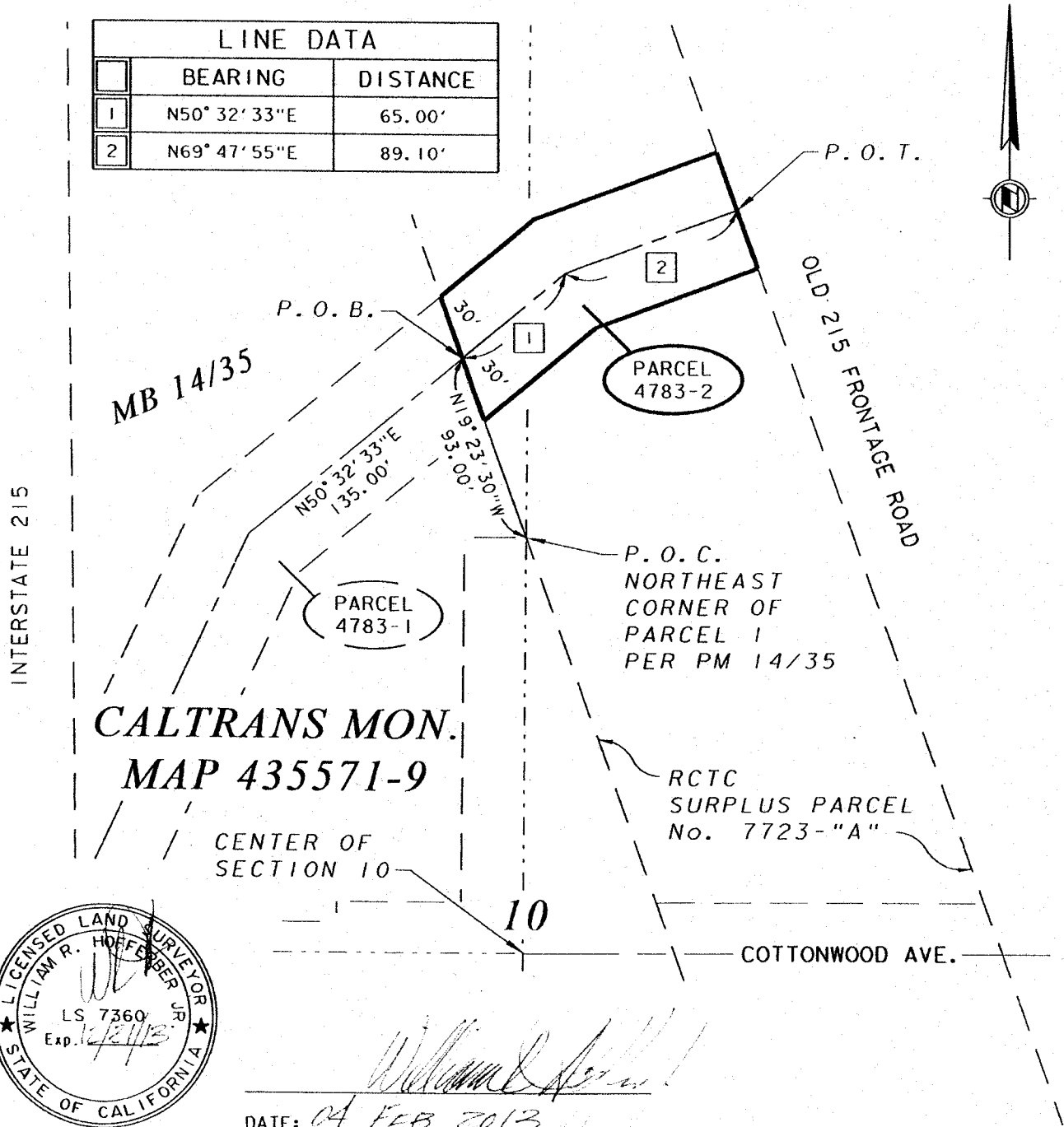
Signed For: Riverside County Flood Control
and Water Conservation District

Date: 04 FEB. 2013

Exhibit "B"

BEING A PORTION OF THE NORTH HALF OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SAN BERNARDINO MERIDIAN, COUNTY OF RIVERSIDE, CALIFORNIA.

| LINE DATA | | |
|-----------|---------------|----------|
| | BEARING | DISTANCE |
| 1 | N50° 32' 33"E | 65.00' |
| 2 | N69° 47' 55"E | 89.10' |



DATE: 04 FEB. 2013

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

| | | | |
|---|---|--------------------|---------------------|
| PROJECT NAME: WEST END MORENO MDP LINE LL | | | |
| 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 4783-2 | SCALE: NO SCALE | PREPARED BY: PO |
| | | FEB-4-2013 | SHEET NO. 1 OF 1 |

Exhibit "A"

**West End Moreno MDP Line L-L
Parcel 4783-2T**

Being a portion of the Riverside County Transportation Commission (RCTC) Surplus Parcel No. 7723-"A" as described in Instrument No. 2005-0996807 recorded December 2, 2005 in the County Recorder's Office, records of Riverside County and being located within the north half of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, County of Riverside, California.

A strip of land 60.00 feet lying 30.00 feet on each side of the following described line:

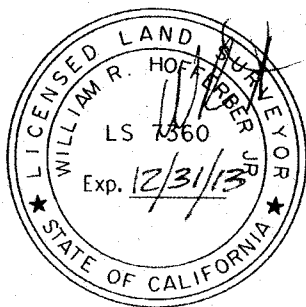
Commencing at the northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County, said point also being the intersection of the easterly line of the northwest quarter of said Section 10 with the southwesterly line of said RCTC Surplus Parcel;

Thence North $19^{\circ} 23' 30''$ West 93.00 feet along said southwesterly line, to the Point of Beginning;

Thence North $50^{\circ} 32' 33''$ East 65.00 feet;

Thence North $69^{\circ} 47' 55''$ East 89.10 feet to a point on the northeasterly boundary of said RCTC Surplus Parcel, said point also being the Point of Terminus.

The sidelines of said strip shall be prolonged or shortened to terminate at the southwesterly and northeasterly boundary of said RCTC Surplus Parcel.




WILLIAM R. HOFFERBER JR.

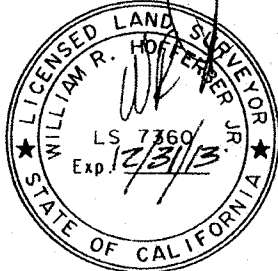
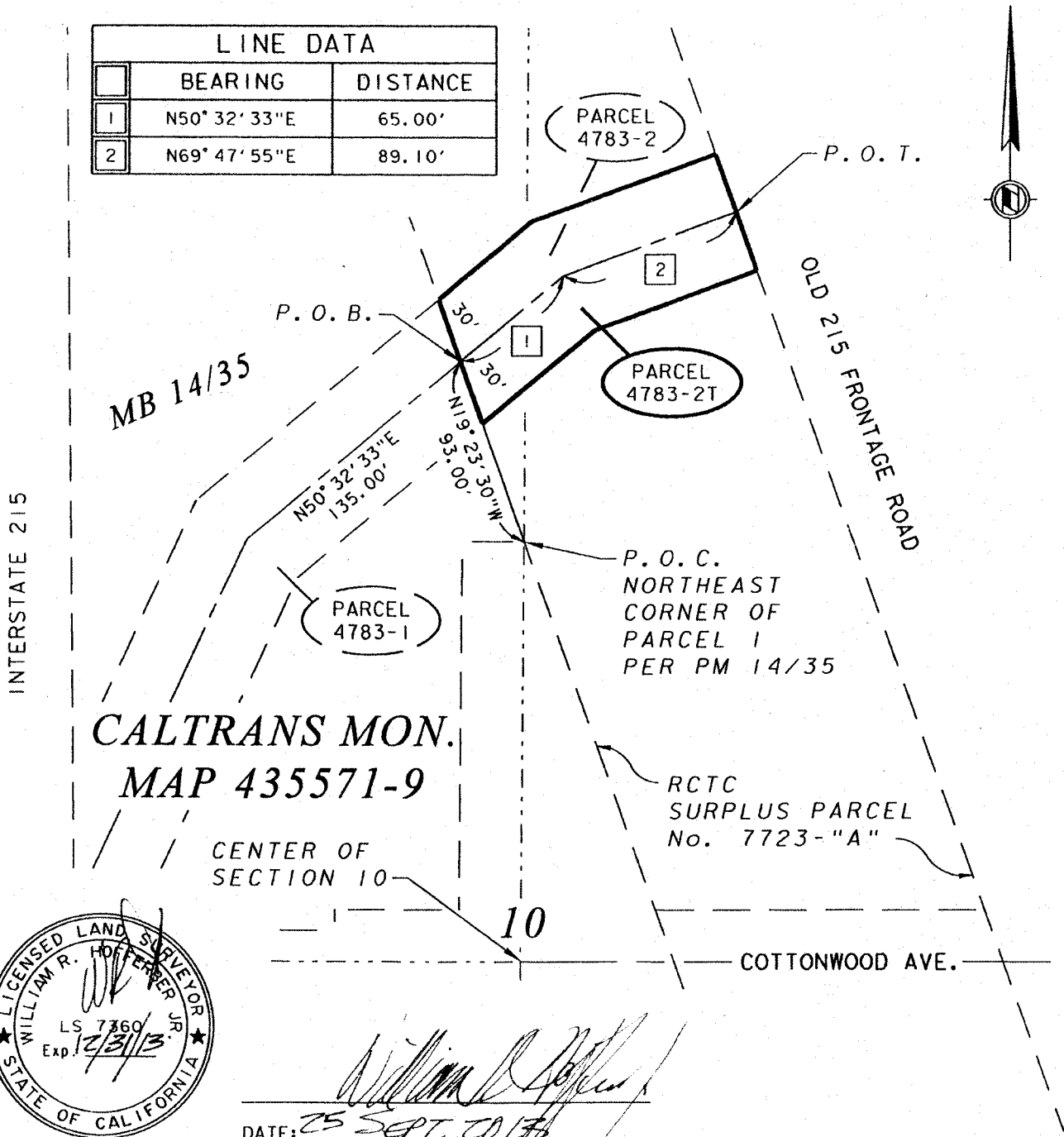
Land Surveyor No. 7360
Signed For: Riverside County Flood Control
and Water Conservation District

Date: 25 SEPT, 2013

Exhibit "B"

BEING A PORTION OF THE NORTH HALF OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 4 WEST,
SAN BERNARDINO MERIDIAN, COUNTY OF RIVERSIDE, CALIFORNIA.

| LINE DATA | | |
|-----------|---------------|----------|
| | BEARING | DISTANCE |
| 1 | N50° 32' 33"E | 65.00' |
| 2 | N69° 47' 55"E | 89.10' |



William R. Hoffer, Jr.
DATE: 25 SEPT. 2013

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

| | | | |
|---|--|-----------------------------------|---|
| PROJECT NAME: WEST END MORENO MDP LINE LL | | | |
| 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 4783-2T | SCALE: NO SCALE SEP-25-2013 | PREPARED BY: PO SHEET NO. 1 OF 1 |