

ORDINANCE NO. 869
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
DESCRIBING THE EMINENT DOMAIN PROGRAM OF THE
REDEVELOPMENT AGENCY FOR THE COUNTY OF RIVERSIDE

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that before January 1, 2007, it adopted final redevelopment plans for Redevelopment Project Area 1-1986, the Jurupa Valley Project Area, the Mid-County Project Area, the Desert Communities Project Area and the Interstate 215 Corridor Project Area. The Boards' intent in adopting these final redevelopment plans was to improve the quality of life in the County of Riverside by promoting effective redevelopment, eliminating blight and discouraging eminent domain power abuses. The eminent domain program described herein is unchanged from that included within the final adopted redevelopment plans.

Section 2. PURPOSE. The purpose of this ordinance is to describe the program that the Redevelopment Agency for the County of Riverside (Agency) uses when it acquires real property by eminent domain.

Section 3. AUTHORITY. This ordinance is adopted pursuant to Section 33342.7 of the Health and Safety Code, which requires a legislative body to adopt, on or before July 1, 2007, an ordinance that contains a description of the Agency's program to acquire real property by eminent domain.

Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Project Areas. Project Area 1-1986, the Jurupa Valley Project Area, the Mid-County Project Area, the Desert Communities Project Area, the Interstate 215 Corridor Project Area.
- b. Sub-Areas. Jurupa Valley, Homeland, Thousand Palms amendment area adopted in 1999, and Highgrove amendment area adopted in 1998.

Section 5. EMINENT DOMAIN PROGRAM DESCRIPTION. The final adopted redevelopment plans for the Project Areas authorize the Agency to acquire real property by eminent domain in the Sub-Areas, subject to the limitations set forth below. The Agency may acquire structures without acquiring the land upon which those structures are situated, and may acquire fee simple title or any other lesser interest. The Agency is not allowed to acquire real property by eminent domain outside the Sub-Areas because acquisition by eminent domain was either not provided for in the redevelopment plans or the time limit for acquisition by eminent domain has expired. However, the Agency's eminent domain authority may be extended beyond the boundaries of the Sub-Areas if the Project Area redevelopment plans are amended in accordance with the Community Redevelopment Law.

- a. The Agency may acquire real property by eminent domain if it determines that one or more of the following conditions exist:
 1. Buildings and/or structures must be removed in order to assemble land into parcels of reasonable size and shape to eliminate impediments to land development.
 2. Buildings and/or structures are substandard as demonstrated by a County inspection of the property.
 3. Buildings and/or structures must be removed in order to eliminate an environmental deficiency, including, but not limited to, incompatible land uses and small and irregular lot subdivisions.
 4. Buildings and/or structures must be removed to provide land for needed public facilities, including among others, rights-of-way, public safety facilities, public recreational facilities and open space, and other public utilities.
 5. Buildings and/or structures are determined by the County or Agency to be a safety hazard or a public nuisance due to physical deterioration or due to continued use of the structure or property for unlawful activities.
 6. Acquisition of the property is allowed by Community Redevelopment Law and will promote the implementation of the redevelopment plans.

- b. The Agency pays for real property acquired by eminent domain as provided by law by doing each of the following:
 1. Determining the just compensation for interests in real property;
 2. Determining, when applicable, the just compensation for the taking and damaging of improvements, fixtures and equipment;
 3. Determining, when applicable, the just compensation for diminution in value caused to a remainder of property;
 4. Determining relocation benefits and assistance;
 5. Determining, when applicable, the loss of business goodwill; and
 6. Filing eminent domain lawsuits only after adoption of a resolution of necessity.

- c. In determining just compensation, damages, relocation benefits and assistance, as described above, the Agency complies, when applicable, with each of the following:
 1. The Fifth and Fourteenth Amendments to the United States Constitution;
 2. 42 U.S.C.A Sections 4601 through 4655;
 3. Article 1, Section 19 of the California Constitution;
 4. California's Eminent Domain Law (California Code of Civil Procedure Sections 1230.010, et seq.);
 5. California Government Code Sections 7260 through 7277;

6. The Relocation Assistance and Real Property Acquisition Guidelines (Title 25, California Code of Regulations Sections 6000, et seq.); and
 7. All other applicable federal, state and local laws, rules, regulations and ordinances.
- d. Unless the redevelopment plans are amended, the Agency's authority to acquire real property by eminent domain is set to expire as follows:
1. Jurupa Valley in 2008
 2. Thousand Palms in 2011
 3. Homeland in 2011
 4. Highgrove in 2010

Section 6. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 7. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

Adopted: 869 Item 3.21 of 06/12/2007 (Eff: 07/12/2007)