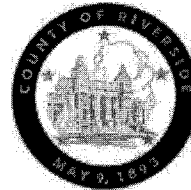


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM  
3.30  
(ID # 6333)**

**MEETING DATE:**

Tuesday, February 27, 2018

**FROM :** ECONOMIC DEVELOPMENT AGENCY (EDA) AND DEPARTMENT OF WASTE RESOURCES (DWR) :

**SUBJECT:** ECONOMIC DEVELOPMENT AGENCY (EDA) AND DEPARTMENT OF WASTE RESOURCES (DWR): Resolution No. 2018-038, Notice of Intention to Adopt a Resolution of Necessity for the Lamb Canyon Landfill Expansion Project in the Beaumont Area, District 5; [Total Cost - \$0] (Clerk to Send Notice to Property Owners) (Set a public hearing on March 20, 2018) (4/5th vote required)

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve Resolution No. 2018-038, Notice of Intention to Adopt a Resolution of Necessity for the Lamb Canyon Landfill Expansion Project;
2. Set a public hearing on March 20, 2018, for the Public Hearing for the Adoption of Resolution No. 2018-039, for the Lamb Canyon Landfill Expansion; 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

2/8/2018

Hans Keenkamp, General Manager - Chief Engineer

2/14/2018

---

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing Tuesday, March 20, 2018 at 9:00 a.m. or as soon as possible thereafter.

**Ayes:** Jeffries, Tavaglione, Washington, Perez and Ashley  
**Nays:** None  
**Absent:** None  
**Date:** February 27, 2018  
**xc:** EDA, Waste, COB

Kecia Harper-Ihem  
Clerk of the Board  
By   
Deputy

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

<b>FINANCIAL DATA</b>	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> Department of Waste Resources Enterprise Funds			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 2017/18	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

The Department of Waste Resources (DWR) proposes to capture and manage drainage flows into the Lamb Canyon Landfill (LCL) facility from two contiguous parcels measuring approximately 70 acres along the northerly boundary of the landfill property (Project Site). The proposed acquisition of the Project Site will eliminate the drainage flow impact on landfill activities as well as will improve on-site access and facilitate the development of ancillary landfill activities. The existing LCL facility provides an estimated disposal capacity to last until year 2029. In addition to critical drainage improvements, obtaining ownership of the Project Site also provides for potential landfill expansion upon future permitting. Therefore, due to the essential function and disposal services provided to County residents at LCL this project will improve ongoing landfill operations. See Exhibit A for a detailed vicinity map.

On February 6, 2018, the Board adopted Environmental Assessment No. 2017-01 for the Land Acquisition and Site Improvement Project at the Lamb Canyon Landfill (Item 12.C.2). The Real Estate Division of the Economic Development Agency (EDA) has presented a written offer to the property owner as required by Government Code section 7267.2. The amount of the offer is consistent with current property values in the Beaumont area and is based upon a fair market value appraisal report. EDA has also offered to pay the reasonable costs, not-to-exceed \$5,000, for independent appraisals obtained by the property owner as required by Code of Civil Procedure section 1263.025.

A settlement has not been reached with the property owner, The Preserve, LLC, c/o John J. Menchaca, The Chapter 7 Trustee for the Bankruptcy Estate of the Preserve LLC, although negotiations are still on-going.

The subject Notice of Intention would set a public hearing on March 20, 2018 for the proposed adoption of Resolution No. 2018-039 for the Lamb Canyon Landfill Expansion Project. The scheduling of a Resolution of Necessity hearing on March 20, 2018 is needed in order to permit the Lamb Canyon Landfill Expansion Project to move forward.

The County is authorized to acquire property by eminent domain pursuant to various statutes

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

including Government Code section 25350.5 and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, and 1240.510, and 1240.610 of the Code of Civil Procedure.

**Impact on Citizens and Businesses**

The proposed Lamb Canyon Landfill Expansion Project will provide essential function and disposal services to County residents as well as ongoing landfill operations which benefit both citizens and businesses within the County.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

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

Acquisition-Fee Simple Interest (Deposit to the State Condemnation Fund)	\$ 403,000
Litigation Guarantee	\$ 1,200
EDA Real Property Staff Time (Condemnation Process)	\$ 10,000
Total Estimated Costs	\$ 414,200

All costs associated with the deposit of this property is fully funded by the Department of Waste Resources Enterprise Fund and in the Department of Waste Resources budget for FY 2017/18. 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.


**Attachments:**

- Exhibit A - Vicinity Map
- Resolution No. 2018-038 (including Exhibits A and B)

RF:HK:HM:VY:SV:ra 053WA 19.660 13768  
Minute Traq ID 6333

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

  
Nehini Lawrie, Principal Management Analyst 2/20/2018

  
Gregory T. Priamos, Director County Counsel 2/9/2018

1 Board of Supervisors

County of Riverside

2 **Resolution No. 2018-038**

3 **Notice of Intention to Adopt a Resolution of Necessity for the**  
4 **Lamb Canyon Landfill Expansion Project**

5 **WHEREAS**, the real properties that are the subject of this Notice (collectively  
6 the "Subject Property") are located in the Beaumont Area, County of Riverside, State of  
7 California, are legally described and pictorially depicted on the documents attached  
8 hereto as Exhibit "A" and Exhibit "B" (and incorporated herein by this reference), are  
9 referenced as Lamb Canyon Sanitary Landfill Parcels A and B;

10 **WHEREAS**, the Subject Property and the corresponding Assessor's Parcel  
11 Numbers are as follows: 424-100-008 and 424-100-013;

12 **WHEREAS**, the proposed project that is the subject of this Notice (the "Project")  
13 is to capture and manage drainage flows that impact landfill activities as well as to  
14 improve on-site access and facilitate the development of ancillary landfill activities;

15 **WHEREAS**, the Project is critical to the essential function of providing disposal  
16 services to County residents at the Lamb Canyon Landfill facility and will improve  
17 ongoing landfill operations;

18 **WHEREAS**, the fee simple interest in the Subject Property is needed for the  
19 Project;

20 **WHEREAS**, the statutes that authorize the County of Riverside to acquire the  
21 Subject Property Interests by eminent domain include Article 1, Section 19 of the  
22 California Constitution; Section 25350.5 of the Government Code and Sections  
23 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, and 1240.510, and 1240.610 of  
24 the Code of Civil Procedure;

25 Now, therefore, **BE IT RESOLVED AND ORDERED** as follows by the Board of  
26 Supervisors of Riverside County, State of California, in regular session assembled on  
27 February 27, 2018.

FORM APPROVED COUNTY COUNSEL  
BY: BRUCE G. FORDON 1-31-18

28

1           1.     YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on  
2 March 20, 2018, at 9:00 a.m. in the meeting room of the Board of Supervisors located  
3 on the 1<sup>st</sup> floor of the County Administrative Center, 4080 Lemon Street, Riverside,  
4 California) may decide to adopt a Resolution of Necessity that would authorize the  
5 County of Riverside to acquire the Subject Property Interests by eminent domain (and  
6 that would find and determine each of the following matters):

7                   (a)     That the public interest and necessity require the Project;

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

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

11                  (d)     That the offer required by Section 7267.2 of the Government Code  
12 have been made to the owners of record of the Subject Property;

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

19           2.     If (within 15 days from the mailing of this Notice) you file a written request  
20 to appear at the public meeting and be heard on the matters described in 1(a) through  
21 1(e) above (or any one or more of them), you will have a right to appear at that meeting  
22 and be heard on those matters.

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

25           4.     Your written request to appear and be heard must be filed within the  
26 fifteen (15) day time period. Failure to file such a timely written request will result in a  
27 waiver of your right to appear and be heard.  
28

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

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

8  
9 SV:ra/013018/053WA/19.661

10  
11  
12 ROLL CALL:

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

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

18 KECIA HARPER IHEM, Clerk of said Board

19 By   
20 Deputy

21  
22  
23  
24  
25  
26  
27  
28

Exhibit "A"

**Lamb Canyon Sanitary Landfill  
Parcels A & B**

**Parcel A**

Parcel A of Instrument No. 2008-0127037, recorded March 14, 2008, records of Riverside County, State of California, and being located in Section 20, Township 3 South, Range 1 West, San Bernardino Meridian within the unincorporated territory of Riverside County, described as follows:

Beginning at the southeast corner of said Section 20 as shown in Record of Survey on file in Book 130, Pages 91 through 95, inclusive, of Records of Survey, records of said county;

Thence along the south line of said Section 20, North 89° 21' 47" West, 1021.52 feet to the southeasterly line of land conveyed to the Southern California Edison Company by deed recorded June 12, 1970 as Instrument No. 55231 of Official Records of said county;

Thence leaving said south section line and along said southeasterly line, North 42° 10' 43" East, 1512.36 feet to the east line of said Section 20;

Thence leaving said southeasterly line and along the east line of said section, South 00° 18' 12" East, 1132.11 feet to the Point of Beginning.

The above-described parcel of land contains 13.27 acres, more or less.

Bearings and distances are based on the California State Plane Coordinate System of 1983, Zone 6, North American Datum of 1983, epoch 2007.00. Divide grid distances by a combination factor of 0.99989938 to obtain ground distances.

**Parcel B**

Parcel B of Instrument No. 2008-0127037, recorded March 14, 2008, records of Riverside County, State of California, and being located in Section 20, Township 3 South, Range 1 West, San Bernardino Meridian within the unincorporated territory of Riverside County, described as follows:

Commencing at the east quarter corner of said Section 20 as shown in Record of Survey on file in Book 130, Pages 91 through 95, inclusive, of Records of Survey, records of said county;

Thence along the east line of the southeast quarter of said Section 20, South 00° 18' 12" East, 539.50 feet to the Point of Beginning, said point being North 00° 18' 12" West, 2069.12 feet from the southeast quarter corner of said Section 20;



Thence continuing along said east line, South 00° 18' 12" East, 529.86 feet to the northwesterly line of land conveyed to the Southern California Edison Company by deed recorded June 12, 1970 as Instrument No. 55231 of Official Records of said county;

Thence leaving said east line and along said northwesterly line, South 76° 30' 04" West, 26.59 feet to an angle point;

Thence continuing along said northwesterly line, South 42° 10' 43" West, 1857.79 feet to the east line of the southwest quarter of the southeast quarter of said Section 20;

Thence leaving said northwesterly line of the Edison land and along said east line, North 00° 06' 44" West, 1164.18 feet to the northeast corner of said southwest quarter of the southeast quarter;

Thence leaving said east line and along the north line of said southwest quarter of the southeast quarter, North 89° 21' 12" West, 1252.68 feet to a point distant South 89° 21' 12" East, 24.00 feet from the northwest corner of said southwest quarter of the southeast quarter;

Thence leaving said north line, North 00° 26' 39" East, 734.51 feet;

Thence South 89° 59' 59" East, 2519.65 feet to the Point of Beginning;

The above-described parcel of land contains 56.71 acres, more or less.

Bearings and distances are based on the California State Plane Coordinate System of 1983, Zone 6, North American Datum of 1983, epoch 2007.00. Divide grid distances by a combination factor of 0.99989938 to obtain ground distances.



  
JAMES R. McNEILL

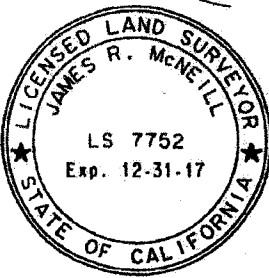
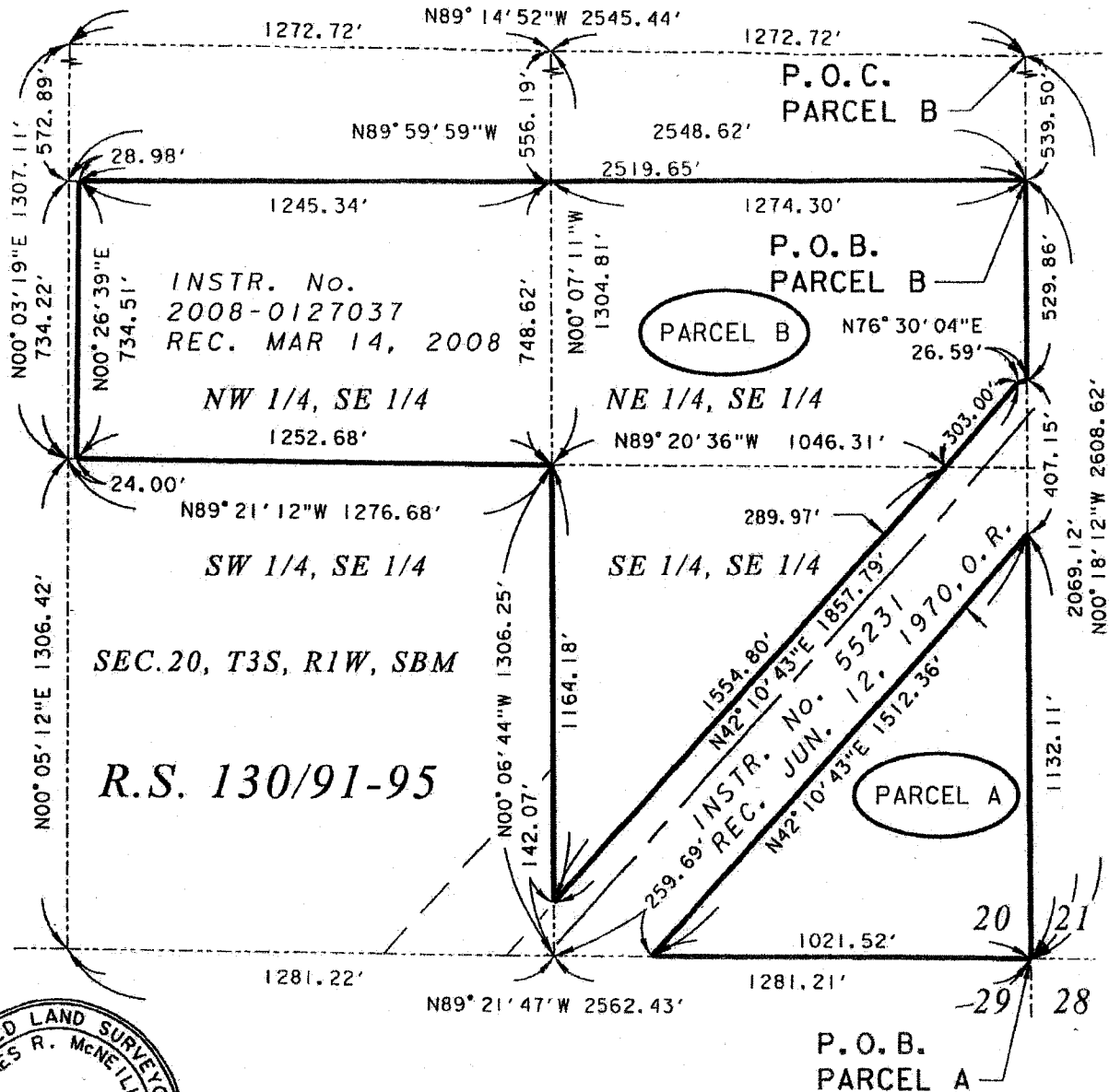
Land Surveyor No. 7752  
Signed on Behalf of:  
Department of Waste Resources

Date: 1-28-16

# EXHIBIT "B"

## PARCEL A & PARCEL B

PARCEL A & B OF INSTRUMENT NO. 2008-0127037, RECORDED MARCH 14, 2008, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA AND BEING LOCATED IN SECTION 20, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN WITHIN THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY.



*[Signature]*  
DATE: 1-28-16

**DEPARTMENT OF WASTE RESOURCES**  
14310 FREDERICK ST. MORENO VALLEY, CA. 92553

PROJECT NAME: LAMB CANYON SLF			
THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.	RCFC PARCEL NUMBER(S): PARCEL A PARCEL B	SCALE: NO SCALE JAN-27-2016	PREPARED BY: DAB SHEET NO. 1 OF 1