

## EMINENT DOMAIN PROCEDURE (CONDEMNATION)

The following Eminent Domain procedure shall only apply to a project which is conditioned to construct certain improvements where that condition is approved by the Board of Supervisors and the implementation of the condition would require the developer of the project to acquire right-of-way and/or an easement from an adjacent property owner. In such cases, it is the responsibility and obligation of the developer to prepare the legals and plats of the required right-of-way and/or easements and to negotiate in good faith with the adjacent property owner in every reasonable way possible to obtain the needed right-of-way and/or easement.

All negotiations and attempts must be documented in writing. Should all efforts fail, then the developer can request in writing that the County initiate the eminent domain process. The developer must provide with his letter of request three complete packages of the documentations of his attempt as well as a copy of an appraisal of the property required to be acquired. The appraisal must be done by a qualified appraiser chosen from a list of appraisers obtained from Facilities Management Department (951-955-4800).

During the plan check process the developer/engineer must provide legals and plats for the required right-of-way and/or easement to the plan check engineer and the survey division.

Following the receipt from the developer of the letter requesting condemnation and the three complete packages of documentation, the plan check engineer will review all documents and verify prior to plan check approval that the requested condemnation is the only feasible solution.

The County Engineer in charge of Plan Check Section shall provide to the Board of Supervisor of the District in which the project is located a copy of all condemnation request documentation, a written justification for the proposed condemnation, and a request that the Board member review and provide direction on whether or not to proceed with the condemnation.

Once the Board member gives us his/her direction to proceed, the plan check engineer shall send a letter to County Counsel with a complete package requesting them to proceed with condemnation.

County Counsel may elect to involve Facilities Management Department to review the case and to attempt negotiations with the property owner. At the same time, County Counsel will send an agreement to the developer for his execution and a letter requiring the developer to deposit \$10,000 with County Counsel as payment for their processing of the request, and an additional deposit of 150% of the appraised value of the property to be condemned for use in acquiring the property.

Sometimes the issue would be settled at this stage and the property will be acquired. If not, then County Counsel will prepare and send a request to the Board of Supervisors to allow proceeding with condemnation.

Upon Board of Supervisors approval of County Counsel's request, the final map may be permitted to record if everything else that is needed for recordation is complete and done. There is no need to wait until the actual acquisition is completed to allow the map to record.