

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

252



FROM: Economic Development Agency/Facilities Management and Transportation Department

SUBMITTAL DATE:

November 13, 2014

SUBJECT: Resolution No. 2014-136, Resolution Agreeing to Hear Future Resolutions of Necessity for the Street A Improvement Project, District 1/District 1, [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2014-136, Resolution Agreeing to Hear Future Resolutions of Necessity for the Street A Improvement Project.

BACKGROUND:

Summary

The Street A Project is a proposed two lane collector road connecting McAllister Parkway to Van Buren Boulevard, of which 40 percent is located within the jurisdiction of the County of Riverside (County) and 60 percent is located within the jurisdiction of the City of Riverside (City).

Patricia Romo

Patricia Romo
Assistant Director of Transportation
for Juan C. Perez,
Director of Transportation and Land Management

Robert Field

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (Per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: N/A
Budget Adjustment: No
For Fiscal Year: 2014/15

C.E.O. RECOMMENDATION:

APPROVE

BY: *Rohini Dasika*
Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: November 25, 2014
xc: EDA, Transp.

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

Prev. Agn. Ref.: 3-58 of 12/18/07 and 3-38 of 3/27/12 | District: 1/1

Agenda Number:

3-4

FORM APPROVED COUNTY COUNSEL 3/7/14
DATE
BY: GREGORY P. PIRANZO
Departmental Concurrence

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

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

Economic Development Agency/Facilities Management and Transportation Department

FORM 11: Resolution No. 2014-136, Resolution Agreeing to Hear Future Resolutions of Necessity for the Street A Improvement Project, District 1/District 1, [\$0]

DATE: November 13, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

In 2006, the County approved Tract 30153 (McAllister Hills), which would have constructed a golf course residential community development. The County required this tract to construct a new road between McAllister Street and Van Buren Boulevard, referred to as Street A, which would serve traffic from the development and provide an alternate access route for residents of Victoria Grove, The Orchards, and other communities in the area north of El Sobrante Road and east of La Sierra Avenue.

On December 18, 2007, the Board of Supervisors (Board) approved Item 3-58, which consented to and authorized the City to act as lead agency on behalf of the County for purposes of land acquisition and eminent domain necessary for Street A, since most of the property to be acquired was within the City limits. The road design was nearly complete and right-of-way was about to commence in 2008 when work ceased on the developer's project, which went into foreclosure due to the economic downturn. Since that time, the community desires to see Street A move forward ahead of development due to the closure of the extension of McAllister north into the City of Riverside, which was done by the City in 2009.

On March 27, 2012, the Board approved Item 3-38, an agreement between the County and City, which revoked the County's consent to authorize the City to act as lead agency. On November 19, 2013, the City approved an amendment to the agreement, because both the County and the City expressed their desire to designate the County as lead agency for purposes of land acquisition services and any eminent domain necessary for the project. The Transportation Department will bring forth the amendment to the agreement under a separate submittal.

In the event the County is unable to negotiate voluntary purchases of properties necessary for the project, this resolution sets the Board as the hearing body for resolutions related to eminent domain.

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

Impact on Residents and Businesses

The project is a critical circulation and emergency access link for the communities of The Orchard, Victoria Grove and other developments located east of La Sierra Avenue, and north of El Sobrante.

SUPPLEMENTAL:

Additional Fiscal Information

There are no costs associated with this resolution.

2
3 Resolution No. 2014-136

4 Resolution Agreeing to Hear Future Resolutions of Necessity
5 for the Street "A" Improvement Project
6
7

8 WHEREAS, the County of Riverside ("County") is empowered to acquire
9 property by eminent domain pursuant to Article 1, Section 19 of the California
10 Constitution, and pursuant to various statutes including Sections 1230.010 et seq. of
11 the California Code of Civil Procedure;

12 WHEREAS, the County and the City of Riverside ("City") consider the Street "A"
13 Improvement Project ("Project") to be a priority project;

14 WHEREAS, the City has represented that it desires for the County to act as lead
15 agency for purposes of providing land acquisition services and exercising eminent
16 domain, if necessary, in relation to the Project;

17 WHEREAS, California Government Code section 6502 provides that "If
18 authorized by their legislative or governing bodies, two or more public agencies by
19 agreement may jointly exercise any power common to the contracting parties";

20 WHEREAS, California Code of Civil Procedure section 1240.140(b) provides
21 that "[t]wo or more public agencies may enter into an agreement for the joint exercise
22 of their respective powers of eminent domain, whether or not possessed in common,
23 for the acquisition of property as a single parcel";

24 WHEREAS, on November 19, 2013, the City expressly granted to the County
25 the City's power of eminent domain to acquire necessary real property interests within
26 the City in connection with the Project; and
27
28

1 WHEREAS, the County desires to acquire real property interests required for
2 the Project and, if necessary, jointly exercise the County's power of eminent domain
3 with the City to acquire such property interests.

4 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the
5 County of Riverside, State of California, not less than four-fifths of all members
6 concurring, in regular session assembled on November 25, 2014, that this Board
7 hereby agrees as follows:

8 1. Pursuant to Government Code section 6502 and Code of Civil
9 Procedure section 1240.140, the County (i) accepts the City's grant of the power of
10 eminent domain and (ii) agrees to act as lead agency with the City for the purposes of
11 land acquisition and eminent domain, if necessary, in connection with the Project; and

12 2. This Board hereby agrees to hear and consider any Resolutions of
13 Necessity regarding the acquisition of real property interests necessary for the Project;
14 and

15 3. The County Counsel of the County of Riverside is hereby designated
16 to prepare (in conformance with applicable law), to review, to approve, and to
17 otherwise process Resolution of Necessity packages for the Project (including the
18 Notice of Intention to Adopt Resolution of Necessity and the Resolution of Necessity)
19 prior to those matters being heard by the Board.
20

21 FORM APPROVED COUNTY COUNSEL
22 BY: PAUL J EARLY 8/7/14 DATE

23 ROLL CALL:

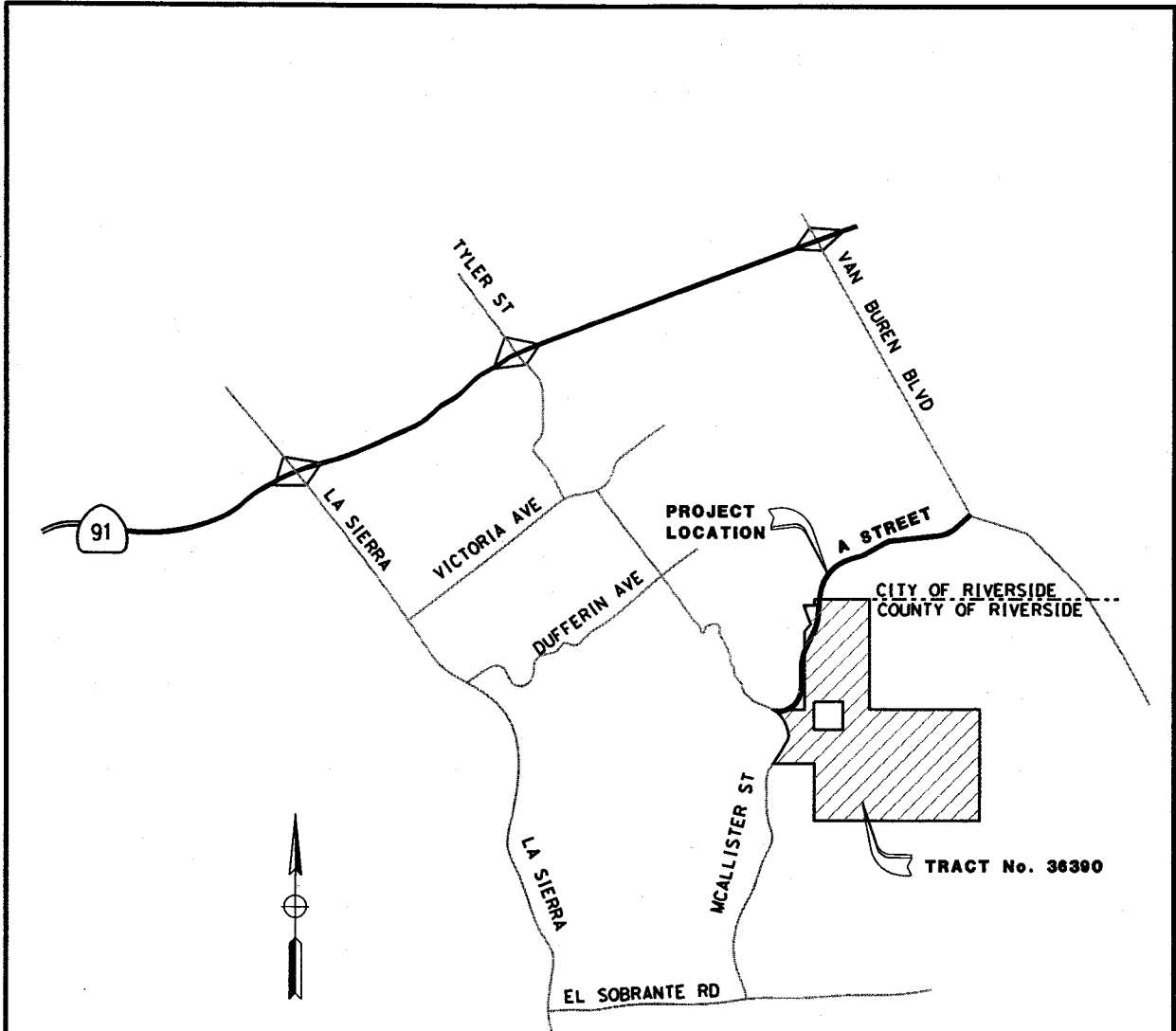
24 Ayes: Jeffries, Stone, Benoit and Ashley
25 Nays: None
26 Absent: Tavaglione

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.

27 KEDIA HARPER-HEM, Clerk of said Board

By: [Signature] Deputy

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VICINITY MAP

A STREET