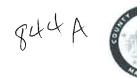
Positions Added

8

Change Order

4/5 Vote

FROM: Economic Development Agency/Facilities Management and



SUBMITTAL DATE: January 14, 2015

Transportation Department SUBJECT: Resolution No. 2015-017, Notice of Intention to Adopt a Resolution of Necessity Regarding

District 1, [\$0] the Marie and Margarth Streets Road Project,

RECOMMENDED MOTION: That the Board of Supervisors:

- 1. Approve Resolution No. 2015-017, Notice of Intention to Adopt a Resolution of Necessity Regarding the Marie and Margarth Street Road Project;
- 2. Set a public hearing on February 24, 2015, for Resolution No. 2015-018, Authorizing Resolution of Necessity Regarding the Marie and Margarth Street Road Project; and

(Continued)

Patricia Romo

Assistant Director of Transportation

for Juan C. Perez

Director of Transportation and Land

Management

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost: | POLICY/CONSENT (per Exec. Office) |
|-----------------|----------------------|-------------------|-------------|---------------|--------------------------------------|
| COST | \$ | 0 \$ | 0 \$ | 0 \$ | O Concept D Police |
| NET COUNTY COST | \$ | 0 \$ | 0 \$ | 0 \$ | Consent D Policy |

SOURCE OF FUNDS: N/A

Budget Adjustment: No For Fiscal Year: 2014/15

Assistant County Executive Officer/EDA

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing on Tuesday, February 24, 2015, at 9:30 a.m.

Ayes:

Jeffries, Tavaglione and Ashley

Nays: Absent:

None

Benoit

Kecia Harper-Ihem Clerk of the Board

Date:

January 27, 2015

XC:

EDA, COB

Prev. Agn. Ref.: 3₁3/7 of 09/Ω9/2014

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

Economic Development Agency/Facilities Management and Transportation Department

FORM 11: Resolution No. 2015-017, Notice of Intention to Adopt a Resolution of Necessity Regarding the Marie and Margarth Streets Road Project, District 1, [\$0]

DATE: January 14, 2015

PAGE: 2 of 3

RECOMMENDED MOTION: (Continued)

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

BACKGROUND: Summary

The Riverside County Transportation Department (RCTD) is proposing to acquire right of way along Marie and Margarth (existing dirt roads) in the Good Hope community to provide dependable access for residents (Project).

The Notice of Exemption was filed and posted on November 5, 2014. RCTD staff conducted a review of the Project and it is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

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 Good Hope area 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.

There are three properties that are a part of the Project. Settlement has not been reached with the following two property owners, although negotiations are still in process for the necessary right of way.

| Parcel No. | Portion of Assessor's Parcel No(s). | Ownership |
|------------|-------------------------------------|--|
| 5260-001A | 345-250-001 | Norvell L. King |
| 5260-001B | 345-250-002 | |
| 5260-001C | 345-260-001 | |
| | 345-100-007 | Marjorie M. Ravare and Norvell L. King |
| 5260-004A | 345-250-003 | Fuenling Angel Sun |

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.

Impact on Citizens and Businesses

Acquiring right of way in this area will improve public road access in this community. Ongoing maintenance costs are expected to be approximately \$400 per year.

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

Economic Development Agency/Facilities Management and Transportation Department

FORM 11: Resolution No. 2015-017, Notice of Intention to Adopt a Resolution of Necessity Regarding the

Marie and Margarth Streets Road Project, District 1, [\$0]

DATE: January 14, 2015

PAGE: 3 of 3

SUPPLEMENTAL:

Additional Fiscal Information

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

| Acquisition: | \$45,900 |
|--|----------|
| County Appraisal: | 8,750 |
| Owner Appraisals: | 10,000 |
| Preliminary Title Reports and Litigation Guarantees: | 1,600 |
| EDA/FM Real Property Staff Time: | 20,000 |
| Total Estimated Acquisition Costs: | \$86,250 |

All costs associated with the acquisition of these properties are fully funded by the District 1 DA funds in the Transportation Department's budget for FY 2014/15 and these costs will be included in a separate Form 11, along with the Authorizing Resolution of Necessity motion. No net county costs will be incurred as a result of this transaction.

27

28

1

2

3

4

5

6

7

Resolution No. 2015-017

Notice of Intention to Adopt a Resolution of Necessity Regarding the Marie and Margarth Streets Road Project

WHEREAS, the portions of real properties that are subject of this Notice (collectively the "Subject Properties") are located in both the unincorporated county area of Good Hope, County of Riverside, State of California; are generally located on Marie Street between Margarth Street and Poppy Hill Drive, are legally described and pictorially depicted on the documents attached hereto as Exhibits "A" and Exhibits "B" (and incorporated herein by this reference); are referred to on attached Exhibits "A" and Exhibits "B" as Parcels 5260-001A through 5260-001C and 5260-004A; and are portions of larger real properties in all cases:

WHEREAS, each one of the Subject Properties is listed below in Table One (across from the larger real property that includes the relevant Subject Property within its boundaries), and whereas each one of those larger real properties is listed below in Table One across by its Riverside County Assessor's Parcel Number(s):

| Account Dorool Mo(a) | |
|-----------------------------|--|
| Assessor's Parcel No(s). | |
| 345-250-001, 345-250-002, | |
| 345-260-001 and 345-100-007 | |
| 45-250-003 | |
| 3. | |

WHEREAS, the proposed project that is the subject of this Notice is to acquire right of way along Marie and Margarth (existing dirt roads) in the Good Hope community to provide dependable access for residents (Project);

WHEREAS, Parcels 5260-001A through 5260-001C and 5260-004A will each be used for public road purposes as described in attached Exhibit "A";

WHEREAS, the interests in property that are the subjects of this Notice (collectively the "Subject Property Interests") are perpetual easements for road and utility purposes in 5260-001A through 5260-001C and 5260-004A, identified below in Table Two.

| TABLE TWO | | | |
|--------------------|--------------------------|---------------------|------------------------|
| Subject Properties | Fee Simple Ownerships | Perpetual Easements | Temporary Easements |
| 5260-001A | | X | |
| 5260-001B | | X | |
| 5260-001C | | X | |
| 5260-004A | | 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 January 27, 2015.

1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on February 24, 2015, 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 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 necessary for the Proposed Project;
- (g) That acquisition of the Subject Property Interests will promote the interests of the County of Riverside.
- 2. If (within 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 above in 1(a), 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 appear at that meeting and be heard on those matters.
- All such written requests to appear and be heard must be filed with the
 Clerk of the Riverside County Board of Supervisors.

- 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 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 and Ashley

Nays:

None

Absent:

Benoit

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, Clenk of gaid Board

Deputy

SV:ra/120414/431TR/17.222 S:\Real Property\TYPING\Docs-17.000 to 17.499\17.222.doc

Parcel Numbers 5260-001A, 5260-001B, and 5260-001C

EXHIBIT "A" MARIE AND MARGARTH STREET LEGAL DESCRIPTION 5260-001A

AN EASEMENT LYING WITHIN THOSE CERTAIN PARCELS OF LAND DESCRIBED BY GRANT DEED RECORDED OCTOBER 1, 1971 AS INSTRUMENT NUMBER 111250, GRANT DEED RECORDED JULY 22, 1953 IN BOOK 1493, PAGE 469, AND GRANT DEED RECORDED JULY 19, 1950, IN BOOK 1190, PAGE 287, ALL BEING OFFICIAL RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN THE SOUTH ONE-HALF OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN LYING WITHIN A STRIP OF LAND, 60.00 FEET IN RIGHT ANGLE WIDTH, BEING 30.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF MARGARTH STREET (44.00 FOOT NORTHERLY HALF WIDTH) AND THE CENTERLINE OF MARIE STREET (44.00 FOOT WESTERLY HALF WIDTH) AS SHOWN ON PARCEL MAP NUMBER 13218 RECORDED IN BOOK 79, PAGE 64 OF MAPS, AND (44.00 FOOT EASTERLY HALF WIDTH) AS DESCRIBED IN INSTRUMENT NUMBER 37188, RECORDED MARCH 23, 1973, SAID OFFICIAL RECORDS, ALSO BEING THE CENTER SECTION CORNER OF SAID SECTION 11;

THENCE S 00°03'08" W, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 11, A DISTANCE OF 473.08 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 200.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 54°30'51", AN ARC DISTANCE OF 190.29 FEET;

THENCE S 54°33'57" W, A DISTANCE OF 46.90 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 190.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 82°30'00", AN ARC DISTANCE OF 273.58 FEET;

THENCE S 27°56'01" E, A DISTANCE OF 345.31 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 150.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°59'09" AN ARC DISTANCE OF 73.27 FEET TO A POINT ON SAID WEST LINE OF THE SOUTHEAST ONE-QUARTER;

THENCE S 00°03'08" W, ALONG SAID WEST LINE A DISTANCE OF 41.71 FEET, TO THE SOUTHWEST CORNER, OF THE SOUTHWEST ONE-QUARTER, OF THE NORTHWEST ONE-QUARTER, OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 11, BEING THE POINT OF TERMINATION.

EXHIBIT "A" MARIE AND MARGARTH STREET LEGAL DESCRIPTION 5260-001A (CONTINUED)

CONTAINING 83,368 SQUARE FEET, OR 1.914 ACRES, MORE OR LESS.

THE SIDELINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED SO AS TO TERMINATE NORTHERLY AT THE NORTH LINE OF THE SOUTH ONE - HALF OF SAID SECTION 11, AND SOUTHERLY AT THE SOUTHERLY LINE OF SAID INSTRUMENT NUMBER 111250;

EXCEPT THAT PORTION LYING WITHIN THE SOUTHWEST ONE-QUARTER, OF THE NORTHWEST ONE-QUARTER, OF THE SOUTHEAST ONE-QUARTER, OF SAID SECTION 11;

| | SEE ATTACHED EXHIBIT "B" |
|---------------|--------------------------|
| APPROVED BY: | |
| DATE: 4-9- 20 | 14 |

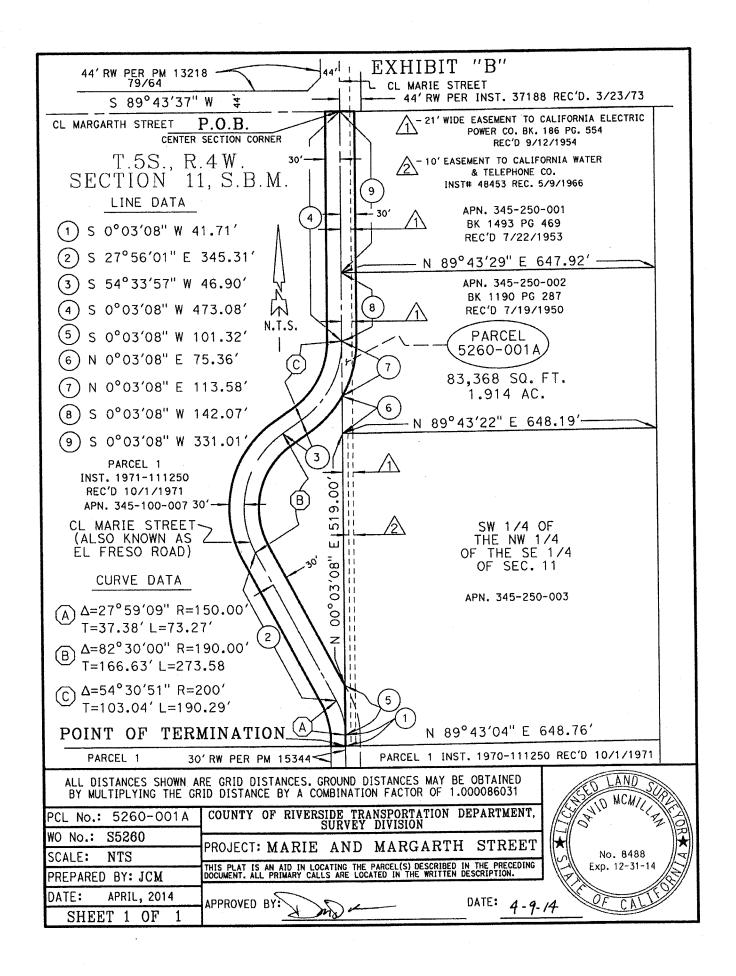


EXHIBIT "A" MARIE AND MARGARTH STREET LEGAL DESCRIPTION 5620-001B

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED BY GRANT DEED RECORDED JULY 22, 1953 IN BOOK 1493, PAGE 469, OFFICIAL RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF MARGARTH STREET (44.00 FOOT NORTHERLY HALF WIDTH) AND THE CENTERLINE OF MARIE STREET (44.00 FOOT WESTERLY HALF WIDTH) AS SHOWN ON PARCEL MAP NUMBER 13218 RECORDED IN BOOK 79, PAGE 64 OF MAPS, AND (44.00 FOOT EASTERLY HALF WIDTH) AS DESCRIBED IN INSTRUMENT NUMBER 37188, RECORDED MARCH 23, 1973, SAID OFFICIAL RECORDS, ALSO BEING THE CENTER SECTION CORNER OF SAID SECTION 11:

THENCE N 89°43'37" E ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 11, A DISTANCE OF 30.00 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE N 89°43'37" E CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 617.64 FEET TO THE NORTHEASTERLY CORNER OF SAID GRANT DEED.

THENCE S 00°00'14" W, ALONG THE EASTERLY LINE OF SAID GRANT DEED, A DISTANCE OF 33.00 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT OF 33.00 FEET SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO SAID NORTH LINE:

THENCE S 89°43'37" W; ALONG SAID PARALLEL LINE A DISTANCE OF 600.68 FEET;

THENCE S 50°33'33" W, A DISTANCE OF 22.01' FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 30.00 FEET EASTERLY OF AS MEASURED AT RIGHT ANGLES TO THE WESTERLY LINE OF SAID GRANT DEED:

THENCE N 00°03'08" E ALONG SAID PARALLEL LINE A DISTANCE OF 46.90 FEET, TO THE TRUE POINT OF BEGINNING;

CONTAINING 20,501 SQUARE FEET, OR 0.471 ACRES, MORE OR LESS.

| | SEE ATTACHED EXHIBIT "B" | ED LAND S |
|---------------|--------------------------|---------------------------|
| APPROVED BY: | > 1 | STO MCMIZE |
| DATE: 4- 9- 2 | 014 | No. 8488 Exp. 12-31-14 |
| | | OF CALIFORN |

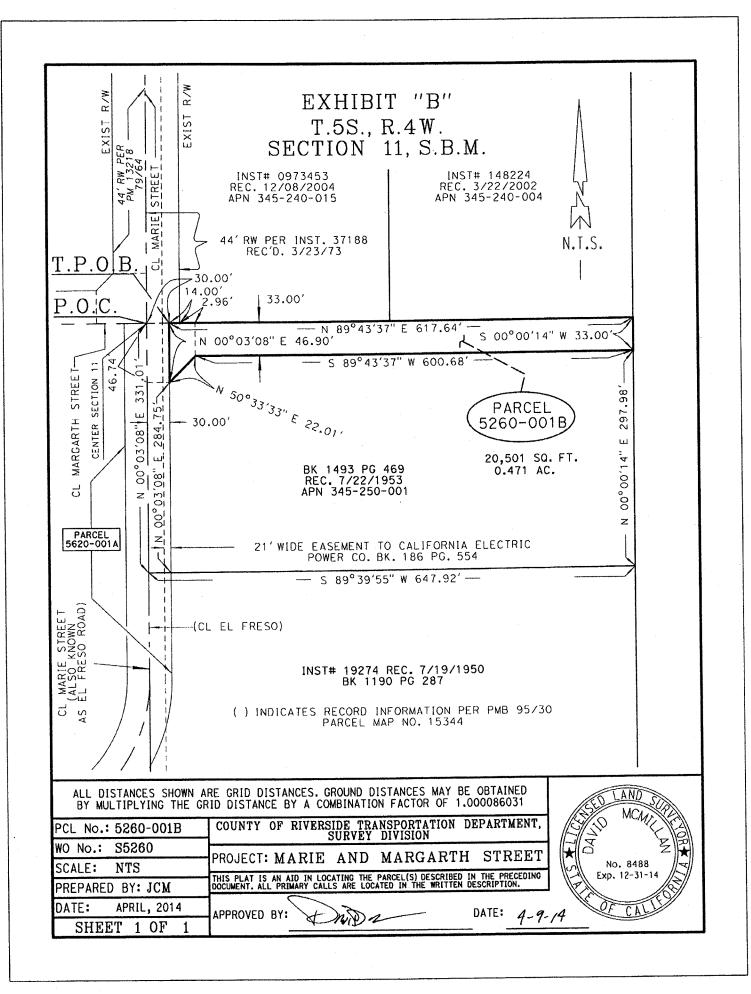


EXHIBIT "A" MARIE AND MARGARTH STREET LEGAL DESCRIPTION 5260-001C

AN EASEMENT LYING WITHIN A CERTAIN PARCEL OF LAND DESCRIBED BY GRANT DEED RECORDED OCTOBER 1, 1971 AS INSTRUMENT NUMBER 111250, OFFICIAL RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN THE NORTH HALF, OF THE NORTHWEST ONE-QUARTER, OF THE SOUTHWEST ONE-QUARTER, OF THE SOUTHEAST ONE-QUARTER, OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 11:

THENCE N 89° 43' 04" E, A DISTANCE OF 30.00 FEET TO A POINT ON A LINE PARALLEL WITH AND DISTANT 30.00 FEET EASTERLY OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 11;

THENCE S 00° 03' 08" W ALONG SAID PARALLEL LINE, A DISTANCE OF 331.19 FEET TO THE SOUTH LINE OF SAID NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 11;

THENCE S 89° 43' 57" W ALONG SAID SOUTH LINE, A DISTANCE OF 30.00 FEET TO THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 11:

THENCE N 00° 03' 08" E ALONG SAID WEST LINE, A DISTANCE OF 331.19 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 9,937 SQUARE FEET, OR 0.228 ACRES, MORE OR LESS.

| SEE ATTACHED EX | HIBIT "B" |
|-----------------|-----------|
| APPROVED BY: | |
| DATE: 4-9-2014 | |

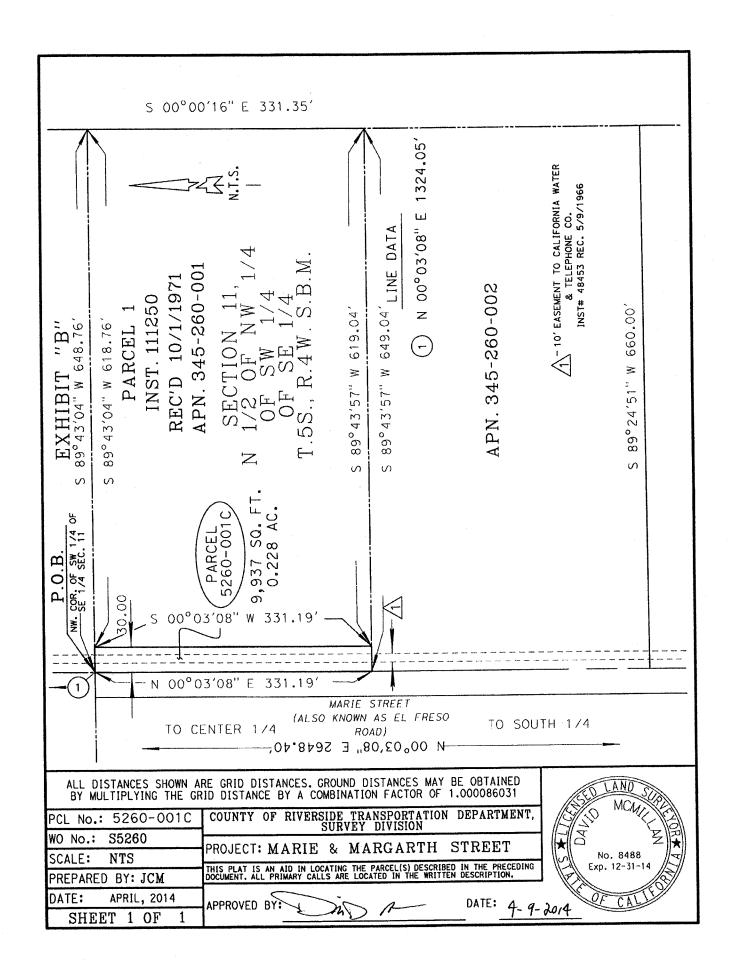


EXHIBIT "A" MARIE AND MARGARTH STREET LEGAL DESCRIPTION 5260-004A

AN EASEMENT LYING WITHIN THE SOUTHWEST ONE-QUARTER, OF THE NORTHWEST ONE-QUARTER, OF THE SOUTHEAST ONE-QUARTER, OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER, OF THE NORTHWEST ONE-QUARTER, OF THE SOUTHEAST ONE-QUARTER, OF SAID SECTION 11;

THENCE N 00° 03' 08" E ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 143.03 FEET;

THENCE S 27° 56' 01" E, A DISTANCE OF 19.08 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 180.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°59'09", AN ARC DISTANCE OF 87.92 FEET;

THENCE S 00° 03' 08" W, A DISTANCE OF 41.53 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTHWEST ONE-QUARTER, OF THE SOUTHEAST ONE-QUARTER, OF SAID SECTION 11;

THENCE S 89° 43' 04" W ALONG SAID SOUTHERLY LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,280 SQUARE FEET, OR 0.075 ACRES, MORE OR LESS.

| | | SEE ATTACHED EXHIBIT "B" |
|--------------|----------|--------------------------|
| APPROVED BY: | | |
| DATE: | 4-9-2014 | 7 |



