



FROM: Economic Development Agency and Transportation Department

SUBMITTAL DATE: February 18, 2016

SUBJECT: Resolution No. 2016-006, Notice of Intention to Adopt a Resolution of Necessity for the Avenue 66 Grade Separation Project, District 4, [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1. Approve Resolution No. 2016-006, Notice of Intention to Adopt a Resolution of Necessity for the Avenue 66 Grade Separation Project;
- 2. Set a public hearing on April 5, 2016, for Resolution No. 2016-025, Authorizing Resolution of Necessity Regarding the Avenue 66 Grade Separation Project; and
- 3. Direct the Clerk of the Board to send out the required notice to the property owners as required per Section 1245.235 of the Code of Civil Procedure.

### **BACKGROUND:**

Summary

Departmental Concurrence

(Commences on Page 2)

Juan C. Perez

Director of Transportation and

Land Management

Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent □ Policy 🕱
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent - Folicy
SOURCE OF FUNDS: NA			Budget Adjustn	nent: No	

For Fiscal Year: 2015/16

C.E.O. RECOMMENDATION:

**APPROVE** 

**County Executive Office Signature** 

### MINUTES OF THE BOARD OF SUPERVISORS

Positions Added	Change Order
A-30	4/5 Vote
	1

Prev. Agn. Ref.: 1/26/2016, MO 3-29

District: 4

Agenda Number:

3-20

FORM 11: Resolution No. 2016-006, Notice of Intention to Adopt a Resolution of Necessity for the Avenue 66

Grade Separation Project, District 4, [\$0]

DATE: February 18, 2016

**PAGE**: 2 of 4

### **BACKGROUND:**

### **Summary**

The County of Riverside (County) as the lead agency under California Environmental Quality Act (CEQA), proposes to construct a new grade separation and roadway to cross the Union Pacific Railroad (UPRR) and Highway 111 from Avenue 66 to Lincoln Street in the Community of Mecca. The total length of the project is approximately 1.7 miles. Currently, the only UPRR crossing in the area is at 4<sup>th</sup> Street; because the 4<sup>th</sup> Street crossing is at-grade, east-west travel is delayed when trains cross.

The Southern California Association of Governments (SCAG) 2012-2035 Regional Transportation Plan (RTP) identifies grade separations of streets from rail lines as a key part of the region's goods movement strategy. Avenue 66 is a major street within the Coachella Valley and serves as a connection between State Route 86, State Route 111, and the Community of Mecca. Increasing vehicular traffic due to regional population growth and rising train traffic along this rail trade corridor has increased the congestion which is causing increasing delays at the existing 4<sup>th</sup> Street at-grade crossing with State Route 111, UPRR, and Hammond Road.

The proposed project will consist of the construction of a new two lane roadway that will connect State Route 195/Avenue 66 west of the UPRR tracks to Avenue 66 east of the UPRR tracks, and will add two new signals at the new connections to Avenue 66, approximately 1.7 miles in length, and a new bridge over the existing Union Pacific Railroad (UPRR) tracks, as shown in figures 1-3 (the Project).

On October 10, 2015, the California Department of Transportation (Caltrans), the National Environmental Policy Act (NEPA) Lead Agency, made a NEPA Categorical Exclusion Determination under Section 6005 of 23 U.S.C. 327, based on an examination of the Project and supporting information.

Pursuant to the CEQA and Riverside County Implementing Procedures, the County, as lead agency, has prepared an Initial Study/Environmental Assessment No. OM900 (SCH#2014051063) to analyze the proposed Project to determine if any potential significant effects on the environment would result from the proposed Project. The public Notice of Intention (NOI) to adopt the CEQA Initial Study/Mitigated Negative Declaration (IS/MND) was published in the Press Enterprise with Spanish language affiliates on May 21, 2014. The CEQA IS/MND was circulated for public comment from May 21, 2014 through June 21, 2014. The document was recirculated during July 1, 2015 through July 30, 2015. Issues raised in the public circulations (May 21, 2014-June 21, 2014 and July 1, 2015-July 30, 2015) of the Initial Study have been addressed by incorporation of response-to-comments located within Appendices of Initial Study Environmental Document. The Initial Study evaluated one Build Alternative and No-Build Alternative. The Build Alternative is the proposed Project.

On January 26, 2016, the Board of Supervisors adopted the IS/MND which completed the environmental documentation for the Project. Based upon the findings and conclusions of those documents, the acquisition of these parcels will not result in any new significant environmental effects not identified in the IS/MND; the actions will not substantially increase the severity of the environmental effects identified in the IS/MND; no considerably different mitigation measures have been identified; and no mitigation measures found infeasible have become feasible. As a result, no further environmental documentation is required for CEQA purposes.

The results from the analysis demonstrate the following. The proposed Project would have no impact on Mineral Resource and Recreation. The Project would have less than significant impact on Agriculture and Forest Resources, Population and Housing, Transportation/Traffic, and Utilities and Service Systems. The Project would have no significant impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, and Mandatory Findings of Significance with mitigation implemented.

(Continued)

FORM 11: Resolution No. 2016-006, Notice of Intention to Adopt a Resolution of Necessity for the Avenue 66

Grade Separation Project, District 4, [\$0]

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Settlements have not been reached with eleven out of the thirteen property owners, although negotiations are still in process for the necessary right-of-way (See Exhibit 1):

Assessor's Parcel Number (portion)	Parcel Nos.	Owner(s)
727-250-011	23893-1, 0664-001A and 0664-001B	The Trust of Maryam A. Tadayon, Maryam A. Tadayon, Trustee, Trust dated September 08, 1993, subject to deeds to Shahram Tadayon, an unmarried man, and Shahram Tadayon, also known as Michele Shahram Tadayon, a married man, as his sole and separate property
727-250-015 and 727-250-016	23894-1, 0664-002A, 0664-002B, and 0664-002C	James Farzad Hormozi, a single man, subject to deeds to Moslem Brothers of America, a non-profit corporation
727-250-006	0664-003A and 0664-003B	Moslem Brothers of America
727-250-005	0664-004A, 0664-004B, 0664-004C, 0664-004D, 0664-004E, 0664-004F, and 0664-004G	Fariborz and Mahour Hormozi, husband and wife, as tenants in common, subject to deeds to James Farzad Hormozi, a single man.
727-250-007	0664-005A and 0664-005B	Anthony R. Villalobos, a married man and Silveria C. Villalobos, Trustee of the Silveria C. Villalobos Living Trust dated May 3, 1993
727-271-011	0664-006A, 0664-006B, 0664-006C, 0664-006D, 0664-006E, and 0664-006F	Coachella Valley County Water District
727-271-019 and 727-271-020	0664-007A, 0664-007B, 0664-007C, and 0664-007D	Multi National Investments, LLC
727-272-026, 727-272-027, 727-272-032 and 727-272-033	0664-009A, 0664-009B, and 0664- 009C	Carl Sam Maggio, Trustee of the Carl Sam Maggio Trust dated March 5, 2002
727-212-011	0664-010A and 0664-010B	Heirs or devisees of Feliciana V. Valdovino
5' foot gap between Lincoln Street right-of-way and APN: 727-271-010, 727-271-011 and 727-271-015	0664-011A, 0664-011B, 0664-011C, 0664-011D, and 0664-011E	Martha Jane Woodward
727-100-006	23896-1 and 0664-012A	Ignacio Arellano, a single man; Yolanda Vasquez, as a single woman; Regoberto Mejia and Virginia Mejia, husband and wife; Santiago Leon Castro and Consuelo Leon, husband and wife; Demesio C. Carranza, a single man; Silveria Villalobos, an unmarried woman; Rodrigo Pena Nunez and Elias Pena, husband and wife; Ramon Rodriguez Ortiz and Paula P. Rodriguez, husband and wife; Silveria C. Villalobos,, Trustee of the Silveria C. Villalobos Living Trust dated May 3, 1993; Albert Gonzalez; Marie Helen Sanchez; all as their interest may appear of record, subject to deeds to Ignacio Arellano Vasquez Jr. and Cristian Arellano Vasquez; Enrique Leon, a single man, as to an undivided one-eighth interest; and Abigail Zavala Mejia

FORM 11: Resolution No. 2016-006, Notice of Intention to Adopt a Resolution of Necessity for the Avenue 66

Grade Separation Project, District 4, [\$0]

**DATE:** February 18, 2016

**PAGE:** 4 of 4

The subject NOI would schedule a hearing on April 5, 2016, for the proposed Resolution No. 2016-025 (Authorizing Resolution of Necessity Regarding the Avenue 66 Grade Separation Project). The scheduling of a Resolution of Necessity hearing on April 5, 2016 is needed in order to permit the Avenue 66 Grade Separation Project to move forward.

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.

### Impact on Citizens and Businesses

The Avenue 66 Grade Separation Project will improve traffic circulation and safety; as well as provide uninterrupted and efficient access for agricultural trucks, motorists, residents, businesses, pedestrians, and emergency vehicles in the area.

### SUPPLEMENTAL:

### **Additional Fiscal Information**

The following summarizes the funding necessary for the deposits to the State Condemnation Fund for the properties referenced above as well as due diligence costs and staff time during the condemnation process.

Acquisition and Temporary Construction Access (Deposits to the State Condemnation Fund)	\$2,722,600
Litigation Guarantees	\$ 8,250
EDA-RE Real Property Staff Time (Condemnation process)	\$ 10,000
Total Estimated Costs	\$2,740,850

All costs associated with the deposits of these properties are fully funded by Coachella Valley Association of Governments (CVAG) 55%, Development Impact Fee (DIF) Funds 33%, and Measure A-Coachella Valley 12% in the Transportation Department's budget for FY 2015/16 and these costs will be included in a separate Form 11, along with the Authorizing Resolution of Necessity motion. No net county costs will be incurred as a result of this transaction.

### **ATTACHMENTS:**

Figures 1-3
Project Map-Exhibit 1
Resolution No. 2016-006

8

FORM APPROVED COUNTY COUNSEL

28

### Resolution No. 2016-006

# Notice of Intention to Adopt a Resolution of Necessity Regarding the Avenue 66 Grade Separation Project

WHEREAS, the portion of real properties that are the subject of this Notice (collectively the "Subject Properties") are located in the Mecca area, County of Riverside, State of California; within a new east-west connection bounded by State Route 195 to Home Avenue/Avenue 66, are legally described and pictorially depicted on the documents attached hereto as Exhibit "A" and Exhibit "B" (and incorporated herein by this reference); as Parcels 23893-1 and Parcels 0664-001A and 0664-001B; Parcels 23894-1 and Parcels 0664-002A, 0664-002B, and 0664-002C; Parcels 0664-003A and 0664-003B; Parcels 0664-004A, 0664-004B, 0664-004C, 0664-004D 0664-004E, 0664-004F, and 0664-004G; Parcels 0664-005A and 0664-005B; Parcels 0664-006A, 0664-006B, 0664-006C, 0664-006D, 0664-006E, and 0664-009F; Parcels 0664-007A, 0664-007B, 0664-007C, and 0664-007D; Parcels 0664-009A, 0664-009B, and 0664-009C; Parcels 0664-01DA and 0664-010B; Parcels 0664-011A, 0664-011B, 0664-011C, 0664-011D, and 0664-011E; and Parcels 23896-1 and Parcel 0664-012A; and are portions of larger real properties in all cases;

WHEREAS, each one of the Subject Properties are listed below and includes the relevant Subject Property within its boundaries, and whereas the larger real properties are listed below, in Table One across by its Riverside County's Parcel Number(s);

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9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	6
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11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	9
12 13 14 15 16 17 18 19 20 21 22 23 24 25	10
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14 15 16 17 18 19 20 21 22 23 24 25	12
15 16 17 18 19 20 21 22 23 24 25	13
16 17 18 19 20 21 22 23 24 25	14
17 18 19 20 21 22 23 24 25	15
18 19 20 21 22 23 24 25	16
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23 24 25	21
24 25	22
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Assessor's Parcel Number(s) (Portion)	Parcel Nos.
727-250-011	23893-1 0664-001A
	0664-001B
727-250-015 and 727-250-016	23894-1
	0664-002A
	0664-002B
	0664-002C
727-250-006	0664-003A
	0664-003B
727-250-005	0664-004A
	0664-004B
	0664-004C
	0664-004D
	0664-004E
	0664-004F
	0664-004G
727-250-007	0664-005A
	0664-005B
727-271-011	0664-006A
	0664-006B
	0664-006C
	0664-006D
	0664-006E
	0664-006F
727-271-019 and 727-271-020	0664-007A
	0664-007B
	0664-007C
	0664-007D
727-272-026, 727-272-027, 727-	0664-009A
272-032, and 727-272-033	0664-009B
***	0664-009C
727-212-011	0664-010A
	0664-010B
5' foot gap between Lincoln	0664-011A
Street right of way and APN:	0664-011B
727-271-010, 727-271-011 and	0664-011C
727-271-015	0664-011D
	0664-011E
727-100-006	23896-1
	0664-012A

WHEREAS, the proposed project that is the subject of this Notice (the "Proposed Project") is to construct a new east-west connection of Avenue 66 from

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State Route 86 to Home Avenue, including a grade separation of Avenue 66 and the Union Pacific Railroad and Highway 111, in the community of Mecca.

WHEREAS, the Project is a critical project which will improve traffic circulation and reduce delays by providing uninterrupted and efficient access for agricultural trucks, motorists, residents, businesses, pedestrians, and emergency vehicles; increase public safety; and reduce particulate matter and greenhouse gasses from idling cars and trucks for the Mecca community, including but not limited to, the use of the Subject Properties for public road and utility purposes, including drainage purposes; as well as for temporary construction purposes and or other work, and for other incidental uses required by the Proposed Project;

WHEREAS, Parcels 23893-1, 23894-1, and 23896-1 will be used for State Right of Way; Parcels 0664-001A, 0664-002A, 0664-003A, 0664-004A, 0664-004B, 0664-004C, 0664-005A, 0664-007A, 0664-009A, 0664-010A, 0664-011A and 0664-011B will be used for County Right of Way; and Parcels 0664-006A and 0664-006B will be used for public road easement in favor of the County of Riverside;

WHEREAS, Parcels 0664-001B; Parcels 0664-002B and 0664-002C; Parcel 0664-003B; Parcels 0664-004D 0664-004E, 0664-004F, and 0664-004G; Parcels 0664-005B; Parcels 0664-006C, 0664-006D, 0664-006E, and 0664-006F; Parcels 0664-007B, 0664-007C, and 0664-007D; Parcels 0664-009B and 0664-009C; Parcel 0664-010B; Parcels 0664-011C, 0664-011D, and 0664-011E; and Parcel 0664-012A are non-exclusive temporary access for a thirty-six (36) month period from the effective date of possession to access the portion of the Properties for all purposes necessary to facilitate and accomplish the construction of the Project;

WHEREAS, the interests in the property that are the subject of this notice (collectively the "Subject Property Interests") are identified below in Table Two; and

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		TABLE TWO		
Subject Properties	State R/W	County R/W	County Easement	Temporary Easement
23893-1 0664-001A 0664-001B	Fee	Fee		x
23894-1 0664-002A 0664-002B 0664-002C	Fee	Fee		×
0664-003A 0664-003B		Fee		X
0664-004A 0664-004B 0664-004C 0664-004D 0664-004E 0664-004F 0664-004G		Fee Fee Fee		X X X
0664-005A 0664-005B		Fee		X
0664-006A 0664-006B 0664-006C 0664-006D 0664-006E 0664-006F		Easement Easement		X X X
0664-007A 0664-007B 0664-007C 0664-007D		Fee		X X X
0664-009A 0664-009B 0664-009C		Fee		X
0664-010A 0664-010B		Fee		×
0664-011A 0664-011B 0664-011C 0664-011D 0664-011E		Fee Fee		X X X
23896-1 0664-012A	Fee			X

WHEREAS, the statutes that authorize the County of Riverside to acquire the Subject Property Interests by eminent domain include Article 1, Section 19 of the California Constitution; Section 25350.5 of the Government Code; Section 760 of the

Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

Now, therefore, **BE IT RESOLVED AND ORDERED** as follows by the Board of Supervisors of Riverside County, State of California, in regular session assembled on March 1, 2016.

- 1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on April 5, 2016, at 9:30 a.m. in the meeting room of the Board of Supervisors located on the 1<sup>st</sup> floor of the County Administrative Center, 4080 Lemon Street, Riverside, California) may decide to adopt a Resolution of Necessity that would authorize the County of Riverside to acquire the Subject Property Interests by eminent domain (and that would find and determine each of the following matters):
- (a) That the public interests and necessity require the Proposed Project;
- (b) That the Proposed Project is planned or located in the manner that
   will be most compatible with the greatest public good and the least private injury;
- (c) That the Subject Property Interests are necessary for the Proposed Project;
- (d) That the offers required by Section 7267.2 of the GovernmentCode have been made to the owner of record of the Subject Properties;
- (e) That, to the extent that the Subject Properties are already devoted to a public use, the use of the Proposed Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510) or the use of the Proposed Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610);
- (f) That the Subject Property Interests is necessary for the Proposed Project;

- (g) That acquisition of the Subject Property Interests will promote the interests of the County of Riverside.
- 2. If (within 15 days from the mailing of this Notice) you file a written request to appear at the public meeting and be heard on the matters described above in 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 1(g), (or any one or more of them), you will have a right to appear at that meeting and be heard on those matters.
- All such written requests to appear and be heard must be filed with the Clerk of the Riverside County Board of Supervisors.
- 4. Your written request to appear and be heard must be filed within the fifteen (15) day time period. Failure to file such a timely written request will result in a waiver of your right to appear and be heard.
- Questions regarding the amount of compensation to be paid will not be a part of the public meeting and the Board will not consider such questions in determining whether a Resolution of Necessity should be adopted.
- 6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to be sent by first-class mail to each owner of record whose property may be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll (including the roll of state-assessed property)

SV:ra/120815/300TR/17.916 S:\Real Property\TYPING\Docs-17.500 to 17.999\17.916.doc





FROM: Economic Development Agency and Transportation Department

SUBMITTAL DATE: February 18, 2016

**SUBJECT:** Resolution No. 2016-006, Notice of Intention to Adopt a Resolution of Necessity for the Avenue 66 Grade Separation Project, District 4, [\$0]

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(Commences on Page 2)

Juan C. Perez

Director of Transportation and

Land Management

Robert Field

Assistant County Executive Officer/EDA

For Fiscal Year:

2015/16

POLICY/CONSENT FINANCIAL DATA **Current Fiscal Year: Next Fiscal Year:** Total Cost: **Ongoing Cost:** (per Exec. Office) COST 0 \$ 0 \$ 0 \$ Consent □ Policy □ **NET COUNTY COST** \$ 0 \$ 0 \$ 0 0 \$ SOURCE OF FUNDS: NA Budget Adjustment: No

### C.E.O. RECOMMENDATION:

**County Executive Office Signature** 

### MINUTES OF THE BOARD OF SUPERVISORS

Positions Added	Change Order
A-30	4/5 Vote
	K

Prev. Agn. Ref.: 1/26/2016, MO 3-29

District: 4

Agenda Number:

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Grade Separation Project, District 4, [\$0] **DATE:** February 18, 2016

**PAGE:** 3 of 4

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727-250-007	0664-005A and 0664-005B	Anthony R. Villalobos, a married man and Silveria C. Villalobos, Trustee of the Silveria C. Villalobos Living Trust dated May 3, 1993
727-271-011	0664-006A, 0664-006B, 0664-006C, 0664-006D, 0664-006E, and 0664-006F	Coachella Valley County Water District
727-271-019 and 727-271-020	0664-007A, 0664-007B, 0664-007C, and 0664-007D	Multi National Investments, LLC
727-272-026, 727-272-027, 727-272-032 and 727-272-033	0664-009A, 0664-009B, and 0664- 009C	Carl Sam Maggio, Trustee of the Carl Sam Maggio Trust dated March 5, 2002
727-212-011	0664-010A and 0664-010B	Heirs or devisees of Feliciana V. Valdovino
5' foot gap between Lincoln Street right-of-way and APN: 727-271-010, 727-271-011 and 727-271-015	0664-011A, 0664-011B, 0664-011C, 0664-011D, and 0664-011E	Martha Jane Woodward
727-100-006	23896-1 and 0664-012A	Ignacio Arellano, a single man; Yolanda Vasquez, as a single woman; Regoberto Mejia and Virginia Mejia, husband and wife; Santiago Leon Castro and Consuelo Leon, husband and wife; Demesio C. Carranza, a single man; Silveria Villalobos, an unmarried woman; Rodrigo Pena Nunez and Elias Pena, husband and wife; Ramon Rodriguez Ortiz and Paula P. Rodriguez, husband and wife; Silveria C. Villalobos, Trustee of the Silveria C. Villalobos Living Trust dated May 3, 1993; Albert Gonzalez; Marie Helen Sanchez; all as their interest may appear of record, subject to deeds to Ignacio Arellano Vasquez Jr. and Cristian Arellano Vasquez; Enrique Leon, a single man, as to an undivided one-eighth interest; and Abigail Zavala Mejia

**FORM 11:** Resolution No. 2016-006, Notice of Intention to Adopt a Resolution of Necessity for the Avenue 66 Grade Separation Project, District 4, [\$0]

**DATE**: February 18, 2016

**PAGE:** 4 of 4

The subject NOI would schedule a hearing on April 5, 2016, for the proposed Resolution No. 2016-025 (Authorizing Resolution of Necessity Regarding the Avenue 66 Grade Separation Project). The scheduling of a Resolution of Necessity hearing on April 5, 2016 is needed in order to permit the Avenue 66 Grade Separation Project to move forward.

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.

### Impact on Citizens and Businesses

The Avenue 66 Grade Separation Project will improve traffic circulation and safety; as well as provide uninterrupted and efficient access for agricultural trucks, motorists, residents, businesses, pedestrians, and emergency vehicles in the area.

### SUPPLEMENTAL:

### Additional Fiscal Information

The following summarizes the funding necessary for the deposits to the State Condemnation Fund for the properties referenced above as well as due diligence costs and staff time during the condemnation process.

Acquisition and Temporary Construction Access (Deposits to the State Condemnation Fund)	\$2,722,600
Litigation Guarantees	\$ 8,250
EDA-RE Real Property Staff Time (Condemnation process)	\$ 10,000
Total Estimated Costs	\$2,740,850

All costs associated with the deposits of these properties are fully funded by Coachella Valley Association of Governments (CVAG) 55%, Development Impact Fee (DIF) Funds 33%, and Measure A-Coachella Valley 12% in the Transportation Department's budget for FY 2015/16 and these costs will be included in a separate Form 11, along with the Authorizing Resolution of Necessity motion. No net county costs will be incurred as a result of this transaction.

### **ATTACHMENTS:**

Figures 1-3 Project Map-Exhibit 1 Resolution No. 2016-006







