

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



ITEM: 3.26
(ID # 12172)

MEETING DATE:
Tuesday, April 07, 2020


FROM: FACILITIES MANAGEMENT AND TLMA - Transportation Department:

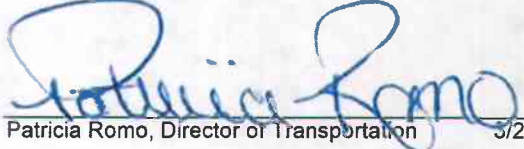
SUBJECT: FACILITIES MANAGEMENT (FM) AND TRANSPORTATION AND LAND MANAGEMENT AGENCY (TLMA)-TRANSPORTATION DEPARTMENT: Resolution No. 2020-056, Notice of Intention to Adopt a Resolution of Necessity for the Orange Avenue Pavement Project, unincorporated area of Mead Valley, District 1; [Total Cost - \$30,405; GAS Tax (Huta) Fund 2000 -100%] – (Clerk to Send Notice to Property Owner) (Set a public hearing on May 19, 2020)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2020-056, Notice of Intention to Adopt a Resolution of Necessity for the Orange Avenue Pavement Project;
2. Set a public hearing on May 19, 2020 for the Public Hearing for the Adoption of Resolution No. 2020-057, for the Orange Avenue Pavement Project; and
3. Direct the Clerk of the Board to send out the required notice to the property owner as required per Section 1245.235 of the Code of Civil Procedure.

ACTION:Policy


Rose Salgado, Director of Facilities Management 3/25/2020


Patricia Romo, Director of Transportation 3/25/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for hearing on Tuesday, May 19, 2020 at 9:30 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: April 7, 2020
xc: FM, Transp., COB

Kecia R. Harper
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:			Budget Adjustment: No	
			For Fiscal Year: 2019/2020	

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

The County of Riverside, Transportation Department (RCTD), is preparing to improve and pave Orange Avenue from Brown Street to Campos Road in the Mead Valley area of Western Riverside County. The proposed segment is currently a dirt road and RCTD is proposing to pave an approximate 950-foot length. See Exhibit A for Vicinity Map.

The Facilities Management-Real Estate Division (FM-RED) presented a written offer to Glenn L. Loffer and Charlotte Loffer as joint tenants, and as required by Government Code section 7267.2 for an approximate 9,000 square foot easement portion of the property identified by Assessor Parcel Number's 319-230-021 and 319-230-022. The amount offered is consistent with current property values in the Mead Valley area and is based upon fair market value appraisal report. FM-RE also offered to pay the reasonable costs, not-to-exceed \$5,000, for an independent appraisal obtained by the property owner as required by Code of Civil Procedure section 1263.025. FM-RE was unable to reach a settlement with Glenn L. Loffer and Charlotte Loffer but, will continue to pursue good faith negotiations with the property owners in order to reach a mutually agreed upon settlement.

The subject Notice of Intention would set a public hearing on May 19, 2020 for the proposed adoption of Resolution No. 2020-057 of the Orange Avenue Pavement Project. The scheduling of a Resolution of Necessity hearing on May 19, 2020 is necessary in order to permit the Orange Avenue Pavement Project to move forward in a timely and effective manner.

The County is authorized to acquire property by eminent domain under Article 1, Section 19 of the California Constitution and pursuant to various statutes including Government Code Section 25350.5, Streets and Highway Code Section 760 and Code of Civil Procedure section 1240.010, 1240-020, 1240-030, 1240.040, 1240.110, 1240.310, 240.320, 1240.410, 12450.510, and 1240.610.

Impact on Citizens and Businesses

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

The proposed Orange Avenue Pavement Project will provide necessary road infrastructure from Brown Street to Campos Road, and will improve driving conditions and safety for travelers along this segment of Orange Avenue.

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.

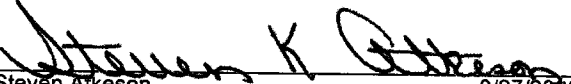
Right of Way Acquisition (Deposit to the State Condemnation Fund)	\$16,000
Litigation Guarantee	\$405
County Appraisal	\$4,000
Owner Appraisal Reimbursement	\$5,000
EDA-RE Real Property Staff Time (Condemnation process)	\$5,000
Total Estimated Costs	\$30,405

All costs associated with the deposit for this acquisition is fully funded by the Transportation Department's budget for FY 2019/20 and will be included in a separate Form 11 along with the Authorizing Resolution for Necessity motion. No net County costs will be incurred as a result of this transaction. These charges are estimates and only actual amounts will be charged to the project.

Attachments:

- Exhibit A – Vicinity Map
- Resolution No. 2020-056 (with legal description and plat map)

JR:ar/032520


Steven Atkeson

3/27/2020


Gregory L. Priamos, Director County Counsel

3/25/2020

1 Board of Supervisors

County of Riverside

2 **Resolution No. 2020-056**

3 **Notice of Intention to Adopt a Resolution of Necessity for the Orange Avenue**
4 **Pavement Project in the unincorporated area of Mead Valley**

5
6 **WHEREAS**, the portion of real property that is the subject of this Notice
7 (collectively the "Subject Property") is located in the unincorporated area of Mead
8 Valley, County of Riverside, State of California, are legally described and pictorially
9 depicted on the documents attached hereto as Exhibit "A" and Exhibit "B" (and
10 incorporated herein by this reference), are referenced as Parcel No. 0063-001 and is a
11 portion of larger real property;

12 **WHEREAS**, the Subject Property, and the corresponding Assessor's Parcel
13 Number(s) of which they are a part, are listed below in Table One;

TABLE ONE	
Assessor's Parcel Number(s) (portion)	Parcel No.
319-230-021 319-230-022	0063-001

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20 **WHEREAS**, the County Transportation Department (RCTD), is preparing to
21 improve and pave Orange Avenue from Brown Street to Campos Road in the Mead
22 Valley area of Western Riverside County. The proposed segment is currently a dirt
23 road, and RCTD is proposing to pave an approximate 950 feet in length portion, with a
24 width of 26 feet and a 7-foot grade (the "Project");

25 **WHEREAS**, the Project will greatly improve driving conditions, and
26 accommodate future growth in the region;

27
28 04.07.2020 3.26

FORM APPROVED BY COUNTY COUNSEL
BY: GREGG M. GU
DATE: 3.15.20

1 **WHEREAS**, the Subject Property is needed for public road purposes, and for
2 other uses required by the Project;

3 **WHEREAS**, Parcel 0063-001 is required for permanent easement interests for
4 road purposes needed for the Project;

5 **WHEREAS**, the interest in the Subject Property that IS the subject of this notice
6 (collectively the "Subject Property Interests") are identified below in Table Two; and

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TABLE TWO	
Subject Properties	Permanent Easement For Road Purposes
0063-001	X

9

10

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14 **WHEREAS**, the statutes that authorize the County of Riverside to acquire the
15 Subject Property Interest by eminent domain include Article 1, Section 19 of the
16 California Constitution; Section 25350.5 of the Government Code; Section 760 of the
17 Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040,
18 1240.110, 1240.120, 1240.130, 1240.240, 1240.310, 1240.320, 1240.350, 1240.410,
19 1240.510, and 1240.610 of the Code of Civil Procedure.

20 Now, therefore, **BE IT RESOLVED AND ORDERED** as follows by the Board of
21 Supervisors of Riverside County, State of California, in regular session assembled on
22 April 7, 2020.

- 23 1. YOU ARE HEREBY NOTIFIED that this Board (at its public hearing on
24 May 19, 2020, at 9:30 a.m. in the meeting room of the Board of
25 Supervisors located on the 1st floor of the County Administrative Center,
26 4080 Lemon Street, Riverside, California) may decide to adopt a
27 Resolution of Necessity that would authorize the County of Riverside to
- 28

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

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

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

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

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

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

15 2. If (within 15 days from the mailing of this Notice) you file a written request
16 to appear at the public hearing and be heard on the matters described above in 1(a),
17 1(b), 1(c), 1(d), 1(e), (or any one or more of them), you will have a right to appear at
18 that meeting and be heard on those matters.

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

21 4. Your written request to appear and be heard must be filed within the
22 fifteen (15) daytime period. Failure to file such a timely written request will result in a
23 waiver of your right to appear and be heard.

24 5. Questions regarding the amount of compensation to be paid will not be a
25 part of the public hearing and the Board will not consider such questions in determining
26 whether a Resolution of Necessity should be adopted.

27 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to
28 be sent by first-class mail to each owner of record whose property may be acquired by

1 eminent domain and whose name and address appears on the last equalized county
2 assessment roll (including the roll of state-assessed property)

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7 ROLL CALL:

8 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
9 Nays: None
10 Absent: None

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

13 Kecia R. Harper, Clerk of said Board

14 By 
15 Deputy

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26 JR:ar/031220/489TR/30.102

27 04.07.2020 3.26
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EXHIBIT "A"
ORANGE AVENUE
LEGAL DESCRIPTION
0063-001


· BEING THE SOUTHERLY 30.00 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED BY DEED RECORDED FEBRUARY 8, 1979, AS INSTRUMENT NUMBER 27146, OFFICIAL RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 16, TOWNSHIP 4 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN.

EXCEPTING THEREFROM THAT PORTION GRANTED TO THE COUNTY OF RIVERSIDE BY GRANT DEED RECORDED AUGUST 26, 1964, AS INSTRUMENT NUMBER 105053, RECORDS OF SAID RECORDER.

PARCEL CONTAINING 9,000 SQUARE FEET OR 0.207 ACRES MORE OR LESS

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERNCE MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION:



PAUL E. HILLMER P.L.S. 9017

7/2/2019

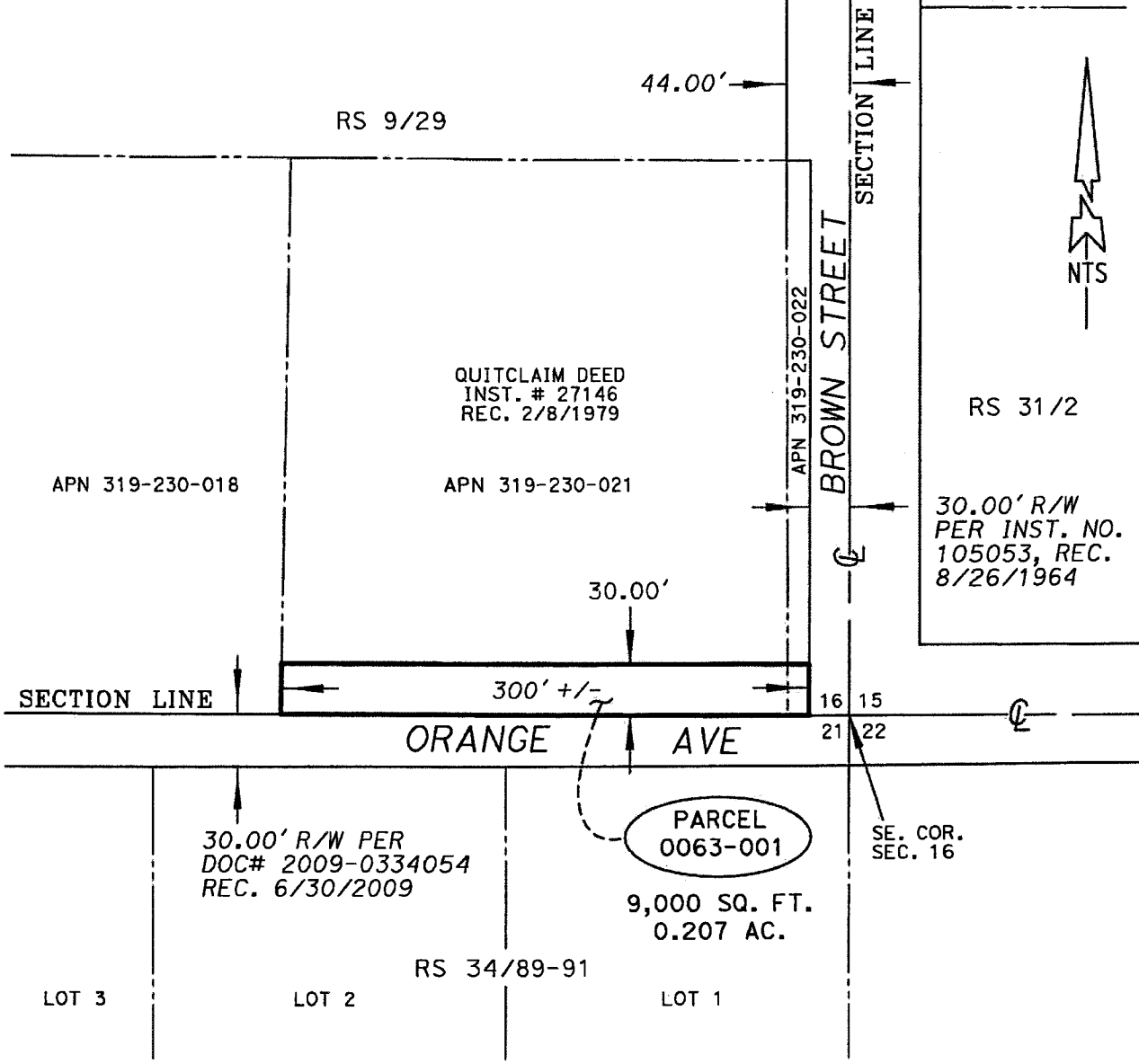
DATED:



EXHIBIT "B"

ORANGE AVENUE

SEC. 16, T. 4 S., R. 4 W., S.B.M.



COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT,
SURVEY DIVISION

PCL No.: 0063-001

PROJECT: ORANGE AVENUE

WO No.: C5-0063B

THIS PLAT IS AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE PRECEDING DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

SCALE: NTS

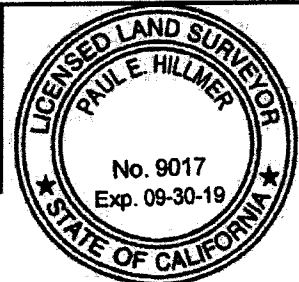
PREPARED BY: H. FINN

DATE: JUNE, 2019

APPROVED BY:

DATE:

SHEET 1 OF 1



[Handwritten signature]

7/2/2019



Orange Avenue Paving

— Project Limits



DECLARATION OF MAILING OF

**RESOLUTION NO. 2020-056, NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY
FOR THE ORANGE AVENUE PAVEMENT PROJECT, UNINCORPORATED AREA OF MEAD
VALLEY PARCEL NO. 0063-001, FIRST DISTRICT**

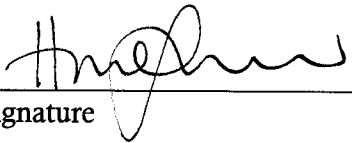
I, HANNAH LUMANAUW, Board Assistant, hereby declare as follows:

That on April 08, 2020, I served by mail (1) a copy of Resolution No. 2020-056, Notice of Intention to Adopt a Resolution of Necessity for the Orange Avenue Pavement Project, unincorporated area of Mead Valley Parcel No. 0063-001; (2) the original of the letter dated April 08, 2020 from the Clerk of the Board of Supervisors to the following property owners as mentioned below; and (3) a copy of Exhibit "A" and "B" attached to Resolution 2020-056, by depositing said copies enclosed in a sealed envelope, in the United States Postal Service mailbox at the City of Riverside, California.

Glen L. and Charlotte Loffer
20967 Brown Street
Perris, CA 92570
Article#: 7013 0600 0001 1305 5536

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

Executed this 08 day of April, 2020 at Riverside County, California.



Signature



Rose Salgado
Interim Director of Facilities Management

April 08, 2020.

Glen L. and Charlotte Loffer
20967 Brown Street
Perris, CA 92570

Re: Resolution No. 2020-056, Notice of Intention to Adopt a Resolution of Necessity for the Orange Avenue Pavement Project, unincorporated area of Mead Valley
Parcel No. 0063-001

Dear Property Owners:

The County of Riverside, Transportation Department (RCTD), is preparing to improve and pave Orange Avenue from Brown Street to Campos Road in the Mead Valley area of Western Riverside County. The proposed segment, an approximate 950 feet in length, is currently a dirt road and RCTD is proposing to pave the road to a width of 26 feet with 7 foot graded shoulders ("Project").

As you aware, it has been determined the Project may require the acquisition of a permanent easement for road purposes in the above-referenced real property. This letter is sent as you are named as the property owners listed on the County's assessment rolls.

As required by the California Eminent Domain Law, a written offer to acquire the needed property interest as well as the Summary Basis of Valuation Statement were submitted to you on November 14, 2019. As of the date of this letter, no significant progress has been made toward reaching a mutually acceptable agreement to acquire the property interests as identified as Parcel No. 0063-001 (permanent easement). Since time is of the essence, Riverside County Transportation Department (RCTD) and Facilities Management (FM)-Real Estate Division staff will recommend to the County Board of Supervisors that it consider the adoption of a Resolution of Necessity to acquire the permanent easement interest in the property through an eminent domain proceeding.

The County Board of Supervisors will hold a public hearing to decide whether or not to adopt a Resolution of Necessity to acquire the permanent easement interest in the real property through eminent domain proceedings. Enclosed please find the Notice of Public Hearing which is scheduled for May 19, 2020. You will be given an opportunity to appear before the Board and be heard on the necessity of acquiring the property by condemnation. The law provides that if you intend to appear and be heard, you must give the County notice fifteen (15) days prior to the hearing date or you waive your right to appear and be heard. However, it is the County's practice that anyone may appear on the day of the hearing, fill out a speaker's card and be heard on the matter.

Facilities Management

3133 Mission Inn Ave.
Riverside CA 92507
Main Line: 951.955.3345 Fax: 951.955.4828
Facilities Emergency 24-Hour Line: 951.955.4850

**Project Management Office
Maintenance & Custodial
Real Estate & Parking
Energy Efficiency
Administration**

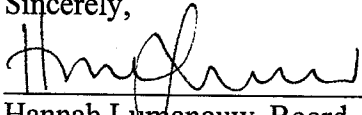
Your written request to appear must actually be on file with the Clerk of the Riverside County Board of Supervisors. Please mail or personally deliver your request to:

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

RCTD and FM-Real Estate will continue to conduct in good faith its negotiations with you in an effort to reach a mutually agreeable right-of-way acquisition agreement. Stephi Villanueva of FM-Real Estate and Patricia Romo, Director of Transportation Department are available to meet with you to continue discussions of the acquisition of right-of-way needed for the Project on a mutually acceptable basis.

If you have any questions, please call Stephi Villanueva, Supervising Real Property Agent for the FM-Real Estate Division at (951) 955-9277 or email at svillanueva@rivco.org. Thank you.

Sincerely,



Hannah Lumanauw, Board Assistant to:
KECIA R. HARPER
Clerk of the Board

REQUEST TO APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN RESOLUTION
NO. 2020-056 NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY FOR THE
ORANGE AVENUE PAVEMENT PROJECT, UNINCORPORATED AREA OF MEAD VALLEY

NAME: _____

ADDRESS: _____

TELEPHONE NO.: (____) _____

DATED: _____

(Signature)

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:

Glen L. and Charlotte Loffer
 20967 Brown Street
 Perris, CA 92570



9590 9402 3035 7124 4566 19

2. Article Number (Transfer from service label)

7013 0600 0001 1305 5536

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**

J.P. R. 12

 Agent Addressee**B. Received by (Printed Name)**

COVID-19

C. Date of Delivery

4-10-20

- D. Is delivery address different from item 1? Yes**
 If YES, enter delivery address below: No

DELIVER IN MAIL BOX

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

USPS TRACKING #

9590 9402 3035 7124 4566 19



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 3035 7124 4566 19

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

CLERK OF THE BOARD
P. O. BOX 1147
RIVERSIDE, CA. 92502-1147

RECEIVED RIVERSIDE COUNTY
CLERK/BOARD OF SUPERVISORS

2008 APR 3 AM 10:50

