

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

A20



FROM: Economic Development Agency/Facilities Management and Transportation Department

SUBMITTAL DATE:
December 28, 2011

SUBJECT: Resolution No. 2012-004, Authorizing Resolution of Necessity Regarding the Magnolia Avenue Grade Separation Project-Home Gardens.

RECOMMENDED MOTION: That the Board of Supervisors approve Resolution No. 2012-004 Authorizing Resolution of Necessity Regarding the Magnolia Avenue Grade Separation Project.

BACKGROUND:

The purpose of the Magnolia Avenue Grade Separation Project ("Project") is to replace the existing Magnolia Avenue/Burlington Northern Santa Fe ("BNSF") at-grade railroad crossing in the community of Home Gardens in order to improve safety and traffic operations by eliminating the hazards and inefficiencies of trains passing through the flow of vehicular traffic.

(Continued)



Juan C. Perez, Director
Transportation Department



Robert Field
Assistant County Executive Officer/EDA



FINANCIAL DATA	Current F.Y. Total Cost:	\$ 108,800	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: Measure A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: 

Jennifer L. Sargent
County Executive Office Signature

FISCAL PROCEDURES APPROVED
 PAUL ANGUILO, CPA, AUDITOR-CONTROLLER
 BY:  SAMUEL WONG
 DATE: 12/31/11
 Departmental Concurrence
 ANNA W. WANG
 BY: 
 Policy Policy
 Consent Consent
 Dep't Recomm.: Per Exec. Ofc.:

9.9

BACKGROUND: (Continued)

The Project would construct a new four-lane overhead bridge over the existing BNSF tracks, above the entire BNSF right-of-way. The total length of the improvements would extend from approximately 500 feet west of Lincoln Street to approximately 550 feet east of Buchanan Street. The new bridge would be striped for four lanes of traffic on Magnolia Avenue. The length and clearance of the proposed bridge structure would accommodate the existing skewed railroad crossing, as well as the two existing railroad tracks and two additional future tracks (planned separately from this project), and would also provide space for frontage roads (proposed as part of this project).

The NEPA environmental determination (Categorical Exclusion) Section 6004: 23 CFR 771.117(d)(3) was approved on May 11, 2011 by District 8 Division of Environmental Planning for the California Department of Transportation.

The Economic Development Agency (EDA) has presented a written offer to purchase 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 Riverside area for this property type (and is based upon fair market value appraisal report). EDA 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).

Settlement has not been reached with the following property owner, although negotiation is still in progress for the necessary right-of-way:

Parcel No.	Ownership Assessor's Parcel No(s).
0784-001A and 0784-001B	Southern Pacific Transportation Company 135-170-006 and portion of 135-151-020

On November 22, 2011, the Board approved Resolution No. 2011-214, Notice of Intention to Adopt a Resolution of Necessity Regarding the Magnolia Avenue Grade Separation Project.

The County is authorized to acquire property by eminent domain pursuant to various statutes including Government Code, §25350.5.

This Resolution has been reviewed and approved by County Counsel as to legal form.

FINANCIAL DATA: (Commences on Page 3)

FINANCIAL DATA: The following summarizes the funding necessary for the acquisition of the property referenced above:

Purchase Price:	\$ 85,000
Appraisal:	\$ 8,000
Preliminary Title Report:	\$ 800
EDA Real Property Costs:	\$ 15,000
Total Estimated Acquisition Costs:	\$ 108,800

EDA has already covered the costs for due diligence (appraisal and preliminary title reports) and will be or has been reimbursed by the Transportation Department. The remaining costs will be paid directly by the Transportation Department. All costs associated with this property acquisition are fully funded in the Transportation Department's budget for FY 2011/12. Thus, no additional net county cost will be incurred as a result of this transaction.

2
3 Resolution No. 2012-004

4 Authorizing Resolution of Necessity Regarding
5 the Magnolia Avenue Grade Separation Project
6

7 **WHEREAS**, the portions of real properties that are the subjects of this Notice
8 (collectively the "Subject Properties") are located in the unincorporated County of
9 Riverside, State of California; are generally located within an area in the middle of
10 Magnolia Avenue between Lincoln Street and Buchanan Street; are legally described
11 and pictorially depicted on the documents attached hereto as Exhibits "A" and Exhibits
12 "B" (and incorporated herein by this reference); are referred to on attached Exhibits "A"
13 and Exhibits "B" as Parcels 0784-001A and 0784-001B;

14 **WHEREAS**, each one of the Subject Properties is listed below in Table One that
15 includes the relevant Subject Property within its boundaries, and whereas each one of
16 those larger real properties is listed below in Table One by its Riverside County
17 Assessor's Parcel Number:

18

19 **TABLE ONE**

Riverside County Assessor's Parcel Numbers Of the Larger Real Properties	Subject Properties
135-170-006 and portion of 135-151-020	Parcels 0784-001A and 0784-001B

20
21
22
23
24

25 **WHEREAS**, the proposed project that is the subject of this Notice (the
26 "Proposed Project") is one to remove the existing Magnolia Avenue / Burlington
27 Northern Santa Fe ("BNSF") at-grade railroad crossing and to construct a new four-
28 lane overhead bridge over the existing BNSF tracks between 500 feet west of Lincoln

FORM APPROVED COUNTY COUNSEL
BY: ANNA W. WANG
DATE: 6/8/11

1 Street to approximately 550 feet east of Buchanan Street in Riverside County,
2 California to improve safety and traffic operations by eliminating the hazards and
3 inefficiencies of trains passing through the flow of vehicular traffic;

4 **WHEREAS**, Parcels 0784-001A and 0784-001B, will be used for public road
5 purposes, and for other uses incidental to the Proposed Project and required by the
6 Proposed Project;

7 **WHEREAS**, the interests in property that are the subjects of this Notice
8 (collectively the "Subject Property Interests") are fee simple interests;

9 **WHEREAS**, the statutes that authorize the County of Riverside to acquire the
10 Subject Property Interests by eminent domain include Article 1, Section 19 of the
11 California Constitution; Section 25350.5 of the Government Code; Section 760 of the
12 Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040,
13 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

14 **NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of
15 Supervisors of Riverside County, State of California, not less than four/fifths of all
16 members concurring, in regular session assembled on January 10, 2012, that this
17 Board finds and determines each of the following:

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

22 2. That the public interest and necessity require the Proposed Project;

23 3. That the Proposed Project is planned and located in the manner that will
24 be most compatible with the greatest public good and the least private injury;

25 4. That the Subject Property Interests are necessary for the Proposed
26 Project;

27 5. That the offers required by Section 7267.2 of the Government Code have
28 been made to the owners of record of the Subject Properties;

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

8 7. That the Subject Property Interests are needed for road purposes;

9 8. That acquisition of the Subject Property Interests will promote the
10 interests of the County of Riverside.

11 **BE IT FURTHER RESOLVED AND ORDERED** that the County Counsel of the
12 County of Riverside is hereby authorized and empowered:

13 1. To acquire (in the name of the County) the Subject Property Interests by
14 condemnation in accordance with the Constitution and laws relating to eminent
15 domain.

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

18 3. To make application to the Court for an order to deposit the probable
19 amount of compensation out of proper funds under the control of the County into the
20 County Treasury and for an order permitting the County to take prejudgment
21 possession and use the Subject Property Interests for the purpose of constructing the
22 Proposed Project.

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

EXHIBIT "A"
MAGNOLIA AVENUE (GRADE SEPARATION)
LEGAL DESCRIPTION
0784-001A

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND CONVEYED TO PACIFIC ELECTRIC RAILWAY COMPANY AS DESCRIBED IN GRANT DEED RECORDED NOVEMBER 5, 1913, IN BOOK 385 PAGES 232 THROUGH 239, INCLUSIVE, TOGETHER WITH THAT CERTAIN PARCEL OF LAND CONVEYED TO PACIFIC ELECTRIC RAILWAY COMPANY AS DESCRIBED IN QUITCLAIM DEED RECORDED APRIL 11, 1914, IN BOOK 390 PAGES 388 AND 389, BOTH OFFICIAL RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN RANCHO EL SOBRANTE DE SAN JACINTO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF MAGNOLIA AVENUE (132.00 FEET WIDE) AND THE CENTERLINE OF LINCOLN STREET (88.00 FEET WIDE) AS SHOWN ON PARCEL MAP NUMBER 11337, ON FILE IN BOOK 194 PAGES 16 THROUGH 18, INCLUSIVE, OF PARCEL MAPS, RECORDS OF SAID RECORDER;

THENCE N 56°22'11" E ALONG SAID CENTERLINE OF MAGNOLIA AVENUE A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF PARCEL NUMBER SIX GRANTED TO THE COUNTY OF RIVERSIDE BY GRANT DEED RECORDED NOVEMBER 22, 1913, IN BOOK 385 PAGES 353 THROUGH 355, INCLUSIVE, SAID OFFICIAL RECORDS, SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

THENCE N 33°36'46" W ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 25.00 FEET TO THE MOST-NORTHERLY CORNER THEREOF, BEING A POINT ON THE NORTHWESTERLY LINE OF SAID GRANT DEED RECORDED IN BOOK 385 PAGES 232 THROUGH 239, INCLUSIVE;

THENCE N 56°22'11" E ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 1,985.83 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF PARCEL 6113-1 AS DESCRIBED BY FINAL ORDER OF CONDEMNATION RECORDED MARCH 7, 1983, AS INSTRUMENT NUMBER 48580, SAID OFFICIAL RECORDS, BEING A POINT ON THE SOUTHWESTERLY LINE OF THE RIVERSIDE CITY LIMITS AS DESCRIBED BY THE REPORT OF THE BOUNDARY COMMISSION AS ANNEXATION NUMBER 24 SIGNATURE DATED MARCH 11, 1963;

THENCE S 33°37'40" E ALONG SAID SOUTHWESTERLY LINE OF PARCEL 6113-1, A DISTANCE OF 50.00 FEET TO THE MOST-SOUTHERLY CORNER THEREOF BEING A POINT ON THE SOUTHEASTERLY LINE OF SAID GRANT DEED RECORDED IN BOOK 385 PAGES 232 THROUGH 239, INCLUSIVE;

THENCE S 56°22'11" W ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 1,985.84 FEET TO THE MOST-EASTERLY CORNER OF SAID PARCEL SIX;

THENCE N 33°36'46" W ALONG SAID NORTHEASTERLY LINE OF PARCEL SIX, A DISTANCE OF 25.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING: 99,292 SQUARE FEET, OR 2.279 ACRES, MORE OR LESS.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 1.000027271 TO OBTAIN GROUND DISTANCE.

REFERENCE IS HEREBY MADE TO RIVERSIDE COUNTY MAP NUMBER 955-M, ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF RIVERSIDE COUNTY, CALIFORNIA.

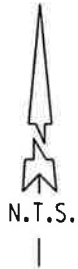
SEE ATTACHED EXHIBIT "B"

APPROVED BY: _____

DATE: 12/13/11



EXHIBIT "B"



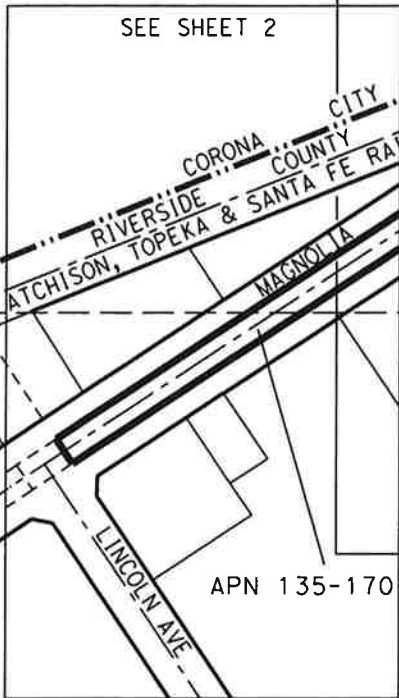
SECTION 22
T.3S., R.6W.

SECTION 21

SEE SHEET 4

SEE SHEET 3

SEE SHEET 2



**PARCEL
0784-001A**

99,292 SQ.FT.
2.279 AC.

APN 135-170-006

RANCHO EL SOBRANTE
DE SAN JACINTO

SECTION 28

SECTION 27
T.3S., R.6W.



ALL DISTANCES SHOWN ARE GRID DISTANCES.
GROUND DISTANCES MAY ABE OBTAINED BY
MULTIPLYING THE GRID DIST. BY A COMBINATION
FACTOR OF 1.000027271.

COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.

PROJECT: MAGNOLIA AVE (GRADE SEPARATION)

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

PAR. NO.: 0784-001A

PREPARED BY: DGO

SCALE: N.T.S.

DATE: DECEMBER, 2011

W.O. NO.: B7-0784

APPROVED BY:

[Signature]

DATE: 12/13/11

SHEET 1 OF 4 SHEETS

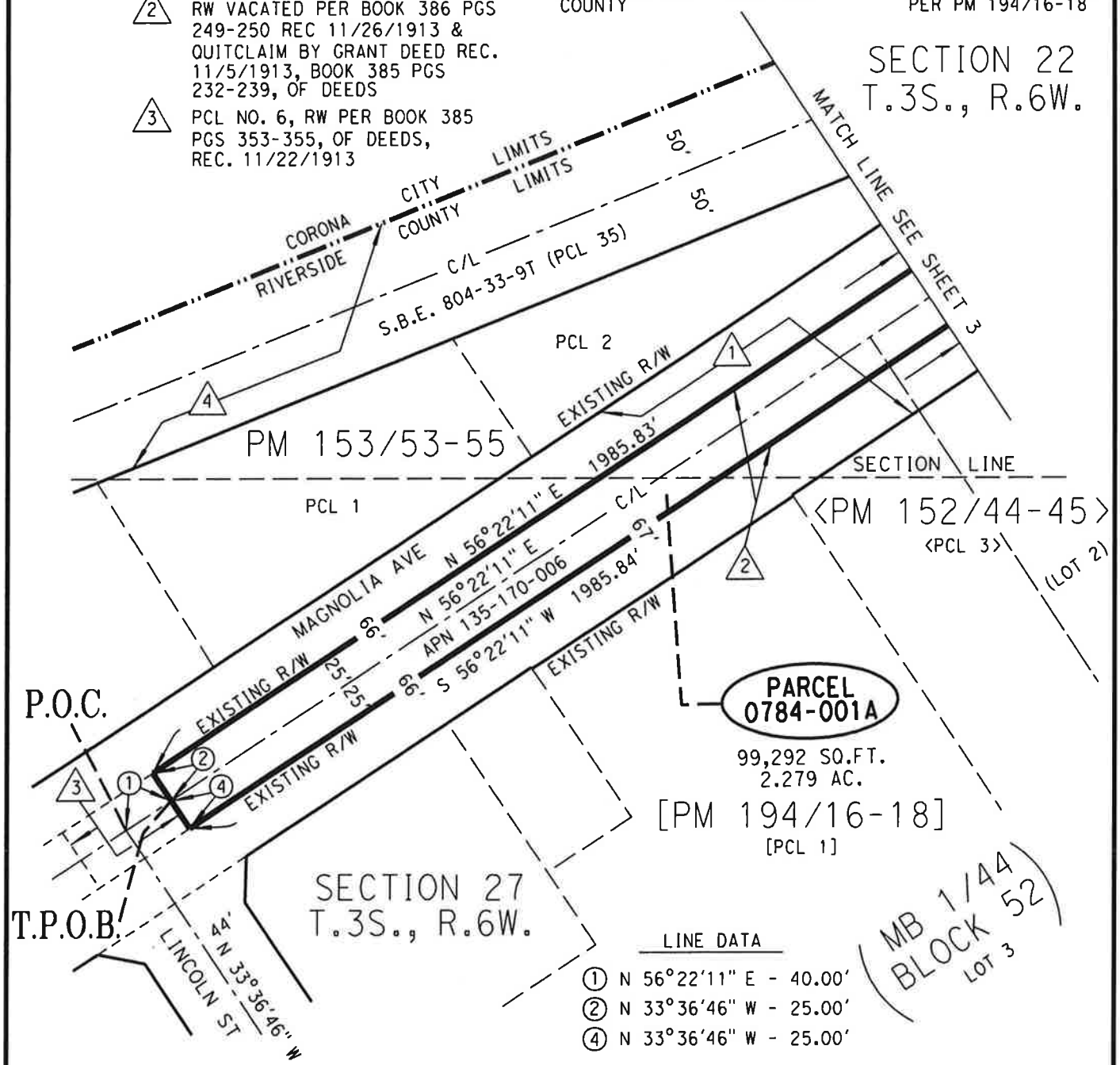
EXHIBIT "B"

- ① RW PER BOOK "R" PG 548, OF DEEDS, REC. 2/8/1877 SAN BERNARDINO CO.
- ② RW VACATED PER BOOK 386 PGS 249-250 REC 11/26/1913 & QUITCLAIM BY GRANT DEED REC. 11/5/1913, BOOK 385 PGS 232-239, OF DEEDS
- ③ PCL NO. 6, RW PER BOOK 385 PGS 353-355, OF DEEDS, REC. 11/22/1913

- ④ RW PER BOOK 63 PGS 111-112, OF DEEDS, REC. 7/4/1887 SAN BERNARDINO COUNTY

() = INDICATES REC DATA PER MB 1/44
 < > = INDICATES REC DATA PER PM 152/44-45
 [] = INDICATES REC DATA PER PM 194/16-18

SECTION 22
 T.3S., R.6W.



- LINE DATA**
- ① N 56°22'11" E - 40.00'
 - ② N 33°36'46" W - 25.00'
 - ④ N 33°36'46" W - 25.00'

SECTION 27
 T.3S., R.6W.

RANCHO EL SOBRANTE DE SAN JACINTO



ALL DISTANCES SHOWN ARE GRID DISTANCES. GROUND DISTANCES MAY ABE OBTAINED BY MULTIPLYING THE GRID DIST. BY A COMBINATION FACTOR OF 1.000027271.

COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.	PAR. NO.: 0784-001A
PROJECT: MAGNOLIA AVE (GRADE SEPARATION)	PREPARED BY: DGO
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: N.T.S.
APPROVED BY: <i>[Signature]</i>	DATE: DECEMBER, 2011
DATE: 12/13/11	W.O. NO.: B7-0784
	SHEET 2 OF 4 SHEETS

(MB 1/44
 BLOCK 52
 LOT 3)

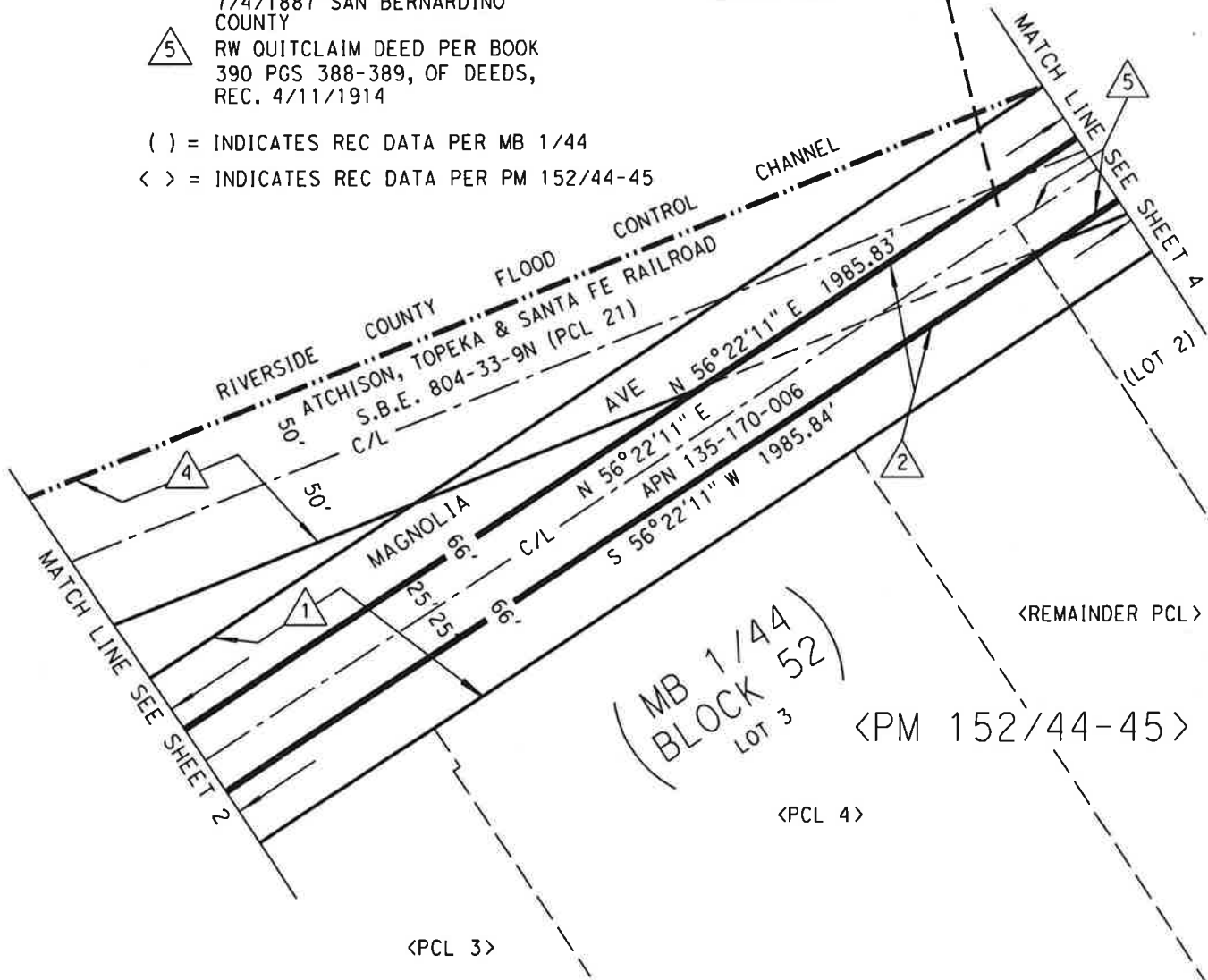
EXHIBIT "B"

SECTION 22
T.3S., R.6W.

- ① RW PER BOOK "R" PG 548, OF DEEDS, REC. 2/8/1877 SAN BERNARDINO CO.
- ② RW VACATED PER BOOK 386 PGS 249-250 REC 11/26/1913 & QUITCLAIM BY GRANT DEED REC. 11/5/1913, BOOK 385 PGS 232-239, OF DEEDS
- ④ RW PER BOOK 63 PGS 111-112, OF DEEDS, REC. 7/4/1887 SAN BERNARDINO COUNTY
- ⑤ RW QUITCLAIM DEED PER BOOK 390 PGS 388-389, OF DEEDS, REC. 4/11/1914

PARCEL 0784-001A
99,292 SQ.FT.
2.279 AC.

() = INDICATES REC DATA PER MB 1/44
< > = INDICATES REC DATA PER PM 152/44-45



RANCHO EL SOBRANTE DE SAN JACINTO



ALL DISTANCES SHOWN ARE GRID DISTANCES. GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING THE GRID DIST. BY A COMBINATION FACTOR OF 1.000027271.

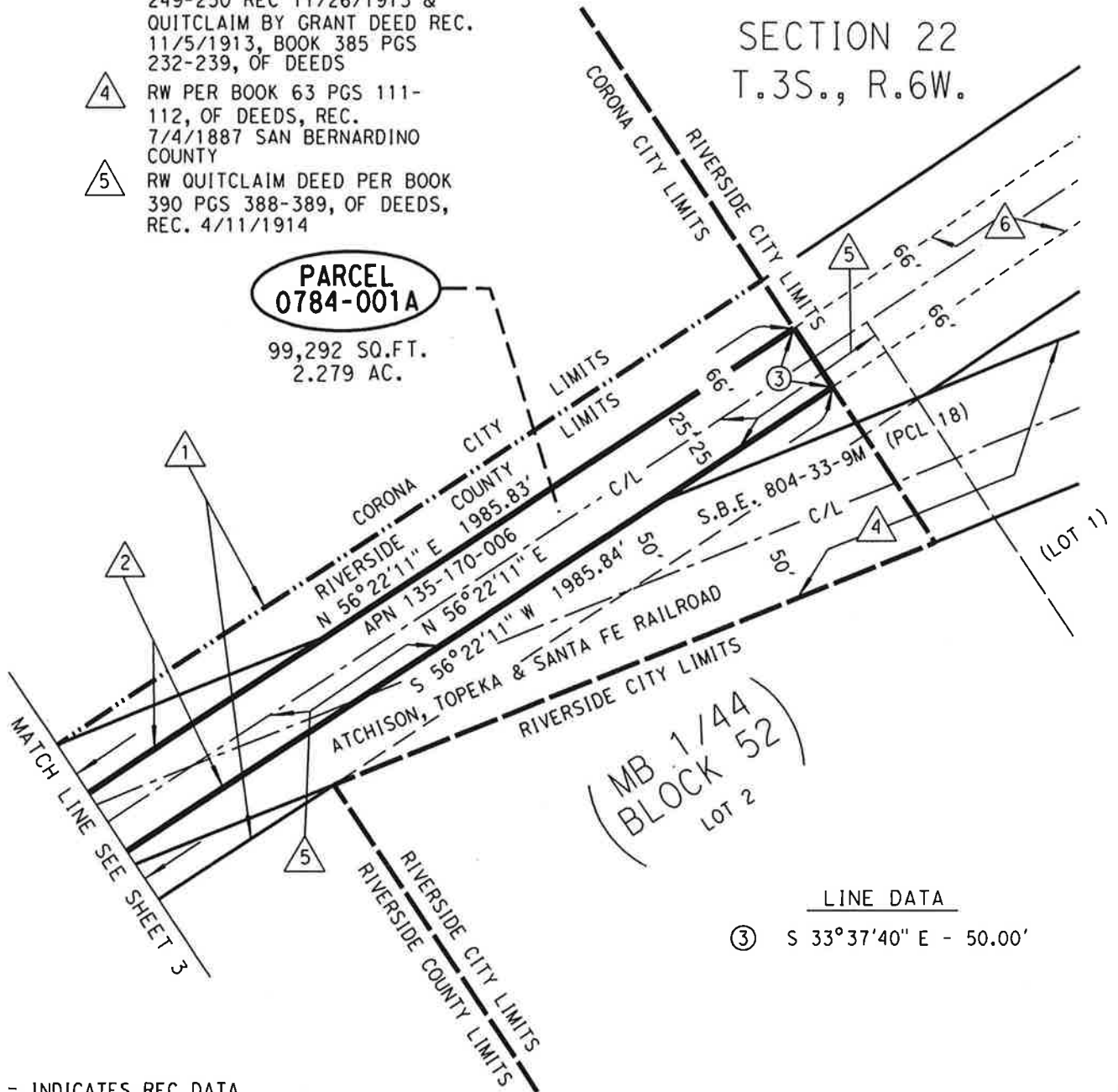
COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.	PAR. NO.: 0784-001A
PROJECT: MAGNOLIA AVE (GRADE SEPARATION)	PREPARED BY: DGO
THIS PLAT IS AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE PRECEDING DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.	SCALE: N.T.S.
APPROVED BY: <i>[Signature]</i> DATE: 12/13/11	DATE: DECEMBER, 2011
	W.O. NO.: B7-0784
	SHEET 3 OF 4 SHEETS

EXHIBIT "B"

- ① RW PER BOOK "R" PG 548, OF DEEDS, REC. 2/8/1877 SAN BERNARDINO CO.
- ② RW VACATED PER BOOK 386 PGS 249-250 REC 11/26/1913 & QUITCLAIM BY GRANT DEED REC. 11/5/1913, BOOK 385 PGS 232-239, OF DEEDS
- ④ RW PER BOOK 63 PGS 111-112, OF DEEDS, REC. 7/4/1887 SAN BERNARDINO COUNTY
- ⑤ RW QUITCLAIM DEED PER BOOK 390 PGS 388-389, OF DEEDS, REC. 4/11/1914

- ⑥ FINAL ORDER OF CONDEMNATION INST. #48580, REC. 3/7/1983 (PCL 6113-1)

SECTION 22
T.3S., R.6W.



(MB 1/44
BLOCK 52)
Lot 2

LINE DATA

③ S 33°37'40" E - 50.00'

() = INDICATES REC DATA PER MB 1/44

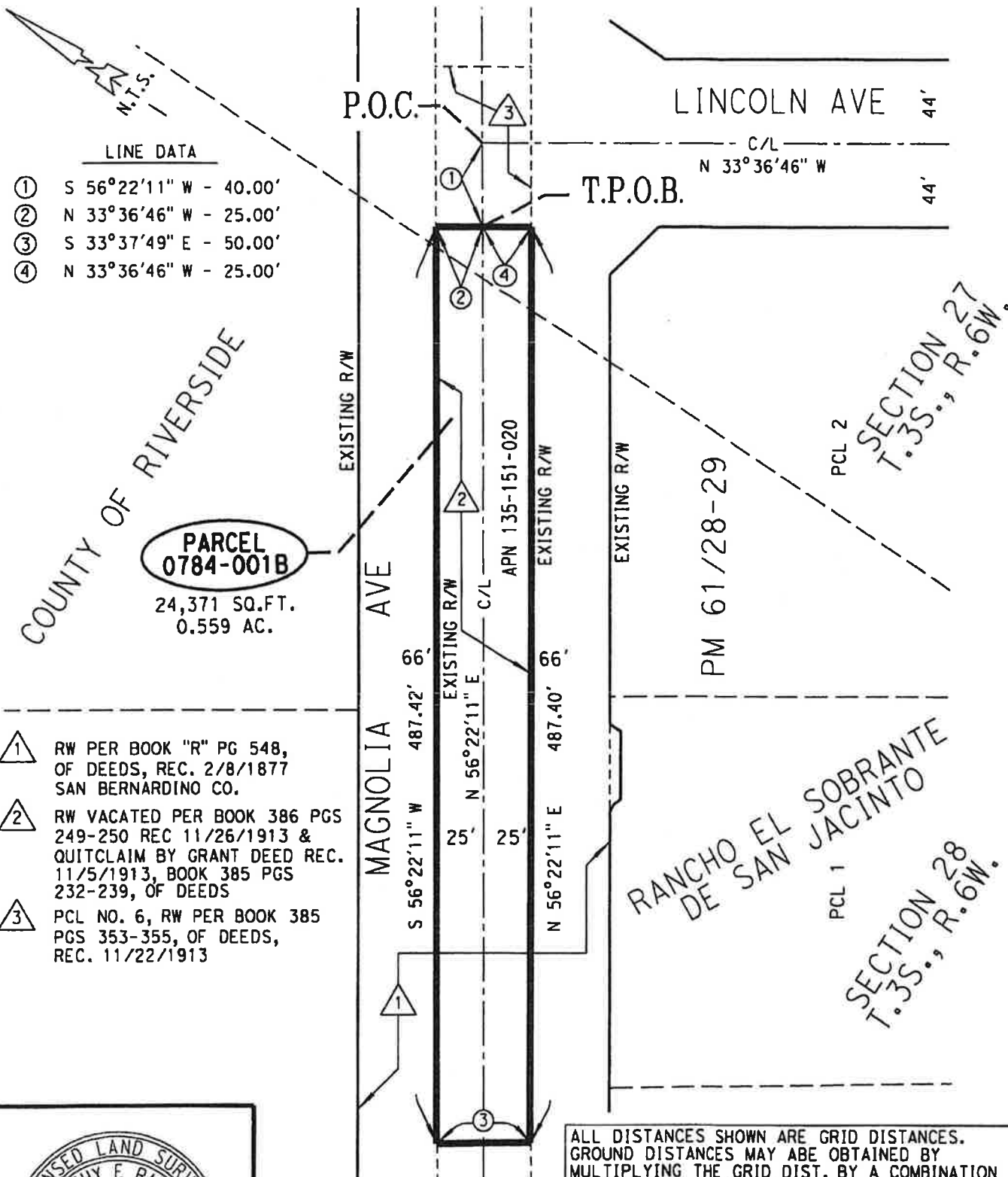
RANCHO EL SOBRANTE DE SAN JACINTO

ALL DISTANCES SHOWN ARE GRID DISTANCES. GROUND DISTANCES MAY ABE OBTAINED BY MULTIPLYING THE GRID DIST. BY A COMBINATION FACTOR OF 1.000027271.



COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.	PAR. NO.: 0784-001A
PROJECT: MAGNOLIA AVE (GRADE SEPARATION)	PREPARED BY: DGO
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: N.T.S.
	DATE: DECEMBER, 2011
APPROVED BY: <i>[Signature]</i> DATE: 12/13/11	W.O. NO.: B7-0784
	SHEET 4 OF 4 SHEETS

EXHIBIT "B"



LINE DATA

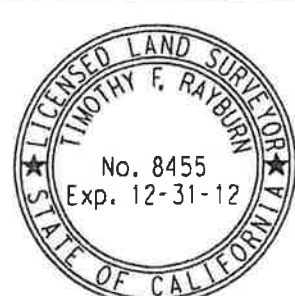
- ① S 56°22'11" W - 40.00'
- ② N 33°36'46" W - 25.00'
- ③ S 33°37'49" E - 50.00'
- ④ N 33°36'46" W - 25.00'

COUNTY OF RIVERSIDE

PARCEL 0784-001B

24,371 SQ.FT.
0.559 AC.

- ① RW PER BOOK "R" PG 548, OF DEEDS, REC. 2/8/1877 SAN BERNARDINO CO.
- ② RW VACATED PER BOOK 386 PGS 249-250 REC 11/26/1913 & QUITCLAIM BY GRANT DEED REC. 11/5/1913, BOOK 385 PGS 232-239, OF DEEDS
- ③ PCL NO. 6, RW PER BOOK 385 PGS 353-355, OF DEEDS, REC. 11/22/1913



ALL DISTANCES SHOWN ARE GRID DISTANCES. GROUND DISTANCES MAY ABE OBTAINED BY MULTIPLYING THE GRID DIST. BY A COMBINATION FACTOR OF 1.000027271.

COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.	PAR. NO.: 0784-001B
PROJECT: MAGNOLIA AVE (GRADE SEPARATION)	PREPARED BY: BC _{II}
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: N.T.S.
APPROVED BY: <i>Timothy F. Rayburn</i> DATE: 6/1/2011	DATE: MAY, 2011
	W.O. NO.: B7-0784
	SHEET 1 OF 1 SHEET