

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



ITEM
3.7
(ID # 3827)

MEETING DATE:

Tuesday, June 13, 2017

FROM : ECONOMIC DEVELOPMENT AGENCY (EDA) AND TRANSPORTATION
DEPARTMENT :

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA) AND TRANSPORTATION
DEPARTMENT: Resolution No. 2017-020, Notice of Intention to Adopt a
Resolution of Necessity for the portion of Assessor's Parcel Number: 480-100-
015 within the Clinton Keith Road Extension Project, Western Riverside County,
California, District 3, [\$0] (Clerk to notice property owner)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2017-020, Notice of Intention to Adopt a Resolution of Necessity for the portion of Assessor's Parcel Number 480-100-015 located within the Clinton Keith Road Extension Project, Western Riverside County, California;
2. Set a public hearing on July 11, 2017, for Resolution No. 2017-021, Authorizing Resolution of Necessity for the portion of Assessor's Parcel Number 480-100-015 located within the Clinton Keith Road Extension Project, Western Riverside County, California; and
3. Direct the Clerk of the Board to send out the required notice to the property owner as required per Section 1245.235 of the Code of Civil Procedure.

ACTION: Policy

Robert Field, Assistant County Executive Officer/EDA

3/24/2017

Patricia Romo, Director of Transportation

5/22/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing Tuesday, July 11, 2017, at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: June 13, 2017
xc: EDA, COB

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 2016/17	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The 3.4 mile Clinton Keith Road Extension Project is proposed to be constructed as a six-lane urban arterial between Antelope Road and State Route 79 in Western Riverside County, in accordance with County General Plan Amendment (CGPA) 409, adopted December 19, 2000. The entire width of Phase I of the project, located between Antelope Road and Whitewood Road, was completed on November 3, 2011. Phase II, located between Whitewood and Leon Road, is currently under construction and anticipated to be completed in March 2018. Construction of Phase III, located between Leon Road and State Route 79, is anticipated to begin in 2019. Phase III is highlighted in green on Exhibit A, attached hereto and made a part hereof.

A Final Environmental Impact Report No. 398 (SCH # 1995062022) was certified by the Board of Supervisors in compliance with CEQA in 2000 for the Clinton Keith Road Extension project. Supplement to Environmental Impact Report No. 398 was approved by the Board of Supervisors on February 7, 2006 (Agenda Item 3-44). Additionally, on June 2, 2015 (Agenda Item 3-28), the Board of Supervisors approved an Addendum to the SEIR.

All of the right-of-way has been acquired and escrow closed for those properties located in Phase III except for one property (APN: 480-100-015). This property was originally a part of the Resolution No. 2008-002, Notice of Intention to Adopt a Resolution of Necessity Regarding the Project to Improve Clinton Keith Road and Other Roads in Western Riverside County approved by the Board on March 18, 2008 (MO 3.21) and Resolution No. 2008-003, Authorizing Resolution of Necessity Regarding the Project to Improve Clinton Keith Road and Other Roads in Western Riverside County approved by the Board on April 22, 2008 (MO 9.6). A Final Order of Condemnation was recorded on July 6, 2011 (2011-0297668) for the property interests necessary for the project (slope easement and temporary construction easement) and settlement paid in the amount of \$50,000. In addition to the settlement consideration of \$50,000, it was agreed that the property owner and/or tenant would continue to have access at the same location on Briggs Road, until the section of Clinton Keith Road between Leon Road and SR-79 (Phase III) was constructed. The access was planned to be realigned to reconnect to Briggs Road south of the current location once construction was complete.

Due to a lack of funding to proceed with this phase of the project, work was put on hold, including

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the acquisition of the property. Funds are now available and the county now desires to proceed with the acquisition of this last property.

The property is rectangular in shape with Los Alamos Road crossing through the property. The property north of Los Alamos is improved with a modular home on it and the portion of property to the south of Los Alamos Road contains a cell tower. Los Alamos Road to the west of the subject property, and Briggs Road to the south, is prone to flooding and access could be compromised during a rain event. Drainage improvements have been analyzed and are considered infeasible because of impacts to public safety, environmental resources, adjacent properties, and high costs. Therefore, it was determined that it was necessary to acquire the property improved with a modular home, north of Los Alamos Road, and not the portion improved with a cell tower, see Exhibit B attached.

As a result, the Economic Development Agency-Real Estate Division (EDA-RE) has presented a written offer to the property owner, Wendy Lesovsky, as required by Government Code Section 7267.2. The amount of the offer is consistent with current property values in the Murrieta area and is based upon a fair market value appraisal report. EDA-RE has also offered to pay the reasonable costs, not-to-exceed \$5,000, for an independent appraisal obtained by the property owner as required by Code of Civil Procedures Section 1263.025.

The Notice of Intention would schedule a hearing on July 11, 2017, for the proposed Resolution No. 2017-021, Authorizing Resolution of Necessity Regarding the portion of Assessor's Parcel Number 480-100-015, located within the Clinton Keith Road Extension Project, Western Riverside County, California. The scheduling of a Resolution of Necessity hearing on July 11, 2017 is needed in order to permit Phase III of the Clinton Keith Road Extension Project to move forward.

The County is authorized to acquire property by eminent domain pursuant to various statutes including Government Code §25350.5.

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

Impact on Citizens and Businesses

The Clinton Keith Extension Project will improve mobility for residents in Western Riverside County by providing a new East-West connection between Interstate 215 and State Route 79.

SUPPLEMENTAL:

Additional Fiscal Information

All costs associated with this property is fully funded by CFD 07-2 Clinton Keith Road Fund in the Transportation Department's budget for FY 2017/18 and these costs will be included in a separate Form 11. No net county costs will be incurred as a result of this transaction.

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ATTACHMENTS:

Exhibit A-Project Map

Exhibit B-Subject Property

Resolution No. 2017-020 with Legal Description and Plat Map


RF:PR:JVW:VC:VY:SV:tg 220TR 18.604 13520

Transportation Work Order No. B2-0475

MinuteTrak #3827


Nehini Dasika, Principal Management Analyst

6/5/2017


Gregory J. Priamos, Director County Counsel

3/24/2017

2 **Resolution No. 2017-020**

3 **Notice of Intention to Adopt a Resolution of Necessity for the Portion of**
4 **Assessor's Parcel Number 480-100-015 located within the Clinton Keith Road**
5 **Extension Project**

6
7 **WHEREAS**, the portion of real property that is the subject of this Notice
8 (collectively the "Subject Property") is located in the Murrieta area, County of Riverside,
9 State of California; is bounded by Leon Road and State Route 79 identified as Phase III
10 of the Clinton Keith Road Extension Project; is legally described and pictorially depicted
11 on the documents attached hereto as Exhibit "A" and Exhibit "B" (and incorporated
12 herein by this reference) and is a portion of Assessor's Parcel Number 480-100-015;

13 **WHEREAS**, the proposed project that is the subject of this Notice (the
14 "Proposed Project") is to construct a part of the new east-west connection of Clinton
15 Keith Road Extension Project from Antelope Road to State Route 79 in the Murrieta
16 area;

17 **WHEREAS**, all of the right of way has been acquired and escrow closed for
18 those properties in Phase III except for portions of Assessor's Parcel Number 480-100-
19 015 which was originally part of the Resolution No. 2008-002, Notice of Intention to
20 Adopt a Resolution of Necessity Regarding the Project to Improve Clinton Keith Road
21 and Other Roads in Western Riverside County approved by the Board of Supervisors
22 on March 18, 2008 (3.21) and Resolution No. 2008-003, Authorizing Resolution of
23 Necessity Regarding the Project to Improve Clinton Keith Road and Other Roads in
24 Western Riverside County approved by the Board of Supervisors on April 22, 2008
25 (9.6).

26 **WHEREAS**, a Final Order of Condemnation was recorded on July 6, 2011
27 (2011-0297668) for the property interests necessary for Phase III from the portion of
28 Assessor's Parcel Number 480-100-015 and cash settlement was disbursed to the

FORM APPROVED COUNTY COUNSEL

DATE

BY: JAMES S. BROWN

1 owner of record, Ms. Wendy Lesovsky; in addition, owner was to benefit from
2 construction of an off-site drainage facility at the low water crossing of Briggs Road as
3 well as a realigned driveway access to reconnect to Briggs Road south of the current
4 location;

5 **WHEREAS**, ingress/egress to the property was not considered an issue at the
6 time, since a developer was conditioned to make drainage improvements on Briggs
7 Road that would facilitate improved access to the property during a rain event;

8 **WHEREAS**, conditions have changed and the developer is no longer moving
9 forward with drainage improvements on Briggs Road and as a result, ingress/egress to
10 the property would be affected during a rain event;

11 **WHEREAS**, alternative solutions to the drainage issue were considered
12 infeasible because of impacts to public safety, environmental resources and adjacent
13 properties, and high costs and, therefore, it is necessary to acquire the fee simple
14 interest of the property improved with a tenant-occupied modular home (except for the
15 portion improved with a cell tower);

16 **WHEREAS**, the statutes that authorize the County of Riverside to acquire the
17 Subject Property by eminent domain include Article 1, Section 19 of the California
18 Constitution; Section 25350.5 of the Government Code; and Sections 1240.010,
19 1240.020, 1240.030, 1240.040, 1240.110, 1240.410, 1240.510, and 1240.610 of the
20 Code of Civil Procedure.

21 Now, therefore, **BE IT RESOLVED AND ORDERED** as follows by the Board of
22 Supervisors of Riverside County, State of California, in regular session assembled on
23 June 13, 2017.

24 1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on
25 July 11, 2017, at 9:00 a.m. or thereafter at the meeting room of the Board of
26 Supervisors located on the 1st floor of the County Administrative Center, 4080 Lemon
27 Street, Riverside, California) may decide to adopt a Resolution of Necessity that would
28

1 authorize the County of Riverside to acquire the Subject Property by eminent domain
2 (and that would find and determine each of the following matters):

3 (a) That the public interest and necessity require the Proposed
4 Project;

5 (b) That the Proposed Project is planned or located in the manner that
6 will be most compatible with the greatest public good and the least private injury;

7 (c) That the Subject Property is necessary for the Proposed Project;

8 (d) That the offer required by Section 7267.2 of the Government Code
9 has been made to the owner of record of the Subject Property;

10 (e) That, to the extent that the Subject Property is already devoted to
11 a public use, the use of the Proposed Project is a compatible use that will not
12 unreasonably interfere with or impair the continuance of the public use as it presently
13 exists or may reasonably be expected to exist in the future (California Code of Civil
14 Procedure Section 1240.510) or the use of the Proposed Project is a more necessary
15 public use than is the presently existing public use (California Code of Civil Procedure
16 Section 1240.610);

17 (f) That, pursuant to the California Environmental Quality Act (CEQA),
18 no further action is required as all potentially significant effects have been analyzed in
19 a Final Environmental Impact Report No. 398, certified for the Proposed Project by this
20 Board in 2000; a Supplement to Environmental Impact Report No. 398, approved by
21 this Board on February 7, 2006; and an Addendum to the Supplement to
22 Environmental Impact Report No. 398, approved by this Board on June 2, 2015; and

23 (g) That acquisition of the Subject Property will promote the interest of
24 the County of Riverside.

25 2. If (within 15 days from the mailing of this Notice) you file a written request
26 to appear at the public meeting and be heard on the matters described above in 1(a),
27 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
28 appear at that meeting and be heard on those matters.

1 3. All such written requests to appear and be heard must be filed with the
2 Clerk of the Riverside County Board of Supervisors.

3 4. Your written request to appear and be heard must be filed within the
4 fifteen (15) day time period. Failure to file such a timely written request will result in a
5 waiver of your right to appear and be heard.

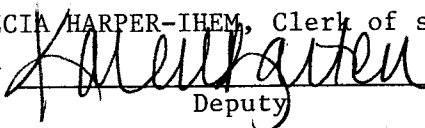
6 5. Questions regarding the amount of compensation to be paid will not be a
7 part of the public meeting and the Board will not consider such questions in
8 determining whether a Resolution of Necessity should be adopted.

9 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to
10 be sent by first-class mail to each owner of record whose property may be acquired by
11 eminent domain and whose name and address appears on the last equalized county
12 assessment roll (including the roll of state-assessed property).

13
14
15 ROLL CALL:

16 Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
17 Nays: None
18 Absent: None

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

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

24
25
26
27 SV:tg/030917/220TR/18.605

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EXHIBIT "A"
LEGAL DESCRIPTION

ALL OF THE SOUTH 17.301 ACRES OF THE SOUTH PORTION OF THE COUNTY 58 ACRES OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AS SHOWN BY OFFICIAL PLAT THEREOF, EXCEPT THAT PORTION LYING WESTERLY OF THE EASTERLY LINE OF THE WEST 1,442 FEET OF THE EAST 1,775 FEET THEREOF, AS DESCRIBED BY GRANT DEED RECORDED APRIL 15, 2005 AS DOCUMENT NUMBER 2005-0299363, OFFICIAL RECORDS OF THE RECORDER OF RIVERSIDE COUNTY;

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL;

COMMENCING AT THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE ON THE CENTERLINE OF LOS ALAMOS ROAD DESCRIBED AS BEARING "NORTH 39°24'51" WEST", 188.20 FEET ON PARCEL MAP NUMBER 19797, ON FILE IN BOOK 122, PAGES 2 AND 3. OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE NORTH 38°54'32" WEST A DISTANCE OF 31.67 FEET ALONG SAID CENTERLINE OF LOS ALAMOS ROAD;

THENCE SOUTH 51°05'28", WEST A DISTANCE OF 30.00 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LOS ALAMOS ROAD(30 FOOT HALF WIDTH) AS SHOWN ON SAID PARCEL MAP NUMBER 19797, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**;

THENCE SOUTH 38°54'32" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 31.67 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 179.99 FEET, BEING CONCENTRIC WITH AND DISTANT 30.00 FEET SOUTHWESTERLY OF, AS MEASURED RADIAL TO, SAID CENTERLINE OF LOS ALAMOS ROAD;

THENCE SOUTHEASTERLY ALONG SAID CONCENTRIC CURVE THROUGH A CENTRAL ANGLE OF 02°10'29", AN ARC DISTANCE OF 6.83 FEET;

THENCE SOUTH 51°05'28" WEST A DISTANCE OF 45.13 FEET;

THENCE NORTH 38°54'32" WEST A DISTANCE OF 60.00 FEET;

THENCE NORTH 51°05'28" EAST A DISTANCE OF 45.00 FEET TO SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF LOS ALAMOS ROAD;

THENCE SOUTH 38°54'32" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 21.50 FEET TO THE **TRUE POINT OF BEGINNING**.

NET AREA: 83,269 SQUARE FEET, OR 1.912 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 1.000099880 TO OBTAIN GROUND DISTANCE.

REFERENCE IS HEREBY MADE TO RIVERSIDE COUNTY MAP NUMBER 935-TT, ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF RIVERSIDE COUNTY, CALIFORNIA.

SEE ATTACHED EXHIBIT "B"

PREPARED UNDER MY SUPERVISION:

Edward D. Hunt

EDWARD D. HUNT P.L.S. 7530

5-11-2016

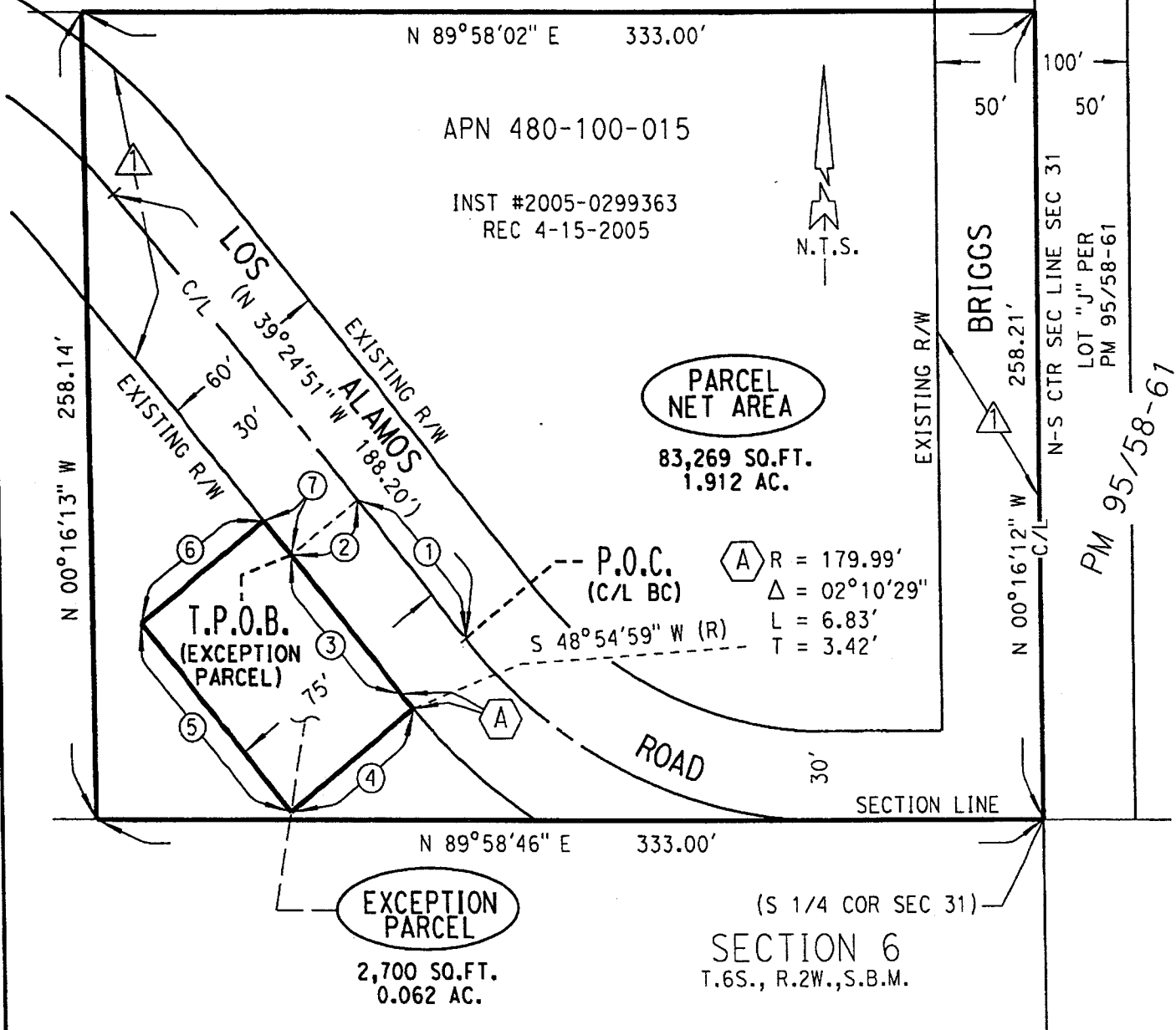
DATED:



- ① N 38°54'32" W - 31.67'
- ② S 51°05'28" W - 30.00'
- ③ S 38°54'32" E - 31.67'
- ④ S 51°05'28" W - 45.13'
- ⑤ N 38°54'32" W - 60.00'
- ⑥ N 51°05'28" E - 45.00'
- ⑦ S 38°54'32" E - 21.50'

EXHIBIT "B"
SECTION 31
T.6S., R.2W., S.B.M.
PM 122/2-3

▲ R/W ADOPTED BY RESOLUTION
PER S.M.B. 40, PG. 239,
DATED 5-3-1948



NOTE: () - INDICATES DATA PER PM 122/2-3

ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES. GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING GRID DISTANCES BY A COMBINATION FACTOR OF 1.000099880.



COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.	PAR. NO.: EXCEPTION
PROJECT: CLINTON KEITH ROAD	PREPARED BY: BC3
THIS PLAT IS AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE PRECEDING DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.	SCALE: N.T.S.
	DATE: APRIL, 2016
APPROVED BY: <i>Edward D. Hunt</i> DATE: 5-11-2016	W.O. NO.: B2-0472
	SHEET 1 OF 1 SHEET