

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



728A

FROM: Economic Development Agency/Facilities Management and Transportation Department

SUBMITTAL DATE:
May 22, 2013

SUBJECT: Right of Way Acquisition Agreements, Temporary Construction Easement Agreements, Temporary Construction Easement Deeds, and Settlement Agreements for the Clay Street Grade Separation Project

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Right of Way Acquisition Agreement for Parcels 0753-003A, 0753-003C, 0753-003E, 0753-003G and 0753-003H and Temporary Construction Access Agreement for Parcel 0753-003D, all within portions of Assessor's Parcel Number 163-400-007;

(Continued)

Juan C. Perez, Director
Transportation and Land Management

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 2,767,775	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/13

COMPANION ITEM ON BOARD AGENDA: No

SOURCE OF FUNDS: Congestion Mitigation and Air Quality (CMAQ) – 87% and Transportation Development Act (TDA) – 13%	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

BY:
Jennifer L. Sargeant

FISCAL PROCEDURES APPROVED
PAUL ANGILO, CPA, AUDITOR-CONTROLLER
BY: Lisette Rose

FORM APPROVED COUNTY COUNSEL
BY: PATRICIA MUNROE
DATE: 5/11/13
Departmental Concurrence

Policy Policy

Dept's Recomm.: Consent
Per Exec. Ofc.: Consent

RECEIVED RIVERSIDE COUNTY
MAY 23 2013 10:59 AM

RECEIVED COUNTY CLERK
MAY 23 2013 11:51 AM

Prev. Agn. Ref.: 3-33 of 2/26/13; 3-23 of 3/12/13

District: 2/2

Agenda Number:

3-20

RECOMMENDED MOTION: (Continued)

2. Approve the attached Right of Way Acquisition Agreement for Parcels 0753-006A, 0753-006B, 0753-006C, 0753-006D, 0753-006H, 0753-006I, 0753-006J, and 0753-006K, Temporary Construction Easement Deed for Parcel 0753-006E, and Temporary Construction Easement Deed for Parcels 0753-006E and 0753-006F, all within a portion of Assessor's Parcel Number 163-400-023;
3. Approve the attached Right of Way Acquisition Agreement for Parcel 0753-008B, Temporary Construction Easement Deed for Parcels 0753-008A and 0753-008D, all within a portion of Assessor's Parcel Number 163-400-026;
4. Approve the attached Temporary Construction Easement Deed for Parcel 0753-010A, within a portion of Assessor's Parcel Number 163-400-028;
5. Approve the attached Settlement Agreement between the County and Jurupa United Karate Academy for fixtures and equipment items and loss of goodwill, located on a portion of Assessor's Parcel Number 163-400-007;
6. Approve the attached Settlement Agreement between the County and Telecommunications Business Solutions for fixtures and equipment items, located on a portion of Assessor's Parcel Number 163-400-007;
7. Authorize the Chairman of the Board to execute these documents on behalf of the County;
8. Authorize and allocate the sum of \$2,464,400 to acquire Parcels 0753-003A, 0753-003C, 0753-003E, 0753-003G, and 0753-003H; Parcels 0753-006A, 0753-006B, 0753-006C, 0753-006D, 0753-006H, 0753-006I, 0753-006J, and 0753-006K; Parcel 0753-008B; and \$35,600 for temporary access to Parcel 0753-003D; Parcels 0753-006E and 0753-006F; Parcels 0753-008A and 0753-008D; and Parcel 0753-010A and \$25,000 to pay all related transaction costs;
9. Authorize and allocate the sum of \$65,275 for fixture and equipment items and loss of goodwill, \$28,000 for relocation benefits for the two commercial businesses (Jurupa United Karate Academy and Telecommunications Business Solutions) and \$2,500 which includes reserves for any unforeseen and reasonable increases during the relocation assistance process of the displacees;
10. Authorize the Assistant County Executive Officer/EDA, or his designee, to execute any other documents and administer all actions necessary to complete this transaction; and
11. Approve and direct the Auditor-Controller to make the budget adjustments as shown on Schedule A.

BACKGROUND: (Commences on Page 3)

Economic Development Agency/Facilities Management and Transportation Department
Right of Way Acquisition Agreements, Temporary Construction Access Agreements, Temporary
Construction Easement Deeds, and Settlement Agreements for the Clay Street Grade Separation
Project

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BACKGROUND:

The Riverside County Transportation Department (RCTD) proposes to construct a grade separation at the Union Pacific Railroad (UPRR) and Clay Street at-grade crossing in the City of Jurupa Valley. Clay Street is designated as a major arterial highway and serves as a connection between Limonite Avenue and Van Buren Boulevard. The existing grade on Clay Street would be lowered to obtain vertical clearance between Clay Street and the existing railroad tracks (Project).

Connection of the proposed grade separation would require a temporary shoe-fly track adjacent to and north of the existing UPRR mainline. A shoe-fly is a temporary by-pass necessary to maintain rail circulation through the project area during construction of the new structure. Upon completion of the structure, the shoe-fly would be removed, and property reverted back to the property owner.

The Project is needed in order to improve traffic flow and increase public safety by eliminating the conflicting train/vehicle movement. This will serve to end traffic delays for motorists and emergency vehicles traveling north or south on Clay Street caused by the at-grade crossing, as well as improve the efficient movement of goods through Riverside County.

The Notice of Exemption was filed and posted on February 9, 2011. RCTD staff conducted a review of the Project and it is exempt for the provisions of the California Environmental Quality Act (CEQA) based on Section 15282(h).

The National Environmental Policy Act (NEPA) environmental determination (Categorical Exclusion Section 6004; 23 CFR 771.117(d)(3) was approved on January 31, 2011, by District 8 Division of Environmental Planning for the California Department of Transportation.

The Economic Development Agency/Facilities Management (EDA/FM) has negotiated the acquisition of permanent and temporary rights of a portion of the property with the following owners:

Assessor's Parcel. No.	Parcel Series	Owner	Purchase Price (Fee/Easement/TCE)
163-400-007 (portion)	0753-003	Jurupa Western	\$1,956,900
163-400-023 (portion)	0753-006	Cox, West, Nielson, and Fischer	\$500,000
163-400-026 (portion)	0753-008	De Anza Business Park	\$38,500
163-400-028 (portion)	0753-010	Cox, West, Nielson and Fischer	\$4,600
Total			\$2,500,000

In addition, EDA/FM has negotiated acquisition of improvements (fixtures and equipment) and loss of goodwill with the commercial businesses located on a portion of Assessor's Parcel Number 163-400-007 as follows: Jurupa United Karate Academy for the price of \$59,610 and Telecommunications Business Solutions for the price of \$5,665. There are no costs associated with these transactions.

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BACKGROUND: (Continued)

The County will provide relocation benefits and assistance to all qualified displacees as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended) and Title 49 Code of Federal Regulations Part 24 (49 CFR 24 as amended on January 4, 2005). Located within the Project, there are two commercial businesses that will require relocation assistance.

The Economic Development Agency/Facilities Management (EDA/FM) has contracted with Epic Land Solutions (Epic), relocation consultants, who conducted interviews with the two operating commercial businesses (Jurupa United Karate Academy and Telecommunications Business Solutions, both on a portion of Assessor's Parcel Number 163-400-007, to identify and address the needs of the displacees. Based on the initial interviews conducted by Epic, it was determined that the relocation benefits entitled to the displacees are as follows:

Two Commercial Businesses (Tenants)	
Jurupa United Karate Academy	\$11,365
Telecommunications Business Solutions	<u>\$16,635</u>
Total Relocation Benefits	\$28,000

Staff recommends an additional \$2,500 in reserves for any unforeseen and reasonable increases during the relocation of the displacees.

This Form 11 has been reviewed and approved by County Counsel as to legal form

FINANCIAL DATA:

The following summarizes the funding necessary for the acquisition and temporary construction easement of portions of Assessor's Parcel Numbers 163-400-007, 163-400-023, 163-400-026, and 163-400-028:

Acquisition	\$2,464,400
Temporary Construction Easements	35,600
Settlement Agreements	65,275
Estimated Title and Escrow Charges	25,000
Relocation Benefits	28,000
Reserves for Relocation Benefits	2,500
Preliminary Title Reports	2,000
County Appraisals	53,800
Real Property - \$34,300	
Fixtures and Equipment - \$8,000	
Goodwill - \$11,500	
Owner Appraisal	20,000
Relocation Consultant	21,200
EDA/FM Real Property Staff Time	50,000
Total Estimated Acquisition Costs	\$2,767,775

(Continued)

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FINANCIAL DATA: (Continued)

EDA/FM has already covered the costs for due diligence (Preliminary Title Report and Appraisal) and has been or will be reimbursed by the Transportation Department. The remaining costs will be paid directly by the Transportation Department. All costs associated with this property acquisition will be fully funded by the Transportation Department's revenue sources. Thus, no additional net county costs will be incurred as a result of this transaction.

Attachments:

Schedule A

Parcel 0753-003 Series

- (4) Right of Way Acquisition Agreements
- (4) Temporary Construction Access Agreements
- (4) Settlement Agreements (Jurupa United Karate Academy)
- (4) Settlement Agreements (Telecommunications Business Solutions)

Parcel 0753-006 Series

- (4) Right of Way Acquisition Agreements
- (1) Temporary Construction Easement Deed

Parcel 0753-008 Series

- (4) Right of Way Acquisition Agreements
- (1) Temporary Construction Easement Deed

Parcel 0753-010 Series

- (1) Temporary Construction Easement Deed

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Schedule A

Increase Appropriations:		
20000-3130500000-535000	Right of Way	\$2,767,775

Anticipated Decrease in Fund Balance:		
20013-3130500000-321101	Restricted Program Money	\$2,767,775