

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

729A



**FROM:** Economic Development Agency/Facilities Management and Transportation Department

**SUBMITTAL DATE:**  
May 22, 2013

**SUBJECT:** Resolution No. 2013-058, Authorizing Resolution of Necessity Regarding the Airport Boulevard Grade Separation Project – Thermal

**RECOMMENDED MOTION:** That the Board of Supervisors approve Resolution No. 2013-058, Authorizing Resolution of Necessity Regarding the Airport Boulevard Grade Separation Project.

**BACKGROUND:** The Riverside County Transportation Department proposes to construct a grade separation project located at the at-grade crossing of Airport Boulevard and the Union Pacific Railroad (UPRR) tracks by raising the roadway over the railroad and constructing an overhead structure that will span the tracks and Grapefruit Boulevard (State Highway 111) at Airport Boulevard (Project).

(Continued)

  
\_\_\_\_\_  
Juan C. Perez, Director  
Transportation and Land Management

  
\_\_\_\_\_  
Robert Field  
Assistant County Executive Officer/EDA

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 81,831	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/13

**COMPANION ITEM ON BOARD AGENDA:** No

<b>SOURCE OF FUNDS:</b> Coachella Valley Association of Governments (CVAG) – 100%	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input checked="" type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE  
BY:   
\_\_\_\_\_  
County Executive Office Signature Jennifer L. Sargent

FORM APPROVED COUNTY COUNSEL  
BY: ANNA W. WANG  
DATE: 4/10/13  
Departmental Concurrence

Policy  
 Consent  
 Policy  
 Consent  
 Dep't Recomm.:  
 Per Exec. Ofc.:

RECEIVED BY: JENNIFER L. SARGENT  
DATE: 5/22/13  
COUNTY OF RIVERSIDE

13 MAY 21 09:05  
ECONOMIC DEVELOPMENT AGENCY  
FACILITIES MANAGEMENT AND TRANSPORTATION DEPARTMENT

**Prev. Agn. Ref.:** 3.22 of 9/11/2012; 3.20 of 11/20/2012; 9.3 of 12/18/2012 ; 3-10 of 5/7/13 | **District:** 4/4 | **Agenda N:** 9-2

**BACKGROUND:** (Continued)

The Project is needed in order to improve public safety by eliminating the conflicting train/vehicle/pedestrian movement. The Project will also serve to end traffic delays at Airport Boulevard caused by the at-grade crossing and improve the efficient movement of goods through Riverside County.

The Project will maintain access to Airport Boulevard from Grapefruit Boulevard and the adjacent properties. Palm Street would be extended to the north from the intersection of Airport Boulevard to Grapefruit Boulevard. Grapefruit Boulevard will be widened at this intersection to accommodate a left turn onto Palm Street and a southbound deceleration lane to a right turn into Palm Street. The south side of Airport Boulevard will be accessed by a new frontage road adjacent to the new raised Airport Boulevard.

The Notice of Exemption was filed and posted on July 28, 2011. RCTD staff conducted a review of the Project and it is exempt for the provisions of the California Environmental Quality Act (CEQA).

On September 11, 2012, the Board approved Item 3.22, Right of Way Acquisition Agreement for the Airport Boulevard Grade Separation Project between the County and California Redi-Date, LLC, a California limited liability company. During the escrow process, it was discovered that the property was no longer owned by California Redi-Date. The property was conveyed by a Trustee's Deed upon Sale to CXA-16 Corporation. The escrow with California Redi-Date, LLC did not close, and California Redi-Date did not receive any compensation for the right of way to be acquired, and the deed was not recorded. Since California Redi-Date no longer owns the property, a new negotiated agreement with CXA-16 Corporation is necessary.

The Economic Development Agency/Facilities Management (EDA/FM) presented a written offer to the current property owner as required by Government Code Section 7267.2. The amount of the offer is consistent with current property values in the Thermal area for the various property types (and is based upon a fair market value appraisal report). EDA/FM has also offered to pay the reasonable costs, not-to-exceed \$5,000, for an independent appraisal obtained by the property owners (as required by Code of Civil Procedure Section 1263.025).

Settlement has not been reached with CXA-16 Corporation, although negotiation is still in process for the necessary right-of-way for a portion of Assessor's Parcel Number: 763-350-016 (Parcel Number: 0241-031.)

On May 7, 2013, the Board approved Resolution No. 2013-057, Notice of Intention to Adopt a Resolution of Necessity Regarding the Airport Boulevard 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 properties referenced above:

Purchase Price	\$63,231
Estimated Title and Closing Costs	2,500
Preliminary Title Report	400
County Appraisal	5,700
EDA/FM Real Property Costs	10,000
Total Estimated Acquisition Costs	\$81,831

EDA/FM has already covered the costs for due diligence (appraisals and preliminary title reports) and have been or will be reimbursed by the Transportation Department. The remaining costs will be paid directly by the Transportation Department, who will then be reimbursed by the Coachella Valley Association of Governments (CVAG). All costs associated with this property acquisition are fully funded in the Transportation Department's budget for FY 2012/13. Thus, no additional net county cost will be incurred as a result of this transaction.

2 Resolution No. 2013-058

3 Authorizing Resolution of Necessity Regarding  
4 the Airport Boulevard Grade Separation Project  
5

6 **WHEREAS**, the portions of real property that is the subject of this Notice  
7 (collectively the "Subject Property") is located in the Thermal area, County of Riverside,  
8 State of California; and generally located on Airport Boulevard within an area bounded  
9 by Orange Street on the east and Polk Street on the west; are legally described and  
10 pictorially depicted on the documents attached hereto as Exhibit "A" and Exhibit "B"  
11 (and incorporated herein by this reference); are referred to on attached Exhibit "A" and  
12 Exhibit "B" as Parcel 0241-031; and is a portion of a larger real property;

13 **WHEREAS**, the Subject Property is listed below in Table One that includes the  
14 relevant Subject Property within its boundaries, and whereas the larger real property is  
15 listed below in Table One across by its Riverside County Assessor's Parcel Number:

TABLE ONE	
Parcel No.	Assessor's Parcel No.
0241-031	763-350-016

16  
17  
18  
19 **WHEREAS**, the proposed project that is the subject of this Notice (the  
20 "Proposed Project") is one to construct a grade separation project located at the at-  
21 grade crossing of Airport Boulevard and the Union Pacific Railroad (UPRR) tracks by  
22 raising the roadway over the railroad and constructing an overhead structure that will  
23 span the tracks and Grapefruit Boulevard (State Highway 111) at Airport Boulevard  
24 (Project). The Project will maintain access to Airport Boulevard from Grapefruit  
25 Boulevard and the adjacent properties. Palm Street would be extended to the north  
26 from the intersection of Airport Boulevard to Grapefruit Boulevard. Grapefruit  
27 Boulevard will be widened at this intersection to accommodate a left turn lane onto  
28 Palm Street and a southbound deceleration lane to a right turn into Palm Street. The

FORM APPROVED COUNTY COUNSEL  
BY: ANNA W. WANG  
DATE: 4/8/13

1 south side of Airport Boulevard will be accessed by a new frontage road adjacent to the  
2 new raised Airport Boulevard.

3 **WHEREAS**, the Project is needed in order to improve public safety by  
4 eliminating the conflicting train/vehicle/pedestrian movement and serve to end the  
5 traffic delays at Airport Boulevard caused by the at-grade crossing and improve the  
6 efficient movement of goods through Riverside County; including but not limited to, the  
7 use of the Subject Property for public road purposes, for drainage purposes, for utility  
8 purposes and for other uses incidental required by the Proposed Project;

9 **WHEREAS**, Parcel 0241-031 will be used for public road, utility, and drainage  
10 purposes, is described in Exhibit "A";

11 **WHEREAS**, the interest in the property that is the subject of this Notice  
12 (collectively the "Subject Property Interest") are identified below in Table Two:

13

TABLE TWO	
Parcel No.	Perpetual Easement
0241-031	x

14  
15  
16

17 **WHEREAS**, the statutes that authorize the County of Riverside to acquire the  
18 Subject Property Interest by eminent domain include Article 1, Section 19 of the  
19 California Constitution; Section 25350.5 of the Government Code; Section 760 of the  
20 Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040,  
21 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

22 Now, therefore, **BE IT RESOLVED AND ORDERED** by the Board of  
23 Supervisors of Riverside County, State of California, not less than fourth/fifths of all  
24 members concurring, in regular session assembled on June 4, 2013, that this Board  
25 finds and determines each of the following:

26 1. Notice of the Board's intention to adopt this resolution of necessity was  
27 duly given as required by Section 1245.235 of the Code of Civil Procedure and, on the  
28

1 date and at the time and place fixed for hearing, this Board did hear and consider all of  
2 the evidence presented.

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

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

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

7 5. That the offers required by Section 7267.2 of the Government Code have  
8 been made to the owner of record of the Subject Property;

9 6. That, to the extent that the Subject Property is already devoted to a public  
10 use, the use of the Proposed Project is a compatible use that will not unreasonably  
11 interfere with or impair the continuance of the public use as it presently exists or may  
12 reasonably be expected to exist in the future (California Code of Civil Procedure  
13 Section 1240.510) or the use of the Proposed Project is a more necessary public use  
14 than is the presently existing public use (California Code of Civil Procedure Section  
15 1240.610);

16 7. That the Subject Property Interest is necessary for the Proposed Project;

17 8. That acquisition of the Subject Property Interest will promote the interest  
18 of the County of Riverside.

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

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

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

26 3. To make application to the Court for an order to deposit the probable  
27 amount of compensation out of proper funds under the control of the County into the  
28 State Treasury and for an order permitting the County to take prejudgment possession

1 and use the Subject Property Interest for the purpose of constructing the Proposed  
2 Project.

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

7 5. To correct any errors or to make or agree to nonmaterial changes in the  
8 legal description of the real property that are deemed necessary for the conduct of the  
9 condemnation action, or other proceedings or transaction required to acquire the  
10 subject real property. Counsel is further authorized to reduce or modify the extent of  
11 the interests or property to be acquired so as to reduce the compensation payable in  
12 the action where such change would not substantially impair the construction and  
13 operation for the project for which the real property is being acquired.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**0241-031**

AN EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES, BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN GRANT DEED, AS INSTRUMENT NUMBER 205087, RECORDED JUNE 11, 1997, RECORDS OF THE RECORDER OF RIVERSIDE COUNTY CALIFORNIA, LYING WITHIN THE SOUTHWEST ONE-QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 8 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE CENTERLINE INTERSECTION OF AIRPORT BOULEVARD (FORMERLY CALIFORNIA STREET) (30.00 FOOT NORTHERLY HALF-WIDTH) AND CENTERLINE OF ORANGE STREET (30.00 FOOT WESTERLY HALF-WIDTH) AS SHOWN ON MAP OF THERMAL TOWNSITE, ON FILE IN MAP BOOK 4, PAGE 78, RECORDS OF SAID RECORDER;

THENCE S 89°49'04" W ALONG THE CENTERLINE OF SAID AIRPORT BOULEVARD, A DISTANCE OF 72.49 FEET;

THENCE N 00°10'56" W, A DISTANCE OF 55.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID AIRPORT BOULEVARD AS DESCRIBED IN INSTRUMENT NUMBER 21880, RECORDED FEBRUARY 3, 1983, RECORDS OF SAID RECORDER, SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

THENCE S 89°49'04" W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID AIRPORT BOULEVARD, A DISTANCE OF 201.65 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF THE PARCEL DESCRIBED IN SAID GRANT DEED, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 58.15 FEET AND AN INITIAL RADIAL BEARING OF N 55°25'37" W;

THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 73°51'48", AN ARC DISTANCE OF 74.96 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2879.94 FEET AND AN INITIAL RADIAL BEARING OF S 50°42'35" W;

THENCE NORTHWESTERLY CONTINUING ALONG SAID SOUTHWESTERLY LINE AND ALONG SAID COMPOUND CURVE THROUGH A CENTRAL ANGLE OF 02°28'52", AN ARC DISTANCE OF 124.71 FEET;

THENCE N 41°40'58" W CONTINUING ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 138.95 FEET;

THENCE N 48°44'44" E, A DISTANCE OF 120.34 FEET TO THE NORTHEASTERLY LINE OF THE PARCEL DESCRIBED IN SAID GRANT DEED;

THENCE S 41°34'44" E ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 147.95 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 3000.01 FEET;

THENCE SOUTHEASTERLY CONTINUING ALONG SAID NORTHEASTERLY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°47'12" AN ARC DISTANCE OF 303.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING: 49,571 SQUARE FEET, OR 1.138 ACRES, MORE OR LESS.



EXHIBIT "A"  
LEGAL DESCRIPTION (CONTINUED)  
0244-031

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 1.000020640 TO OBTAIN GROUND DISTANCE.

SEE ATTACHED EXHIBIT "B"

APPROVED BY: *[Signature]*

DATE: 2-6-12



EXHIBIT "B"

SECTION 15  
T.6S., R.8E., S.B.M.

CURVE DATA

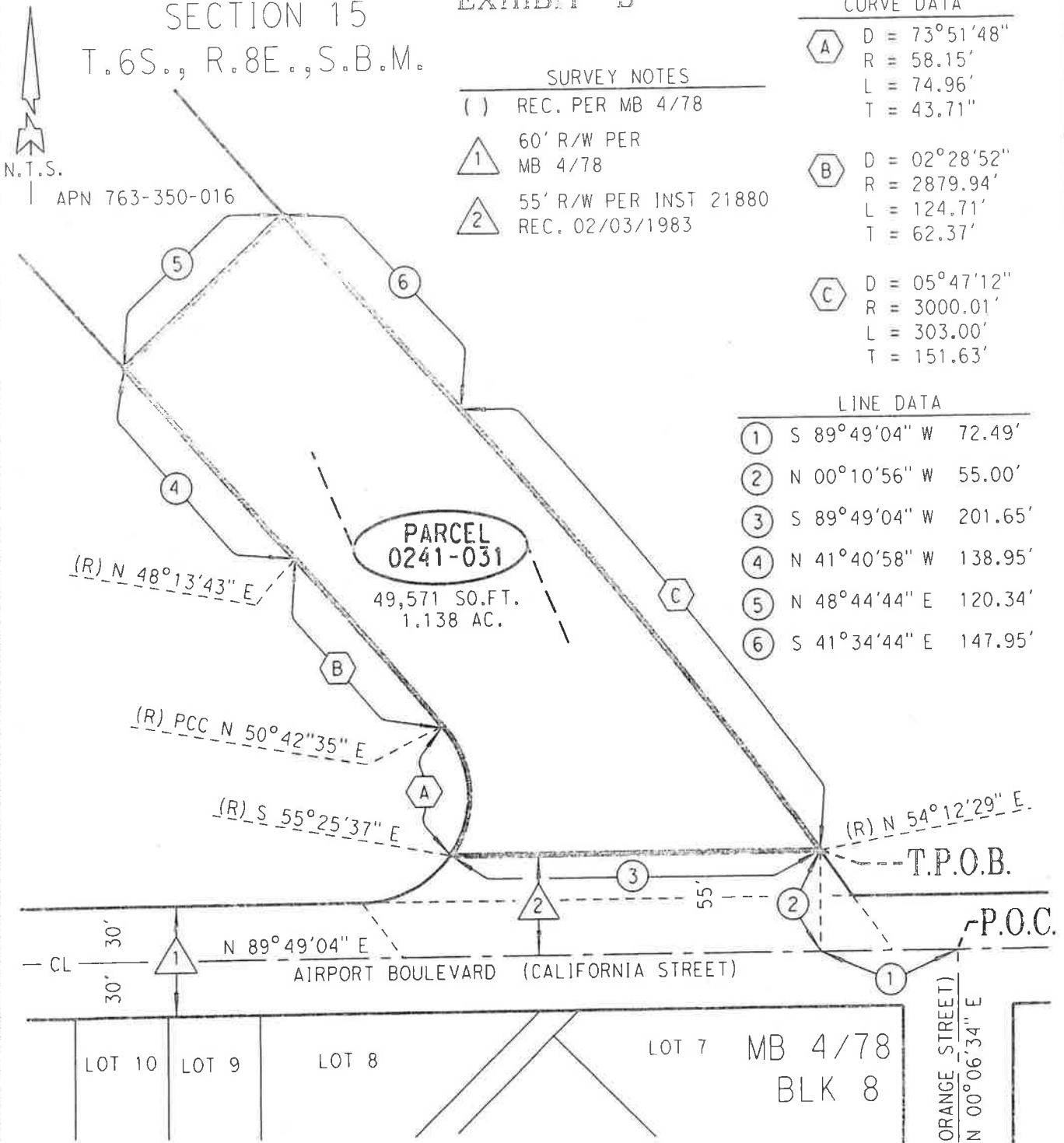
(A)	D = 73°51'48"
	R = 58.15'
	L = 74.96'
	T = 43.71"
(B)	D = 02°28'52"
	R = 2879.94'
	L = 124.71'
	T = 62.37'
(C)	D = 05°47'12"
	R = 3000.01'
	L = 303.00'
	T = 151.63'

SURVEY NOTES

- ( ) REC. PER MB 4/78
- (1) 60' R/W PER MB 4/78
- (2) 55' R/W PER INST 21880 REC. 02/03/1983

LINE DATA

(1)	S 89°49'04" W	72.49'
(2)	N 00°10'56" W	55.00'
(3)	S 89°49'04" W	201.65'
(4)	N 41°40'58" W	138.95'
(5)	N 48°44'44" E	120.34'
(6)	S 41°34'44" E	147.95'



ALL DISTANCES SHOWN ARE GRID DISTANCES. GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING THE GRID DIST. BY A COMBINATION FACTOR OF 1.000020640



COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.  
PROJECT: AIRPORT BLVD. / 56TH AVE.  
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.:	0241-031
PREPARED BY:	D.G.O.
SCALE:	N.T.S.
DATE:	JANUARY, 2012
W.O. NO.:	A6-0241
SHEET 1 OF 1	

APPROVED BY: *[Signature]* DATE: 2-6-12