

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Executive Gateway II
Attn: Gary G. Bolner
Leona R. Bolner
1156 N. Mountain Ave.
Upland, CA 91785-0670*

9590 9403 0596 5183 2040 60

2. Article Number (Transfer from service label)

7015 1520 0002 2656 6646

PS Form 3811, April 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Rick Bolner
McLure & Associates, Inc.
PO Box 1245
Corona, CA 92878-1245*

9590 9403 0596 5183 2040 15

2. Article Number (Transfer from service label)

7015 1520 0002 2656 6578

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) *McLure & Associates* C. Date of Delivery *10/25*

D. Is delivery address different from item 1? ☐ Yes ☒ No

3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery

Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent ☐ Addressee

B. Received by (Printed Name) *McLure & Associates* C. Date of Delivery *10/25/12*

D. Is delivery address different from item 1? ☐ Yes ☒ No

3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery

Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

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1. Article Addressed to:

*Rick Bolner
McLure & Associates, Inc.
PO Box 1245
Corona, CA 92878-1245*

9590 9403 0596 5183 2040 53

2. Article Number (Transfer from service label)

7015 1520 0002 2656 6608

PS Form 3811, April 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Sky Country Investment
PO Box 1245
Corona, CA 92878*

9590 9403 0596 5183 2039 71

2. Article Number (Transfer from service label)

7015 1520 0002 2656 6530

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) *McLure & Associates* C. Date of Delivery *10/25/12*

D. Is delivery address different from item 1? ☐ Yes ☒ No

3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery

Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent ☐ Addressee

B. Received by (Printed Name) *McLure & Associates* C. Date of Delivery *10/25/12*

D. Is delivery address different from item 1? ☐ Yes ☒ No

3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery

Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Anthony P. Venable
P.O. Box 217
Upland, CA 91785

9590 9403 0596 5183 2039 26

2. Article Number (Transfer from service label)

7008 1830 0000 3848 1551

PS Form 3811, April 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Eastvale Gateway II
ATTN: Ginny Fawcett
Lewis Retail Center
1156 W. Mountain Ave.
Upland, CA 91785-0670

9590 9403 0596 5183 2040 46

2. Article Number (Transfer from service label)

7015 1520 0002 2656 6622

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) ☒ C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) ☒ C. Date of Delivery
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- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
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- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
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- ☐ Registered Mail Restricted Delivery
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- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

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1. Article Addressed to:

Anthony Venable
PO Box 217
Upland, CA 91785

9590 9403 0596 5183 2040 39

2. Article Number (Transfer from service label)

7015 1520 0002 2656 6592

PS Form 3811, April 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hammer Park Associates
Attn: David Grano, Managing Agent
10877 Wilshire Blvd. Ste 1520
Los Angeles, CA 90024

9590 9403 0596 5183 2040 84

2. Article Number (Transfer from service label)

7008 1830 0000 3848 1537

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) ☒ C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) ☒ C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Baron Bernste
c/o Nelson Green Mgmt. LLC
3191 Zinfandel Dr. Ste. 23
Reno, NV 89502*



7010 2780 0001 1472 4877

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) *Ray F. L.* C. Date of Delivery *12/2/17*
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Baron Bernste
c/o Nelson Green Mgmt. LLC
3191 Zinfandel Drive Ste 23
Reno, NV 89502*



9590 9403 0596 5183 2039 64

2. Article Number (Transfer from service label)

7015 1520 0002 2656 6523

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) *Ray F. L.* C. Date of Delivery *12/2/17*
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

- ☐ Adult Signature ☐ Registered MailTM
☐ Adult Signature Restricted Delivery ☐ Registered Mail Restricted Delivery
☐ Certified Mail[®] ☐ Return Receipt for Merchandise
☐ Certified Mail Restricted Delivery ☐ Signature ConfirmationTM
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery
☐ Insured Mail ☐ Restricted Delivery (over \$500)

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Mobile Community Management
Attn: Natalie Castiglio
1801 E. Edinger Ave. Ste. 330
Santa Ana, CA 92705*



9590 9403 0596 5183 2039 19

2. Article Number (Transfer from service label)

7008 1830 0000 3848 1544

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) *W. J. J.* C. Date of Delivery *10/23*
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

- ☐ Adult Signature ☐ Registered MailTM
☐ Adult Signature Restricted Delivery ☐ Registered Mail Restricted Delivery
☐ Certified Mail[®] ☐ Return Receipt for Merchandise
☐ Certified Mail Restricted Delivery ☐ Signature ConfirmationTM
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery (over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*TRISTAN H. RITTER
LOWE'S HOME IMPROVEMENT
100 BAYVIEW AVE., STE. 350
NEWPORT BEACH, CA 92660*



9590 9403 0596 5183 2039 57

2. Article Number (Transfer from service label)

7008 1830 0000 3848 1582

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) *W. J. J.* C. Date of Delivery *10/23*
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

- ☐ Adult Signature ☐ Registered MailTM
☐ Adult Signature Restricted Delivery ☐ Registered Mail Restricted Delivery
☐ Certified Mail[®] ☐ Return Receipt for Merchandise
☐ Certified Mail Restricted Delivery ☐ Signature ConfirmationTM
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery (over \$500)

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse



1. Article Addressed to:

Eastvale Gateway II
Attn: Gary G. Bauer
Via. P.O. Commercial Bldg.
Lewis Retail Centers
1156 N. Mountain Ave.
Upland, CA 91785-0670

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☒ No

3. Service Type

- ☐ Certified Mail
- ☐ Express Mail
- ☐ Registered
- ☐ Return Receipt for Merchandise
- ☐ Insured Mail
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes
2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mobile Community Mgmt. Co.
Attn: Natalie Castagna, Pres.
1801 E. Edinger Ave, Ste. 230
Santa Ana, CA 92705

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☒ No

3. Service Type

- ☐ Certified Mail
- ☐ Express Mail
- ☐ Registered
- ☐ Return Receipt for Merchandise
- ☐ Insured Mail
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes
2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael H. Luper
Palmer Tyler
PO Box 19712
Jewice, CA 92623-9712



COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☒ No

3. Service Type

- ☐ Certified Mail
- ☐ Express Mail
- ☐ Registered
- ☐ Return Receipt for Merchandise
- ☐ Insured Mail
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes
2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

NOV 16 2017

December 5, 2017

Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Resolution No. 2017-203;
Notice of Intention to Adopt a Resolution of Necessity for the Limonite
Avenue/Interstate 15 Interchange Project;
Parcel Nos. 0393-003A, 0393-003B, 0393-003C, and 0393-003D

Honorable Members of the Board of Supervisors:

I am writing on behalf of Sky Country Investment Co./East, LLC, the owner of the properties described as Parcel Nos. 0393-003A, 0393-003B, 0393-003C, and 0393-003D, in Resolution No. 2017-202, forwarded to Mr. Rick Bondar on or about October 20, 2017. I have also reviewed the amended offer letter dated November 6, 2017, and addressed to Sky Country Investment Co. East, LLC.

I am writing to provide comments to the proposed Resolution of Necessity.

I previously corresponded with you on November 7, 2017 to point out what my clients believed were a series of legal and practical engineering problems with the proposed resolution. My inquiries were directed to special counsel for the County, Mr. Doug Evertz, and we discussed changes my clients believed were appropriate for the resolutions. Indeed, at Mr. Evertz's request, I even drafted a proposed temporary construction easement, which I forwarded to him on November 22, 2017.

Both I and my clients had expected to hear back from Mr. Evertz on our concerns, and on whether the temporary construction easement language we had requested was going to be included in the resolution. or modified, or rejected outright. We hear nothing back until after close of business on the day before the resolution hearing, in an e-mail from Mr. Evertz saying that the resolution was going forward, some modifications had been made, and offering a link to the entire agenda for all proceedings for the Board of Supervisors on December 5, 2017.

Board of Supervisors
December 5, 2017
Page 2

This is disappointing, to say the least. My clients reached out to County staff in good faith, pointing out defects in the original resolutions when we could have capitalized upon them for later damage claims, because my clients value the relationship they believed they had with the County. Hearing nothing until the eve of the hearing, with nothing more than a cryptic reference to incorporation of language addressing some of our concerns, and a link to an agenda with dozens of items, hardly meets that good faith.

My clients object to the resolution of necessity hearing going forward today. We have not had the opportunity to review the resolution materials proposed to be adopted, as we were waiting on a response from special counsel and County staff as to how our concerns were being addressed.

Mere formula recitations that negotiations can continue after a resolution is passed do not address our concerns. The proposed resolutions affect my clients' property rights, and for this reason, have notice and hearing requirements attending them.

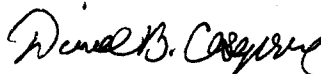
Please consider this my clients' formal request that the hearing be continued until I, my clients, and their engineers have had an adequate opportunity to review the modified resolutions, and study their legal, engineering and other effects, and how they have changed since the original draft resolutions were provided. We cannot now effectively review or comment on the modified resolutions before the hearing. My clients object to the hearing going forward today, and object to the resolution on all previously stated grounds, and now, on notice grounds as well, since we have not been given the minimum time required by Code of Civil Procedure section 1245.235, and general requirements of due process, to review the modified resolutions.

I request that this communication be specifically included in the administrative record of proceedings on all resolutions involving my clients.

Thank you for the opportunity to comment on the proposed Resolution of Necessity.

Very truly yours,

RUTAN & TUCKER, LLP



David B. Cosgrove

DBC:mrs

Board of Supervisors
December 5, 2017
Page 3

cc: Doug Evertz, Esq.

November 7, 2017

Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Resolution No. 2017-202;
Notice of Intention to Adopt a Resolution of Necessity for the Limonite
Avenue/Interstate 15 Interchange Project;
Parcel Nos. 0393-003A, 0393-003B, 0393-003C, and 0393-003D

Honorable Members of the Board of Supervisors:

I am writing on behalf of Sky Country Investment Co./East, LLC, the owner of the properties described as Parcel Nos. 0393-003A, 0393-003B, 0393-003C, and 0393-003D, in Resolution No. 2017-202, forwarded to Mr. Rick Bondar on or about October 20, 2017. I have also reviewed the amended offer letter dated November 6, 2017, and addressed to Sky Country Investment Co. East, LLC.

I am writing to provide comments to the proposed Resolution of Necessity.

First, I note that the notice for the Resolution of Necessity hearing has been incorrectly directed. Code of Civil Procedures section 1245.235 calls for notice of the resolution of necessity to be forwarded to "each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll." The copy of the notice of the intention to adopt a resolution of necessity I saw was forwarded to Mr. Rick Bondar at McCune & Associates, Inc., and not the owner as shown on the last equalized assessment roll, which is Sky Country Investment Co./East, LLC. This apparent oversight was corrected with the amended offer letter, but not the notice of the resolution of necessity.

In addition, I note that there is no legal description within Resolution 2017-202 for parcel 0393-003D, although reference to a legal description appears in the first whereas clause at page 1 of that Resolution. The amended offer of November 6, 2017 reduces the TCE area from 109,384 sf. to 68,614 sf., but the amended offer likewise lacks any legal description for this area. Please provide the appropriate legal description.

Board of Supervisors
November 7, 2017
Page 2

Further, it is unclear from the documents provided to Sky Country Investment Co./East, LLC to date what the scope of reserved rights are under the proposed temporary construction easement, Parcel No. 0393-003D. The temporary construction easement is described as "non-exclusive," but is unclear as to how construction activities under the temporary construction access will be coordinated with the property owner's reserved rights, what rights the owner may have to joint use of such areas while they are being occupied for temporary construction purposes, and what additional rights, other than access, are being acquired under the description that permits equipment to be brought on "that is useful or necessary to construct and access the Project Property[.]" We also would like to know what protection this easement intends to afford to the owners for damage to the temporary construction easement area, or the parent holding, from contractor negligence, work or storage of materials outside of the temporary construction easement area, or work done that is not in strict accordance with approved project plans. The owners would like to see some sort of indemnification provision for such matters.

In addition, there is a question under the offer letter provided under Government Code section 7267.2 with respect to Parcel No. 0393-003C. The offer letter refers to "nominal" compensation of \$2,750.00 for these access rights, under the heading "Severance Damages." There is no description, however, of the basis for determining this amount for compensation, nor any appraisal analysis in the "Summary of the Basis for Compensation" that offers any rationale for determining how this figure was reached. Understanding fully that the Board of Supervisors has not invited comment on the amount of compensation, there remains a question as to the adequacy of the appraisal summary in the offer in the absence of explanation of how this "nominal" compensation figure was determined.

Thank you for the opportunity to comment on the proposed Resolution of Necessity.

Very truly yours,

RUTAN & TUCKER, LLP


David B. Cosgrove

DBC:mrs

cc: Doug Evertz, Esq.

December 5, 2017

Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Resolution No. 2017-203;
Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project;
Parcel Nos. 0393-005A, 0393-005C; 0393-005G; and 0393-005H

Honorable Members of the Board of Supervisors:

I am writing on behalf of Anthony P. Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust – Exemption Trust as to an undivided 50% interest and Anthony P. Vernola, Trustee of the Anthony P. Vernola Trust U/D/T dated October 18, 2000, as amended, as to an undivided 50% interest (collectively the “Vernola Trust Eastvale”), owners of the properties described as Parcels Nos. 0393-005A, 0393-005C; 0393-005G; and 0393-005H in Resolution No. 2017-202, forwarded to Mr. Rick Bondar on or about October 20, 2017.

I previously corresponded with you on November 7, 2017 to point out what my clients believed were a series of legal and practical engineering problems with the proposed resolution. My inquiries were directed to special counsel for the County, Mr. Doug Evertz, and we discussed changes my clients believed were appropriate for the resolutions. Indeed, at Mr. Evertz's request, I even drafted a proposed temporary construction easement, which I forwarded to him on November 22, 2017.

Both I and my clients had expected to hear back from Mr. Evertz on our concerns, and on whether the temporary construction easement language we had requested was going to be included in the resolution, or modified, or rejected outright. We hear nothing back until after close of business on the day before the resolution hearing, in an e-mail from Mr. Evertz saying that the resolution was going forward, some modifications had been made, and offering a link to the entire agenda for all proceedings for the Board of Supervisors on December 5, 2017.

This is disappointing, to say the least. My clients reached out to County staff in good faith, pointing out defects in the original resolutions when we could have capitalized upon them for later damage claims, because my clients value the relationship they believed they had with the

Board of Supervisors
December 5, 2017
Page 2

County. Hearing nothing until the eve of the hearing, with nothing more than a cryptic reference to incorporation of language addressing some of our concerns, and a link to an agenda with dozens of items, hardly meets that good faith.

My clients object to the resolution of necessity hearing going forward today. We have not had the opportunity to review the resolution materials proposed to be adopted, as we were waiting on a response from special counsel and County staff as to how our concerns were being addressed.

Mere formula recitations that negotiations can continue after a resolution is passed do not address our concerns. The proposed resolutions affect my clients' property rights, and for this reason, have notice and hearing requirements attending them.

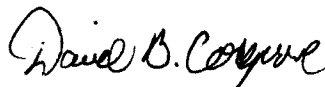
Please consider this my clients' formal request that the hearing be continued until I, my clients, and their engineers have had an adequate opportunity to review the modified resolutions, and study their legal, engineering and other effects, and how they have changed since the original draft resolutions were provided. We cannot now effectively review or comment on the modified resolutions before the hearing. My clients object to the hearing going forward today, and object to the resolution on all previously stated grounds, and now, on notice grounds as well, since we have not been given the minimum time required by Code of Civil Procedure section 1245.235, and general requirements of due process, to review the modified resolutions.

I request that this communication be specifically included in the administrative record of proceedings on all resolutions involving my clients.

Thank you for the opportunity to comment on the proposed Resolution of Necessity.

Very truly yours,

RUTAN & TUCKER, LLP



David B. Cosgrove

DBC:mrs

cc: Doug Evertz, Esq.

November 7, 2017

Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Resolution No. 2017-202;
Notice of Intention to Adopt a Resolution of Necessity for the Limonite
Avenue/Interstate 15 Interchange Project;
Parcel Nos. 0393-005A, 0393-005C; 0393-005G; and 0393-005H

Honorable Members of the Board of Supervisors:

I am writing on behalf of Anthony P. Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust – Exemption Trust as to an undivided 50% interest and Anthony P. Vernola, Trustee of the Anthony P. Vernola Trust U/D/T dated October 18, 2000, as amended, as to an undivided 50% interest (collectively the “Vernola Trust Eastvale”), owners of the properties described as Parcels Nos. 0393-005A, 0393-005C; 0393-005G; and 0393-005H in Resolution No. 2017-202, forwarded to Mr. Rick Bondar on or about October 20, 2017.

I am writing to provide comments to the proposed Resolution of Necessity.

First, it appears the Assessor Parcel No. in your resolution for this property is misidentified at page 1. The correct Assessor Parcel No. is 152-640-001, not 160-640-001.

In addition, I note that there is no legal description within Resolution 2017-202 for parcel 0393-005H, although reference to a legal description appears in the first whereas clause at page 1 of that Resolution.

It is likewise unclear, if the taking for Parcel 0393-005A is for the City of Eastvale, why is Eastvale not itself acquiring the parcel? To the extent the County of Riverside is acting on Eastvale's behalf pursuant to some sort of a cooperative agreement or arrangement, I would request that you please provide me a copy of any agreement under which the County is acting on Eastvale's behalf.

Board of Supervisors
November 7, 2017
Page 2

The same issue is equally applicable to Parcel 0393-005G, which appears to be sought on behalf of Jurupa Community Services District. To the extent the County of Riverside is acting on JCSD's behalf pursuant to some sort of a cooperative agreement or arrangement, I would also request copies of any such agreement pertaining to JCSD.

There is also significant concern among the owners regarding the specific scope of rights being sought with Parcel 0393-005G. At page 2 of the resolution, it is described as a permanent water easement, but the scope of both the acquired and reserved rights are unclear. Are access rights to be included? Grading controls? Restrictions on the easement area for placement of landscaping or parking? Can the easement be relocated, and if so, under what conditions? Much more information regarding this easement is required before the Board can make a reasoned finding on the necessity of this parcel.

Also, it appears that Parcel 0393-005G purports to acquire abutter's rights. As I understand the corresponding appraisal summary statement, the appraiser believes that abutter's rights have been relinquished along the entire northerly Limonite frontage on the larger parent parcel. Based upon our review of title, this is not the case. We request you revisit your title work, and if your conclusion is that Parcel 0393-005G is acquiring as-yet unrelinquished abutter's rights, compensation for the loss of such rights be included in an amended offer.

Further, it is unclear from the documents provided to Vernola Trust Eastvale to date what the scope of reserved rights are under the proposed temporary construction easement, Parcel No. 0393-005H. The temporary construction easement is described as "non-exclusive," but is unclear as to how construction activities under the temporary construction access will be coordinated with the property owner's reserved rights, what rights the owner may have to joint use of such areas while they are being occupied for temporary construction purposes, and what additional rights, other than access, are being acquired under the description that permits equipment to be brought on "that is useful or necessary to construct and access the Project Property[.]" We also would like to know what protection this easement intends to afford to the owners for damage to the temporary construction easement area, or the parent holding, from contractor negligence, work or storage of materials outside of the temporary construction easement area, or work done that is not in strict accordance with approved project plans. The owners would like to see some sort of indemnification provision for such matters.

Thank you for the opportunity to comment on the proposed Resolution of Necessity.

Board of Supervisors
November 7, 2017
Page 3

Very truly yours,

RUTAN & TUCKER, LLP


David B. Cosgrove

DBC:mrs

cc: Doug Evertz, Esq.

December 5, 2017

Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Resolution No. 2017-203;
Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project;
Parcel Nos. 0393-009A

Honorable Members of the Board of Supervisors:

I am writing on behalf of Anthony P. Vernola, successor trustee of the Pat & Mary Ann Vernola Trust – Marital Trust, as to an undivided 1/2 interest; and Anthony P. Vernola, trustee of the Anthony P. Vernola Trust U/D/T dated October 18, 2000, as amended, as to an undivided 1/2 interest (collectively “Vernola Trust North”), owners of the properties described as Parcels Nos. 0393-009A, in Resolution No. 2017-202.

I am writing to provide comments to the proposed Resolution of Necessity.

I previously corresponded with you on November 7, 2017 to point out what my clients believed were a series of legal and practical engineering problems with the proposed resolution. My inquiries were directed to special counsel for the County, Mr. Doug Evertz, and we discussed changes my clients believed were appropriate for the resolutions. Indeed, at Mr. Evertz's request, I even drafted a proposed temporary construction easement, which I forwarded to him on November 22, 2017.

Both I and my clients had expected to hear back from Mr. Evertz on our concerns, and on whether the temporary construction easement language we had requested was going to be included in the resolution, or modified, or rejected outright. We hear nothing back until after close of business on the day before the resolution hearing, in an e-mail from Mr. Evertz saying that the resolution was going forward, some modifications had been made, and offering a link to the entire agenda for all proceedings for the Board of Supervisors on December 5, 2017.

This is disappointing, to say the least. My clients reached out to County staff in good faith, pointing out defects in the original resolutions when we could have capitalized upon them for later

Board of Supervisors
December 5, 2017
Page 2

damage claims, because my clients value the relationship they believed they had with the County. Hearing nothing until the eve of the hearing, with nothing more than a cryptic reference to incorporation of language addressing some of our concerns, and a link to an agenda with dozens of items, hardly meets that good faith.

My clients object to the resolution of necessity hearing going forward today. We have not had the opportunity to review the resolution materials proposed to be adopted, as we were waiting on a response from special counsel and County staff as to how our concerns were being addressed.

Mere formula recitations that negotiations can continue after a resolution is passed do not address our concerns. The proposed resolutions affect my clients' property rights, and for this reason, have notice and hearing requirements attending them.

Please consider this my clients' formal request that the hearing be continued until I, my clients, and their engineers have had an adequate opportunity to review the modified resolutions, and study their legal, engineering and other effects, and how they have changed since the original draft resolutions were provided. We cannot now effectively review or comment on the modified resolutions before the hearing.

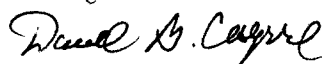
My clients object to the hearing going forward today, and object to the resolution on all previously stated grounds, and now, on notice grounds as well, since we have not been given the minimum time required by Code of Civil Procedure section 1245.235, and general requirements of due process, to review the modified resolutions.

I request that this communication be specifically included in the administrative record of proceedings on all resolutions involving my clients.

Thank you for the opportunity to comment on the proposed Resolution of Necessity.

Very truly yours,

RUTAN & TUCKER, LLP



David B. Cosgrove

DBC:mrs

Board of Supervisors
December 5, 2017
Page 3

cc: Doug Evertz, Esq.

November 7, 2017

Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Resolution No. 2017-202;
Notice of Intention to Adopt a Resolution of Necessity for the Limonite
Avenue/Interstate 15 Interchange Project;
Parcel Nos. 0393-009A

Honorable Members of the Board of Supervisors:

I am writing on behalf of Anthony P. Vernola, successor trustee of the Pat & Mary Ann Vernola Trust – Marital Trust, as to an undivided 1/2 interest; and Anthony P. Vernola, trustee of the Anthony P. Vernola Trust U/D/T dated October 18, 2000, as amended, as to an undivided 1/2 interest (collectively “Vernola Trust North”), owners of the properties described as Parcels Nos. 0393-009A, in Resolution No. 2017-202.

I am writing to provide comments to the proposed Resolution of Necessity.

Please note that there is no legal description within Resolution 2017-202 for parcel 0393-009A, although reference to a legal description appears in the first whereas clause at page 1 of that Resolution.

Further, it is unclear from the documents provided to Vernola Trust North to date what the scope of reserved rights are under the proposed temporary construction easement, Parcel No. 0393-009A. The temporary construction easement is described as “non-exclusive,” but is unclear as to how construction activities under the temporary construction access will be coordinated with the property owner’s reserved rights, what rights the owner may have to joint use of such areas while they are being occupied for temporary construction purposes, and what additional rights, other than access, are being acquired under the description that permits equipment to be brought on “that is useful or necessary to construct and access the Project Property[.]”

We also would like to know what protection this easement intends to afford to the owners for damage to the temporary construction easement area, or the parent holding, from contractor

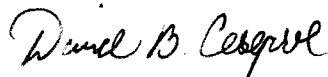
Board of Supervisors
November 7, 2017
Page 2

negligence, work or storage of materials outside of the temporary construction easement area, or work done that is not in strict accordance with approved project plans. The owners would like to see some sort of indemnification provision for such matters.

Thank you for the opportunity to comment on the proposed Resolution of Necessity.

Very truly yours,

RUTAN & TUCKER, LLP


David B. Cosgrove

DBC:mrs

cc: Doug Evertz, Esq.

Maxwell, Sue

From: Maxwell, Sue
Sent: Wednesday, November 08, 2017 10:56 AM
To: Young, Alisa; George Johnson (GAJohnson@RIVCO.ORG); Field, Robert; Villanueva, Stephi; COB-Agenda (COB-Agenda@rivco.org); District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG); District2; District3; District5; Supervisor Jeffries - 1st District (district1@rivco.org)
Subject: November 14, 2017 Public Comment for Clarification Re: Resolution No 2017-202 - Limonite Avenue/Interstate 15 Interchange Project
Attachments: Ltr to Board of Supervisors for Riverside County Re Resolution No 2017-202 - Resolution of Necessity (Parcel No 0393-009A).pdf

Good morning,

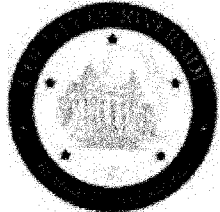
Attached is a letter received via COB requesting clarification on the Notice of Intention to Adopt Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project, which is on the November 14, 2017 Board Agenda.

This has been printed, logged in, and added as Back-Up for the November 14, 2017 Agenda Item.

Thank you, and have a nice day,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
smaxwell@rivco.org
<http://rivcocob.org/>



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From: Maxwell, Sue
Sent: Wednesday, November 08, 2017 8:25 AM
To: 'Slobodien, Mia' <MSlobodien@rutan.com>
Cc: Cosgrove, David <dcosgrove@rutan.com>; devertz@murphyevertz.com
Subject: RE: Resolution No 2017-202 - Notice of Intention to Adopt Resolution of Necessity for Limonite Avenue/Interstate 15 Interchange Project (Parcel No 0393-009A)

Good morning Ms Slobodien,

The Clerk of the Board is in receipt of your letter sent via email regarding Notice of Intent to Adopt a Resolution of Necessity for Limonite Avenue/Interstate 15 Interchange Project on behalf of Anthony P. Vernola.

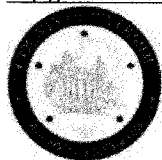
We are forwarding your email to the Economic Development Agency's Real Estate Project Planner, Stephi Villanueva, and will include it in the record scheduled for the November 14, 2017 Board Meeting.

With thanks and warm regards,

Sue Maxwell

Board Assistant

Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
smaxwell@rivco.org
<http://rivcocob.org/>



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From: Slobodien, Mia [mailto:MSlobodien@rutan.com]

Sent: Tuesday, November 07, 2017 6:14 PM

To: COB <COB@RIVCO.ORG>

Cc: Cosgrove, David <dcosgrove@rutan.com>; devertz@murphyevertz.com

Subject: Resolution No 2017-202 - Notice of Intention to Adopt Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project (Parcel No 0393-009A)

Honorable Members of the Board of Supervisors:

Transmitted herewith is an electronic copy of our letter dated 11/07/2017, relating to the above-referenced matter.

Mia Slobodien

Legal Secretary
Rutan & Tucker, LLP
611 Anton Boulevard, 14th Floor
Costa Mesa, CA 92626
(714) 641-5100 x1341
mslobodien@rutan.com
www.rutan.com

RUTAN

Privileged And Confidential Communication.

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October 31, 2017

Ms. Kecia Harper-Ihem
Clerk of the Board of Supervisors
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Resolution No. 2017-202;
Notice of Intention to Adopt a Resolution of Necessity for the Limonite
Avenue/Interstate 15 Interchange Project;
Parcel Nos. 0393-003A, 0393-003B, 0393-003C, and 0393-003D; 0393-004A and
0393-004B; 0393-005A, 0393-005C, 0393-005G and 0393-005H; 0393-009A

Dear Ms. Harper-Ihem:

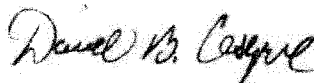
This office, and the undersigned in particular, represent the owners of designated parcels 0393-003A, 0393-003B, 0393-003C, and 0393-003D; 0393-004A and 0393-004B; 0393-005A, 0393-005C, 0393-005G and 0393-005H; and 0393-009A.

On behalf of each of these respective and separate owners, I would like to reserve the right to comment at the public hearing that has been noticed for November 14, 2017, at 9:00 a.m.

Your cooperation in this matter is most appreciated. Thank you for forwarding the notices.

Very truly yours,

RUTAN & TUCKER, LLP



David B. Cosgrove

DBC:mrs

cc: Mr. Rick Bondar

Maxwell, Sue

From: Maxwell, Sue
Sent: Wednesday, November 01, 2017 8:54 AM
To: 'Slobodien, Mia'; Villanueva, Stephi
Cc: Cosgrove, David; Rick Bondar
Subject: RE: Resolution No 2017-202 Notice of Intention to Adopt Resolution of Necessity - Scheduled for November 14, 2017 Board of Supervisors' Meeting
Attachments: Ltr to County of Riverside COB RE Comment at Public Hearing on 11-14-17____.pdf

Good morning Ms Slobodien,

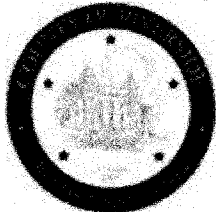
The Clerk of the Board is in receipt of your letter sent via email regarding Notice of Intent to Adopt a Resolution of Necessity for Limonite Avenue/Interstate 15 Interchange Project in Eastvale & Jurupa Valley.

We are forwarding your email to the Economic Development Agency's Real Estate Project Planner, Stephi Villanueva, and will include it in the record scheduled for the November 14, 2017 Board Meeting.

With thanks and warm regards,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
smaxwell@rivco.org
<http://rivcocob.org/>



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From: Slobodien, Mia [mailto:MSlobodien@rutan.com]
Sent: Tuesday, October 31, 2017 2:36 PM
To: COB <COB@RIVCO.ORG>
Cc: Cosgrove, David <dcosgrove@rutan.com>; Rick Bondar <rickbondar@aol.com>
Subject: Resolution No 2017-202 Notice of Intention to Adopt Resolution of Necessity

Ms. Harper-Ihem:

Attached please find a copy of our letter dated 10/31/2017. The original has been mailed to your attention.

Mia Slobodien

Legal Secretary
Rutan & Tucker, LLP
611 Anton Boulevard, 14th Floor

Costa Mesa, CA 92626
(714) 641-5100 x1341
mslobodien@rutan.com
www.rutan.com

RUTAN

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January 4, 2018

VIA E-MAIL AND
FIRST CLASS MAIL

Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Proposed Resolution No. 2017-203

Honorable Chairman and Members of the Board:

I am writing on behalf of my client Sky Country Investment Co./East, LLC, the owner of the properties described as Parcel Nos. 0393-003A, 0393-003C, and 0393-003D in the proposed Resolution 2017-203. I previously corresponded with you on this matter on December 5, 2017, and appreciate your responsiveness and that of County staff, particularly Ms. Romo, during that time period.

My client has undertaken detailed study of the proposed resolution, the project plans, and underlying title matters on the properties proposed to be affected by the takings purported to be authorized in the resolution of necessity. We identified a number of issues of concern, which we expressed to county staff and counsel, both in writing and in a meeting we had December 21, 2017.

I am pleased to note that many of the issues we raised have been addressed in the revised resolution of necessity, and thank staff for its work on those points. Unfortunately, not all issues identified have been resolved. Those that remain, we believe, militate against the required finding that the Project as proposed is planned or located in a manner that will be most compatible with the greatest public good and the least private injury. We are hoping that these issues can be addressed by modification to the scope of the takings and modifications to the Project as proposed.

For ease of reference, I will list our points of objection under separate headings below:

1. Potential TCA Interference With Sky Country/Vernola Sewer, Storm Drain, and Access Easements

There was concern shared by the owners of the Sky Country Investment Co./East, LLC ("Sky Country") property and the Vernola Trust North ("VTN") owners¹ regarding potential

¹ The VTN owners hold title to the parcel denominated as 0393-009A in the proposed resolution.

Board of Supervisors
January 4, 2018
Page 2

interference by the proposed temporary construction easements (Parcels 0393-003D; 0393-009A) with previously negotiated easements between the Sky Country and the VTN owners. Specifically, there is a sewer and storm drain easement, as well as access easements, memorialized between these parties in an agreement recorded June 17, 2016, as Instrument No. 20160249915. We note that language has been added to the resolution that in general protects prior recorded easements, which is helpful.

We simply would appreciate acknowledgement that the specifically referenced easements above are included within this general protective language.

2. Duration of the TCA

Sky County previously objected to the indefinite termination dates of the TCA, which lacked precise "sunset" dates of when they expire. That has now apparently been addressed, and June 30, 2021, has been added as the "outside" date for the TCAs. That is helpful, but with that expanded time horizon, we believe the precondemnation offers under Government Code section 7267.2 for this and all TCAs in the resolution are invalid, since they do not reflect compensation for encumbrance on Sky Country's property the time when the TCA may be exercised. As such, the prior offers are inconsistent with the Caltrans policy memorandum dated July 6, 2015. A copy is attached as Exhibit "A."

Sky County also requests that all TCAs come with indemnification to the owners for activities of the acquiring entity and all of its contractors during occupancy of the TCA areas, and for construction activities.

3. Sky Country Access

Perhaps the most troubling issue raised by the Project is that of access to Limonite. Sky County believes the Project must be modified to preserve existing access its properties enjoy to Limonite Avenue in the before condition. As presently configured, Parcel 0393-003C appears to intend to close the Limonite access from Parcel No. 160-050-031, a part of the common holding of the Sky Country owners. This raises a host of hardship and potentially significant, unaddressed severance damage issues.

Specifically, there is a 1935 County Roadway Easement at Book 237, Page 40, of the Official Records, which traverses the southerly portion of both the Sky Country holding directly fronting on Limonite, as well as the Caltrans ownership immediately north of Limonite. We see no evidence in the title record that this public roadway easement has been extinguished.

Further, the State of California easement dated May 13, 1976, recorded at 76-065887 of Official Records, was granted to the State "for the purpose of a freeway *and adjacent frontage road[.]*" This grant was conditioned upon the construction of a frontage road which would have access to Limonite, under the following language:

Board of Supervisors
January 4, 2018
Page 3

“ . . . provided, however, that such remaining property shall *abut upon and have access to said frontage road which will be connected to Limonite Avenue.*” (Emphasis added.)

Therefore, the State’s right to use the 1976 easement in the before condition is conditioned upon the reserved access to the remaining property through a frontage road connecting to Limonite Avenue.

There is an existing paved and improved frontage road built to the south of the Sky County holding, ostensibly pursuant to the easement. That frontage road access is currently configured for left-in, and right-in right-out access. A diagram depicting this frontage road, and the applicable parcel numbers, is attached as Exhibit “B.”

Under the taking and proposed Project, it appears that the left-in turning movement to the existing Limonite drive will be lost. It also appears that the intention of taking Parcel 0393-003C is to extinguish all Sky Country access to Limonite. Our understanding is that the existing frontage road is presently intended to be used for relocated Park and Ride spaces. (See, Exhibit “C” hereto.)

Sky Country objects to this loss of Limonite access. It is a critical feature of the “before” condition of the Sky Country holdings, and an important access feature for the future marketability and development of the site, as well as for its present uses. Sky Country therefore requests that the portion of the Project that proposes to move the Park and Ride into the frontage road area be removed from the Project, and that Sky Country’s ability to access Limonite through the existing frontage road and driveway access onto Limonite be memorialized in a reserved easement. Sky County’s preference is that all existing turning movements be preserved, but at a minimum, that “right-in, right-out” Limonite access be specified as permitted.

If that Project modification will not be made, the Project should include construction of a fully functional replacement frontage road—built to current City and County standards—with assured easement access to Limonite, to maintain functionality consistent with the 1976 easement, and all present turning movements. Sky County also requests that the Park and Ride facility be fenced as part of the Project, to prevent trespass, dumping or other intrusion on to the remaining Sky County and other adjacent property.

The project must also preserve the ability of the Sky Country cell phone tower lessees to get to and from their facilities located along the westerly portion of the Sky County property. Those lessees currently use the Limonite access to maintain and repair their facilities. In addition, there is an agricultural tenant now using the Sky County and other properties for farming activities, and full access to Limonite should be preserved for this tenant as well.

The deprivation of Limonite access is a very important issue, both under present and potential future use of the properties, and raises issues both of owner hardship and whether the

Board of Supervisors
January 4, 2018
Page 4

Project is planned and located in a manner designed to bring about the greatest public good and least private injury.

4. Outdated and Incomplete Offer

In addition to the issue regarding the expanded TCA, above, the appraisal summary statement accompanying the Government Code section 7267.2 offer uses a date of value of June, 2017. In this market, that appraisal is outdated, and a new offer, with a present date of value, should be utilized. In addition, the "nominal" amount of damage from the deprivation of access, in the amount of \$2,750, is inadequately explained, both in terms of how it was calculated, and how deprivation of access will not affect the highest and best use of the property, particularly in light of the access points raised above. The offer should be updated, with consideration of the "before" condition entitlement of the Sky County property to access to Limonite.

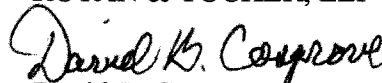
5. CEQA Analysis Outdated

Finally, the draft resolution references a Final Initial Study and Mitigated Negative Declaration approved by the Board on June 21, 2015. There appears nowhere in the resolution, however, any basis for any finding that since the passage of time between then and now, none of the conditions under Title 14 California Code of Regulations section 15162 have occurred, which would call for additional environmental analysis. In the absence of substantial evidence in the record on this point, the passage of over two years, combined with the dynamic development permitting processes and other activity occurring in the Project area (the Vernola Apartments approvals by the City of Jurupa Valley being just one), call into question the finding in paragraph 8 of the resolution that no additional or updated environmental review or certification is required.

Sky Country appreciates the opportunity to comment on the proposed resolution of necessity. It has undertaken dialogue with County staff in good faith, expending significant engineering, legal, and appraisal professional assistance in an effort to refine the Project to lower impacts to its property without compromising Project objectives. We are still at a time when Project modifications can be made to solve problems that might otherwise result in significant later claims of hardship or damage. Sky County respectfully requests the County do so, refuse to pass the resolution of necessity as presently configured, and instruct staff to continue to work with Sky Country on the proposed Project modifications that will inure to the benefit of all.

Very truly yours,

RUTAN & TUCKER, LLP


David B. Cosgrove

DBC:mrs
Enclosures

EXHIBIT A

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum


*Serious drought.
Help save water!*

To: DEPUTY DISTRICT DIRECTORS RIGHT OF WAY
REGION RIGHT OF WAY MANAGERS

Date: July 6, 2015

File: Appraisals,
Local Programs, and
Acquisitions

From: 
LINDA W. TONG, Chief
Office of Appraisals and Local Programs


RENE FLETCHER, Chief
Office of Right of Way Project Delivery

Subject: TEMPORARY CONSTRUCTION EASEMENTS – PAYMENT OF JUST COMPENSATION

This memorandum is intended to clarify the appropriate payment of just compensation for Temporary Construction Easements (TCEs) paid to a grantor.

A TCE is a temporary property encumbrance for a specific anticipated use over a specified duration of time. Compensation for a TCE commences when the State takes legal and/or physical possession of the property.

Although the actual/physical use of a property may be anticipated for a limited duration within a set timeframe, the property is considered to be encumbered for the entire duration of the set timeframe if legal possession occurs at the close of escrow (COE) or effective date of the Order for Possession. TCEs cannot "float;" the Right of Way (R/W) Agreement (Contract, Possession and Use, etc.) must clearly define the terms of the encumbrance. For example, a TCE for a 12-month anticipated duration to be used within a 36-month timeframe is not permitted. Both Caltrans and FHWA agree that this constitutes a "taking" (encumbrance) even if actual/physical possession is only anticipated for 12 months. A property owner must be compensated for the entire TCE term (in this case, for the entire 36-month duration).

TCEs are valued by the owner's loss in utility and enjoyment of the encumbered area for the entire TCE term/duration. This loss may be expressed as a discounted land rental rate. The extent of the owner's loss of utility and enjoyment may be influenced by the owner's inability to transfer, lease, or otherwise use the encumbered area. The appraisal analysis should therefore consider any such varying levels of the owner's loss in utility and enjoyment of the encumbered area for the entire duration of the TCE term.

Should the TCE expire before construction is complete, a revised agreement with the property owner (including the additional calculated compensation) is required prior to the State's continued possession of the property. In other words, payment in arrears at a prorated rate is not permitted. As payment is always required prior to possession, an amended or new agreement is necessary before the anticipated expiration of the TCE to ensure that payment for the extended duration is, at minimum, deposited into escrow.

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

EXHIBIT A

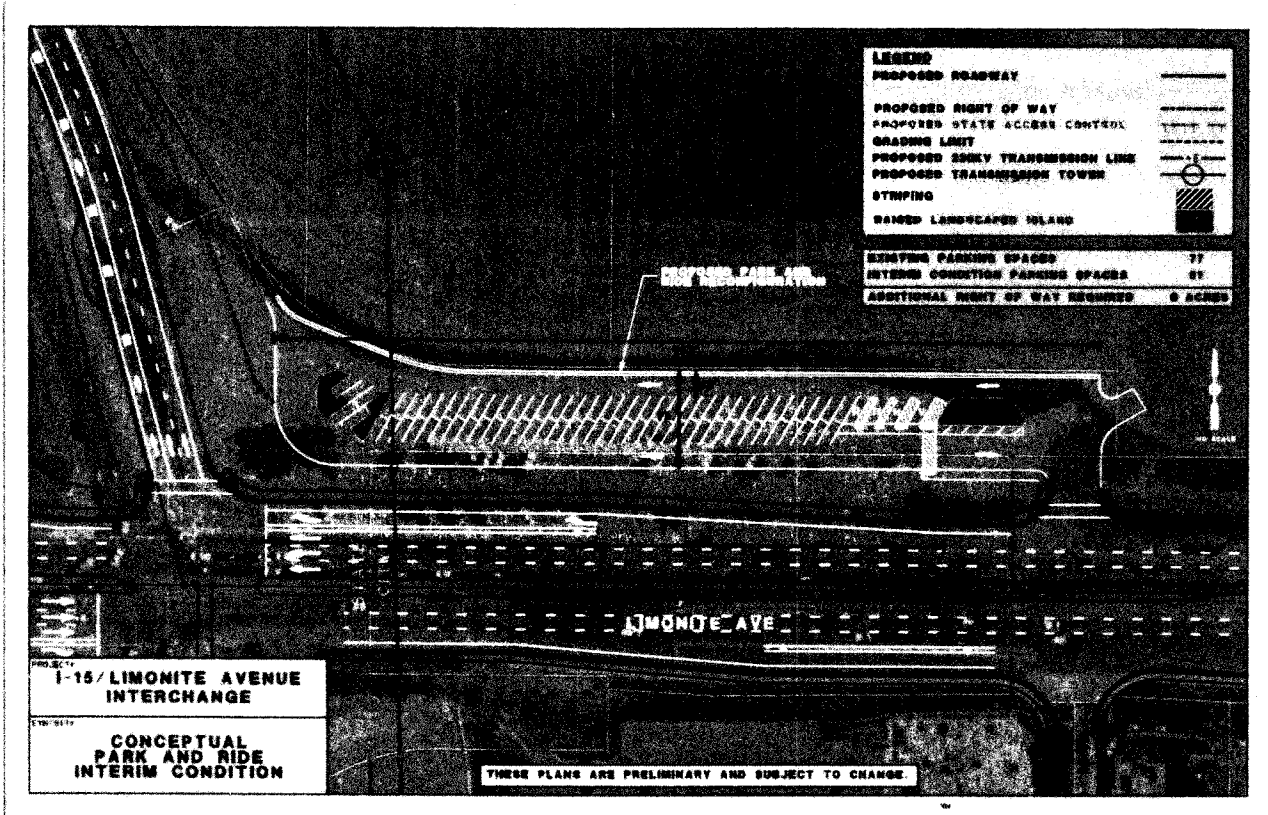
cc: Andrew P. Nierenberg, Acting Chief, Division of Right of Way and Land Surveys
Jennifer Lowden, Assistant Chief, Division of Right of Way and Land Surveys
Melani M. Millard, Realty Officer, Federal Highway Administration, California Division Office
HQ Office Chiefs

*"Provide a safe, maintainable, integrated and efficient transportation system
to enhance California's economy and livability"*

EXHIBIT B



EXHIBIT C



PROJECT PROPOSAL-FRONTAGE ROAD IMPACT

Maxwell, Sue

From: Maxwell, Sue
Sent: Monday, January 08, 2018 10:39 AM
To: Villanueva, Stephi; COB-Agenda (COB-Agenda@rivco.org); George Johnson (GAJohnson@RIVCO.ORG); Leach, Charissa (cleach@RIVCO.ORG); Perez, Juan (JCPEREZ@RIVCO.ORG); Young, Alisa; District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG); District2; District3; District5; Supervisor Jeffries - 1st District (district1@rivco.org)
Subject: January 9, 2018 Item 3.34 MT 5824 - Public Comment Opposition (Limonite Ave/Interstate 15 Interchange) - Sky County Investment Co via David Cosgrove
Attachments: SKE Objection to Resolution No. 2017-203.pdf

Good morning,

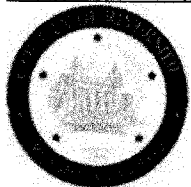
Attached is an email received COB in opposition to the Limonite Avenue/Interstate 15 Interchange Improvement Funding Agreement, scheduled for the January 9, 2018 Board Meeting, being forwarded to you for your review.

This document has been printed and included as Back-up to Agenda Item 3.34, MinuteTraq No 5824.

With thanks and warm regards,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
smaxwell@rivco.org
<http://rivcocob.org/>



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From: Maxwell, Sue
Sent: Monday, January 08, 2018 9:40 AM
To: 'Slobodien, Mia' <MSlobodien@rutan.com>
Cc: Cosgrove, David <dcosgrove@rutan.com>; Rick Bondar <rickbondar@aol.com>
Subject: RE: Proposed Resolution No. 2017-203 - Limonite Ave/Interstate 15 Interchange Public Comment Opposition (01-09-2018 Item 3.34)

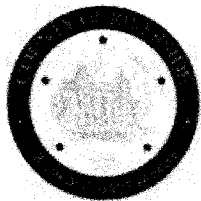
Good morning Ms. Slobodien,

The Clerk of the Board is in receipt of your letter sent via email regarding the Limonite Avenue/Interstate 15 Interchange Improvements in Eastvale, and has included it in the record for January 9, 2018.

Sincerely,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
smaxwell@rivco.org
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From: Slobodien, Mia [mailto:MSlobodien@rutan.com]

Sent: Thursday, January 04, 2018 4:31 PM

To: COB <COB@RIVCO.ORG>

Cc: Cosgrove, David <dcosgrove@rutan.com>; Rick Bondar <rickbondar@aol.com>

Subject: Proposed Resolution No. 2017-203

*** * * SENT ON BEHALF OF DAVID B. COSGROVE * * ***

Please see attached letter dated 01/04/2018 for distribution to Board of Supervisors. If you have any questions, comments or concerns, please contact David Cosgrove directly at (714) 662-4602 or dcosgrove@rutan.com.

Mia Slobodien

Legal Secretary
Rutan & Tucker, LLP
611 Anton Boulevard, 14th Floor
Costa Mesa, CA 92626
(714) 641-5100 x1341

mslobodien@rutan.com

www.rutan.com

RUTAN

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January 4, 2018

VIA E-MAIL AND
FIRST CLASS MAIL

Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Resolution No. 2017-203;
Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project;
Parcel Nos. 0393-005A, 0393-005C; 0393-005G; and 0393-005H

Honorable Members of the Board of Supervisors:

I am writing on behalf of Anthony P. Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust – Exemption Trust as to an undivided 50% interest and Anthony P. Vernola, Trustee of the Anthony P. Vernola Trust U/D/T dated October 18, 2000, as amended, as to an undivided 50% interest (collectively “Vernola Trust Eastvale”), owners of the properties described as Parcels Nos. 0393-005A, 0393-005C; 0393-005G; and 0393-005H in proposed Resolution No. 2017-203.

I previously corresponded with you on this matter on December 5, 2017, and appreciate your responsiveness and that of County staff, particularly Ms. Romo, during that time period.

This letter is sent in conjunction with a letter from the undersigned on behalf of Sky Country Investment Co./East, LLC, the owner of the properties described as Parcel Nos. 0393-003A, 0393-003B, 0393-003C, and 0393-003D in the proposed resolution. Vernola Trust Eastvale joins in the points made in that letter regarding the TCA scope and duration, the precondemnation offer under Government Code section 7267.2, and CEQA. So as not to clutter the record, those points are not reiterated here.

Vernola Trust Eastvale writes separately to address the substitute condemnation portions of the resolution, which we understand purport to apply to the JCSD water easement taking, denominated as Parcel 0393-005G. It is unclear from the resolution who the purported owners of the ‘substitute property’ and ‘necessary property’ are. The owners, and the precise properties constituting the supposed “necessary” and ‘substitute’ property, should be specifically spelled out in the resolution.

Board of Supervisors
January 4, 2018
Page 2

To the extent the “necessary property” is intended to be that of the Vernola Trust Eastvale owners, please note for the record that these owners do not consent to the exchange of any necessary or substitute property for JCSD in this context, whether under Code of Civil Procedure section 1240.310(a)(1), or otherwise. To the contrary, the Vernola Trust Eastvale owners object to any taking of their property under this procedure.

Further, there are serious questions regarding how JCSD purports to take access to this water easement, and as to its scope. If abutter’s rights are being taken in connection with the Parcels 0393-005A and 0393-005C, access can only be taken by way of some unspecified route over these owners’ remaining property. The practical result is a “blanket” easement of access, that encumbers the entire remaining piece, creating uncertainty in how JCSD will come on to its easement area. Such uncertainty is compounded by the lack of any restrictions or notice requirements upon JCSD in the exercise its easement rights, as to when or how it will exercise what easement rights it may at some point in the future contend are inherent in its rights to “...construct, reconstruct, install, replace, remove, repair, alter, operate, maintain, and inspect[.]”

Also pertinent to abutter’s rights takings on this larger parcel, there remain concerns regarding the loss of air, light, and visibility to Limonite Avenue. We had previously objected to the infringement that would occur from loss of abutter’s rights on Limonite from the combined taking of Parcels 0393-005A and 0393-005C, and in response, the abutter’s rights on Parcel 0393-005C were pulled back to allow fifty feet at northwest corner. That is helpful for vehicular access, but abutter’s rights entail more than just that. At present, the property enjoys not only vehicular access, but also the remaining abutter’s “right of view” regarding visibility light, and air along the majority of its Limonite frontage. (See, e.g., *People ex rel. Dep’t of Pub. Works v. Stevenson & Co.* (1961) 190 Cal. App. 2d 103.) If all abutter’s rights are acquired for the full frontage, subject only to the 50-foot reserved area now being shown, the property still suffers from “isolation” damage, since rights to see and be seen along the major frontage will be lost as a result of the Project.

The owners of this parcel therefore request that the acquisition of Parcel 0393-005A and 0393-005C be limited in their impact to preclude vehicular access only, and that the fee takings be restricted to reserve for the remaining property rights to the full range of visibility, light, and air to the adjacent Limonite frontage. In other words, it is important to these owners to preserve all rights to light, air, and visibility, save for the access control they understand the City of Eastvale may need for its project.

There is no showing in the resolution of how the rights to light, air, and visibility along this property’s Limonite frontage is required for the project, and taking all such rights we believe is contrary to the required finding that the Project is planned in the manner to create the greatest public good and least private injury. We would request that all takings along the property’s Limonite frontage specify that the adjoining owner has reserved rights to light, air, and visibility,

Board of Supervisors
January 4, 2018
Page 3

and that any taking of "abutter's rights" extend only to a specific prohibition of direct vehicular access.

Thank you for the opportunity to comment on the proposed Resolution of Necessity.

Very truly yours,

RUTAN & TUCKER, LLP

A handwritten signature in black ink, reading "David B. Cosgrove". The signature is written in a cursive style with a large, looping initial "D".

David B. Cosgrove

DBC:mrs

cc: Douglas J. Evertz, Esq.

Maxwell, Sue

From: Maxwell, Sue
Sent: Monday, January 08, 2018 11:04 AM
To: Villanueva, Stephi; COB-Agenda (COB-Agenda@rivco.org); George Johnson (GAJohnson@RIVCO.ORG); Leach, Charissa (cleach@RIVCO.ORG); Perez, Juan (JCPEREZ@RIVCO.ORG); Young, Alisa; District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG); District2; District3; District5; Supervisor Jeffries - 1st District (district1@rivco.org)
Subject: January 9, 2018 Item 3.34 MT 5824 - Public Comment Opposition (Limonite Ave/Interstate 15 Interchange) - Anthony Vernola and Sky Country Investment Co via David Cosgrove
Attachments: SW Quadrant Ltr re RON 1_9_18.pdf

Good morning,

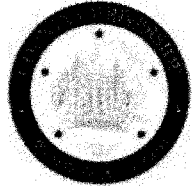
Attached is a second email received COB in opposition to the Limonite Avenue/Interstate 15 Interchange Improvement Funding Agreement, scheduled for the January 9, 2018 Board Meeting, being forwarded to you for your review.

This document has been printed and included as Back-up to Agenda Item 3.34, MinuteTraj No 5824.

With thanks and warm regards,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
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From: Maxwell, Sue
Sent: Monday, January 08, 2018 10:53 AM
To: 'Slobodien, Mia' <MSlobodien@rutan.com>
Cc: devertz@murphyevertz.com; Cosgrove, David <dcosgrove@rutan.com>; Rick Bondar <rickbondar@aol.com>
Subject: RE: Resolution No. 2017-203; Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project

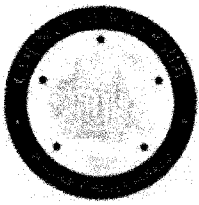
Good morning Ms. Slobodien,

The Clerk of the Board is in receipt of your opposition letter sent via email regarding the Limonite Avenue/Interstate 15 Interchange Improvements in Eastvale, and has included it in the record for January 9, 2018.

Sincerely,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
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From: Slobodien, Mia [mailto:MSlobodien@rutan.com]

Sent: Thursday, January 04, 2018 4:34 PM

To: COB <COB@RIVCO.ORG>

Cc: devertz@murphyevertz.com; Cosgrove, David <dcosgrove@rutan.com>; Rick Bondar <rickbondar@aol.com>

Subject: Resolution No. 2017-203; Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project

*** SENT ON BEHALF OF DAVID B. COSGROVE ***

Please see attached letter dated 01/04/2018 for distribution to Board of Supervisors. If you have any questions, comments or concerns, please contact David Cosgrove directly at (714) 662-4602 or dcosgrove@rutan.com.

Mia Slobodien

Legal Secretary
Rutan & Tucker, LLP
611 Anton Boulevard, 14th Floor
Costa Mesa, CA 92626
(714) 641-5100 x1341

mslobodien@rutan.com

www.rutan.com

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PALMIERI TYLER

ATTORNEYS AT LAW

Michael H. Leifer

Direct Dial (949) 851-7294

Direct Fax (949) 825-5412

mleifer@ptwww.com

P.O. Box 19712

Irvine, CA 92623-9712

Refer To File No. 39098-000

Document I.D. 2264282.1

January 5, 2018

VIA E-MAIL (KHarper-Ihem@rivco.org)
& US MAIL

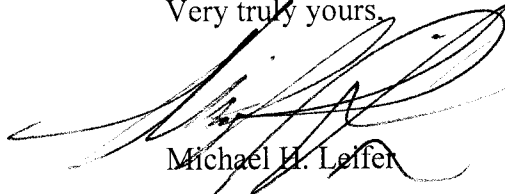
Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

Re: Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-008A

Dear Ms. Harper-Ihem:

Regarding the upcoming Resolution of Necessity hearing on Tuesday, January 9, 2018, on behalf of Hamner Park Associates, we reassert objections submitted on December 4, 2017, a copy of which is attached. All rights are reserved, including the right of appearance at the Resolution of Necessity hearing.

Very truly yours,



Michael H. Leifer

MHL:lem

cc: Cecilia Gil, Board Assistant to
Kecia Harper-Ihem
Clerk of the Board of Supervisors
(Via Email CGil@rivco.org)

5414
1/9/18 9.1
2018-1-138078

PALMIERI TYLER

ATTORNEYS AT LAW

Michael H. Leifer
Direct Dial (949) 851-7294
Direct Fax (949) 825-5412
mleifer@ptwww.com

P.O. Box 19712
Irvine, CA 92623-9712

Refer To File No. 39098-000
Document I.D. 2240499.3

December 4, 2017

VIA E-MAIL (KHarper-Ihem@rivco.org and CGil@rivco.org)

Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

Re: Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-008A

Dear Ms. Harper-Ihem:

This office represents Hamner Park Associates in the above-referenced matter. On behalf of our client, we object to the proposed resolution that seeks to authorize condemnation of portions of the Hamner Park Associates property.

The proposed resolution is an invalid delegation of legislative authority. The proposed resolution purports to give the County's attorney the ability to change the taking at counsel's sole discretion. Such delegation is an invalid delegation of the County Board of Supervisor's authority.

The Staff Report for this item states that the Board of Supervisors must make certain findings to authorize the specific takings proposed. The Board of Supervisors is in fact required by the Eminent Domain Law to make such findings as the legislative body for the County of Riverside. (Code Civ. Proc., § 1245.210, subd. (a).) However, the proposed resolution provides that counsel, not the Board of Supervisors, is "further authorized to reduce **or modify the extent of the interests or property to be acquired** so as to *reduce* the compensation payable in the action where such change would not substantially impair the construction and operation for the Project for which the real property is being acquired." (Proposed Resolution, Section 5, last sentence [emphasis added].) By delegation, the Board of Supervisors purports to convert County Counsel into the project engineer, the appraiser, the judge and the jury.

The Board of Supervisors should know, and in fact must know, as of the date of the hearing on this resolution of necessity, the specific scope and nature of the take it is approving. The property owner likewise is entitled to know the scope and nature of the take from the property. The proposed resolution fails to give this body and the property owner the basic and fundamental information of what is being taken.

PALMIERI TYLER

Ms. Kecia Harper-Ihem

December 4, 2017

Page 2

The proposed resolution is an invalid delegation of legislative authority contrary to law. It violates my client's rights to substantive and procedural due process. If adopted as proposed, the resolution is void.

That invalid delegation of legislative authority infects the entire proposed resolution.

- Notice - The proposed resolution authorizes the County's attorney to *change* the takings at some later date without any further action by the Board of Supervisors. The invalid delegation allows that change to occur without any notice or opportunity to be heard.
- Necessity/Least Private Injury/Property is Necessary for the Project - The proposed resolution purports to make the required findings for a resolution of necessity. However, the invalid legislative declaration undoes those very findings. If the County's attorney can reduce *or modify* the takings authorized by the proposed resolution, then those takings must not be necessary for the project, must not be consistent with the least private injury requirement, etc.
- Government Code Section 7267.2 offer - The invalid delegation allows the County's attorney to *modify* the takings without compliance with the Government Code Section 7267.2 offer. The Government Code Section 7267.2 offer will not match the takings. Further, the Government Code Section 7267.2 offer is invalid as it does not consider the invalid delegation that allows the County's attorney to change the takings at some future date.

The legal description of the easement rights purportedly sought to be acquired from the subject property is not included with the proposed resolution. As a result, the proposed resolution is vague and adequate notice has not been provided as to the rights being acquired.

The purpose of the taking is inconsistent with the easement information that is provided within the resolution. The language prevents the purpose from being implemented.

From the language that is provided in the proposed resolution, it appears the County is taking too little. It is very likely that the County will exceed the scope of the takings requiring the property owner to monitor the County's project. It also demonstrates that the least private injury requirement is not satisfied.

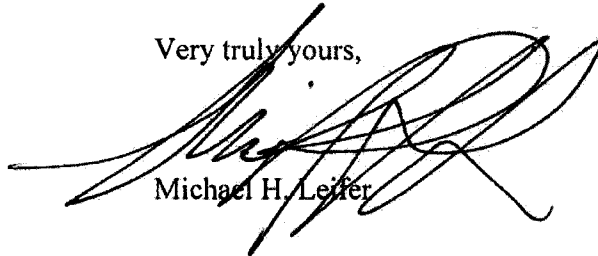
The precondemnation offer is inadequate and invalid. The offer did not properly address the improvements being taken, and the status of the remainder or severance damages. Further, there is no evidence that the appraiser had and considered the proposed resolution and/or the legal description of the easement rights being acquired.

PALMIERI TYLER

Ms. Kecia Harper-Ihem
December 4, 2017
Page 3

The above objections are based on the limited information that has been provided to my client.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Leifer", written over the typed name.

Michael H. Leifer

MHL:ebn

Maxwell, Sue

From: Maxwell, Sue
Sent: Monday, January 08, 2018 3:21 PM
To: COB-Agenda (COB-Agenda@rivco.org); George Johnson (GAJohnson@RIVCO.ORG); Robert Field (RFIELD@RIVCO.ORG); Stephi Villanueva (SVillanueva@RIVCO.ORG); Young, Alisa; District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG); District2; District3; District5; Supervisor Jeffries - 1st District (district1@rivco.org)
Subject: January 9, 2018 Item 9.1 MT 5414 - Public Comment Opposed to Resolution of Necessity 2018-034 (Hamner Park Associates)
Attachments: 2018-1-138078.pdf

Good afternoon,

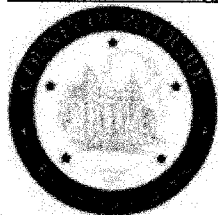
The attached letter of opposition to Resolution of Necessity 2018-034 for the Limonite Ave/I-15 Interchange Project in Eastvale and Jurupa Valley received by mail today is being routed for review as it is scheduled for the January 9, 2018 Board Meeting, Agenda Item 9.1 (MinuteTraq No 5414).

The original document is filed with Back-Up for the Item.

With thanks and warm regards

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
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PALMIERI TYLER

ATTORNEYS AT LAW

Michael H. Leifer
Direct Dial (949) 851-7294
Direct Fax (949) 825-5412
mleifer@ptwww.com

P.O. Box 19712
Irvine, CA 92623-9712
Refer To File No. 39098-000
Document I.D. 2264282.1

January 5, 2018

VIA E-MAIL (KHarper-Ihem@rivco.org)
& US MAIL

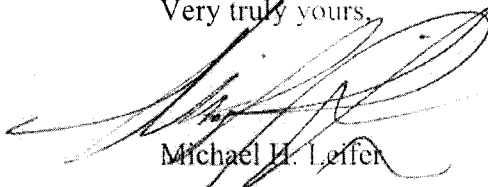
Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

Re: Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-008A

Dear Ms. Harper-Ihem:

Regarding the upcoming Resolution of Necessity hearing on Tuesday, January 9, 2018, on behalf of Hamner Park Associates, we reassert objections submitted on December 4, 2017, a copy of which is attached. All rights are reserved, including the right of appearance at the Resolution of Necessity hearing.

Very truly yours,



Michael H. Leifer

MHL:lem

cc: Cecilia Gil, Board Assistant to
Kecia Harper-Ihem
Clerk of the Board of Supervisors
(Via Email CGil@rivco.org)

9.1 of 01/09/18

PALMIERI TYLER

ATTORNEYS AT LAW

Michael H. Leifer
Direct Dial (949) 851-7294
Direct Fax (949) 825-5412
mleifer@ptwww.com

P.O. Box 19712
Irvine, CA 92623-9712
Refer To File No. 39098-000
Document I.D. 2240489.3

December 4, 2017

VIA E-MAIL (KHarper-Ihem@rivco.org and CGil@rivco.org)

Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

Re: Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-008A

Dear Ms. Harper-Ihem:

This office represents Hamner Park Associates in the above-referenced matter. On behalf of our client, we object to the proposed resolution that seeks to authorize condemnation of portions of the Hamner Park Associates property.

The proposed resolution is an invalid delegation of legislative authority. The proposed resolution purports to give the County's attorney the ability to change the taking at counsel's sole discretion. Such delegation is an invalid delegation of the County Board of Supervisor's authority.

The Staff Report for this item states that the Board of Supervisors must make certain findings to authorize the specific takings proposed. The Board of Supervisors is in fact required by the Eminent Domain Law to make such findings as the legislative body for the County of Riverside. (Code Civ. Proc., § 1245.210, subd. (a).) However, the proposed resolution provides that counsel, not the Board of Supervisors, is "further authorized to **reduce or modify the extent of the interests or property to be acquired** so as to *reduce* the compensation payable in the action where such change would not substantially impair the construction and operation for the Project for which the real property is being acquired." (Proposed Resolution, Section 5, last sentence [emphasis added].) By delegation, the Board of Supervisors purports to convert County Counsel into the project engineer, the appraiser, the judge and the jury.

The Board of Supervisors should know, and in fact must know, as of the date of the hearing on this resolution of necessity, the specific scope and nature of the take it is approving. The property owner likewise is entitled to know the scope and nature of the take from the property. The proposed resolution fails to give this body and the property owner the basic and fundamental information of what is being taken.

PALMIERI TYLER

Ms. Kecia Harper-Ihem

December 4, 2017

Page 2

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That invalid delegation of legislative authority infects the entire proposed resolution.

- Notice - The proposed resolution authorizes the County's attorney to *change* the takings at some later date without any further action by the Board of Supervisors. The invalid delegation allows that change to occur without any notice or opportunity to be heard.
- Necessity/Least Private Injury/Property is Necessary for the Project - The proposed resolution purports to make the required findings for a resolution of necessity. However, the invalid legislative declaration undoes those very findings. If the County's attorney can reduce *or modify* the takings authorized by the proposed resolution, then those takings must not be necessary for the project, must not be consistent with the least private injury requirement, etc.
- Government Code Section 7267.2 offer - The invalid delegation allows the County's attorney to *modify* the takings without compliance with the Government Code Section 7267.2 offer. The Government Code Section 7267.2 offer will not match the takings. Further, the Government Code Section 7267.2 offer is invalid as it does not consider the invalid delegation that allows the County's attorney to change the takings at some future date.

The legal description of the easement rights purportedly sought to be acquired from the subject property is not included with the proposed resolution. As a result, the proposed resolution is vague and adequate notice has not been provided as to the rights being acquired.

The purpose of the taking is inconsistent with the easement information that is provided within the resolution. The language prevents the purpose from being implemented.

From the language that is provided in the proposed resolution, it appears the County is taking too little. It is very likely that the County will exceed the scope of the takings requiring the property owner to monitor the County's project. It also demonstrates that the least private injury requirement is not satisfied.

The precondemnation offer is inadequate and invalid. The offer did not properly address the improvements being taken, and the status of the remainder or severance damages. Further, there is no evidence that the appraiser had and considered the proposed resolution and/or the legal description of the easement rights being acquired.

PALMIERI TYLER

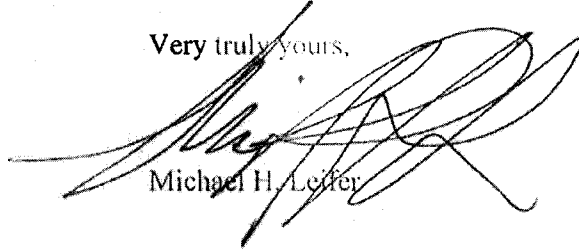
Ms. Kecia Harper-Ihem

December 4, 2017

Page 3

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Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Leifer", is written over the typed name. The signature is stylized with large, sweeping loops.

Michael H. Leifer

MHL:ebn

Gil, Cecilia

From: Michelle M. Pase <MPase@ptwww.com>
Sent: Monday, January 8, 2018 10:10 AM
To: Gil, Cecilia
Cc: Michael H. Leifer; Erin Balsara Naderi; Michelle M. Pase
Subject: FW: Limonite Avenue/Interstate 15 Interchange Project
Attachments: 20180105134600.pdf

Dear Ms. Gil:

Good morning.

I am re-forwarding the attached correspondence that was inadvertently sent to CGil instead of CCGil. Please review. Thank you.

From: Michelle M. Pase [mailto:MPase@ptwww.com]
Sent: Friday, January 05, 2018 1:49 PM
To: KHarper-Ihem@rivco.org; CGil@rivco.org
Cc: Michael H. Leifer; Erin Balsara Naderi; Michelle M. Pase
Subject: Limonite Avenue/Interstate 15 Interchange Project

Dear Ms. Harper-Ihem:

Good afternoon.

At the request of Mr. Leifer, attached in PDF format is a correspondence of today's date regarding the above referenced matter. Please review. Thank you.

Michelle Pase | Assistant to Michael H. Leifer, Erin B. Naderi and Nazani N. Temourian
Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
1900 Main Street, Suite 700 | Irvine, CA 92614
Direct Dial (949) 851-7325 | Fax (949) 851-1554
mpase@ptwww.com | ptwww.com

PALMIERI TYLER

A T T O R N E Y S A T L A W

This message and any attached documents contain information from the law firm of Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP that may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this

PALMIERI TYLER

ATTORNEYS AT LAW

Michael H. Leifer
Direct Dial (949) 851-7294
Direct Fax (949) 825-5412
mleifer@ptwww.com

P.O. Box 19712
Irvine, CA 92623-9712

Refer To File No. 39098-000
Document I.D. 2264282.1

January 5, 2018

VIA E-MAIL (KHarper-Ihem@rivco.org)
& US MAIL

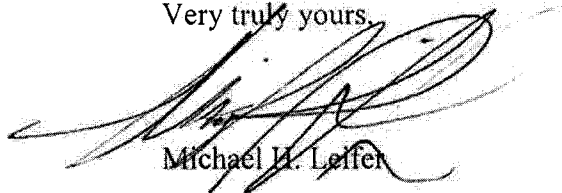
Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

Re: Limonite Avenue/Interstate 15 Interchange Project
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01/09/18
9.1

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mleifer@ptwww.com

P.O. Box 19712
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Refer To File No. 39098-000
Document I.D. 2240499.3

December 4, 2017

VIA E-MAIL (KHarper-Ihem@rivco.org and CGil@rivco.org)

Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
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Ms. Kecia Harper-Ihem

December 4, 2017

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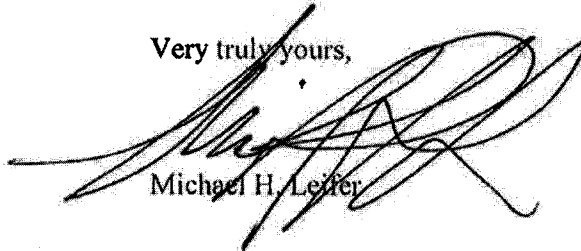
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Ms. Kecia Harper-Ihem
December 4, 2017
Page 3

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Michael H. Leifer

MHL:ebn

^{mp}
PALMIERI TYLER

ATTORNEYS AT LAW

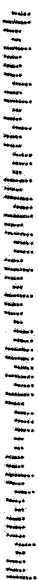
1900 Main Street, Suite 700

Irvine, CA 92614-7328

RECEIVED RIVERSIDE COUNTY
CLERK OF SUPERVISORS
2018 JAN -8 AM 10:35

Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

9250183634 0015



2017 NOV 13 AM 10:54

RUTAN
RUTAN & TUCKER, LLP

Rutan & Tucker, LLP
611 Anton Blvd., Suite 1400
P.O. Box 1950
Costa Mesa, CA 92626

To ➞ Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, CA 92501
A standard linear barcode consisting of vertical black bars of varying widths.

[illegible]

January 4, 2018

VIA E-MAIL AND
FIRST CLASS MAIL

Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Proposed Resolution No. 2017-203

Honorable Chairman and Members of the Board:

I am writing on behalf of my client Sky Country Investment Co./East, LLC, the owner of the properties described as Parcel Nos. 0393-003A, 0393-003C, and 0393-003D in the proposed Resolution 2017-203. I previously corresponded with you on this matter on December 5, 2017, and appreciate your responsiveness and that of County staff, particularly Ms. Romo, during that time period.

My client has undertaken detailed study of the proposed resolution, the project plans, and underlying title matters on the properties proposed to be affected by the takings purported to be authorized in the resolution of necessity. We identified a number of issues of concern, which we expressed to county staff and counsel, both in writing and in a meeting we had December 21, 2017.

I am pleased to note that many of the issues we raised have been addressed in the revised resolution of necessity, and thank staff for its work on those points. Unfortunately, not all issues identified have been resolved. Those that remain, we believe, militate against the required finding that the Project as proposed is planned or located in a manner that will be most compatible with the greatest public good and the least private injury. We are hoping that these issues can be addressed by modification to the scope of the takings and modifications to the Project as proposed.

For ease of reference, I will list our points of objection under separate headings below:

1. Potential TCA Interference With Sky Country/Vernola Sewer, Storm Drain, and Access Easements

There was concern shared by the owners of the Sky Country Investment Co./East, LLC ("Sky Country") property and the Vernola Trust North ("VTN") owners¹ regarding potential

¹ The VTN owners hold title to the parcel denominated as 0393-009A in the proposed resolution.

Board of Supervisors
January 4, 2018
Page 2

interference by the proposed temporary construction easements (Parcels 0393-003D; 0393-009A) with previously negotiated easements between the Sky Country and the VTN owners. Specifically, there is a sewer and storm drain easement, as well as access easements, memorialized between these parties in an agreement recorded June 17, 2016, as Instrument No. 20160249915. We note that language has been added to the resolution that in general protects prior recorded easements, which is helpful.

We simply would appreciate acknowledgement that the specifically referenced easements above are included within this general protective language.

2. Duration of the TCA

Sky County previously objected to the indefinite termination dates of the TCA, which lacked precise "sunset" dates of when they expire. That has now apparently been addressed, and June 30, 2021, has been added as the "outside" date for the TCAs. That is helpful, but with that expanded time horizon, we believe the precondemnation offers under Government Code section 7267.2 for this and all TCAs in the resolution are invalid, since they do not reflect compensation for encumbrance on Sky Country's property the time when the TCA may be exercised. As such, the prior offers are inconsistent with the Caltrans policy memorandum dated July 6, 2015. A copy is attached as Exhibit "A."

Sky County also requests that all TCAs come with indemnification to the owners for activities of the acquiring entity and all of its contractors during occupancy of the TCA areas, and for construction activities.

3. Sky Country Access

Perhaps the most troubling issue raised by the Project is that of access to Limonite. Sky County believes the Project must be modified to preserve existing access its properties enjoy to Limonite Avenue in the before condition. As presently configured, Parcel 0393-003C appears to intend to close the Limonite access from Parcel No. 160-050-031, a part of the common holding of the Sky Country owners. This raises a host of hardship and potentially significant, unaddressed severance damage issues.

Specifically, there is a 1935 County Roadway Easement at Book 237, Page 40, of the Official Records, which traverses the southerly portion of both the Sky Country holding directly fronting on Limonite, as well as the Caltrans ownership immediately north of Limonite. We see no evidence in the title record that this public roadway easement has been extinguished.

Further, the State of California easement dated May 13, 1976, recorded at 76-065887 of Official Records, was granted to the State "for the purpose of a freeway *and adjacent frontage road*." This grant was conditioned upon the construction of a frontage road which would have access to Limonite, under the following language:

Board of Supervisors
January 4, 2018
Page 3

“ . . . provided, however, that such remaining property shall *abut upon and have access to said frontage road which will be connected to Limonite Avenue.*” (Emphasis added.)

Therefore, the State’s right to use the 1976 easement in the before condition is conditioned upon the reserved access to the remaining property through a frontage road connecting to Limonite Avenue.

There is an existing paved and improved frontage road built to the south of the Sky County holding, ostensibly pursuant to the easement. That frontage road access is currently configured for left-in, and right-in right-out access. A diagram depicting this frontage road, and the applicable parcel numbers, is attached as Exhibit “B.”

Under the taking and proposed Project, it appears that the left-in turning movement to the existing Limonite drive will be lost. It also appears that the intention of taking Parcel 0393-003C is to extinguish all Sky Country access to Limonite. Our understanding is that the existing frontage road is presently intended to be used for relocated Park and Ride spaces. (See, Exhibit “C” hereto.)

Sky Country objects to this loss of Limonite access. It is a critical feature of the “before” condition of the Sky Country holdings, and an important access feature for the future marketability and development of the site, as well as for its present uses. Sky Country therefore requests that the portion of the Project that proposes to move the Park and Ride into the frontage road area be removed from the Project, and that Sky Country’s ability to access Limonite through the existing frontage road and driveway access onto Limonite be memorialized in a reserved easement. Sky County’s preference is that all existing turning movements be preserved, but at a minimum, that “right-in, right-out” Limonite access be specified as permitted.

If that Project modification will not be made, the Project should include construction of a fully functional replacement frontage road—built to current City and County standards—with assured easement access to Limonite, to maintain functionality consistent with the 1976 easement, and all present turning movements. Sky County also requests that the Park and Ride facility be fenced as part of the Project, to prevent trespass, dumping or other intrusion on to the remaining Sky County and other adjacent property.

The project must also preserve the ability of the Sky Country cell phone tower lessees to get to and from their facilities located along the westerly portion of the Sky County property. Those lessees currently use the Limonite access to maintain and repair their facilities. In addition, there is an agricultural tenant now using the Sky County and other properties for farming activities, and full access to Limonite should be preserved for this tenant as well.

The deprivation of Limonite access is a very important issue, both under present and potential future use of the properties, and raises issues both of owner hardship and whether the

Board of Supervisors
January 4, 2018
Page 4

Project is planned and located in a manner designed to bring about the greatest public good and least private injury.

4. Outdated and Incomplete Offer

In addition to the issue regarding the expanded TCA, above, the appraisal summary statement accompanying the Government Code section 7267.2 offer uses a date of value of June, 2017. In this market, that appraisal is outdated, and a new offer, with a present date of value, should be utilized. In addition, the "nominal" amount of damage from the deprivation of access, in the amount of \$2,750, is inadequately explained, both in terms of how it was calculated, and how deprivation of access will not affect the highest and best use of the property, particularly in light of the access points raised above. The offer should be updated, with consideration of the "before" condition entitlement of the Sky County property to access to Limonite.

5. CEQA Analysis Outdated

Finally, the draft resolution references a Final Initial Study and Mitigated Negative Declaration approved by the Board on June 21, 2015. There appears nowhere in the resolution, however, any basis for any finding that since the passage of time between then and now, none of the conditions under Title 14 California Code of Regulations section 15162 have occurred, which would call for additional environmental analysis. In the absence of substantial evidence in the record on this point, the passage of over two years, combined with the dynamic development permitting processes and other activity occurring in the Project area (the Vernola Apartments approvals by the City of Jurupa Valley being just one), call into question the finding in paragraph 8 of the resolution that no additional or updated environmental review or certification is required.

Sky Country appreciates the opportunity to comment on the proposed resolution of necessity. It has undertaken dialogue with County staff in good faith, expending significant engineering, legal, and appraisal professional assistance in an effort to refine the Project to lower impacts to its property without compromising Project objectives. We are still at a time when Project modifications can be made to solve problems that might otherwise result in significant later claims of hardship or damage. Sky County respectfully requests the County do so, refuse to pass the resolution of necessity as presently configured, and instruct staff to continue to work with Sky Country on the proposed Project modifications that will inure to the benefit of all.

Very truly yours,

RUTAN & TUCKER, LLP


David B. Cosgrove

DBC:mrs
Enclosures

EXHIBIT A

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

*Serious drought.
Help save water!*

To: DEPUTY DISTRICT DIRECTORS RIGHT OF WAY
REGION RIGHT OF WAY MANAGERS

Date: July 6, 2015

File: Appraisals,
Local Programs, and
Acquisitions

From: 
LINDA W. TONG, Chief
Office of Appraisals and Local Programs


RENE FLETCHER, Chief
Office of Right of Way Project Delivery

Subject: TEMPORARY CONSTRUCTION EASEMENTS – PAYMENT OF JUST COMPENSATION

This memorandum is intended to clarify the appropriate payment of just compensation for Temporary Construction Easements (TCEs) paid to a grantor.

A TCE is a temporary property encumbrance for a specific anticipated use over a specified duration of time. Compensation for a TCE commences when the State takes legal and/or physical possession of the property.

Although the actual/physical use of a property may be anticipated for a limited duration within a set timeframe, the property is considered to be encumbered for the entire duration of the set timeframe if legal possession occurs at the close of escrow (COE) or effective date of the Order for Possession. TCEs cannot "float;" the Right of Way (R/W) Agreement (Contract, Possession and Use, etc.) must clearly define the terms of the encumbrance. For example, a TCE for a 12-month anticipated duration to be used within a 36-month timeframe is not permitted. Both Caltrans and FHWA agree that this constitutes a "taking" (encumbrance) even if actual/physical possession is only anticipated for 12 months. A property owner must be compensated for the entire TCE term (in this case, for the entire 36-month duration).

TCEs are valued by the owner's loss in utility and enjoyment of the encumbered area for the entire TCE term/duration. This loss may be expressed as a discounted land rental rate. The extent of the owner's loss of utility and enjoyment may be influenced by the owner's inability to transfer, lease, or otherwise use the encumbered area. The appraisal analysis should therefore consider any such varying levels of the owner's loss in utility and enjoyment of the encumbered area for the entire duration of the TCE term.

Should the TCE expire before construction is complete, a revised agreement with the property owner (including the additional calculated compensation) is required prior to the State's continued possession of the property. In other words, payment in arrears at a prorated rate is not permitted. As payment is always required prior to possession, an amended or new agreement is necessary before the anticipated expiration of the TCE to ensure that payment for the extended duration is, at minimum, deposited into escrow.

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

EXHIBIT A

cc: Andrew P. Nierenberg, Acting Chief, Division of Right of Way and Land Surveys
Jennifer Lowden, Assistant Chief, Division of Right of Way and Land Surveys
Melani M. Millard, Realty Officer, Federal Highway Administration, California Division Office
HQ Office Chiefs

*"Provide a safe, sustainable, integrated and efficient transportation system
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EXHIBIT B

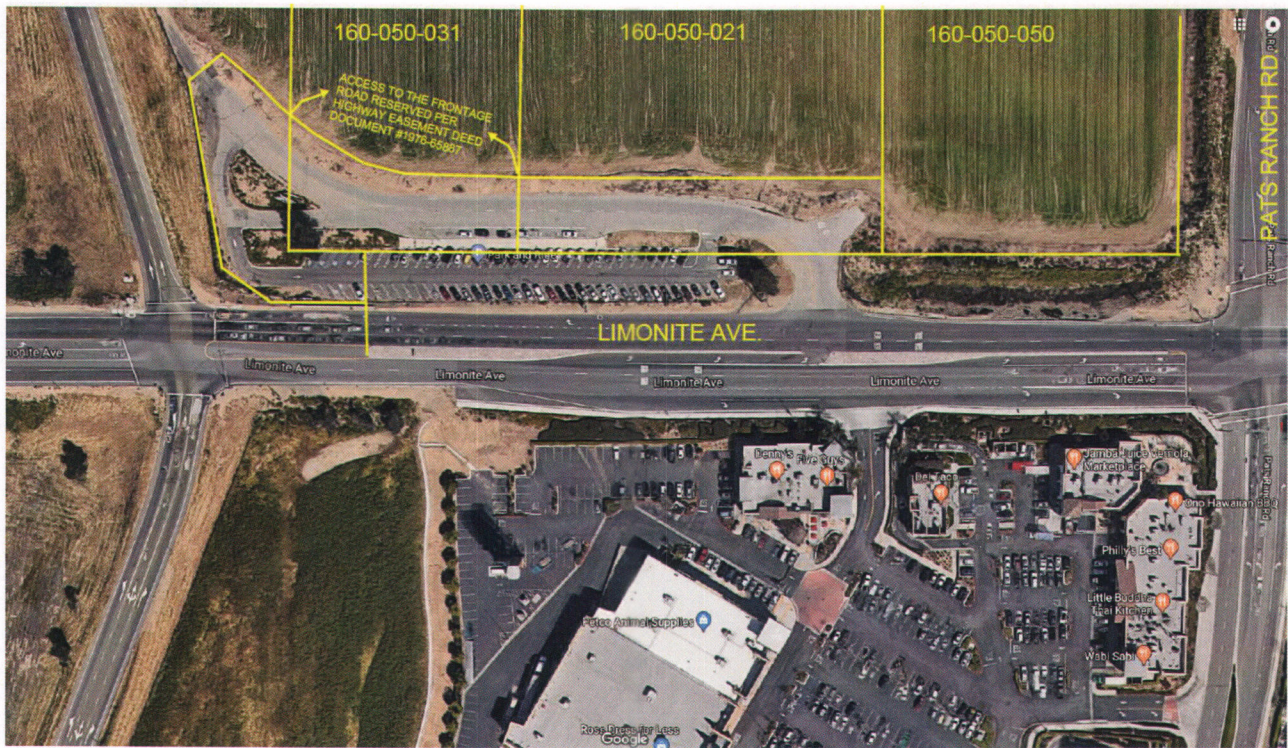
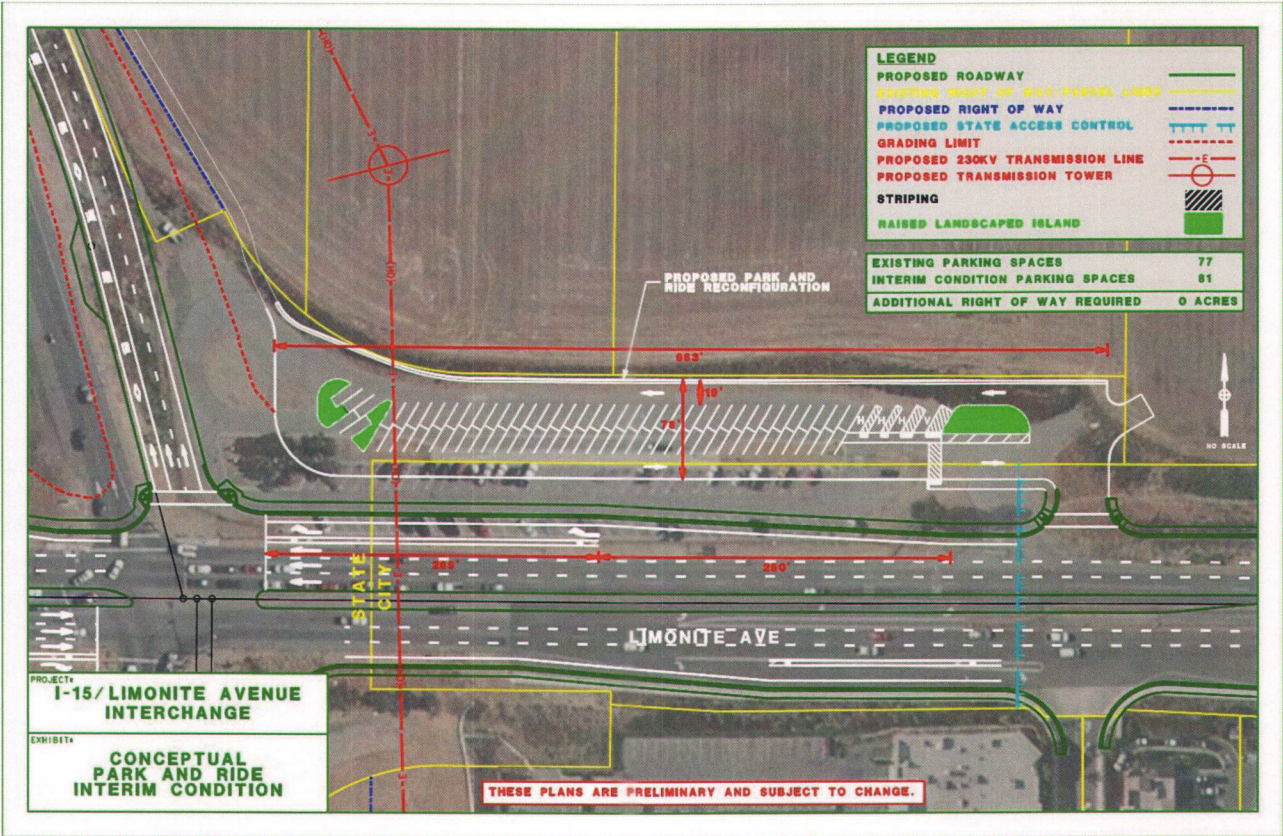


EXHIBIT C



PROJECT PROPOSAL-FRONTAGE ROAD IMPACT

January 4, 2018

VIA E-MAIL AND
FIRST CLASS MAIL

Board of Supervisors
c/o Clerk of the Board
County of Riverside
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside CA 92501

Re: Resolution No. 2017-203;
Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project;
Parcel Nos. 0393-005A, 0393-005C; 0393-005G; and 0393-005H

Honorable Members of the Board of Supervisors:

I am writing on behalf of Anthony P. Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust – Exemption Trust as to an undivided 50% interest and Anthony P. Vernola, Trustee of the Anthony P. Vernola Trust U/D/T dated October 18, 2000, as amended, as to an undivided 50% interest (collectively “Vernola Trust Eastvale”), owners of the properties described as Parcels Nos. 0393-005A, 0393-005C; 0393-005G; and 0393-005H in proposed Resolution No. 2017-203.

I previously corresponded with you on this matter on December 5, 2017, and appreciate your responsiveness and that of County staff, particularly Ms. Romo, during that time period.

This letter is sent in conjunction with a letter from the undersigned on behalf of Sky Country Investment Co./East, LLC, the owner of the properties described as Parcel Nos. 0393-003A, 0393-003B, 0393-003C, and 0393-003D in the proposed resolution. Vernola Trust Eastvale joins in the points made in that letter regarding the TCA scope and duration, the precondemnation offer under Government Code section 7267.2, and CEQA. So as not to clutter the record, those points are not reiterated here.

Vernola Trust Eastvale writes separately to address the substitute condemnation portions of the resolution, which we understand purport to apply to the JCSD water easement taking, denominated as Parcel 0393-005G. It is unclear from the resolution who the purported owners of the ‘substitute property’ and ‘necessary property’ are. The owners, and the precise properties constituting the supposed “necessary” and ‘substitute’ property, should be specifically spelled out in the resolution.

via mail

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2018-1-138075

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Board of Supervisors
January 4, 2018
Page 2

To the extent the “necessary property” is intended to be that of the Vernola Trust Eastvale owners, please note for the record that these owners do not consent to the exchange of any necessary or substitute property for JCSD in this context, whether under Code of Civil Procedure section 1240.310(a)(1), or otherwise. To the contrary, the Vernola Trust Eastvale owners object to any taking of their property under this procedure.

Further, there are serious questions regarding how JCSD purports to take access to this water easement, and as to its scope. If abutter’s rights are being taken in connection with the Parcels 0393-005A and 0393-005C, access can only be taken by way of some unspecified route over these owners’ remaining property. The practical result is a “blanket” easement of access, that encumbers the entire remaining piece, creating uncertainty in how JCSD will come on to its easement area. Such uncertainty is compounded by the lack of any restrictions or notice requirements upon JCSD in the exercise its easement rights, as to when or how it will exercise what easement rights it may at some point in the future contend are inherent in its rights to “...construct, reconstruct, install, replace, remove, repair, alter, operate, maintain, and inspect[.]”

Also pertinent to abutter’s rights takings on this larger parcel, there remain concerns regarding the loss of air, light, and visibility to Limonite Avenue. We had previously objected to the infringement that would occur from loss of abutter’s rights on Limonite from the combined taking of Parcels 0393-005A and 0393-005C, and in response, the abutter’s rights on Parcel 0393-005C were pulled back to allow fifty feet at northwest corner. That is helpful for vehicular access, but abutter’s rights entail more than just that. At present, the property enjoys not only vehicular access, but also the remaining abutter’s “right of view” regarding visibility light, and air along the majority of its Limonite frontage. (*See, e.g., People ex rel. Dep’t of Pub. Works v. Stevenson & Co.* (1961) 190 Cal. App. 2d 103.) If all abutter’s rights are acquired for the full frontage, subject only to the 50-foot reserved area now being shown, the property still suffers from “isolation” damage, since rights to see and be seen along the major frontage will be lost as a result of the Project.

The owners of this parcel therefore request that the acquisition of Parcel 0393-005A and 0393-005C be limited in their impact to preclude vehicular access only, and that the fee takings be restricted to reserve for the remaining property rights to the full range of visibility, light, and air to the adjacent Limonite frontage. In other words, it is important to these owners to preserve all rights to light, air, and visibility, save for the access control they understand the City of Eastvale may need for its project.

There is no showing in the resolution of how the rights to light, air, and visibility along this property’s Limonite frontage is required for the project, and taking all such rights we believe is contrary to the required finding that the Project is planned in the manner to create the greatest public good and least private injury. We would request that all takings along the property’s Limonite frontage specify that the adjoining owner has reserved rights to light, air, and visibility,

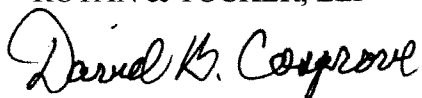
Board of Supervisors
January 4, 2018
Page 3

and that any taking of "abutter's rights" extend only to a specific prohibition of direct vehicular access.

Thank you for the opportunity to comment on the proposed Resolution of Necessity.

Very truly yours,

RUTAN & TUCKER, LLP

A handwritten signature in black ink, reading "David B. Cosgrove". The signature is written in a cursive, flowing style.

David B. Cosgrove

DBC:mrs

cc: Douglas J. Evertz, Esq.

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



9-3

9:00 a.m. being the time set for public hearing on the recommendation from Economic Development Agency and Transportation Land Management Agency - Transportation Department regarding the Public Hearing for the Adoption of Resolution No. 2017-203, Authorizing the Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project in the Cities of Eastvale and Jurupa Valley, California Environmental Quality Act Finding of Nothing Further is Required, District 2.

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, January 9, 2018 at 9:00 a.m. or as soon as possible thereafter.

Roll Call:

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

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on December 5, 2017 of Supervisors Minutes.

(seal)

WITNESS my hand and the seal of the Board of Supervisors
Dated: December 5, 2017
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: _____

Deputy

AGENDA NO.

9-3

xc: EDA, Transp., COB

1/9/18
9.1

Harper-Ihem, Kecia

From: Gu, Gregg M.
Sent: Tuesday, December 5, 2017 9:41 AM
To: Harper-Ihem, Kecia
Cc: Romo, Patricia; Rector, Kimberly
Subject: Agenda Item 9.3

Hi Kecia:
Please be advised that item no. 9.3 will be continued to January 9, 2018.
Thanks,

Gregg Gu
Supervising Deputy County Counsel
County of Riverside
Phone: (951) 955-6300
Facsimile: (951) 955-6322
Mail stop: 1350

*You can
read this
with the
update
if you
want.*



NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain attorney/client information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone and immediately delete this communication and all its attachments.

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



ITEM
9.3
(ID # 5414)

MEETING DATE:

Tuesday, December 5, 2017

FROM : ECONOMIC DEVELOPMENT AGENCY (EDA) AND TRANSPORTATION LAND
MANAGEMENT AGENCY (TLMA) -TRANSPORTATION DEPARTMENT :

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA) AND TRANSPORTATION LAND
MANAGEMENT AGENCY/TRANSPORTATION: Public Hearing for the Adoption
of Resolution No. 2017-203, Authorizing the Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project in the Cities of Eastvale and
Jurupa Valley, California Environmental Quality Act Finding of Nothing Further is
Required, District 2; [Total Cost - \$7,544,400-Mira Loma Road and Bridge
Benefits District-100%] (4/5th Vote Required) (9.3 of 11/14/2017)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that nothing further is required for the purchase of fee simple and temporary construction easements by the County as they have been adequately analyzed in the Final Initial Study with Mitigated Negative Declaration. Adopted by the Board on June 21, 2015 for the Interstate 15/Limonite Avenue Interchange Project;
2. Approve Resolution No. 2017-203, Authorizing the Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project;
3. Allocate the sum of \$7,524,800 for deposits to the State Condemnation Fund; and
4. Authorize reimbursement to the Economic Development Agency-Real Estate (EDA-RE) for costs not-to-exceed \$9,600 in due diligence expenses and \$10,000 in staff time.

ACTION: 4/5 Vote Required, Policy

A handwritten signature in black ink, appearing to read "Robert Field".

Robert Field, Assistant County Executive Officer/EDA

10/4/2017

A handwritten signature in black ink, appearing to read "Patricia Romo".

Patricia Romo, Director of Transportation

10/12/2017

MINUTES OF THE BOARD OF SUPERVISORS

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

DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$7,544,400	\$0	\$7,544,400	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: Mira Loma Road and Bridge Benefits District-100%			Budget Adjustment: No	
			For Fiscal Year: 2017/18	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Riverside County Transportation Department proposes to reconstruct, realign, and widen the existing Interstate 15/Limonite Avenue Interchange to improve traffic operations and access along Limonite Avenue (Project). See Exhibit A for Vicinity Map.

The existing Limonite Avenue at Interstate 15 (I-15) freeway interchange is currently a diamond-style interchange. The project would widen the existing northbound and southbound on- and off-ramps, widen Limonite Avenue to three lanes in each direction through the interchange area, and replace the existing Limonite Avenue Overcrossing structure, as well as construct loop on-ramps in the southeast and northeastern quadrant (partial cloverleaf). The project will improve the operational performance of the Limonite Avenue interchange, to address current and future traffic demand. See Exhibit B for Project Map.

On January 29, 2013, the Board approved MO 3-47, Cooperative Agreement between the County of Riverside, the City of Eastvale, and the City of Jurupa Valley to complete the development of the environmental, design, and right-of-way acquisition phases of the Limonite Avenue/I-15 Interchange Project.

On June 21, 2015, the Board approved MO 3-71 and adopted a final Initial Study with Mitigated Negative Declaration and approved the Interstate 15/Limonite Interchange Improvements.

On July 3, 2016, the California Department of Transportation (Caltrans), the National Environmental Policy Act (NEPA) Lead Agency, made a NEPA Categorical Exclusion Determination under Section 6005 of 23 U.S.C. 327, based on an examination of the Project and supporting information.

On October 3, 2017, the Board approved Resolution No. 2017-099, Resolution Agreeing to Hear Future Resolutions of Necessity for the Limonite Avenue/Interstate 15 Interchange Project in the Cities of Jurupa Valley and Eastvale.

The Economic Development Agency-Real Estate Division (EDA-RE) has presented written offers to the property owners as required by Government Code section 7267.2. The amount of the offers is consistent with current property values in the Jurupa Valley and Eastvale areas and is based upon fair market value appraisal reports. EDA-RE has also offered to pay the reasonable costs, not-to-exceed \$5,000, for independent appraisals obtained by the property owners as required by Code of Civil Procedures section 1263.025.

Settlement has been reached with Lowes Home Centers LLC for the fee simple interest of the

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

portion of Assessor's Parcel Number 152-630-029 identified as Parcel 0393-001A. The Board approved MO 3.58 on August 29, 2017 and is in the escrow process. However, staff recommends including this property due to any unforeseen delays to close escrow and obtain possession of the portion of the property.

Settlement has not been reached with the following property owners, although negotiations are still in process for the property rights needed for the Project and will continue:

Assessor's Parcel Number (portion)	Parcel Nos.	Owner(s)
152-630-029	0393-001B	Lowes Home Centers, LLC, a North Carolina limited liability company
152-630-001, 152-630-008, 152-630-017 and 152-630-018	0393-002A, 0393-002E, 0393-002F, 0393-002G and 0393-002I	MGP X Vernola, LLC, a Delaware limited liability company
160-050-021, 160-050-023 and 160-050-073	0393-003A, 0393-003C, and 0393-003D	Sky Country Investment Company / East, LLC
152-640-001	0393-005A, 0393-005C, 0393-005D and 0393-005H	Anthony P. Vernola, Trustee of the Anthony P. Vernola Trust U/D/T dated October 18, 2000, as amended, as to an undivided 50% interest and Anthony P. Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust Exemption Trust, as to an undivided 50% interest
160-030-070	0393-007A	Eastvale Gateway II, LLC, a Delaware limited liability company
160-030-005	0393-008A	Hamner Park Associates, a California limited partnership
160-050-074	0393-009A	Anthony P. Vernola Trustee of the Anthony P. Vernola Trust under Trust Agreement dated October 18, 2000, as to an undivided ½ interest and Anthony P. Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust-Marita Trust, as to an undivided ½ interest

On October 17, 2017, the Board approved Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project in the Cities of Eastvale and Jurupa Valley.

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

Impact on Citizens and Businesses

The proposed Limonite Avenue/Interstate 15 Interchange will reduce traffic congestion and

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

improve overall traffic flow within the interchange and on the I-15 corridor for the current and future residents and businesses within the project region.

SUPPLEMENTAL:

Additional Fiscal Information

The amount of \$7,524,800 represents the deposits to be made to the State Condemnation Fund for the acquisition of the property interests referenced above. These costs are not reimbursable to EDA-Real Estate as they are paid directly by the Transportation Department. The remaining costs in the amount of \$19,600 are reimbursable to EDA-Real Estate. The following summarizes the funding necessary for the deposits to the State Condemnation Fund for the properties referenced above as well as due diligence costs and staff time during the condemnation process.

Acquisition and Temporary Construction Access (Deposits to the State Condemnation Fund)	\$7,524,800
Litigation Guarantees	9,600
EDA-RE Real Property Staff Time (Condemnation process)	10,000
Total Estimated Costs	\$7,544,400

All costs associated with the deposits of these properties are fully funded by the Mira Loma Road and Bridge Benefits District in Transportation Department's budget for FY 2017/18. No net County costs will be incurred as a result of this transaction. These charges are estimated only and only actual amounts will be charged to the Project.

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Project Map
- Resolution No. 2017-203 and Exhibits to Resolution No. 2017-203

RF:PR:VC:VY:SV:jb 253TR 19.229 13672
Transportation Work Order No.A3-0393
Minute Traq ID 5414


Rohini Dasika, Principal Management Analyst 11/6/2017


Gregory P. Priamos, Director County Counsel 10/5/2017

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



9-3

9:00 a.m. being the time set for public hearing on the recommendation from Economic Development Agency and Transportation Land Management Agency - Transportation Department regarding the Public Hearing for the Adoption of Resolution No. 2017-203, Authorizing the Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project in the Cities of Eastvale and Jurupa Valley, California Environmental Quality Act Finding of Nothing Further is Required, District 2.

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, December 5, 2017 at 9:00 a.m. or as soon as possible thereafter.

Roll Call:

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

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on November 14, 2017 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: November 14, 2017
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

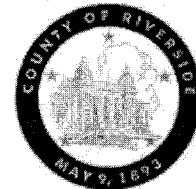
By: [Signature] Deputy

AGENDA NO. 93

xc: EDA, Transp., ~~COB~~

125117
9.3

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



ITEM
9.3
(ID # 5414)

MEETING DATE:

Tuesday, November 14, 2017

FROM : ECONOMIC DEVELOPMENT AGENCY (EDA) AND TRANSPORTATION LAND
MANAGEMENT AGENCY (TLMA) -TRANSPORTATION DEPARTMENT :

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA) AND TRANSPORTATION LAND
MANAGEMENT AGENCY (TLMA)-TRANSPORTATION DEPARTMENT: Public
Hearing for the Adoption of Resolution No. 2017-203, Authorizing the Resolution
of Necessity for the Limonite Avenue/Interstate 15 Interchange Project in the
Cities of Eastvale and Jurupa Valley, California Environmental Quality Act
Finding of Nothing Further is Required, District 2; [Total Cost - \$7,544,400-Mira
Loma Road and Bridge Benefits District-100%] (4/5th Vote Required) (Continued
to December 5, 2017)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that nothing further is required for the purchase of fee simple and temporary construction easements by the County as they have been adequately analyzed in the Final Initial Study with Mitigated Negative Declaration. Adopted by the Board on June 21, 2015 for the Interstate 15/Limonite Avenue Interchange Project;
2. Approve Resolution No. 2017-203, Authorizing the Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project;
3. Allocate the sum of \$7,524,800 for deposits to the State Condemnation Fund; and
4. Authorize reimbursement to the Economic Development Agency-Real Estate (EDA-RE) for costs not-to-exceed \$9,600 in due diligence expenses and \$10,000 in staff time.

ACTION: 4/5 Vote Required, Policy

Robert Field, Assistant County Executive Officer/EDA

10/4/2017

Patricia Romo, Director of Transportation

10/12/2017

MINUTES OF THE BOARD OF SUPERVISORS

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

DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$7,544,400	\$0	\$7,544,400	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: Mira Loma Road and Bridge Benefits District-100%			Budget Adjustment: No	
			For Fiscal Year: 2017/18	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Riverside County Transportation Department proposes to reconstruct, realign, and widen the existing Interstate 15/Limonite Avenue Interchange to improve traffic operations and access along Limonite Avenue (Project). See Exhibit A for Vicinity Map.

The existing Limonite Avenue at Interstate 15 (I-15) freeway interchange is currently a diamond-style interchange. The project would widen the existing northbound and southbound on- and off-ramps, widen Limonite Avenue to three lanes in each direction through the interchange area, and replace the existing Limonite Avenue Overcrossing structure, as well as construct loop on-ramps in the southeast and northeastern quadrant (partial cloverleaf). The project will improve the operational performance of the Limonite Avenue interchange, to address current and future traffic demand. See Exhibit B for Project Map.

On January 29, 2013, the Board approved MO 3-47, Cooperative Agreement between the County of Riverside, the City of Eastvale, and the City of Jurupa Valley to complete the development of the environmental, design, and right-of-way acquisition phases of the Limonite Avenue/I-15 Interchange Project.

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On October 3, 2017, the Board approved Resolution No. 2017-099, Resolution Agreeing to Hear Future Resolutions of Necessity for the Limonite Avenue/Interstate 15 Interchange Project in the Cities of Jurupa Valley and Eastvale.

The Economic Development Agency-Real Estate Division (EDA-RE) has presented written offers to the property owners as required by Government Code section 7267.2. The amount of the offers is consistent with current property values in the Jurupa Valley and Eastvale areas and is based upon fair market value appraisal reports. EDA-RE has also offered to pay the reasonable costs, not-to-exceed \$5,000, for independent appraisals obtained by the property owners as required by Code of Civil Procedures section 1263.025.

Settlement has been reached with Lowes Home Centers LLC for the fee simple interest of the

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

portion of Assessor's Parcel Number 152-630-029 identified as Parcel 0393-001A. The Board approved MO 3.58 on August 29, 2017 and is in the escrow process. However, staff recommends including this property due to any unforeseen delays to close escrow and obtain possession of the portion of the property.

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152-640-001	0393-005A, 0393-005C, 0393-005D and 0393-005H	Anthony P. Vernola, Trustee of the Anthony P. Vernola Trust U/D/T dated October 18, 2000, as amended, as to an undivided 50% interest and Anthony P. Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust Exemption Trust, as to an undivided 50% interest
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160-030-005	0393-008A	Hamner Park Associates, a California limited partnership
160-050-074	0393-009A	Anthony P. Vernola Trustee of the Anthony P. Vernola Trust under Trust Agreement dated October 18, 2000, as to an undivided ½ interest and Anthony P. Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust-Marita Trust, as to an undivided ½ interest

On October 17, 2017, the Board approved Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project in the Cities of Eastvale and Jurupa Valley.

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

Impact on Citizens and Businesses

The proposed Limonite Avenue/Interstate 15 Interchange will reduce traffic congestion and

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

improve overall traffic flow within the interchange and on the I-15 corridor for the current and future residents and businesses within the project region.

SUPPLEMENTAL:

Additional Fiscal Information

The amount of \$7,524,800 represents the deposits to be made to the State Condemnation Fund for the acquisition of the property interests referenced above. These costs are not reimbursable to EDA-Real Estate as they are paid directly by the Transportation Department. The remaining costs in the amount of \$19,600 are reimbursable to EDA-Real Estate. The following summarizes the funding necessary for the deposits to the State Condemnation Fund for the properties referenced above as well as due diligence costs and staff time during the condemnation process.

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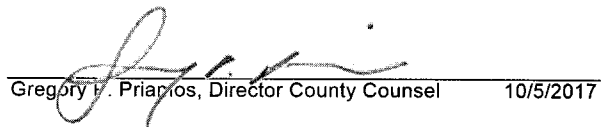
All costs associated with the deposits of these properties are fully funded by the Mira Loma Road and Bridge Benefits District in Transportation Department's budget for FY 2017/18. No net County costs will be incurred as a result of this transaction. These charges are estimated only and only actual amounts will be charged to the Project.

Attachments:

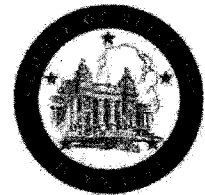
- Exhibit A - Vicinity Map
- Exhibit B - Project Map
- Resolution No. 2017-203 and Exhibits to Resolution No. 2017-203

RF:PR:VC:VY:SV:jb 253TR 19.229 13672
Transportation Work Order No.A3-0393
Minute Traq ID 5414


Nehini Lasnik, Principal Management Analyst 11/6/2017


Gregory H. Priamos, Director County Counsel 10/5/2017

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



ITEM
3.7
(ID # 5412)

MEETING DATE:

Tuesday, October 17, 2017

FROM : ECONOMIC DEVELOPMENT AGENCY (EDA) AND TRANSPORTATION LAND
MANAGEMENT AGENCY (TLMA) - TRANSPORTATION DEPARTMENT :

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA) AND TRANSPORTATION LAND
MANAGEMENT AGENCY (TLMA)-TRANSPORTATION DEPARTMENT:
Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity
for the Limonite Avenue/Interstate 15 Interchange Project in the Cities of
Eastvale and Jurupa Valley, District 2; [Total Cost - \$0] (Clerk to Send Notice to
Property Owners) (Set a public hearing on November 14, 2017) (4/5 vote
required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project;
2. Set a public hearing on November 14, 2017, for the Public Hearing for the Adoption of Resolution No. 2017-203, for the Limonite Avenue/Interstate 15 Interchange Project; and
3. Direct the Clerk of the Board to send out the required notice to the property owners as required per Section 1245.235 of the Code of Civil Procedure.

ACTION: Policy, 4/5 Vote Required

Robert Field, Assistant County Executive Officer/EDA

9/27/2017

Patricia Komo, Director of Transportation

10/3/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing Tuesday, November 14, 2017 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: October 17, 2017
xc: EDA, Transp., COB

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

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

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:	2017/18

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND

Summary:

The Riverside County Transportation Department (RCTD) proposes to reconstruct, realign, and widen the existing Interstate 15/Limonite Avenue Interchange to reduce operational deficiencies, improve traffic operations and access along Limonite Avenue (Project). See Exhibit A for Vicinity Map.

The existing Limonite Avenue at Interstate 15 (I-15) freeway interchange is currently a diamond-style interchange. The project would widen the existing northbound and southbound on- and off-ramps, widen Limonite Avenue to three lanes in each direction through the interchange area, and replace the existing Limonite Avenue Overcrossing structure, as well as construct loop on-ramps in the southeast and northeastern quadrant (partial cloverleaf). The project will improve the operational performance of the Limonite Avenue interchange, to address current and future traffic demand. See Exhibit B for Project Map.

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On June 21, 2015, the Board approved MO 3-71 and adopted a final Initial Study with Mitigated Negative Declaration and approved the Interstate 15/Limonite Interchange Improvements.

On July 3, 2016, the California Department of Transportation (Caltrans), the National Environmental Policy Act (NEPA) Lead Agency, made a NEPA Categorical Exclusion Determination under Section 6005 of 23 U.S.C. 327, based on an examination of the Project and supporting information.

On October 3, 2017, the Board approved Resolution No. 2017-099, Resolution Agreeing to Hear Future Resolutions of Necessity for the Limonite Avenue/Interstate 15 Interchange Project in the Cities of Jurupa Valley and Eastvale.

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

The Economic Development Agency-Real Estate Division (EDA-RE) has presented written offers to the property owners as required by Government Code section 7267.2. The amount of the offers is consistent with current property values in the Jurupa Valley and Eastvale areas and is based upon fair market value appraisal reports. EDA-RE has also offered to pay the reasonable costs, not-to-exceed \$5,000, for independent appraisals obtained by the property owners as required by Code of Civil Procedure section 1263.025.

Settlement has been reached with Lowes Home Centers LLC for the fee simple interest of the portion of Assessor's Parcel Number 152-630-029 identified as Parcel 0393-001A. The Board approved MO 3.58 on August 29, 2017 and is in the escrow process. However, staff recommends including this property due to any unforeseen delays to close escrow and obtaining possession of the needed portion of the property.

Settlement has not been reached with the following property owners, although negotiations are still in process for the property rights needed for the Project and will continue:

Assessor's Parcel Number (portion)	Parcel Nos.	Owner(s)
152-630-029	0393-001B	Lowes Home Centers, LLC, a North Carolina limited liability company
152-630-001, 152-630-008, 152-630-017 and 152-630-018	0393-002A, 0393-002E, 0393-002F, 0393-002G and 0393-002I	MGP X Vernola, LLC, a Delaware limited liability company
160-050-021, 160-050-023 and 160-050-073	0393-003A, 0393-003B, 0393-003C, and 0393-003D	Sky Country Investment Company / East, LLC
160-050-063, 160-050-070, and 160-050-072	0393-004A and 0393-004B	APV Investments PA 13, LLC, a California limited liability company (as to an undivided $\frac{3}{4}$ interest); Bellatera Investments PA 13, a California limited liability company (as to an undivided $\frac{1}{12}$ th interest); Boomer Investment PA 13, LLC, a California limited liability (as to an undivided $\frac{1}{12}$ th interest); and Shellina Investments PA 13, LLC, a California limited liability (as to an undivided $\frac{1}{12}$ th interest)
152-640-001	0393-005A, 0393-005C, 0393-005G and 0393-005H	Anthony P. Vernola, Trustee of the Anthony P. Vernola Trust U/D/T dated October 18, 2000, as amended, as to an undivided 50% interest and Anthony P. Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust Exemption Trust, as to an undivided 50% interest
160-030-070	0393-007A	Eastvale Gateway II, LLC, a Delaware limited liability company

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

160-030-005	0393-008A	Hamner Park Associates, a California limited partnership
160-050-074	0393-009A	Anthony P. Vernola Trustee of the Anthony P. Vernola Trust under Trust Agreement dated October 18, 2000, as to an undivided ½ interest and Anthony P. Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust-Marital Trust, as to an undivided ½ interest

The subject Notice of Intention would set a public hearing on November 14, 2017 for the proposed adoption of Resolution No. 2017-203 for the Limonite/I-15 Interchange Project. The scheduling of a Resolution of Necessity hearing on November 14, 2017 is needed in order to permit the Limonite Avenue/Interstate 15 Interchange Project to move forward.

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

Impact on Citizens and Businesses

The proposed Limonite Avenue/Interstate 15 Interchange improvement project will reduce traffic congestion and improve overall traffic flow within the interchange and on the I-15 corridor for the current and future residents and businesses within the project region.

SUPPLEMENTAL:

Additional Fiscal Information

The following summarizes the funding necessary for the deposits to the State Condemnation Fund for the properties referenced above as well as due diligence costs and staff time during the condemnation process.

Acquisition and Temporary Construction Access (Deposits to the State Condemnation Fund)	\$7,524,800
Litigation Guarantees	9,600
EDA-RE Real Property Staff Time (Condemnation process)	10,000
Total Estimated Costs	\$7,544,400

All costs associated with the deposits of these properties are fully funded by the Mira Loma Road and Bridge Benefits District in Transportation Department's budget for FY 2017/18 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. These charges are estimated only and only actual amounts will be charged to the Project.

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

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Project Map
- Resolution No. 2017-202 and Exhibits to Resolution No. 2017-202

RF:PR:VC:VY:SV:jb 253TR 19.227 13671

Transportation Work Order No.A3-0393

Minute Traq ID 5412



Gregory L. Priamos, Director County Counsel 9/28/2017

DECLARATION OF MAILING OF
RES. 2017-202, NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY
FOR THE LIMONITE AVENUE/INTERSTATE 15 INTERCHANGE PROJECT

I, Cecilia Gil, Board Assistant to the Clerk of the Board of Supervisors of Riverside County, hereby declares as follows:

That on October 20, 2017, I served by mail (1) copy of Resolution 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project, (2) a copy of the plat maps and legal descriptions, and (3) a letter to the owners of the Parcels listed below, copies of which are on file in the Office of the Clerk of the Board of Supervisors, (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:

Hamner Park Associates
Attention: David Starnes, Managing Agent
10877 Wilshire Boulevard, Suite 1520
Los Angeles, CA 90024
7008 1830 0000 3848 1537

Mobile Community Management Co.
Attention: Natalie Costaglio, President
1801 E. Edinger Avenue, Suite 230
Santa Ana, CA 92705
7008 1830 0000 3848 1544

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-008A
.....

Anthony P. Vernola, Trustee
Anthony P. Vernola, Successor Trustee
PO Box 217
Upland, CA 91785 **7008 1830 0000 3848 1551**

Rick Bondar
McCune & Associates, Inc.
PO Box 1295
Corona, CA 92878-1295
7008 1830 0000 3848 1568

Neila R. Bernstein
David Cosgrove
Rutan & Rucker, LLP
611 Anton Boulevard, 14th Floor
Costa Mesa, CA 92626
7008 1830 0000 3848 1575

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-009A
.....

Tristan H. Ritter
Real Estate Manager-West
Lowe's Home Improvement
100 Bayview Circle, Suite 350
Newport Beach, CA 92660

7008 1830 0000 3848 1582

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel Nos. 0393-001A and 0393-001B
.....

Barron Carnoite
c/o Merlone Geier Management LLC
3191 Zinfandel Drive, Suite 23
Rancho Cordova, CA 95670 **7015 1520 0002 2656 6523**

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel Nos. 0393-002A, 0393-002E, 0393-002F, 0393-002G and 0393-002I
.....

Sky Country Investment Company/East, LLC
PO Box 1295
Corona, CA 92878 **7015 1520 0002 2656 6530**

Rick Bondar
McCune & Associates, Inc.
PO Box 1295
Corona, CA 92878-1295
7015 1520 0002 2656 6547

Neila R. Bernstein
David Cosgrove
Rutan & Rucker, LLP
611 Anton Boulevard, 14th Floor
Costa Mesa, CA 92626
7015 1520 0002 2656 6554

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel Nos. 0393-003A, 0393-003B, 0393-003C, and 0393-003D
.....

APV Investments PA 13
Bellatera Investments PA 13
Boomer Investments PA 13
Shellina Investments PA 13
PO Box 217
Upland, CA 91785 **7015 1520 0002 2656 6561**

Rick Bondar
McCune & Associates, Inc.
PO Box 1295
Corona, CA 92878-1295
7015 1520 0002 2656 6578

Neila R. Bernstein
David Cosgrove
Rutan & Rucker, LLP
611 Anton Boulevard, 14th Floor
Costa Mesa, CA 92626
7015 1520 0002 2656 6585

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel Nos. 0393-004A and 0393-004B
.....

Anthony Vernola, Trustee of the Anthony P. Vernola Trust
Anthony Vernola, Successor Trustee of the Pat and Mary Ann Vernola Trust
PO Box 217
Upland, CA 91785 **7015 1520 0002 2656 6592**

Rick Bondar
McCune & Associates, Inc.
PO Box 1295
Corona, CA 92878-1295
7015 1520 0002 2656 6608

Nelia R. Bernstein
David Cosgrove
Rutan & Rucker, LLP
611 Anton Boulevard, 14th Floor
Costa Mesa, CA 92626
7015 1520 0002 2656 6615

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel Nos. 0393-005A, 0393-005C, 0393-005G and 0393-005H
.....

Eastvale Gateway II
Attention: Gary G. Bauer
Vice President-Commercial Development
Lewis Retail Centers
1156 N. Mountain Avenue
Upland, CA 91785-0670
7015 1520 0002 2656 6646

Eastvale Gateway II
Attention: Ginny Fawcett
Regional Director
Lewis Retail Centers
1156 N. Mountain Avenue
Upland, CA 91785-0670
7015 1520 0002 2656 6622

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-007A

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

Executed this 20th day of October, 2017 at Riverside County, California.

Signature



OFFICE OF THE
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 20, 2017

Hamner Park Associates
Attention: David Starnes, Managing Agent
10877 Wilshire Boulevard, Suite 1520
Los Angeles, CA 90024

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-008A

Dear Property Owners:

The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property notify the owners of its intention to condemn. 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 California Code of Civil Procedures (CCP) provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following 7 conditions are established:

- (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 offer required by Section 7267.2 of the Government Code has 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 needed for road purposes; and
- (G) That acquisition of the Subject Property Interests will promote the interests of the County of Riverside.

You are hereby notified that the Board of Supervisors ("Board") of Riverside County, State of California at its public meeting to be held on **November 14, 2017 at 9:00 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, will be asked to decide if the above conditions have been met concerning your property and, if so, to adopt the Resolution of Necessity ("Resolution"). Questions regarding the amount of

compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Board will not consider such in determining whether a Resolution should be adopted.

The Board's adoption of the Resolution authorized the County to acquire the property by eminent domain. Within six months of the adopted Resolution, the County will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding. Enclosed is a copy of Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project which includes the legal description and plat map of the required property (Parcel No. 0393-008A) is attached to this Notice.

The law provides you an opportunity to appear before the Board and raise questions concerning only the conditions cited above. If you file a written request to appear (within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution.

Your written request to appear should include a statement indicating which of the conditions listed in the first paragraph above you contend have not been met. By designating which of the conditions form the basis of your challenge and explaining why you believe they have not been met, you will enable the Board to authorize a full and expeditious review of the project's effect on your property. The Transportation Department and Real Estate Division will conduct the review on behalf of the Board and ask for your participation. Based on this review, the Transportation Department and Real Estate Division will then prepare a report to be presented to the Board at the meeting at which you intend to appear.

Your written request to appear must actually be on file with the Clerk of the Riverside County Board of Supervisors. Please mail or personally deliver your request to:

Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
PO Box 1147
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

Failure to file such a timely written response will result in a waiver of your right to appear and be heard.

If you have any questions, please call Stephi Villanueva, Supervising Real Property Agent for the Economic Development Agency-Real Estate Division at (951) 955-9277 or by e-mail at svillanueva@rivco.org. Alternatively, you can also contact Dave Stahovich, Administrative Services Officer for the Transportation Department at (951) 955-6811 or by email at dstahovi@rivco.org. Thank you.

Sincerely,



Cecilia Gil, Board Assistant to:
KECIA HARPER-IHEM
Clerk of the Board of Supervisors



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
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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 20, 2017

Mobile Community Management Co.
Attention: Natalie Costaglio, President
1801 E. Edinger Avenue, Suite 230
Santa Ana, CA 92705

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-008A

Dear Property Owners:

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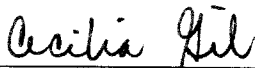
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County Administrative Center
PO Box 1147
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

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Sincerely,



Cecilia Gil, Board Assistant to:
KECIA HARPER-IHEM
Clerk of the Board of Supervisors

Parcel No. 0393-008A

APN 160-030-005

INST #058569
REC. 02/20/1996
AS PCL 2

N'LY LINE
PCL 1
PM 229/70-73
PM 36,007
PM 229/70-73
PCL 1
670.7

POINT "A"

N 00°35'31" E 722.67'

EXISTING R/WN 00°35'31" E 722.65'

CITY OF EASTVALE
CITY OF JURUPA VALLEY

680.9
CONC 680.7

APN 160-030-005
INST #058569
REC. 02/20/1996
AS PCL 2

N 00°35'31" E 722.67'

722.65'

CITY OF EASTVALE
CITY OF JURUPA VALLEY

POINT "A"

EXHIBIT "A"

08-RIV-15-PM 48.3-48.5
0393-008 (0393-008A)



LINE DATA

- ① N 89°38'08" W 5.00'
- ② N 89°24'29" W 5.00'

TCE

PARCEL
0393-008A

3,613 SQ.FT.
0.083 AC.

INDICATES
RESTRICTED ACCESS



NW 1/4 SEC. 19
T. 2S., R. 6W.,
SECTIONALIZED
JURUPA RANCHO
MB 9 / 33 S.B.CO

ALL DISTANCES SHOWN ARE GRID DISTANCES. GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING THE GRID DISTANCE BY A COMBINATION FACTOR OF 1.000052527

PCL No.: 0393-008A
WO No.: A3-0393
SCALE: NTS
PREPARED BY: H. FINN
DATE: APRIL, 2017
SHEET 1 OF 1

COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT,
SURVEY DIVISION

PROJECT: LIMONITE AVE (I-15 INTERCHANGE)

APPROVED BY:

Edward D. Hunt

DATE:

4-17-2017





OFFICE OF THE
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 20, 2017

Anthony P. Vernola, Trustee
Anthony P. Vernola, Successor Trustee
PO Box 217
Upland, CA 91785

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-009A

Dear Property Owners:

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County Administrative Center
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Riverside, California 92502-1147

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Sincerely,



Cecilia Gil, Board Assistant to:
KECIA HARPER-IHEM
Clerk of the Board of Supervisors



OFFICE OF THE
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 20, 2017

Rick Bondar
McCune & Associates, Inc.
PO Box 1295
Corona, CA 92878-1295

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
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Parcel No. 0393-009A

Dear Property Owners:

The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property notify the owners of its intention to condemn. 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 California Code of Civil Procedures (CCP) provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following 7 conditions are established:

- (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 offer required by Section 7267.2 of the Government Code has 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 needed for road purposes; and
- (G) That acquisition of the Subject Property Interests will promote the interests of the County of Riverside.

You are hereby notified that the Board of Supervisors ("Board") of Riverside County, State of California at its public meeting to be held on **November 14, 2017 at 9:00 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, will be asked to decide if the above conditions have been met concerning

your property and, if so, to adopt the Resolution of Necessity ("Resolution"). Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Board will not consider such in determining whether a Resolution should be adopted.

The Board's adoption of the Resolution authorized the County to acquire the property by eminent domain. Within six months of the adopted Resolution, the County will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding. Enclosed is a copy of Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the Limonite Avenue/Interstate 15 Interchange Project which includes the legal description and plat map of the required property (Parcel No. 0393-009A) is attached to this Notice.

The law provides you an opportunity to appear before the Board and raise questions concerning only the conditions cited above. If you file a written request to appear (within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution.

Your written request to appear should include a statement indicating which of the conditions listed in the first paragraph above you contend have not been met. By designating which of the conditions form the basis of your challenge and explaining why you believe they have not been met, you will enable the Board to authorize a full and expeditious review of the project's effect on your property. The Transportation Department and Real Estate Division will conduct the review on behalf of the Board and ask for your participation. Based on this review, the Transportation Department and Real Estate Division will then prepare a report to be presented to the Board at the meeting at which you intend to appear.

Your written request to appear must actually be on file with the Clerk of the Riverside County Board of Supervisors. Please mail or personally deliver your request to:

Ms. Kecia Harper-Ihem
Clerk to the Board of Supervisors
County Administrative Center
PO Box 1147
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

Failure to file such a timely written response will result in a waiver of your right to appear and be heard.

If you have any questions, please call Stephi Villanueva, Supervising Real Property Agent for the Economic Development Agency-Real Estate Division at (951) 955-9277 or by e-mail at svillanueva@rivco.org. Alternatively, you can also contact Dave Stahovich, Administrative Services Officer for the Transportation Department at (951) 955-6811 or by email at dstahovi@rivco.org. Thank you.

Sincerely,



Cecilia Gil, Board Assistant to:
KECIA HARPER-IHEM
Clerk of the Board of Supervisors



OFFICE OF THE
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 20, 2017

Neila R. Bernstein
David Cosgrove
Rutan & Rucker, LLP
611 Anton Boulevard, 14th Floor
Costa Mesa, CA 92626

Re: Resolution No. 2017-202, Notice of Intention to Adopt a Resolution of Necessity for the
Limonite Avenue/Interstate 15 Interchange Project
Parcel No. 0393-009A

Dear Property Owners:

The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property notify the owners of its intention to condemn. 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 California Code of Civil Procedures (CCP) provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following 7 conditions are established:

- (A) That the public interest and necessity require the Proposed Project;
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- (C) That the Subject Property Interests are necessary for the Proposed Project;
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amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Board will not consider such in determining whether a Resolution should be adopted.

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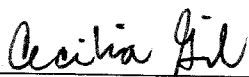
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Sincerely,



Cecilia Gil, Board Assistant to:
KECIA HARPER-IHEM
Clerk of the Board of Supervisors