

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



**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

**FINANCIAL  
DATA**

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

**SOURCE OF FUNDS:** Coachella Valley Association of Governments (CVAG) –  
100%

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. Sargent*  
Jennifer L. Sargent

**MINUTES OF THE BOARD OF SUPERVISORS**

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

**Ayes:** Jeffries, Stone, Benoit and Ashley

**Nays:** None

**Absent:** Tavaglione

**Date:** June 4, 2013

**By:** EDA, Transp., Auditor, Co.Co.

Kecia Harper-Ihem

Clerk of the Board

By: *[Signature]*

Deputy

**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:

16

17

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

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.

14  
15 ROLL CALL:

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

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

21 KECIA HARPER-IHEM, Clerk of said Board

22 By: \_\_\_\_\_  
23 Deputy

24  
25  
26  
27 LH:ra/031813/299TR/15.708 S:\Real Property\TYPING\Docs-15.500 to 15.999\15.708.doc  
28

**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)  
0241-031

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: *Rogers*

DATE: 2-6-12



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

# EXHIBIT "B"

## 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

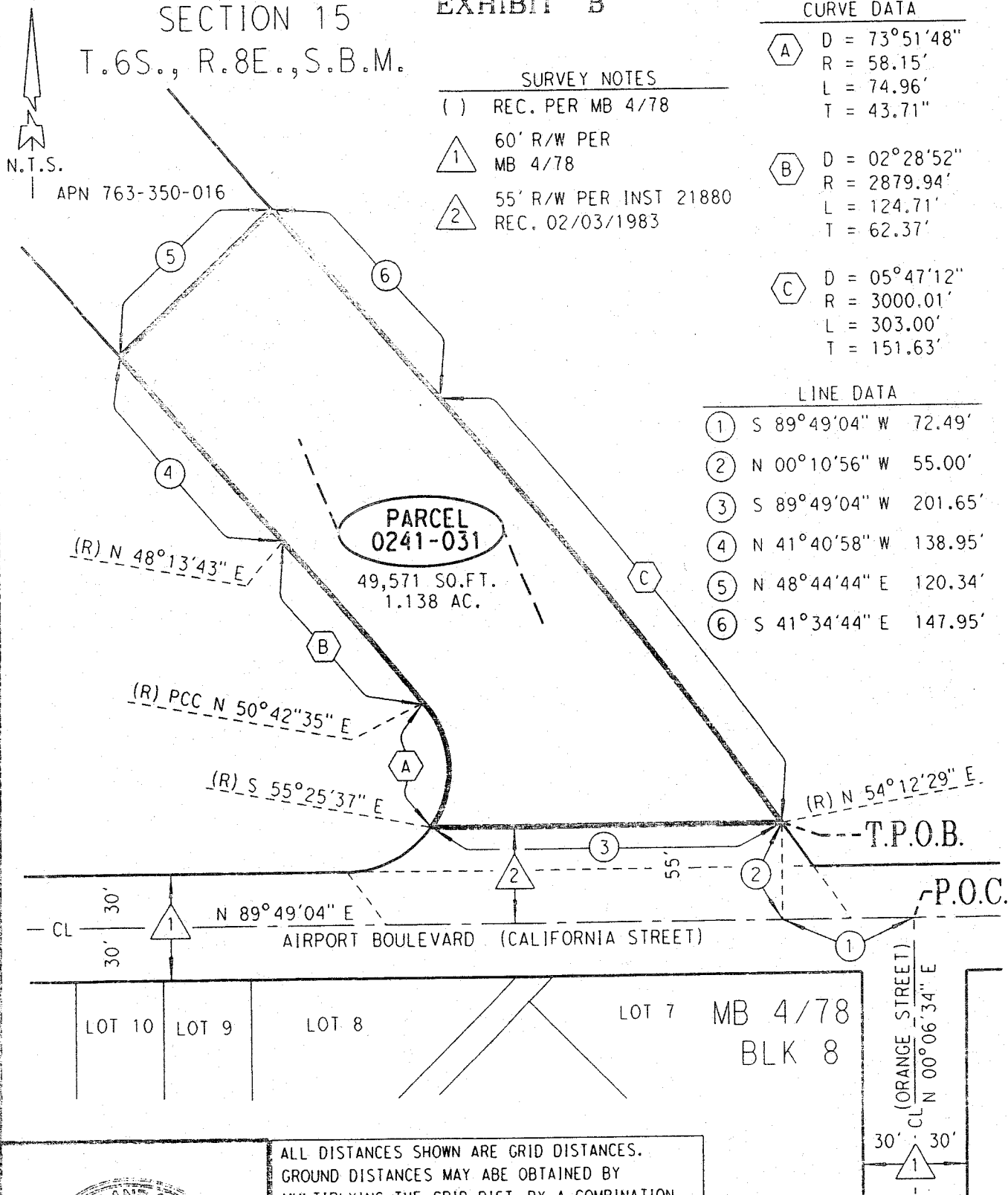
( ) REC. PER MB 4/78

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'



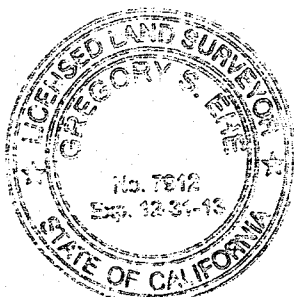
ALL DISTANCES SHOWN ARE GRID DISTANCES.  
GROUND DISTANCES MAY BE OBTAINED BY  
MULTIPLYING THE GRID DIST. BY A COMBINATION  
FACTOR OF 1.000020640

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.

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

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



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

408A



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

**SUBMITTAL DATE:**  
April 25, 2013

**SUBJECT:** Resolution No. 2013-057, Notice of Intention to Adopt a Resolution of Necessity Regarding the Airport Boulevard Grade Separation Project – Thermal

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

1. Approve Resolution No. 2013-057, Notice of Intention to Adopt a Resolution of Necessity Regarding the Airport Boulevard Grade Separation Project;
2. Set a public hearing on June 4, 2013 for Resolution No. 2013-058, Authorizing Resolution of Necessity Regarding the Airport Boulevard Grade Separation Project; and

(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

**SOURCE OF FUNDS:** Coachella Valley Association of Governments (CVAG) –  
100%

**Positions To Be  
Deleted Per A-30** ☐  
**Requires 4/5 Vote** ☐

**C.E.O. RECOMMENDATION:**

APPROVE

County Executive Office Signature

BY:

Jennifer L. Sargent

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried,  
**IT WAS ORDERED** that the above matter is approved as recommended, and is set for public  
hearing on Tuesday, June 4, 2013, at 9:30 a.m.

**Ayes:** Jeffries, Tavaglione, Stone and Ashley

**Nays:** None

**Absent:** Benoit

**Date:** May 7, 2013

**xc:** EDA, Transp., Auditor, COB

Kecia Harper-Ihem  
Clerk of the Board

By: Deputy

**Prev. Agn. Ref.:** 3.22 of 9/11/2012, 3.20 of 11/20/2012; 9.3 of  
12/18/2013

**District:** 4/4

**Agenda Number:**

3-10

**RECOMMENDED MOTION:** (Continued)

3. Direct the Clerk of the Board to send the required notice to the property owner as required per Section 1245.235 of the Code of Civil Procedure.

**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). 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 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 0241-031.

(Continued)

**BACKGROUND:** (Continued)

The subject Notice of Intention would schedule a hearing on June 4, 2013, for proposed Resolution No. 2013-058 (Authorizing Resolution of Necessity Regarding the Airport Boulevard Grade Separation Project). The scheduling of a Resolution of Necessity hearing on June 4, 2013, is needed in order to permit the Airport Boulevard 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.

**FINANCIAL DATA:**

The following summarizes the funding necessary for the acquisition of the property 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 Staff Time	\$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. 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.

## Resolution No. 2013-057

Notice of Intention to Adopt a Resolution of Necessity Regarding  
the Airport Boulevard Grade Separation Project

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

**WHEREAS**, the Subject Property is listed below in Table One that includes the relevant Subject Property within its boundaries, and whereas the larger real property is 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

**WHEREAS**, the proposed project that is the subject of this Notice (the "Proposed Project") is one 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). 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 lane onto

FORM APPROVED COUNTY COUNSEL  
BY: ANNA W. WANG  
DATE: 11/8/13

1 Palm Street and a southbound deceleration lane to a right turn into Palm Street. The  
2 south side of Airport Boulevard will be accessed by a new frontage road adjacent to the  
3 new raised Airport Boulevard.

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

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

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

14

TABLE TWO	
Subject Property	Perpetual Easement
0241-031	x

15  
16  
17

18 **WHEREAS**, the statutes that authorize the County of Riverside to acquire the  
19 Subject Property Interest by eminent domain include Article 1, Section 19 of the  
20 California Constitution; Section 25350.5 of the Government Code; Section 760 of the  
21 Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040,  
22 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

23 Now, therefore, **BE IT RESOLVED AND ORDERED** as follows by the Board of  
24 Supervisors of Riverside County, State of California, in regular session assembled on  
25 May 7, 2013.

26 1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on  
27 June 4, 2013, at 9:30 a.m. in the meeting room of the Board of Supervisors located on  
28

1 the 1<sup>st</sup> floor of the County Administrative Center, 4080 Lemon Street, Riverside,  
2 California) may decide to adopt a Resolution of Necessity that would authorize the  
3 County of Riverside to acquire the Subject Property Interest by eminent domain (and  
4 that would find and determine each of the following matters):

5 (a) That the public interest and necessity require the Proposed  
6 Project;

7 (b) That the Proposed Project is planned or located in the manner that  
8 will be most compatible with the greatest public good and the least private injury;

9 (c) That the Subject Property Interest is necessary for the Proposed  
10 Project;

11 (d) That the offer required by Section 7267.2 of the Government Code  
12 have been made to the owner of record of the Subject Property;

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

20 (f) That the Subject Property Interest is necessary for the Proposed  
21 Project;

22 (g) That acquisition of the Subject Property Interest will promote the  
23 interests of the County of Riverside.

24 2. If (within 15 days from the mailing of this Notice) you file a written request  
25 to appear at the public meeting and be heard on the matters described above in 1(a),  
26 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  
27 appear at that meeting and be heard on those matters.

28 ///



6. The Clerk of the Board of Supervisors shall cause a copy of this Notice to be sent by first-class mail to each person 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).

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

KECIA HARPER-IHEM, Clerk of said Board

By:

Deputy

**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**.

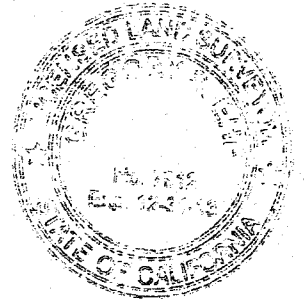
CONTAINING: 49,571 SQUARE FEET, OR 1.138 ACRES, MORE OR LESS.

EXHIBIT "A"  
LEGAL DESCRIPTION (CONTINUED)  
0241-031

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: *Rm*  
DATE: 2-6-12



# SECTION 15

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

## EXHIBIT "B"

### CURVE DATA

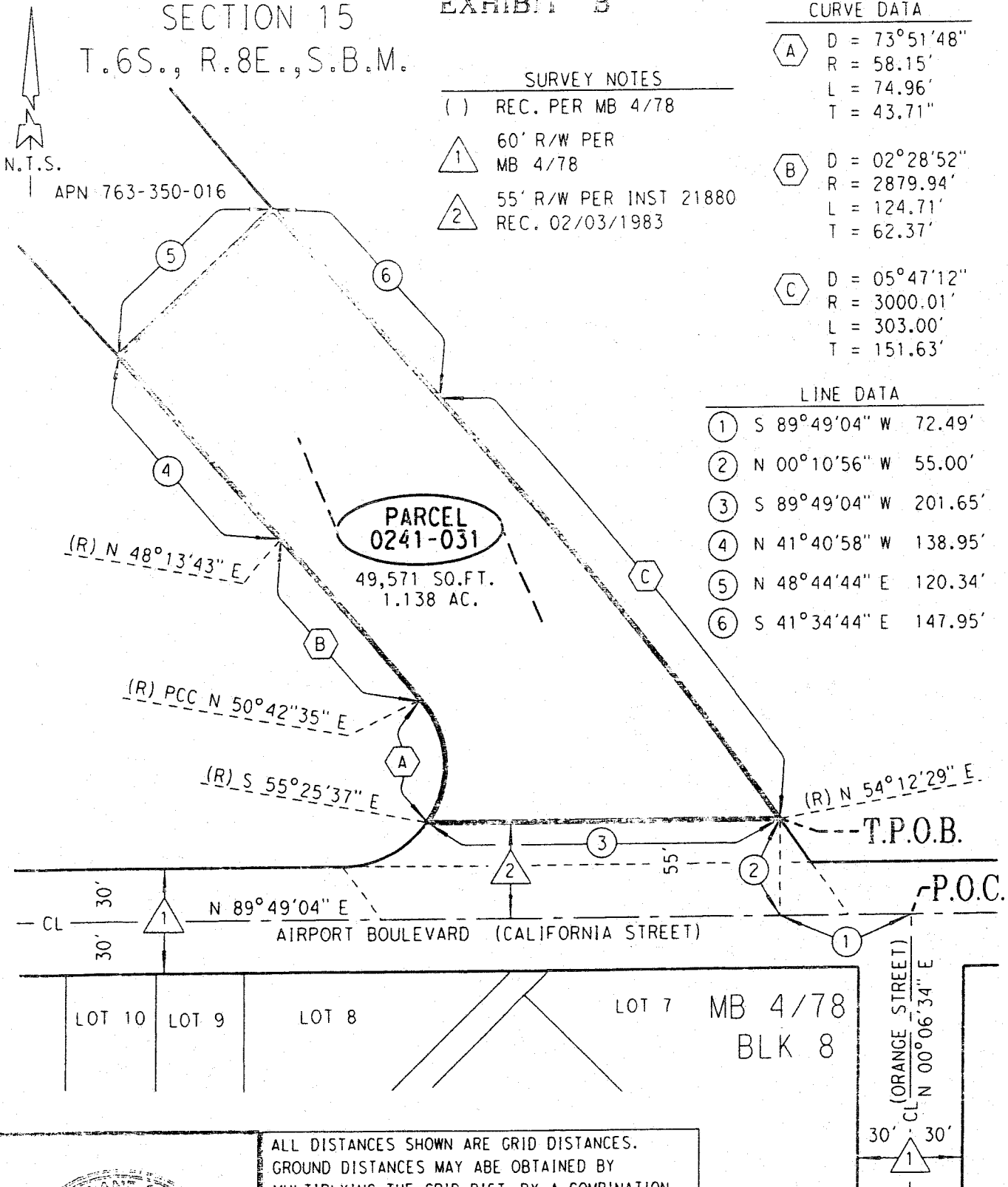
(A)	D = 73°51'48"
	R = 58.15'
	L = 74.96'
	T = 43.71"
(B)	D = 02°28'52"
	R = 2879.94'
	L = 124.71'
	T = 62.37'
(C)	D = 05°47'12"
	R = 3000.01'
	L = 303.00'
	T = 151.63'

### 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.

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

PAR. NO.: 0241-031

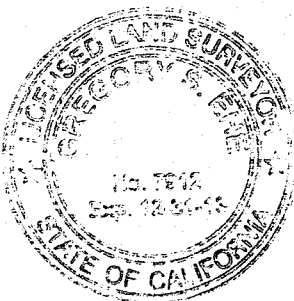
PREPARED BY: D.G.O.

SCALE: N.T.S.

DATE: JANUARY, 2012

W.O. NO.: A6-0241

SHEET 1 OF 1



DECLARATION OF MAILING OF  
NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY REGARDING  
THE PROJECT FOR THE AIRPORT BOULEVARD GRADE SEPARATION AND  
OTHER ROADS IN EASTERN RIVERSIDE COUNTY

I, CECILIA GIL, Board Assistant to the Clerk of the Board of Supervisors, hereby declares as follows:

That on MAY 9, 2013, I served by mail (1) a copy of the Notice of Intention to Adopt a Resolution of Necessity (Res. 2013-057) Regarding the Project to Airport Boulevard Grade Separation Project and (2) a copy of the plat maps and legal descriptions, copies of which are on file in the Office of the Clerk of the Board of Supervisors, and (3) the original of the letter dated May 9, 2013, from the Clerk of the Board of Supervisors to (see below), (a copy of which is attached hereto as Exhibit "A") by depositing said copies enclosed in a sealed envelope, postage prepaid, in the United States Postal Service mailbox at the City of Riverside, California, addressed as follows:

CXA-16 Corporation  
7195 Dallas Parkway  
Plano, Texas 75024

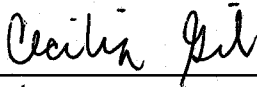
7010 2780 0001 1472 4419

Jonathan E. Frank  
Snell & Wilmer L.L.P.  
600 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626-7689

7010 2780 0001 1472 4402

I declared under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 9th day of May, 2013 at Riverside County, California.



\_\_\_\_\_  
Signature



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1<sup>st</sup> FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
Office: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

May 9, 2013

CXA-16 Corporation  
7195 Dallas Parkway  
Plano, Texas 75024

Re: Resolution No. 2013-057, Notice of Intention to Adopt a Resolution of Necessity  
Regarding the Airport Boulevard Grade Separation Project

Dear Property Owner:

The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property notify the owner of its intention to condemn. 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 California Code of Civil Procedures (CCP) provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following 6 conditions are established:

- (A) That the public interest 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 Interest is necessary for the Proposed Project;
- (D) That the offer required by Section 7267.2 of the Government Code has been made to the owner of record of the Subject Property;
- (E) That, to the extent that the Subject Property is 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 acquisition of the Subject Property Interest will promote the interest of the County of Riverside.

You are hereby notified that the Board of Supervisors ("Board") of Riverside County, State of California at its public meeting to be held on **June 4, 2013 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, will be asked to decide if the above conditions have been met concerning your property and, if so, to adopt the Resolution of Necessity ("Resolution"). Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Board will not consider such in determining whether a Resolution should be adopted.

The Board's adoption of the Resolution authorized the County to acquire the property by eminent domain. Within six months of the adopted Resolution, the County will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding. Enclosed is a copy of Resolution No. 2013-057, Notice of Intention to Adopt a Resolution of Necessity Regarding the Airport Boulevard Grade Separation Project which includes the legal description and plat map of the required property is attached to this Notice.

The law provides you an opportunity to appear before the Board and raise questions concerning only the conditions cited above. If you file a written request to appear (within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution.

Your written request to appear should include a statement indicating which of the conditions listed in the first paragraph above you contend have not been met. By designating which of the conditions form the basis of your challenge and explaining why you believe they have not been met, you will enable the Board to authorize a full and expeditious review of the project's effect on your property. The Transportation Department and Real Estate Division will conduct the review on behalf of the Board and ask for your participation. Based on this review, the Transportation Department and Real Estate Division will then prepare a report to be presented to the Board at the meeting at which you intend to appear.


Your written request to appear must actually be on file with the Clerk of the Riverside County Board of Supervisors. Please mail or personally deliver your request to:

Ms. Kecia Harper-Ihem  
Clerk to the Board of Supervisors  
County Administrative Center  
PO Box 1147  
4080 Lemon Street, 1<sup>st</sup> Floor  
Riverside, California 92502-1147

Failure to file such a timely written response will result in a waiver of your right to appear and be heard.

If you have any questions, please call Lorie G. Houghlan, Real Property Agent for the Economic Development Agency/Facilities Management Real Estate Division at (951) 955-9276. Thank you.

Sincerely,

  
Cecilia Gil, Board Assistant to:  
KECIA HARPER-IHEM, Clerk of the Board

cc: Jonathan E. Frank  
Snell & Wilmer L.L.P.  
600 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626-7689

---

REQUEST TO APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN THE NOTICE  
OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY REGARDING THE AIRPORT  
BOULEVARD GRADE SEPARATION PROJECT (Hearing Date: 06/04/13 for Res. 2013-058)

NAME:

---

ADDRESS:

---

---

TELEPHONE NO.: (      )

---

DATED:

---

---

(Signature)





OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1<sup>st</sup> FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
Office: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

May 9, 2013

CXA-16 Corporation  
7195 Dallas Parkway  
Plano, Texas 75024

Re: Resolution No. 2013-057, Notice of Intention to Adopt a Resolution of Necessity  
Regarding the Airport Boulevard Grade Separation Project

Dear Property Owner:

The law provides procedures for public agencies to acquire private property for public use. It requires that every agency which intends to condemn property notify the owner of its intention to condemn. 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 California Code of Civil Procedures (CCP) provides that the power of eminent domain may be exercised to acquire property for a proposed project if the following 6 conditions are established:

- (A) That the public interest 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 Interest is necessary for the Proposed Project;
- (D) That the offer required by Section 7267.2 of the Government Code has been made to the owner of record of the Subject Property;
- (E) That, to the extent that the Subject Property is 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 acquisition of the Subject Property Interest will promote the interest of the County of Riverside.

You are hereby notified that the Board of Supervisors ("Board") of Riverside County, State of California at its public meeting to be held on **June 4, 2013 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, will be asked to decide if the above conditions have been met concerning your property and, if so, to adopt the Resolution of Necessity ("Resolution"). Questions regarding the amount of compensation to be paid or the value of the property to be acquired are not part of this proceeding and the Board will not consider such in determining whether a Resolution should be adopted.

The Board's adoption of the Resolution authorized the County to acquire the property by eminent domain. Within six months of the adopted Resolution, the County will prepare and file a complaint in Superior Court commencing the eminent domain proceeding. All issues related to the compensation to be awarded for the acquisition of your property will be resolved in this court proceeding. Enclosed is a copy of Resolution No. 2013-057, Notice of Intention to Adopt a Resolution of Necessity Regarding the Airport Boulevard Grade Separation Project which includes the legal description and plat map of the required property is attached to this Notice.

The law provides you an opportunity to appear before the Board and raise questions concerning only the conditions cited above. If you file a written request to appear (within 15 days from the mailing of this Notice), you are entitled to appear and object to the adoption of the Resolution.

Your written request to appear should include a statement indicating which of the conditions listed in the first paragraph above you contend have not been met. By designating which of the conditions form the basis of your challenge and explaining why you believe they have not been met, you will enable the Board to authorize a full and expeditious review of the project's effect on your property. The Transportation Department and Real Estate Division will conduct the review on behalf of the Board and ask for your participation. Based on this review, the Transportation Department and Real Estate Division will then prepare a report to be presented to the Board at the meeting at which you intend to appear.

Your written request to appear must actually be on file with the Clerk of the Riverside County Board of Supervisors. Please mail or personally deliver your request to:

Ms. Kecia Harper-Ihem  
Clerk to the Board of Supervisors  
County Administrative Center  
PO Box 1147  
4080 Lemon Street, 1<sup>st</sup> Floor  
Riverside, California 92502-1147

Failure to file such a timely written response will result in a waiver of your right to appear and be heard.

If you have any questions, please call Lorie G. Houghlan, Real Property Agent for the Economic Development Agency/Facilities Management Real Estate Division at (951) 955-9276. Thank you.

Sincerely,



Cecilia Gil, Board Assistant to:  
KECIA HARPER-IHEM, Clerk of the Board

cc: Jonathan E. Frank  
Snell & Wilmer L.L.P.  
600 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626-7689

---

**REQUEST TO APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN THE NOTICE  
OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY REGARDING THE AIRPORT  
BOULEVARD GRADE SEPARATION PROJECT (Hearing Date: 06/04/13 for Res. 2013-058)**

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**TELEPHONE NO.:** (\_\_\_\_\_) \_\_\_\_\_

**DATED:** \_\_\_\_\_

---

(Signature)

Resolution No. 2013-057

Notice of Intention to Adopt a Resolution of Necessity Regarding  
the Airport Boulevard Grade Separation Project

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

**WHEREAS**, the Subject Property is listed below in Table One that includes the relevant Subject Property within its boundaries, and whereas the larger real property is 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

**WHEREAS**, the proposed project that is the subject of this Notice (the "Proposed Project") is one 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). 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 lane onto

1 Palm Street and a southbound deceleration lane to a right turn into Palm Street. The  
2 south side of Airport Boulevard will be accessed by a new frontage road adjacent to the  
3 new raised Airport Boulevard.

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

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

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

14

TABLE TWO	
Subject Property	Perpetual Easement
0241-031	x

15  
16  
17

18 **WHEREAS**, the statutes that authorize the County of Riverside to acquire the  
19 Subject Property Interest by eminent domain include Article 1, Section 19 of the  
20 California Constitution; Section 25350.5 of the Government Code; Section 760 of the  
21 Streets and Highways Code; and Sections 1240.010, 1240.020, 1240.030, 1240.040,  
22 1240.110, 1240.410, 1240.510, and 1240.610 of the Code of Civil Procedure.

23 Now, therefore, **BE IT RESOLVED AND ORDERED** as follows by the Board of  
24 Supervisors of Riverside County, State of California, in regular session assembled on  
25 May 7, 2013.

26 1. YOU ARE HEREBY NOTIFIED that this Board (at its public meeting on  
27 June 4, 2013, at 9:30 a.m. in the meeting room of the Board of Supervisors located on  
28

1 the 1<sup>st</sup> floor of the County Administrative Center, 4080 Lemon Street, Riverside,  
2 California) may decide to adopt a Resolution of Necessity that would authorize the  
3 County of Riverside to acquire the Subject Property Interest by eminent domain (and  
4 that would find and determine each of the following matters):

5 (a) That the public interest and necessity require the Proposed  
6 Project;

7 (b) That the Proposed Project is planned or located in the manner that  
8 will be most compatible with the greatest public good and the least private injury;

9 (c) That the Subject Property Interest is necessary for the Proposed  
10 Project;

11 (d) That the offer required by Section 7267.2 of the Government Code  
12 have been made to the owner of record of the Subject Property;

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

20 (f) That the Subject Property Interest is necessary for the Proposed  
21 Project;

22 (g) That acquisition of the Subject Property Interest will promote the  
23 interests of the County of Riverside.

24 2. If (within 15 days from the mailing of this Notice) you file a written request  
25 to appear at the public meeting and be heard on the matters described above in 1(a),  
26 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  
27 appear at that meeting and be heard on those matters.

1           3.     All such written requests to appear and be heard must be filed with the  
2 Clerk of the Riverside County Board of Supervisors.

3           4.     Your written request to appear and be heard must be filed within the  
4 fifteen (15) day time period. Failure to file such a timely written request will result in a  
5 waiver of your right to appear and be heard.

6           5.     Questions regarding the amount of compensation to be paid will not be a  
7 part of the public meeting and the Board will not consider such questions in  
8 determining whether a Resolution of Necessity should be adopted.

9           6.     The Clerk of the Board of Supervisors shall cause a copy of this Notice to  
10 be sent by first-class mail to each person whose property may be acquired by eminent  
11 domain and whose name and address appears on the last equalized county  
12 assessment roll (including the roll of state-assessed property).

13  
14  
15  
16  
17  
18 ROLL CALL:

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

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

24                           KECIA HARPER-IHEM, Clerk of said Board

25 By: Cecilia Gil

26 Deputy

**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 201.66 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)  
0241-031

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



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

EXHIBIT "B"



APN 763-350-016

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

CURVE DATA

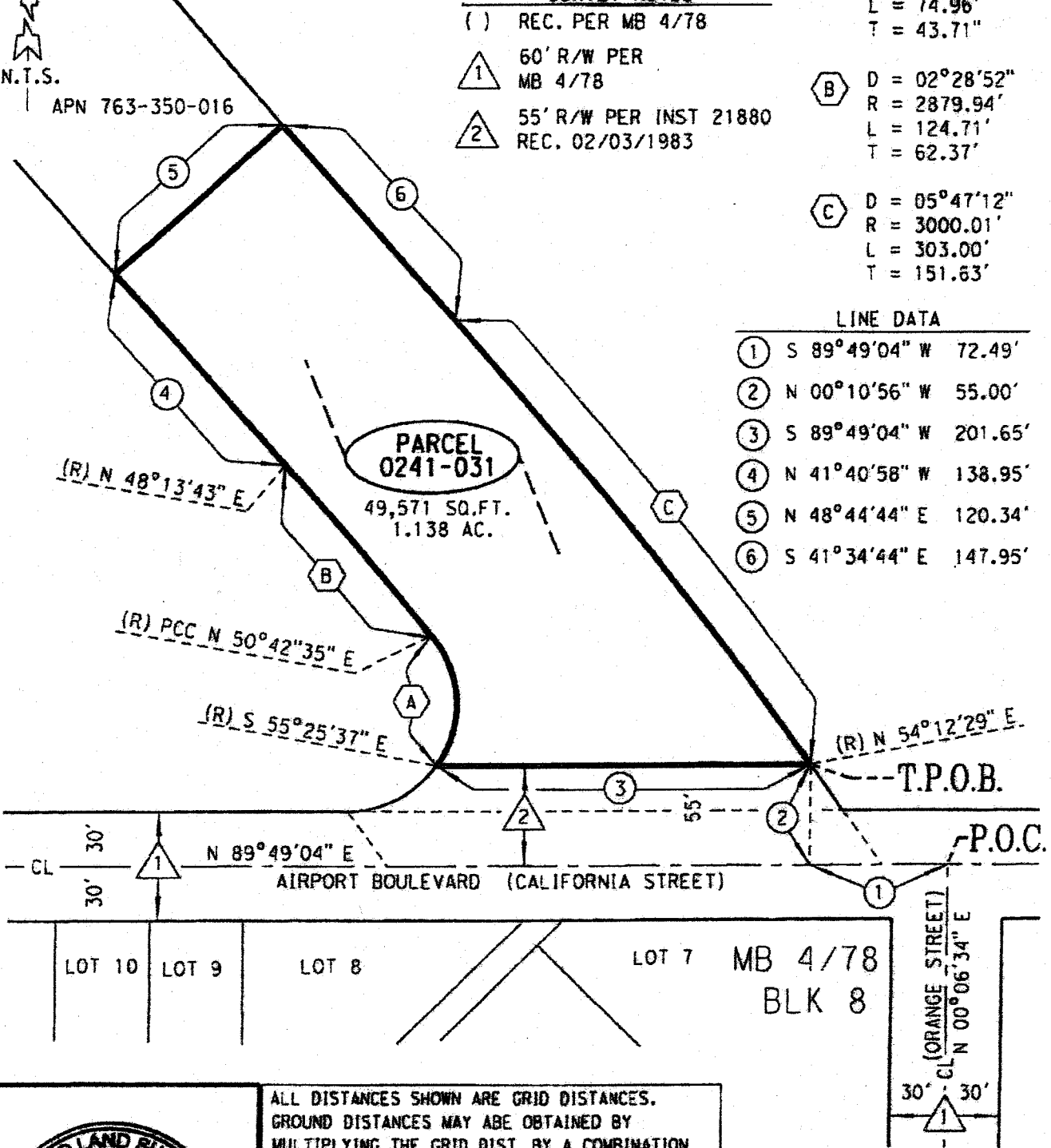
A D = 73°51'48"  
R = 58.15'  
L = 74.96'  
T = 43.71'

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'

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.

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

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

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jonathan E. Frank  
Shel & Wilson, L.L.P.  
600 Union Boulevard, Suite 1400  
New York, NY 10026-7689

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Signature]* ☒ Agent ☐ Addressee

B. Received by (Printed Name)

*[Signature]* ☐ Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☐ Yes ☒ No

3. Service Type

☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes ☐ No

2. Article Number

(Transfer from service label)

7010 2780 0001 1472 4402

PS Form 3811, February 2004

Domestic Return Receipt

10299-02-M-154

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4<sup>®</sup> this box •

CLERK OF THE BOARD  
P.O. BOX 1147  
RIVERSIDE, CA 92502-1147

2013 JUN 15 PM 3:08  
RIVERSIDE COUNTY  
CLERK OF SUPERVISORS

HRC: 06/04/13

244777

04 JUN 15 06:01 A  
RCS - 2013-058

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EXA-16 Corporation  
745 Dallas Parkway  
Pearl, Texas 75024

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☒ *B Wood*

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

*B Wood*

C. Date of Delivery  
*5-14-13*

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

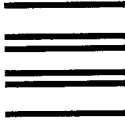
7010 2780 0001 1472 4419

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154C

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4

CLERK OF THE BOARD  
P. O. BOX 1147  
RIVERSIDE, CA. 92502-1147

RECEIVED RIVERSIDE COUNTY  
CLERK / BOARD OF SUPERVISORS  
MAY 20 PM 3 18



REC: 06/04/13

PS-2013-058