

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



ITEM: 19.2
(ID # 13756)

MEETING DATE:
Tuesday, December 15, 2020

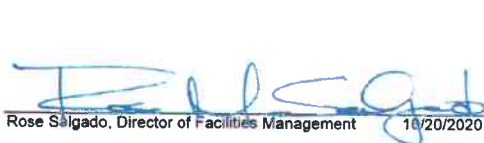
FROM: FACILITIES MANAGEMENT AND TLMA - Transportation Department:

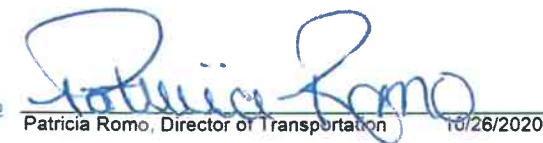
SUBJECT: FACILITIES MANAGEMENT (FM-RE) AND TRANSPORTATION AND LAND MANAGEMENT AGENCY (TLMA)-TRANSPORTATION DEPARTMENT: Public Hearing for the Adoption of Resolution No. 2020-200, Authorizing the Resolution of Necessity for the Orange Avenue Pavement Project, unincorporated area of Mead Valley, District 1. CEQA Exempt; [Total Cost - \$27,105; GAS Tax (Huta) Fund 2000 -100%] – (Clerk to File Notice of Exemption) (4//5th Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Class 1 – Existing Facilities exemption;
2. Approve Resolution No. 2020-200 Authorizing the Resolution of Necessity for the Orange Avenue Pavement Project;
3. Allocate the sum of \$12,200 for the deposit to the State Condemnation Fund;
4. Authorize reimbursement to the Facilities Management-Real Estate (FM-RE) for costs not-to-exceed \$9,905 in due diligence expenses and \$5,000 in staff time; and

ACTION: Policy


Rose Salgado, Director of Facilities Management 12/20/2020


Patricia Romo, Director of Transportation 12/26/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: December 15, 2020
xc: FM-RE, Transp., Record

Kecia R. Harper

Clerk of the Board

By 

Deputy

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

5. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk within five (5) days of approval by the Board of Supervisors.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 27,105	\$ 0	\$ 27,105	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: GAS Tax (HUTA) Fund 2000 -100%			Budget Adjustment: No	
			For Fiscal Year: 2020/21	

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 project segment is currently a dirt road and RCTD is proposing to pave an approximate 950-foot portion. See Exhibit A for Vicinity Map.

Pursuant to the California Environmental Quality Act (CEQA), the project was reviewed and determined to be categorically exempt from CEQA under State CEQA Guidelines 15301, Class 1 – Existing Facilities exemption, because the project is identified as a minor improvement and will not create additional automobile lanes and involves negligible or no expansion of existing or former use of the existing roadway.

The Facilities Management-Real Estate Division (FM-RE) presented a written offer to Martin Aguilera and Angelica Aguilera, husband and wife, as joint tenants as required by Government Code section 7267.2 for an approximate 7,743 square foot easement portion of the property identified by Assessor Parcel Number's 319-230-010. The amount offered is consistent with current property values in the Mead Valley area and was based upon fair market value appraisal report. (FM-RE) has also offered to pay the reasonable costs, not-to-exceed \$5,000, for an independent appraisal obtained by the property owner as required by Code of Civil Procedure section 1263.025. (FM-RE) was unable to reach a settlement with this property owner but will continue to pursue good faith negotiations.

On November 17, 2020, the Board approved Resolution No. 2020-199, Notice of Intention to Adopt a Resolution of Necessity for the Orange Avenue Pavement Project, unincorporated area of Mead Valley. 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.

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

Impact on Citizens and Businesses

The proposed Orange Avenue Pavement Project will provide necessary road infrastructure from Brown Street to Campos Road, and will improve driving conditions 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 (Deposits to the State Condemnation Fund)	\$12,200
Litigation Guarantee	\$405
County Appraisal	\$4,500
Owner Appraisal Reimbursement	\$5,000
EDA-RE Real Property Staff Time (Condemnation process)	\$5,000
Total Estimated Costs	\$27,105

All costs associated with the deposit are fully funded by the Gas Tax (HUTA) Fund 2000 in the Transportation Department's budget for FY 2020/21. No net County costs will be incurred as a result of this transaction. These charges are estimates only and only actual amounts will be charged to the project.

Attachments:

- Exhibit A – Vicinity Map
- Resolution No. 2020-200 (with legal description and plat map)
- Notice of Exemption
- Journal Voucher

JR:dr/09092020/489TR/30.101


Steven Atkeson 12/7/2020


Gregory V. Priamos, Director County Counsel 12/2/2020



Patricia Romo, P.E.
Director of Transportation

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Transportation Department NOTICE OF EXEMPTION

Mojahed Salama, P.E.
Deputy for Transportation Capital Projects
Richard Lantis, P.L.S.
Deputy for Transportation Planning and
Development

October 7, 2019

PROJECT TITLE: Orange Ave Pavement Project
Work Order #ZD00082C Task Code #Z1530

PROJECT SPONSOR: Riverside County Transportation Department

PROJECT LOCATION: Community of Mead Valley

SUPERVISORIAL DISTRICTS: 1st

Original Negative Declaration/Notice of
Determination was routed to County
Clerks for posting on.
10/21 Date
YR Initial

PROJECT DESCRIPTION: The Riverside County Transportation Department (RCTD) is proposing to pave Orange Ave from Brown Street to Campos Road, approximately 950 feet in length. Currently this is a dirt road segment that is utilized by the public for travel. The road will be paved to a width of 26 feet with 7 feet of graded shoulder on either side of the road. The proposed project will include the following:

- Grading, compacting, and paving the roadway with Hot Mix Asphalt (HMA)
- Striping of roadway
- Vegetation/Tree Removal
- Rock removal
- Utility relocations

ENVIRONMENTAL ANALYSIS:

Right of way acquisition is anticipated. Temporary construction easements may be required for the proposed improvements.

This project is subject to compliance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Portions of the project are within cell criteria areas. In accordance with Section 7 of the Western Riverside County MSHCP, necessary operation and maintenance along existing roadways are considered a covered activity within and outside of cell criteria areas. This project will pave an existing road within the roadbed and is considered to be a safety improvement project under operation and maintenance and therefore is a covered activity.

If tree and/or vegetation removal takes place during the migratory bird breeding season (March 1st – September 1st), a preconstruction nesting survey will be conducted pursuant to the Migratory Bird Treaty Act (MBTA).

The Riverside County Transportation Department has found that the above-described project is exempt from the provisions of the California Environmental Quality Act (CEQA), based on the following:

Section 15301 (c) – Existing Facilities – The project proposes to pave a segment of Orange Ave between Brown St and Campos Rd. This minor improvement is exempt from CEQA under Section 15301 (c) because it does not create additional automobile lanes and involves negligible or no expansion of existing or former use of the existing roadway and associated facilities.

By: Mohamed Eissa, Assistant Transportation Planner

Signed: Mary Zambon
Mary Zambon, Environmental Project Manager

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

-TO BE FILLED IN BY SUBMITTING AGENCY-
537280-20000-3130500000 ZD00082C Z1530

AUTHORIZATION NUMBER: W.O.#ZD00082C, Task Code Z1530

AMOUNT: \$50.00

DATE: October 7, 2019

AGENCY: Riverside County Transportation Department

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO ISSUE A VOUCHER FOR PAYMENT OF ALL FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: Mary Zambon, Environmental Project Manager

Signature: MZambon

PRESENTED BY: Mohamed Eissa

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -



COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY

Transportation Department

Patricia Romo, P.E.
Director of Transportation

Mojahed Salama, P.E.
Deputy for Transportation Capital Projects
Richard Lantis, P.L.S.
Deputy for Transportation Planning and
Development

DATE: October 7, 2019

TO: Kiyomi Moore, ACR Technician III

FROM: *MZambon*
Mary Zambon, Environmental Project Manager

RE: **Orange Ave Pavement Project**
W.O.#ZD00082 Task Code #Z1530

The Riverside County Transportation Department is requesting that you post the attached Notice of Exemption per County Implementing Resolution No. 82-213, Division 11, Section 205C. Attached you will find an authorization to bill by journal voucher in the amount of \$50.00 for your posting fee.

After posting, please return the document to Mail Stop #2136, Attention: Mohamed Eissa. If you have any questions, please contact me at (951) 955-1506.

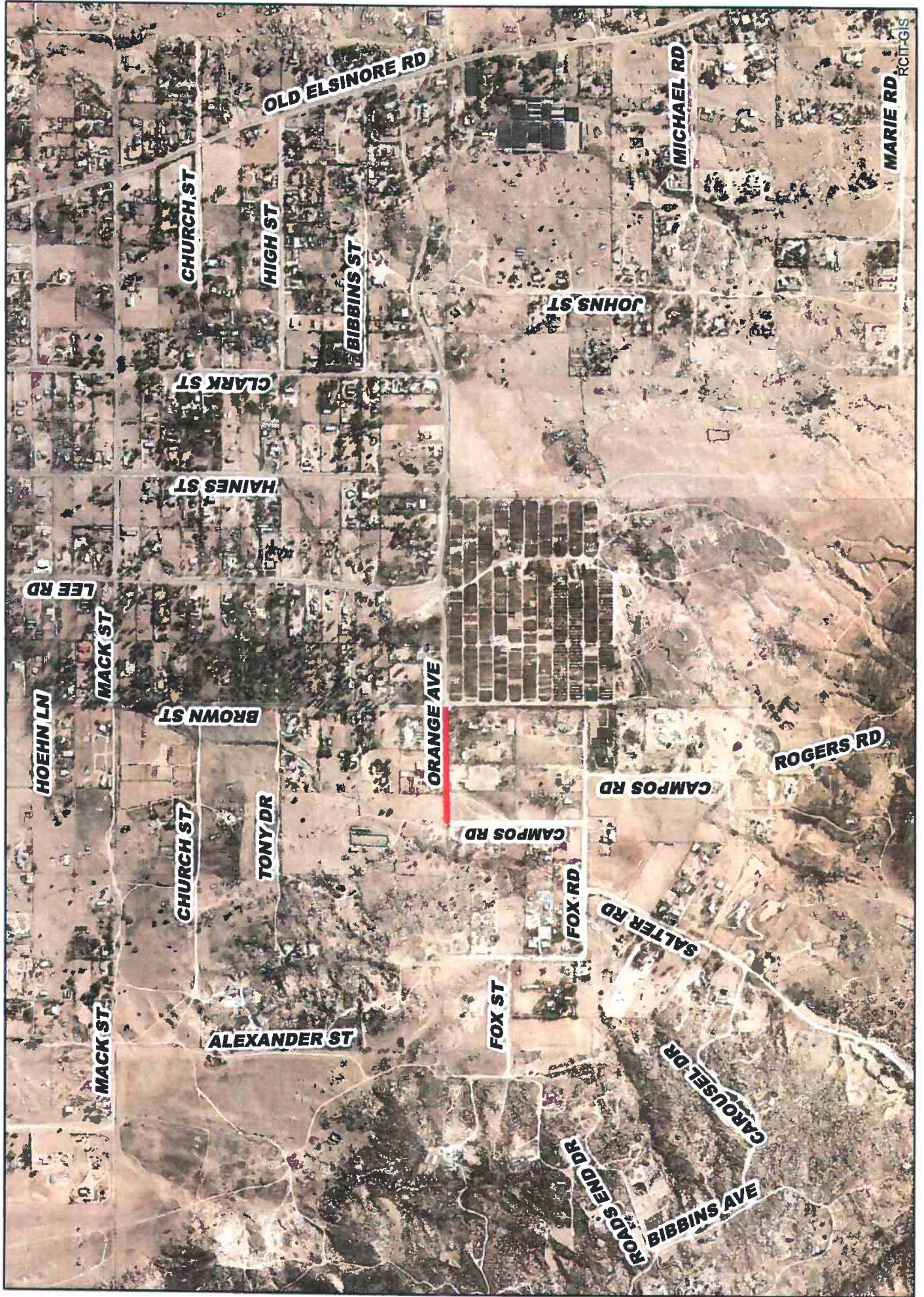
Attachment

cc: file

Orange Avenue Paving

0 490 980 Feet
1 inch = 980 feet
Orthophotos Flown 2016

Project Limits



From: Laitano, Jacqueline <JLaitano@rivco.org>
Sent: Monday, December 14, 2020 11:10 AM
To: Henderson, Roy <rdhenderson@rivco.org>; Clerk of the Board <COBDL@rivco.org>
Subject: 12/15/20 Public Hearing - Item 19.2

Good morning,

Vincent Yzaguirre, Assistant Director of Facilities Management will be providing the staff report for the below Public Hearing item at tomorrow's Board Meeting. Could you please make ensure that the attached Aerial Exhibit is presented when this item is being discussed?

19.2 13756 FACILITIES MANAGEMENT (FM-RE) AND TRANSPORTATION AND LAND MANAGEMENT AGENCY (TLMA)-
TRANSPORTATION DEPARTMENT: Public Hearing for the Adoption of Resolution No. 2020-200, Authorizing the
Resolution of Necessity for the Orange Avenue Pavement Project, unincorporated area of Mead Valley, District 1. CEQA
Exempt; [Total Cost - \$27,105; GAS Tax (Huta) Fund 2000 -100%] – (Clerk to File Notice of Exemption) (4/5 Vote
Required)

Please let me know if I should notify anyone else. Also, do we need to place a request to speak or do we just unmute our microphone when logged on in Zoom?

Thank you,

Jacqueline Laitano, Assistant to
Vincent Coffeen, Assistant Director
Vincent Yzaguirre, Assistant Director
Riverside County Facilities Management
Direct: (951) 955-9812 | jlaitano@rivco.org

AERIAL EXHIBIT
C5-0063 ORANGE AVENUE PARCEL 0063-002



11-05-2020

2 **Resolution No. 2020-200**

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

5
6 **WHEREAS,** the portion of real property that is subject of this Notice (collectively the
7 "Subject Property") are located in the unincorporated area of Mead Valley, County of Riverside,
8 State of California, are legally described and pictorially depicted on the documents attached
9 hereto as Exhibit "A" and Exhibit "B" (and incorporated herein by this reference), are referenced
10 as Parcel No. 0063-002 and is a portion of a larger real property;

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

TABLE ONE	
Assessor's Parcel Number (portion)	Parcel No.
319-230-010	0063-002

13
14
15
16
17
18
19 **WHEREAS,** the County Transportation Department (RCTD), is preparing to improve
20 and pave Orange Avenue from Brown Street to Campos Road in the Mead Valley area of
21 Western Riverside County. The proposed segment, an approximate 950 feet in length, is
22 currently a dirt road and RCTD is proposing to pave the road to a width of 26 feet with 7 foot
23 graded shoulders (the "Project");

24 **WHEREAS,** the Project will greatly improve driving conditions and dust control along
25 this segment of Orange Avenue;

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

FORM APPROVED COUNTY COUNSEL
BY: *B. Fordon*
BRUCE G. FORDON
DATE: 10-26-20

1 **WHEREAS**, Parcel 0063-002 is a permanent easement interest for road purposes
2 needed for the Project;

3 **WHEREAS**, the interest in the Subject Property that is the subject of this notice
4 (collectively the "Subject Property Interest") is identified below in Table Two;

5

6

TABLE TWO	
Subject Property	Permanent Easement For Road Purposes
0063-002	X

7

8

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10

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

17 Now, therefore, **BE IT RESOLVED AND ORDERED** as follows by the Board of
18 Supervisors of Riverside County, State of California, not less than four/fifths of all members
19 concurring, in regular session assembled on December 15, 2020, that this Board finds and
20 determines each of the following:

21 1. Notice of the Board's intention to adopt this resolution of necessity was duly
22 given as required by Section 1245.235 of the Code of Civil Procedure and, on the date and at
23 the time and place fixed for hearing, this Board did hear and consider all of the evidence
24 presented.

25 2. That the public interest and necessity require the Project;

26 3. That the Project is planned or located in the manner that will be most compatible
27 with the greatest public good and the least private injury;
28

1 4. That the Subject Property Interest is necessary for the Project;

2 5. That the offer required by Section 7267.2 of the Government Code have been
3 made to the owners of record of the Subject Property;

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

10 7. Has determined that the proposed Project is categorically exempt from CEQA
11 pursuant to State CEQA Guidelines Sections 15301, Class 1, Existing Facilities, as
12 documented in the Notice of Exemption, County Transportation conducted a review of the
13 proposed Project and determined that the Project, including the acquisition of the permanent
14 easements will have no foreseeable impact on the environment;

15 8. That acquisition of the Subject Property Interest will promote the interests of the
16 County of Riverside.

17 BE IT FURTHER RESOLVED AND ORDERED that the County Counsel of the County
18 of Riverside is hereby authorized and empowered:

19 1. To acquire the Subject Property Interest by condemnation in accordance with
20 the Constitution and laws relating to eminent domain.

21 2. To prepare and prosecute in the name of the County such proceedings in the
22 proper court having jurisdiction thereof as are necessary for such acquisition.

23 3. To make application to the Court for an order to deposit the probable amount of
24 compensation out of proper funds under the control of the County into the Condemnation
25 Deposits Fund with the Office of the State Treasurer and to make application to the Court and
26 for an order permitting the County to take prejudgment possession and use the Subject
27 Property Interest for the purpose of constructing the Project.

28

1 4. To compromise and settle such proceedings if such settlement can be reached
2 and in that event, to take all necessary actions to complete the acquisition, including
3 stipulations as to judgment and other matters and the causing of all payments to be made.

4 5. To correct any errors or to make or agree to nonmaterial changes in the legal
5 description of the real property that are deemed necessary for the conduct of the condemnation
6 action, or other proceedings or transaction required to acquire the Subject Property Interest.

7 County Counsel is further authorized to reduce or modify the extent of the interests or property
8 to be acquired so as to reduce the compensation payable in the action where such changes
9 would not substantially impair the construction and operation of the project for which the real
10 property is being acquired.

11 ROLL CALL:

12 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
13 Nays: None
14 Absent: None

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

17 Kecia R. Harper, Clerk of said Board

18
19 By  Deputy

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26 JR:dr/09092020/489TR/30.398