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

FROM: Economic Development Agency/Facilities Management and
Transportation Department

SUBMITTAL DATE:
February 13, 2013


SUBJECT: Resolution No. 2013-051, Resolution Agreeing to Hear Future Resolutions of Necessity for the Clay Street/Union Pacific Railroad Grade Separation Project in the City of Jurupa Valley.

RECOMMENDED MOTION: That the Board of Supervisors Approve Resolution No. 2013-051, Resolution Agreeing to Hear Future Resolutions of Necessity for the Clay Street/Union Pacific Railroad Grade Separation Project.

BACKGROUND: Clay Street is a four-lane Major Highway that connects Limonite Avenue to the north and Van Buren Boulevard to the south. A Union Pacific Railroad (UPRR) at grade crossing currently exists on Clay Street just east of Van Buren Boulevard in the Indian Hills area of Riverside County.

(Continued)





Juan C. Perez, Director
Transportation and Land Management

Robert Field
Assistant County Executive Officer/EDA

FORM APPROVED COUNTY COUNSEL
BY: ANNA W. WANG
DATE: 2/20/13
Departmental Concurrence

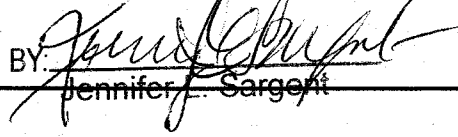
FINANCIAL DATA

Current F.Y. Total Cost:	\$ 0	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

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

C.E.O. RECOMMENDATION: APPROVE

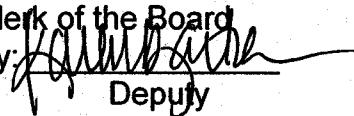
County Executive Office Signature BY: 
Jennifer Sargent

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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: February 26, 2013
xc: EDA, Transp., Co.Co.

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: N/A **District:** 2/2 **Agenda Number:**

3-69

BACKGROUND: (Continued)

The COUNTY Transportation Improvement Program (TIP) provides for improvements to the existing Union Pacific Railroad at grade crossing located on Clay Street, which is located within the jurisdictional boundaries of the City of Jurupa Valley.

The proposed project will grade separate Clay Street as an underpass (depressed roadway) under the proposed railroad bridge structure that will maintain the UPRR mainline track at the current grade. This grade separation project will improve vehicular traffic circulation and safety and will provide uninterrupted and efficient access for motorists, residents, businesses, pedestrians and emergency vehicles in the area. Additionally, the project will also enhance the operational characteristics (i.e. speed, efficiency, and reliability) of freight and passenger trains through Riverside County by eliminating conflicts between railroad operations and vehicular traffic.

Funding for the project is being provided from the Trade Corridor and Improvement Fund (TCIF), from the Congestion Mitigation and Air Quality (CMAC) Improvement Program and from the Federal Highways Administration (FHWA) funding programs. TCIF funding requirements include a stipulation that a construction contract must be executed on or before December 31, 2013.

COUNTY is designated as the lead agency for these fund and has obtained environmental clearance, is substantially complete with the preparation of plans, specifications and estimates and has initiated acquisition of needed real property interests.

The project now lies within the jurisdiction of Jurupa Valley since it's incorporation. The City desires to have the County maintain responsibility for completing the project.

In order for the County to complete the right-of-way acquisition activities on behalf of the City, should condemnation become necessary, the City and the County must each pass a resolution to jointly exercise the powers of eminent domain.

The City of Jurupa Valley adopted a Resolution on February 7, 2013 authorizing the County to act as lead agency to exercise the powers of eminent domain for the Clay Street/Union Pacific Railroad Grade Separation Project.

In the event the County is unable to negotiate voluntary purchases of properties necessary for the Project, this resolution sets the Board of Supervisors as the hearing body for resolutions related to eminent domain.

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

FINANCIAL DATA:

There are no costs associated with this Resolution.

RESOLUTION NO. 2013-051

RESOLUTION AGREEING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE CLAY STREET/UNION PACIFIC RAILROAD GRADE SEPARATION PROJECT.

WHEREAS, the County of Riverside ("County") is empowered to acquire property by eminent domain pursuant to Article 1, Section 19 of the California Constitution, and pursuant to various statutes including Sections 1230.010 et seq. of the California Code of Civil Procedure, and

WHEREAS, the County and the City of Jurupa Valley ("City") consider the Clay Street/Union Pacific Railroad Grade Separation Project (Project") to be a priority project, and

WHEREAS, the City has represented that it desires for the County to act as lead agency for purposes of providing land acquisition services and exercising eminent domain, if necessary, in relation to the Project, and

WHEREAS, California Government Code section 6502 provides that "[I]f authorized by their legislative or governing bodies, two or more public agencies by agreement may jointly exercise any power common to the contracting parties," and

WHEREAS, California Code of Civil Procedure section 1240.140(b) provides that "[t]wo or more public agencies may enter into an agreement for the joint exercise of their respective powers of eminent domain, whether or not possessed in common, for the acquisition of property as a single parcel," and

WHEREAS, on February 7, 2013 the City adopted Resolution No. 2013-03, a "Resolution of the City Council of the City of Jurupa Valley, California Agreeing to Jointly Exercise Powers of Eminent Domain, and Directing and Authorizing the County of Riverside, California to Act as Lead Agency and Condemn Certain Properties within the City of Jurupa Valley." Pursuant to Resolution No. 2013-03, the City expressly granted to the County the City's power of eminent domain to acquire necessary real property interests within the City in connection with the Project, and

WHEREAS, the County desires to acquire real property interests required for the Project and, if necessary, jointly exercise the County's power of eminent domain with the City to acquire such property interests.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Riverside, State of California, not less than four-fifths of all members concurring, in regular session assembled on February 26, 2013, that this Board hereby agrees as follows:

SECTION 1. Pursuant to Government Code section 6502 and Code of Civil Procedure section 1240.140, the County (i) accepts the City's grant of the power of eminent domain as set forth in City Resolution No. 2013-03, and (ii) agrees to act as lead agency with the City for the purposes of land acquisition and eminent domain, if necessary, in connection with the Project; and

FORM APPROVED COUNTY COUNSEL
BY: ANNAM WANG
DATE: 2/20/13

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SECTION 2. This Board hereby agrees to hear and consider any Resolutions of Necessity regarding the acquisition of real property interests necessary for the Project; and

SECTION 3. County Counsel of the County is hereby designated to prepare (in conformance with applicable law), review, approve, and otherwise process Resolution of Necessity packages for the Project (including the Notice of Intention to Adopt Resolution of Necessity and the Resolution of Necessity) prior to those matters being heard by the Board.

ROLL CALL:

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board

By: _____
Deputy