

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

406 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
November 26, 2013

SUBJECT: Resolution No. F2013-31, Authorizing Condemnation of Real Property for Flood Control Purposes Regarding the West End Moreno MDP Line L-L, Stage 1 Project.; Project No. 4-0-00783 District 5/District 5, [Total District Cost \$87,500]

RECOMMENDED MOTION: That the Board of Supervisors:
Approve and Adopt Resolution No. F2013-31, Authorizing Condemnation of Real Property Regarding the West End Moreno MDP Line L-L, Stage 1 Project.

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 and improvements to the existing outlet structure and the construction of a new headwall, earthwork for proper drainage, and placement of riprap. The outlet structure and daylight channel is located on vacant land.

Continue on Page 2

BAF:rlp
P8/156081

Steve Thomas
FOR **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	\$ 87,500.00	\$ 0.00	\$ 87,500.00	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 87,500.00	\$ 0.00	\$ 87,500.00	\$ N/A	
SOURCE OF FUNDS: 25140 947460 540040 Zone 4 Const/Maint/Misc-Land					Budget Adjustment: NO For Fiscal Year: 2013-2014

C.E.O. RECOMMENDATION:

APPROVE
Steven C. Horn
BY: **Steven C. Horn, MPA**

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: November 26, 2013
xc: Flood

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref.: 11.3, 10/22/2013 | District: 5th/5th | Agenda Number:

11-5

FISCAL PROCEDURES APPROVED
JEANINE J. REY, FINANCE DIRECTOR
11/13/13

FORM APPROVED COUNTY COUNSEL
DATE 11-12-13
BY: ANITA C. WILLIS

- 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: Resolution No. F2013-31, Authorizing Condemnation of Real Property for Flood Control Purposes Regarding the West End Moreno MDP Line L-L, Stage 1 Project.; Project No. 4-0-00783
District 5/District 5 [Total District Cost \$87,500.00]

DATE: November 26, 2013

PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

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.

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 project will alleviate flooding and provide 100-year storm protection.

The public interest and necessity for this project is demonstrated by the flooding which occurs in the area and the erosion of both public and private property. The proposed project is planned in a manner that is most compatible with the greatest public good and the least private injury. The affected properties are vacant unimproved land; no building improvements are affected. The subject properties interests are needed for the facility. Offers required by Section 7267.2 have been made to all the owners.

Negotiations have been conducted with the affected owners. Negotiations will continue with the owner, however, in order to facilitate the timely construction of the flood facility for the West End Moreno MDP Line L-L, Stage 1 project, staff is recommending the approval of Resolution No. F2013-31.

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 Project and are available in the Zone 4 Fund.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



11-5

(1)

On motion of Supervisor Benoit, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from the Flood Control and Water Conservation District regarding Adoption of Resolution F2013-31, Resolution of Necessity Regarding West End Moreno Master Drainage Plan, Line L-L, Stage 1 is approved as recommended.

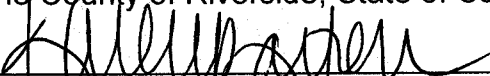
(2)

On motion of Supervisor Benoit, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter be reconsidered to allow for staff presentation.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on November 26, 2013 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: November 26, 2013
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.
11-5

xc:

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

RESOLUTION NO. F2013-31

AUTHORIZE CONDEMNATION OF REAL PROPERTY
FOR FLOOD CONTROL PURPOSES REGARDING THE
WEST END MORENO MDP LINE L-L, STAGE 1 PROJECT NO. 4-0-00783

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of Riverside County Flood Control and Water Conservation District, County of Riverside, State of California, not less than four-fifths of all members concurring, in regular session assembled on November 26, 2013, as follows:

1. That Notice of Intent to Adopt this Resolution was given to each person, whose hereinafter described real property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board of Supervisors on the matters contained herein.

2. That the authority for the District to acquire the real property by eminent domain is contained in Article 1, Section 19 of the California Constitution; the California Water Code -- Appendix, Chapter 48, Section 48-9, Paragraph 9; Sections 1240.010, 1240.020, 1240.110 and 1240.420 of the Code of Civil Procedure.

3. That the public interest and necessity requires the Proposed Project.

4. That the use for which the real property is to be taken is for the construction of a public improvement consisting of flood control facilities, maintenance roads and appurtenant works, for the control and flow of flood and stormwaters and for other uses incidental thereto and required thereby, in order to protect from damage, life and property within the boundaries of the District, the Proposed Project being known as the West End Moreno MDP Line L-L, Stage 1 Project.

1 5. That the real property sought to be condemned is necessary for the construction of
2 the public improvement and is located entirely within the boundaries of the District's Zone 4, in
3 the cities of Moreno Valley and Riverside, County of Riverside, State of California; the Proposed
4 Project alignment generally follows the Old Highway 215 between Dracaea Avenue and
5 Cottonwood Avenue; are legally described and visually depicted in the documents attached
6 hereto as Exhibits "A" and "B", and incorporated herein by this reference; and are referred to in
7 attached Exhibits "A" and "B", as Parcel 4783-1 (which is a portion of Riverside County
8 Assessor's Parcel No. APN 263-070-048); and Parcels 4783-2 and 4783-2T (which are a portion
9 of APN 263-070-059);
10

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

13 7. That the offer required by Section 7267.2 of the Government Code has been made
14 to the owner or owners of record.
15

16 BE IT FURTHER RESOLVED that County Counsel representing the District is hereby
17 authorized and empowered:

18 1. To acquire in the name of the District, the interests in property that is subject to this
19 Authorization (collectively the Subject Property Interests) are: (a) an Inundation Easement,
20 Parcel 4783-1; (b) an Inundation Easement, Parcel 4783-2; and (c) a Temporary Construction
21 Easement, Parcel 4783-2T on said real properties by condemnation in accordance with the
22 Constitution and laws relating to eminent domain.
23

24 2. To prepare and prosecute in the name of the District such proceedings in the proper
25 Court having jurisdiction thereof as are necessary for such acquisition.

26 3. To make application to the Court for an order to deposit the probable amount of
27 compensation out of proper funds under the control of the District into the State Treasurer and
28

1 for an Order permitting the District to take prejudgment possession and use the real property for
2 the purpose of constructing the public improvement.

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

6 5. The County Counsel is further authorized to correct any errors or to make or agree
7 to nonmaterial changes in the legal description of the real property that are deemed necessary for
8 the conduct of the condemnation action, or other proceedings or transaction required to acquire
9 the subject property. The County Counsel is further authorized to reduce or modify the extent of
10 the interests or property to be acquired so as to reduce the compensation payable in the action
11 where such changes would not substantially impair the construction and operation for the project
12 for which the real property is being acquired.
13

14
15
16 ROLL CALL:

17 Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
18 Nays: None
19 Absent: None

20 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.

21 KECIA HARPER-IHEM, Clerk of said Board
22 By Karimpton
23 Deputy
24

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FORM APPROVED COUNTY COUNSEL
BY: Anita C. Willis
DATE: 11-18-13

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.

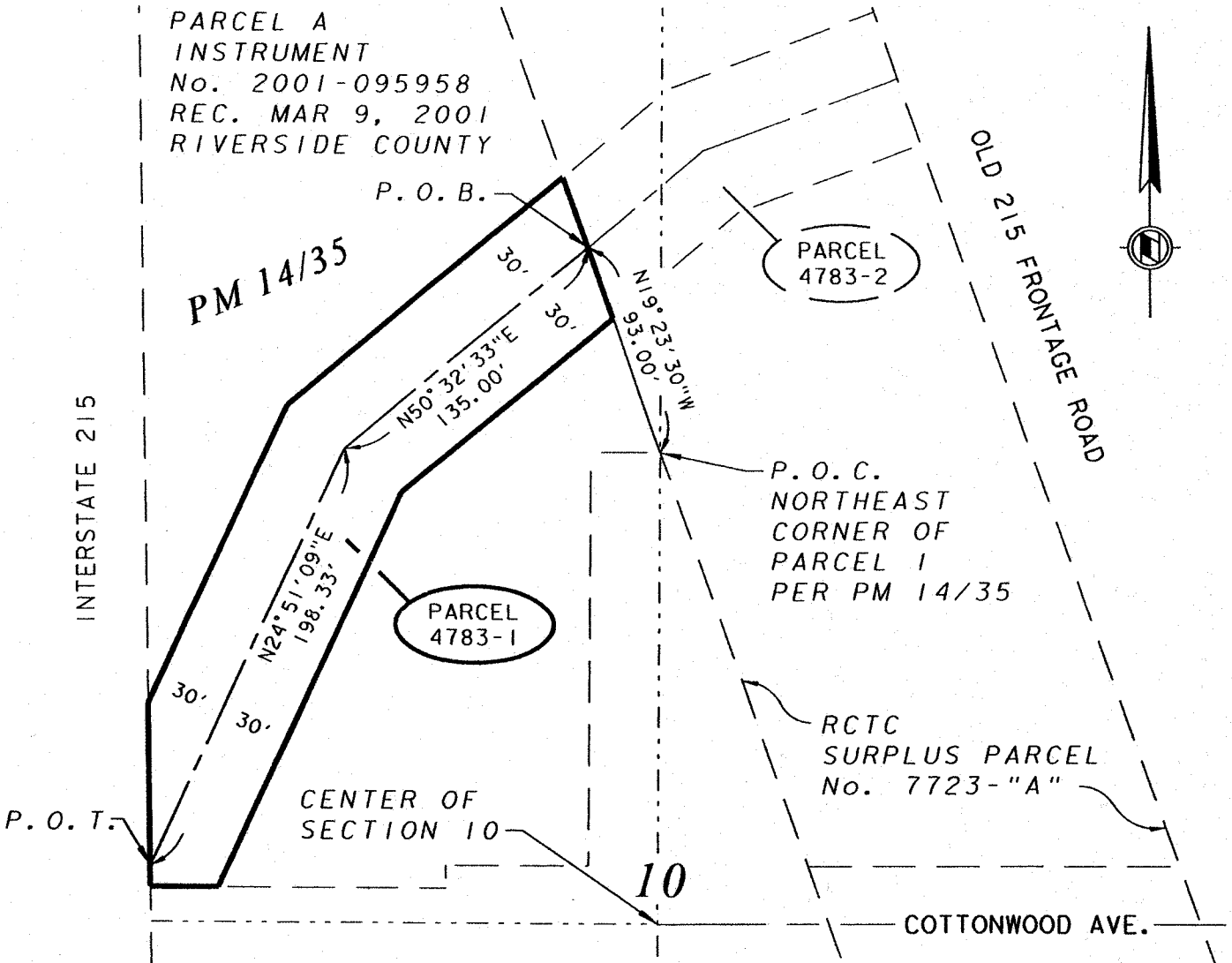
Land Surveyor No. 7360

Signed For: Riverside County Flood Control
and Water Conservation District

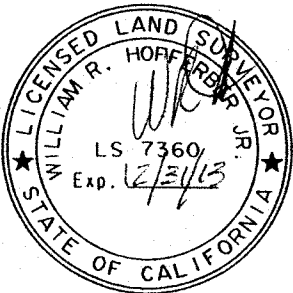
Date: 04 FEB. 2013

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. Hoff, Jr.
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

FEB-4-2013

PREPARED BY:

PO

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:

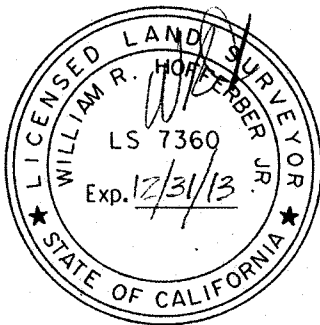
Commencing at the Northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County, said point also being the intersection of the Easterly line of the Northwest Quarter of said Section 10 with the Southwesterly line of said RCTC Surplus Parcel;

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.

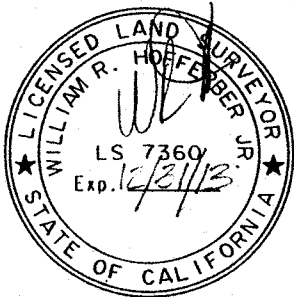
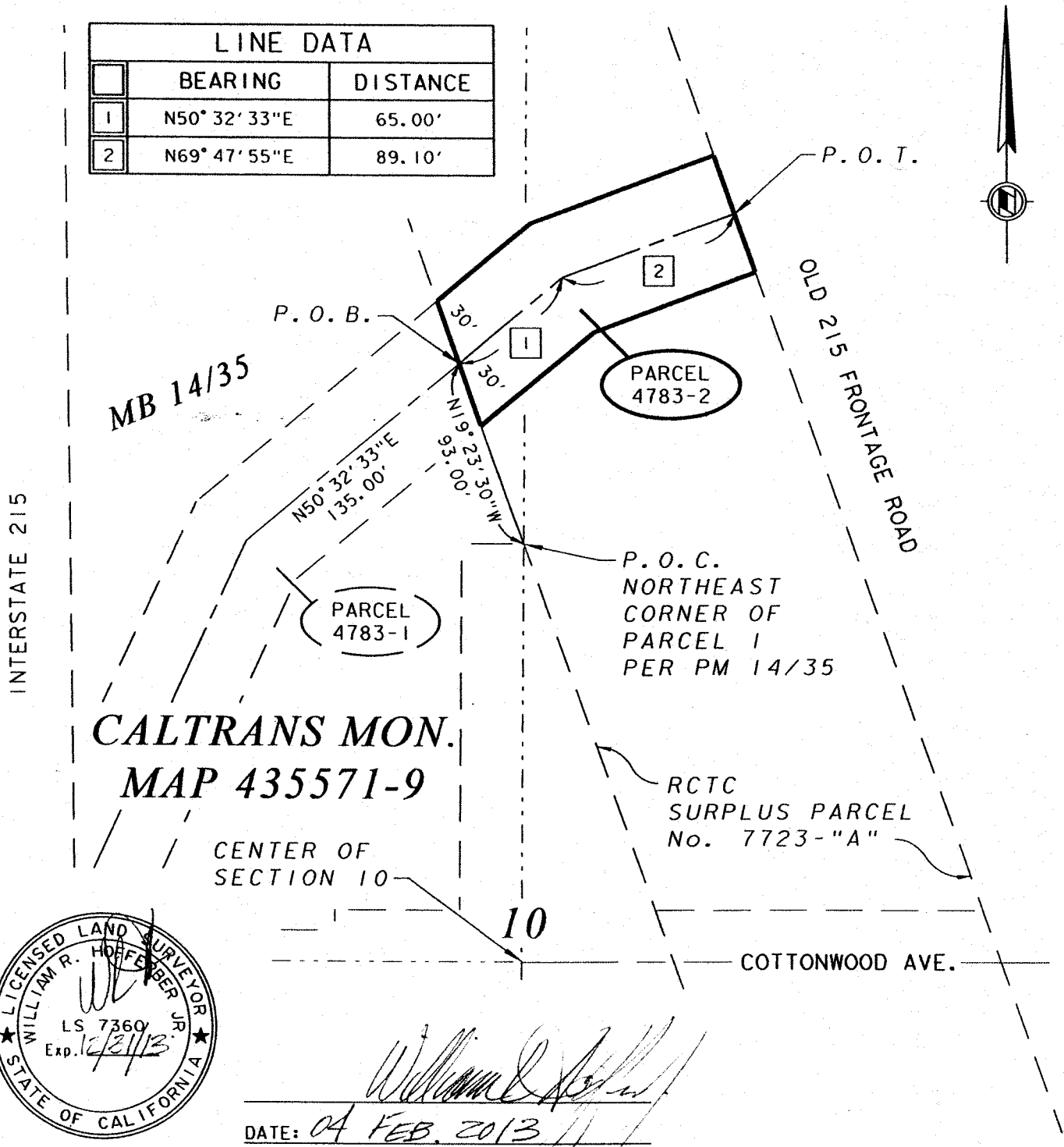
Land Surveyor No. 7360
Signed For: Riverside County Flood Control
and Water Conservation District

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'



William R. Hoffberger, Jr.
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

FEB-4-2013

PREPARED BY:

PO

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:

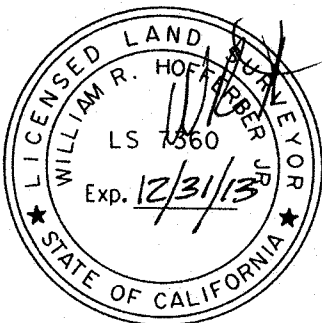
Commencing at the northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County, said point also being the intersection of the easterly line of the northwest quarter of said Section 10 with the southwesterly line of said RCTC Surplus Parcel;

Thence North 19° 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.

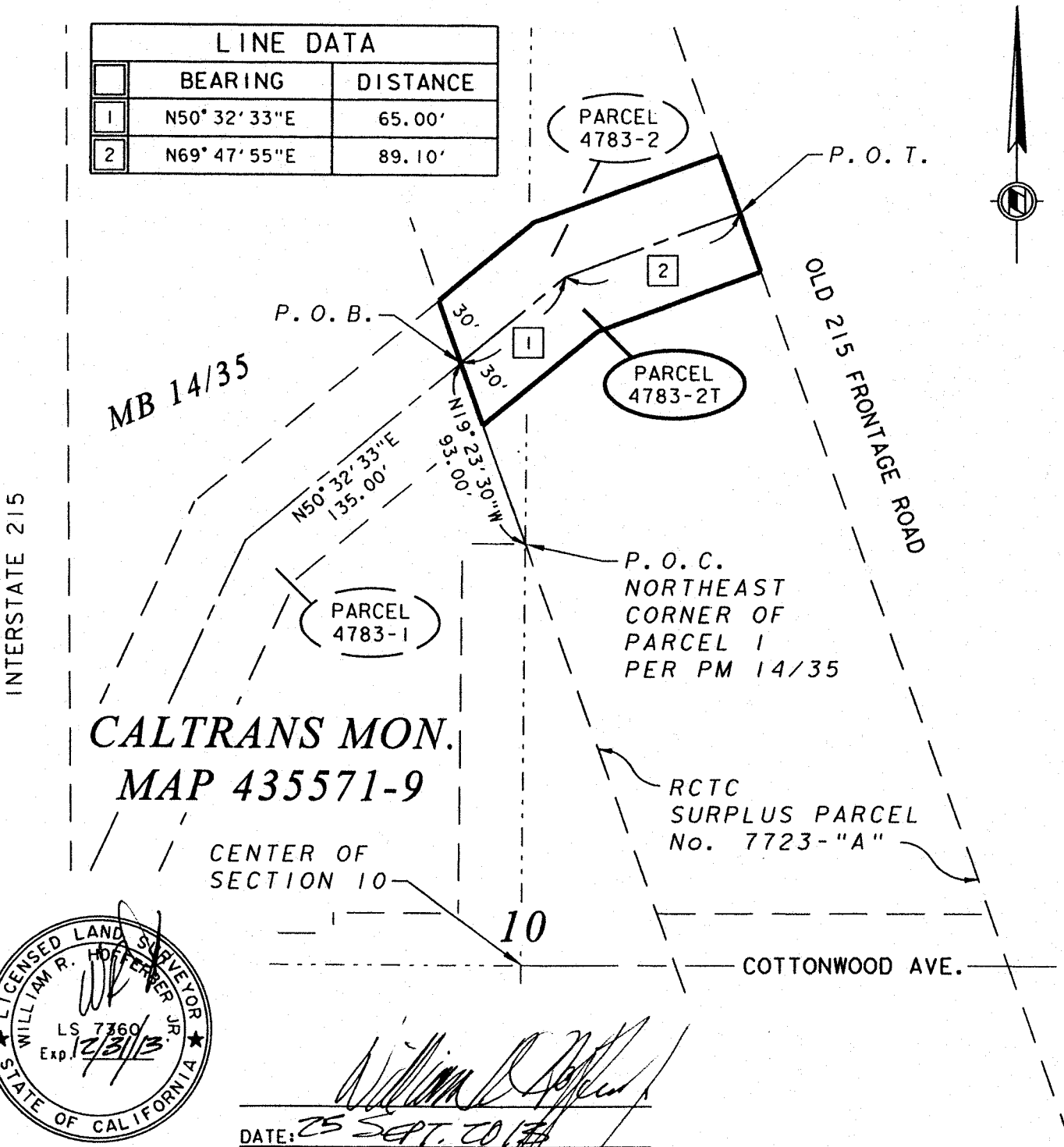
Land Surveyor No. 7560
Signed For: Riverside County Flood Control
and Water Conservation District

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'



**CALTRANS MON.
MAP 435571-9**

CENTER OF SECTION 10

P.O.C.
NORTHEAST
CORNER OF
PARCEL 1
PER PM 14/35

RCTC
SURPLUS PARCEL
No. 7723-"A"



William R. Hoffer
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

**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: ANN 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):
10

- 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

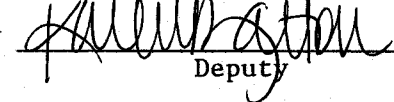
By 
Deputy

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:

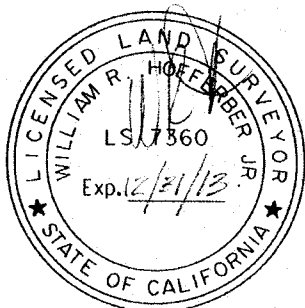
Commencing at the Northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County. Said point also being the intersection of the Easterly line of the Northwest Quarter of said Section 10 with the Southwesterly boundary of that certain Riverside County Transportation 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 $19^{\circ} 23' 30''$ West 93.00 feet along said Southwesterly line, to the Point of Beginning;

Thence South $50^{\circ} 32' 33''$ West 135.00 feet;

Thence South $24^{\circ} 51' 09''$ 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.

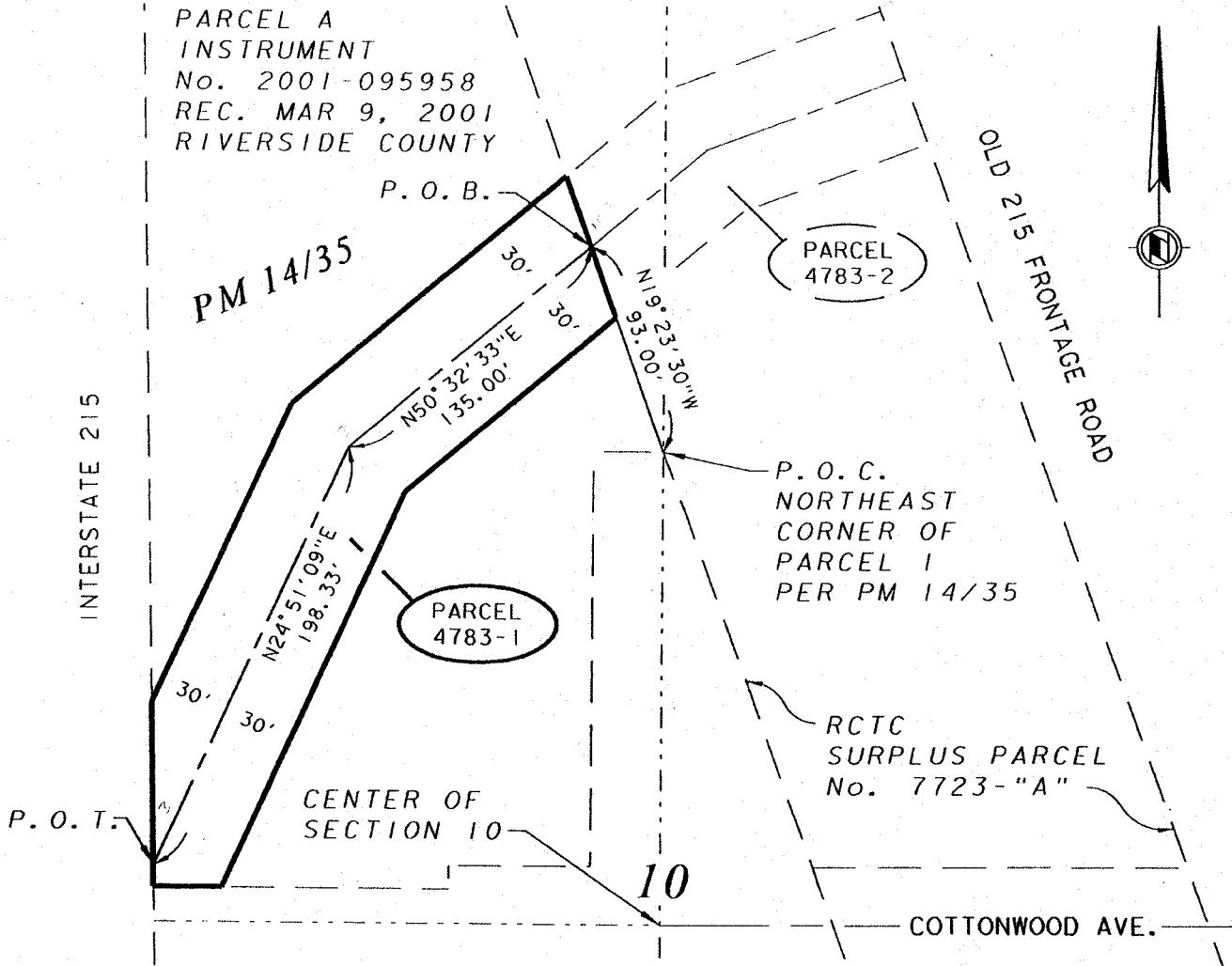
 WILLIAM R. HOFFERBER JR.

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

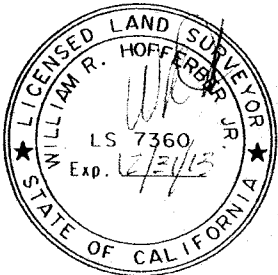
Date: 04 FEB. 2013

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. Hoffenberg
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:

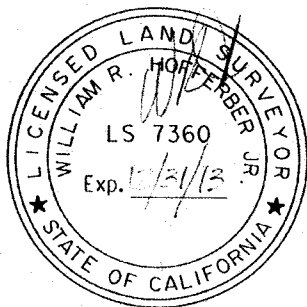
Commencing at the Northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County, said point also being the intersection of the Easterly line of the Northwest Quarter of said Section 10 with the Southwesterly line of said RCTC Surplus Parcel;

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

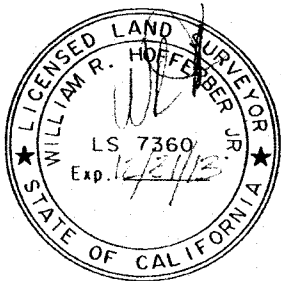
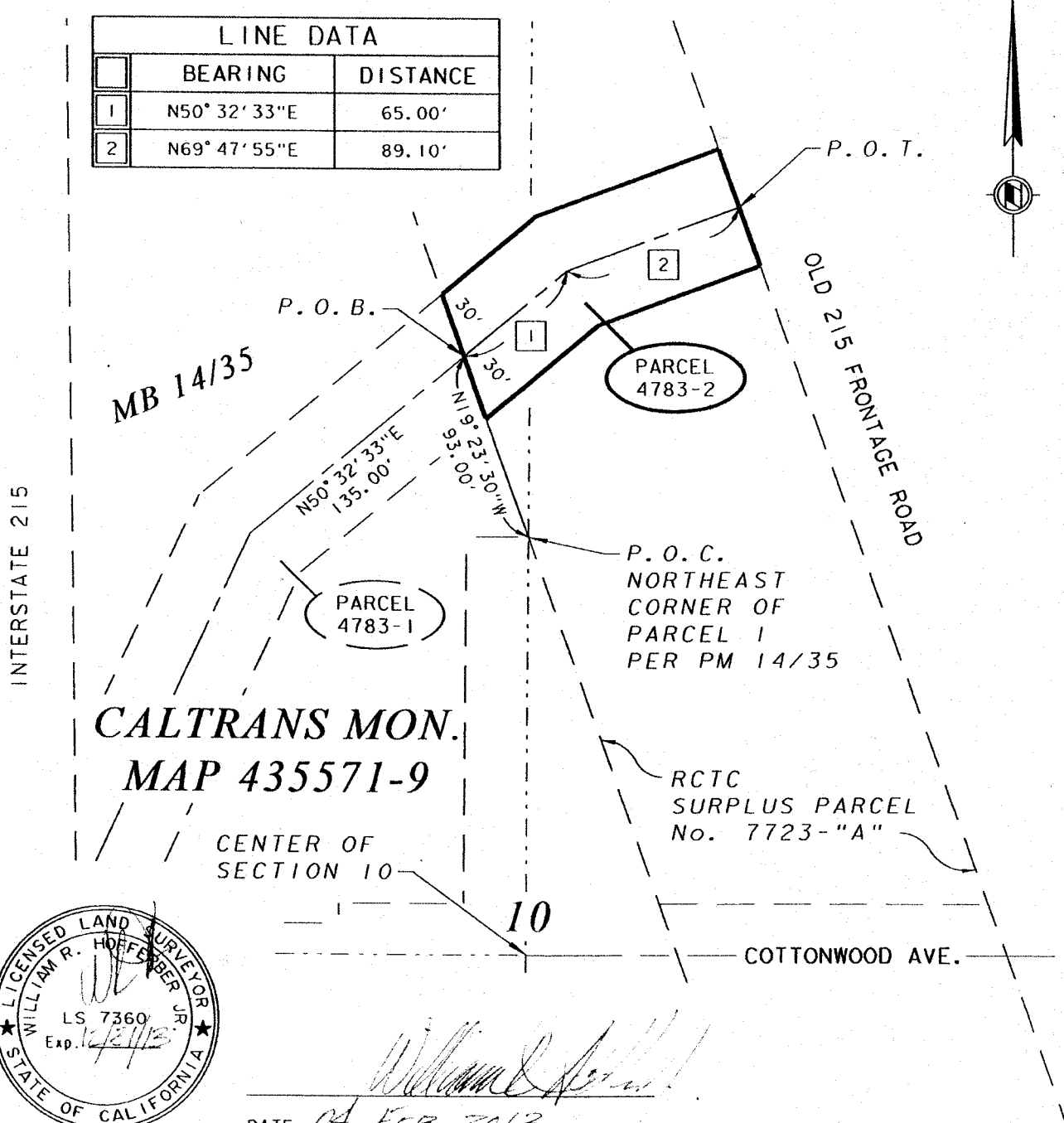
Signed For: Riverside County Flood Control
and Water Conservation District

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'



William R. Hoffberger
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:

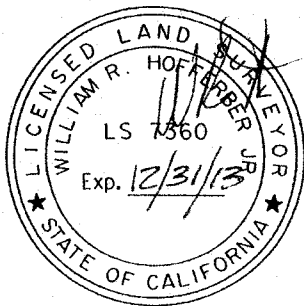
Commencing at the northeast corner of Parcel 1 as shown on Parcel Map in Book 14, Page 35, Official Records of Riverside County, said point also being the intersection of the easterly line of the northwest quarter of said Section 10 with the southwesterly line of said RCTC Surplus Parcel;

Thence North 19° 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.

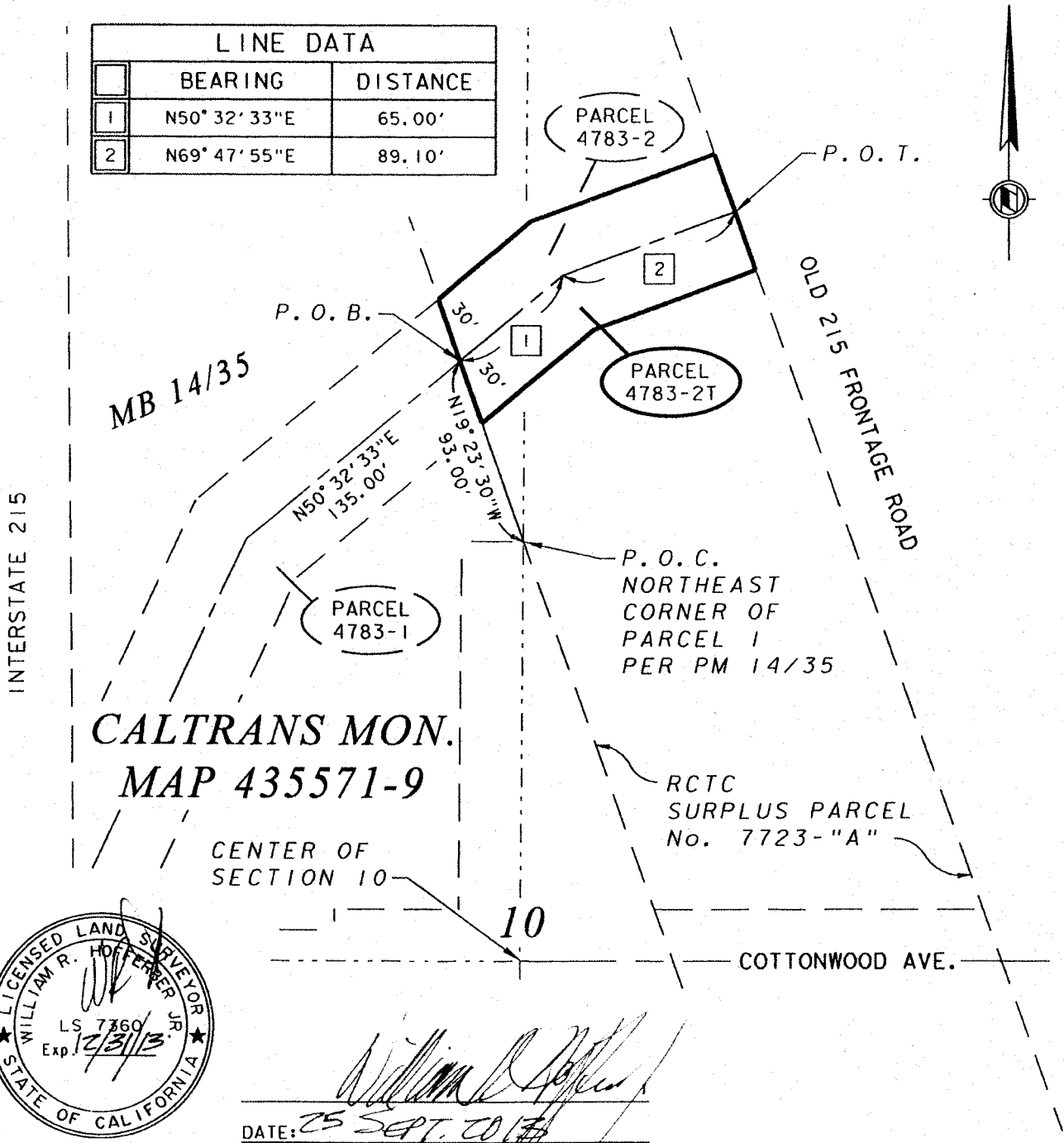
Land Surveyor No. 7360
Signed For: Riverside County Flood Control
and Water Conservation District

Date: 25 SEPT, 2013

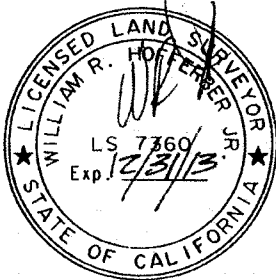
Exhibit "B"

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'



**CALTRANS MON.
MAP 435571-9**



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
		PREPARED BY: PO
		SHEET NO. 1 OF 1
		SEP-25-2013

DECLARATION OF MAILING OF
NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY REGARDING
THE WEST END MORENO MDP LINE L-L, STAGE 1 PROJECT

I, Karen Barton, Board Assistant to the Clerk of the Board of Supervisors, hereby declares as follows:

That on October 23, 2013, I served by mail (1) a copy of the Notice of Intention to Adopt a Resolution of Necessity Regarding the Ellis Avenue Sidewalk 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 October 23, 2013 from the Clerk of the Board of Supervisors to (see below), (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:

Iva P. Green
Tara P. Lovitt
14031 Aubrey Road
Beverly Hills, CA 90210

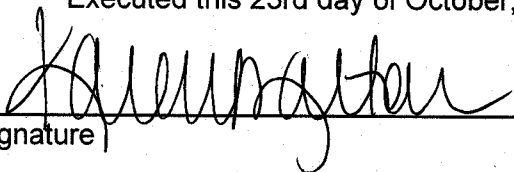
7013 0600 0001 1305 5253

James DeAguilera
Attorney at Law
2068 Orange Tree Lane, Suite 218
Redlands CA 92374

7013 0600 0001 1305 5246

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

Executed this 23rd day of October, 2013 at Riverside County, California.



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
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

October 23, 2013

Iva P. Green
Tara P. Lovitt
14031 Aubrey Road
Beverly Hills, CA 90210

SUBJECT: CONDEMN REAL PROPERTY
Resolution No: F2013- 31
Project No. 4-0-00783
APN 263-070-048 and 263-070-059

PROJECT: West End Moreno MDP Line L-L, Stage 1 Project

Ladies and Gentleman:

We have enclosed herewith the following documents:

1. *Notice of Intention to Adopt a Resolution of Necessity*
2. *Legal Descriptions*
3. *Plat Maps*

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

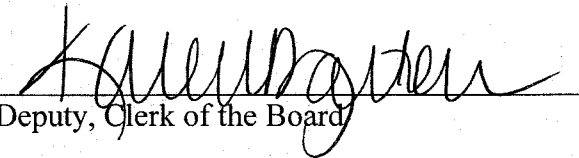
Kecia Harper-Ihem
Clerk, Board to Supervisors
County Administrative Center
Post Office Box 1147
4080 Lemon Street, 14th Floor
Riverside, California 92502-1147

If you should have any questions concerning this matter, we suggest that you contact:

Warren D. Williams
General Manager-Chief Engineer
Flood Control
1995 Market Street
Riverside, California 92501
Telephone: (951) 955-1250

Sincerely,

CLERK OF THE BOARD

By: 
Deputy, Clerk of the Board

REQUEST(S) TO
APPEAR AND BE HEARD ON THE MATTER(S) REFERRED TO IN THE NOTICE OF
INTENTION ON NOVEMBER 26, 2013 TO CONDEMN REAL PROPERTY FOR FLOOD
CONTROL PURPOSES.

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
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

October 23, 2013

James DeAguilera
Attorney at Law
2068 Orange Tree Lane, Suite 218
Redlands, CA 92374

SUBJECT: CONDEMN REAL PROPERTY
Resolution No: F2013- 31
Project No. 4-0-00783
APN 263-070-048 and 263-070-059

PROJECT: West End Moreno MDP Line L-L, Stage 1 Project

Ladies and Gentleman:

We have enclosed herewith the following documents:

1. *Notice of Intention to Adopt a Resolution of Necessity*
2. *Legal Descriptions*
3. *Plat Maps*

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

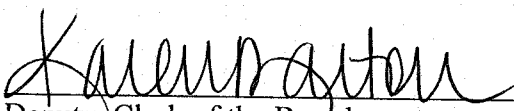
Kecia Harper-Ihem
Clerk, Board to Supervisors
County Administrative Center
Post Office Box 1147
4080 Lemon Street, 14th Floor
Riverside, California 92502-1147

If you should have any questions concerning this matter, we suggest that you contact:

Warren D. Williams
General Manager-Chief Engineer
Flood Control
1995 Market Street
Riverside, California 92501
Telephone: (951) 955-1250

Sincerely,

CLERK OF THE BOARD

By: 
Deputy, Clerk of the Board

REQUEST(S) TO
APPEAR AND BE HEARD ON THE MATTER(S) REFERRED TO IN THE NOTICE OF
INTENTION ON NOVEMBER 26, 2013 TO CONDEMN REAL PROPERTY FOR FLOOD
CONTROL PURPOSES.

NAME: _____

ADDRESS: _____

TELEPHONE NO.: (____) _____

DATED: _____

(Signature)

2068 Orangetree Lane, Ste. 218, Redlands, CA 92374
909-307-5750; 909-307-5751; 909-307-5755 Fax

**LAW OFFICE OF
JAMES DeAGUILERA**

Fax

To: Riverside County Clerk of Board **From:** Maria for Law Office of James DeAguilera

Fax: 951-955-1071 **Pages:** 2 w/cover

Phone: **Date:** 11/7/2013

Re: Request for Hearing **cc:** [Click here and type name]

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:** *The following communications are intended for the eyes of the party to whom they are addressed only. The contents of this communication are strictly confidential and are protected by law from disclosure to any unauthorized person(s). If you have received this transmission in error, please notify sender at once.*

Please see the attached request to appear and be heard. Regarding the matters referred to in the Notice of Intention on November 26, 2013. Resolution no. F2013.-31; Project No. 4-0-00783

If you have any questions or comments, please call Maria at 909-307-5750

Thank you

Maria for
Law Office of James DeAguilera

2013-11-12 279

If you should have any questions concerning this matter, we suggest that you contact:

Warren D. Williams
General Manager-Chief Engineer
Flood Control
1995 Market Street
Riverside, California 92501
Telephone: (951) 955-1250

Sincerely,

CLERK OF THE BOARD

By: Kaleun Maiton
Deputy, Clerk of the Board

James DeAguilera REQUEST(S) TO
APPEAR AND BE HEARD ON THE MATTER(S) REFERRED TO IN THE NOTICE OF
INTENTION ON NOVEMBER 26, 2013 TO CONDEMN REAL PROPERTY FOR FLOOD
CONTROL PURPOSES.

NAME: James DeAguilera

ADDRESS: 2068 Orangetree Ln. #218
Redlands, CA 92374

TELEPHONE NO.: (909) 307-5750 / 909-307-5755 jso

DATED: November 6, 2013

[Signature]
(Signature)

RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS
2018 NOV - 7 PM 3:06

Fax

To: Riverside County Clerk of Board **From:** Maria for Law Office of James DeAguilera

Fax: 951-955-1071 **Pages:** 2 w/cover

Phone: **Date:** 11/7/2013

Re: Request for Hearing **cc:** [Click here and type name]

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:** *The following communications are intended for the eyes of the party to whom they are addressed only. The contents of this communication are strictly confidential and are protected by law from disclosure to any unauthorized person(s). If you have received this transmission in error, please notify sender at once.*

Please see the attached request to appear and be heard. Regarding the matters referred to in the Notice of Intention on November 26, 2013. Resolution no. F2013.-31; Project No. 4-0-00783

If you have any questions or comments, please call Maria at 909-307-5750

Thank you

Maria for
Law Office of James DeAguilera

2013-11-120280

If you should have any questions concerning this matter, we suggest that you contact:

Warren D. Williams
General Manager-Chief Engineer
Flood Control
1995 Market Street
Riverside, California 92501
Telephone: (951) 955-1250

Sincerely,

CLERK OF THE BOARD

By: Kalena Martin
Deputy, Clerk of the Board

James DeAgui'era REQUEST(S) TO
APPEAR AND BE HEARD ON THE MATTER(S) REFERRED TO IN THE NOTICE OF
INTENTION ON NOVEMBER 26, 2013 TO CONDEMN REAL PROPERTY FOR FLOOD
CONTROL PURPOSES.

NAME: James DeAgui'era

ADDRESS: 2068 Orangetree Ln. #218
Redlands, CA 92374

TELEPHONE NO.: (909) 307-5750 / 909-307-5755 jxd

DATED: November 6, 2013

[Signature]
(Signature)