

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



ITEM
3.12
(ID # 8998)

MEETING DATE:

Tuesday, April 2, 2019

FROM : ECONOMIC DEVELOPMENT AGENCY (EDA) AND TLMA-TRANSPORATION
DEPARTMENT :

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA) AND TRANSPORTATION AND
LAND MANAGEMENT AGENCY (TLMA)-TRANSPORTATION DEPARTMENT:
Resolution No. 2019-040, Notice of Intention to Adopt a Resolution of Necessity
for the Jurupa Road Grade Separation Project in the City of Jurupa Valley,
District 2; [Total Cost - \$0] (4/5 Vote Required, Clerk to Send Notice to Property
Owner)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Resolution No. 2019-040, Notice of Intention to Adopt a Resolution of Necessity for the Jurupa Road Grade Separation Project in the City of Jurupa Valley;
2. Set a public hearing on May 7, 2019, for the Public Hearing for the Adoption of Resolution No. 2019-041, for the Jurupa Road Grade Separation Project in the City of Jurupa Valley; 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.

ACTION: 4/5 Vote Required, Policy

Robert Field, Assistant County Executive Officer/ECD

2/22/2019

Patricia Romo, Director of Transportation

3/6/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing Tuesday, May 7, 2019 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: March 12, 2019
xc: EDA, Transp., COB

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy
3.12

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: SB 132-100%			Budget Adjustment: No	
			For Fiscal Year: 2018/19	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Riverside County Transportation Department (Transportation Department) in cooperation with the City of Jurupa Valley (City), the Riverside County Transportation Commission (RCTC) and the State Department of Transportation (Caltrans) desire to construct a new grade separation to replace the existing Union Pacific Railroad (UPRR) at-grade crossing located on Jurupa Road in the City of Jurupa Valley, just east of Van Buren Boulevard. Jurupa Road is a four-lane Arterial Highway that provides access to commercial, industrial and residential land uses in the City. This proposed project will grade separate Jurupa Road and the UPRR mainline tracks with an underpass where it crosses the tracks. The County Transportation Improvement Program (TIP) provides for improvements to the existing Union Pacific Railroad crossing located on Jurupa Road, which is located within the jurisdictional boundaries of the City of Jurupa Valley (Project).

On October 24, 2017 (Item 3-14), the Board of Supervisors approved an agreement between the County, the City and the RCTC, that designated the County as the lead agency to implement the Jurupa Road grade separation project.

On October 16, 2018 (Item 3-23), The Board of Supervisors approved Resolution 2018-183 Agreeing to Hear Future Resolutions of Necessity for the Jurupa Road Grade Separation Project.

The Project will eliminate an existing at-grade crossing at the Union Pacific Railroad (UPRR) grade crossing located on Jurupa Road in the City of Jurupa Valley. Therefore, the project qualifies for a California Environmental Quality Act (CEQA) Statutory Exemption per the California Code of Regulation (CCR) 15282 (g), such that the Project clearly constitutes the action as described in Public Resource Code (PRC) 21080.13 in which any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation in Section 21080.13 of the Public Resource Code (PRC) is Statutorily Exempt under CEQA.

As documented in the Notice of Exemption, the Transportation Department conducted a review of the proposed Project and determined that the Project, including the acquisition of the permanent and temporary easements, are categorically exempt from the provisions of CEQA, under the General Rule Exemption, pursuant to CEQA Guidelines Section 15051(a), because the Project is being carried out by the County, the County shall be the CEQA Lead Agency.

The Economic Development Agency-Real Estate Division (EDA-RE) has presented a written offer to the property owner as required by Government Code section 7267.2. The amount of the offer is consistent with current property values in the City of Jurupa Valley and is based upon

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

fair market value appraisal report. EDA-RE has also offered to pay the reasonable costs, not-to-exceed \$5,000, for an independent appraisal obtained by the property owner as required by Code of Civil Procedure section, 1263.025.

Negotiations are still ongoing with the property owner listed below for the property rights needed for the Project. The Transportation Department and EDA-RE will continue to conduct good faith negotiations with the property owner to reach a mutually-agreed upon settlement.

Assessor's Parcel Number	Parcel Nos.	Owner(s)
167-231-012	0060-18A	Jurupa Road Oil, Inc., a California corporation

The Subject Notice of Intention would set a public hearing on May 7, 2019 for the proposed adoption of Resolution No. 2019-041 of the Jurupa Road Grade Separation Project. The scheduling of a Resolution of Necessity hearing on May 7, 2019 is needed in order to permit the Jurupa Road Grade Separation Project to move forward.

The subject property is the first of several properties that will need to be acquired to construct the Jurupa Road Grade Separation improvements. It is possible that additional properties may be acquired through a Resolution of Necessity if negotiations are unsuccessful. The subject property is being processed separate from the other properties due to the fact that a new gas station is currently under construction on the property and prioritizing will potentially reduce the amount of wasted construction work and therefore minimize the cost to the project.

The County is authorized to acquire property by eminent domain under Article 1, Section 19 of the California Constitution and pursuant to various statues including Government Code Section 25350.5, Streets and Highway Code section 760 and Code of Civil Procedure section 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.310, 240.320, 1240.410, 12450.510, and 1240.610.

Impact on Citizens and Businesses

The Project will enhance the operational characteristics (i.e. speed, efficiency, and reliability) of freight and passenger trains throughout Riverside County by eliminating conflicts between railroad operation, residential and commercial vehicular traffic, and is expected to improve vehicular traffic circulation, and provide safer and more efficient access for 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.

Right of Way Acquisition (Deposit to the State Condemnation Fund)	\$2,580,000
Litigation Guarantee	\$550
EDA-RE Real Property Staff Time (Condemnation process)	\$10,000
Total Estimated Costs	\$2,590,550

All costs associated with the deposits of these properties are fully funded by SB-132 and these

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

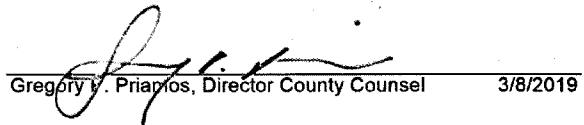
costs will be included in a separate Form 11 along with the Authorizing Resolution of Necessity motion. No net County costs will be incurred as a result of this transaction. These charges are estimates only and only actual amounts will be charged to the Project.

Attachments:

- Aerial Map
- Resolution No. 2019-040 (with legals and plats)

RF:HM:VY:CAO:jb 20.433 15857 Transportation Work Order No. C8-0060
MinuteTrak: 8998


Rekini Dasika, Principal Management Analyst 3/25/2019


Gregory V. Priamos, Director County Counsel 3/8/2019

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Board of Supervisors

County of Riverside

Resolution No. 2019-040

Notice of Intention to Adopt a Resolution of Necessity for the Jurupa Road Grade Separation Project in the City of Jurupa Valley

WHEREAS, the portion of real properties that are the subject of this Notice (collectively the "Subject Property") are located in the City of Jurupa Valley, County of Riverside, State of California, are legally described on the documents attached hereto as Exhibit "A" (and incorporated herein by this reference), are referenced as Parcel No. 0060-018A;

WHEREAS, the Subject Property, and the corresponding Assessor's Parcel Number is listed below in Table One;


TABLE ONE	
Assessor's Parcel Number	Parcel Nos.
167-231-012	0060-018A

WHEREAS, one of the Union Pacific Railroad crossings in the City of Jurupa Valley is an at-grade crossing at Jurupa Road and Van Buren Boulevard. Traffic going in and out of this area must wait at the tracks for trains to pass before they are able to cross the tracks;

WHEREAS, the proposed project that is the subject of this Notice (the "Project") is to tunnel under the Union Pacific Railroad tracks and Van Buren Boulevard in the City of Jurupa Valley;

WHEREAS, the Project will improve access and safety for the City of Jurupa Valley and improve goods and services movement through the region;

WHEREAS, the Subject Property is needed for public road purposes, utility relocations, and for other uses required by the Project;

FORM APPROVED COUNTY COUNCIL
BY:  GREGG M. BU
DATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREAS, Parcel 0060-018A fee simple interest is needed for the Project;

WHEREAS, the interest in the Subject Property that is the subject of this notice (collectively the "Subject Property Interest") are identified below in Table Two; and

Table Two			
Subject Property	County Fee Simple	Other	Non-Exclusive Temporary Construction Easement
0060-18A	X		

WHEREAS, the statutes that authorize the County of Riverside to acquire the Subject Property Interest 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 April 2, 2019.

1. YOU ARE HEREBY NOTIFIED that this Board (at its public hearing on May 7, 2019, at 9:00 a.m. in the meeting room of the Board of Supervisors located on the 1st 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 interest and necessity require the Project;
- (b) That the 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 Project;

1 (d) That the offers required by Section 7267.2 of the Government
2 Code have been made to the owners of record of the Subject Property;

3 (e) That, to the extent that the Subject Property is already devoted to
4 a public use, the use of the Project is a compatible use that will not unreasonably
5 interfere with or impair the continuance of the public use as it presently exists or may
6 reasonably be expected to exist in the future (California Code of Civil Procedure
7 Section 1240.510) or the use of the Project is a more necessary public use than is the
8 presently existing public use (California Code of Civil Procedure Section 1240.610);

9 2. If (within 15 days from the mailing of this Notice) you file a written request
10 to appear at the public hearing and be heard on the matters described above in 1(a),
11 1(b), 1(c), 1(d), 1(e), (or any one or more of them), you will have a right to appear at
12 that meeting and be heard on those matters.

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

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

18 5. Questions regarding the amount of compensation to be paid will not be a
19 part of the public hearing and the Board will not consider such questions in determining
20 whether a Resolution of Necessity should be adopted.

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

25 ROLL CALL:

26 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
27 Nays: None
28 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.

KEDIA R. HARPER, Clerk of said Board
By *[Signature]* Deputy

EXHIBIT "A"
LEGAL DESCRIPTION
0060-018A

ALL THAT REAL PROPERTY DESCRIBED AS PARCEL 1 AND PARCEL 2 OF GRANT DEED RECORDED OCTOBER 26, 2016 AS INSTRUMENT NUMBER 2016-0470072 OFFICIAL RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, PURSUANT TO CERTIFICATE OF PARCEL MERGER NUMBER 1601, RECORDED AUGUST 30, 2017 AS INSTRUMENT NUMBER 2017-0360002, PERFECTED UNDER GRANT DEED RECORDED MAY 05, 2018 AS INSTRUMENT NUMBER 2018-0194364, OFFICIAL RECORDS OF SAID COUNTY; SAID PROPERTY LYING WITHIN LOT 5, BLOCK 26 OF SPARRLAND UNIT NO. 4, SECTION 14, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF JURUPA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15, PAGE 33, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5;

THENCE NORTH 74°08'00" EAST, A DISTANCE OF 201.50 FEET, TO THE NORTHEAST CORNER OF SAID LOT 5;

THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 5, A DISTANCE OF 222.50 FEET, TO THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID LOT 5;

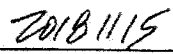
THENCE ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID LOT 5, SOUTH 74°08'00" WEST, A DISTANCE OF 201.50 FEET, TO THE WEST LINE OF SAID LOT 5;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 222.50 FEET, TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 43,124 SQUARE FEET OR 0.990 ACRES MORE OR LESS

PREPARED UNDER MY SUPERVISION:

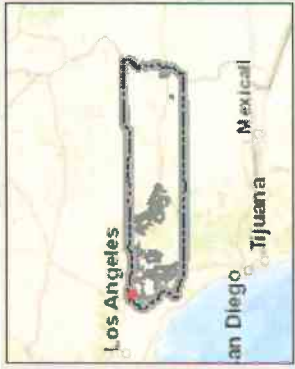
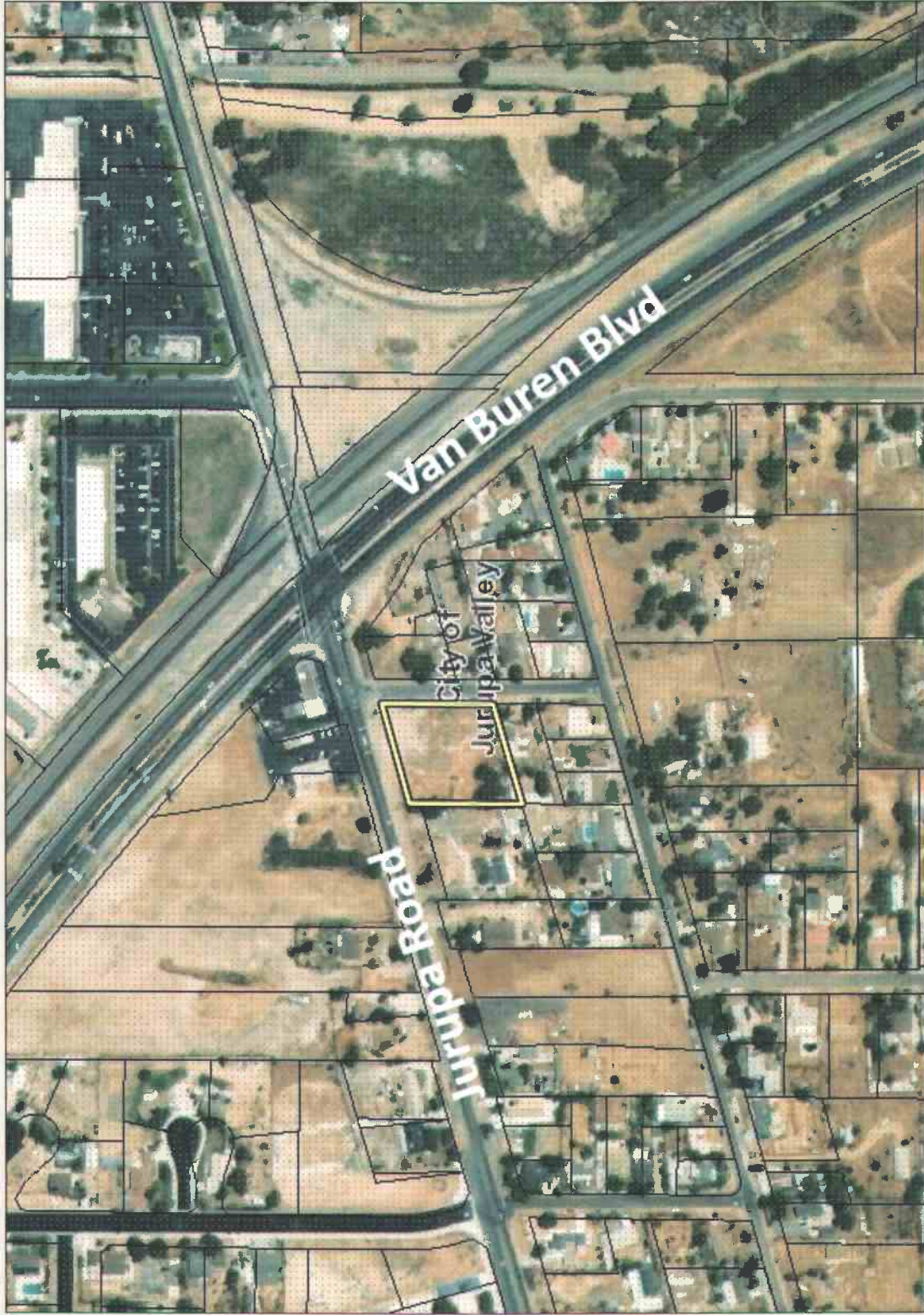

TREVOR A. LEJA, P.L.S. 8869


DATED:



Aerial Map

Parcel 0060-018A



Legend

- Parcels
- Blue-line Streams
- City Areas

Notes

APN: 167-231-012

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



REPORT PRINTED ON... 1/23/2019 2:08:14 PM

© Riverside County GIS



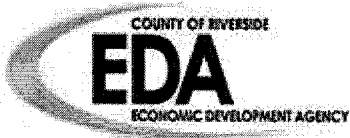
Barton, Karen

From: Olsen, Craig
Sent: Tuesday, April 2, 2019 11:10 AM
To: Barton, Karen
Cc: Villanueva, Stephi
Subject: RE: Board Agenda 3.12 - April 2, 2019

Hello Karen,

I spoke with Stephi and the Resolution gets published for 3 weeks and the letter gets mailed to the 3 individuals.

Thanks,



Craig Olsen
Supervising Real Property Agent
Real Estate – Economic Development Agency
CAOlsen@rivco.org
951-955-4840

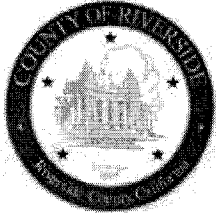
From: Barton, Karen
Sent: Tuesday, April 02, 2019 10:27 AM
To: Olsen, Craig <CAOlsen@rivco.org>
Cc: Villanueva, Stephi <SVillanueva@rivco.org>
Subject: RE: Board Agenda 3.12 - April 2, 2019

Thank you Craig! I will be handling publications until we are able to hire someone to replace Stephanie Cribbs. So we do not have to publish only send to the property owner? Are there a total of 3 people I am sending the letter to?

Best Wishes,

Karen Lynn Barton

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951)955-1047 Fax (951)955-1071
Mail Stop #1010
klbarton@rivco.org
<http://rivcocob.org/>



NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain **information that is privileged, confidential and exempt from disclosure** under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone and immediately delete this communication and all its attachments.

From: Olsen, Craig <CAOlsen@rivco.org>
Sent: Tuesday, April 2, 2019 9:52 AM
To: Barton, Karen <KLBARTON@RIVCO.ORG>
Cc: Villanueva, Stephi <SVillanueva@rivco.org>
Subject: Board Agenda 3.12 - April 2, 2019

Hello Karen,

We have a Notice of Intention for the Jurupa Road Grade Separation Project on the Board Agenda today (3.12) that requires notice to the property owner. I'm not sure who we contact of the Clerk of the Board with the documents. Attached are the Word copies of Resolution 2019-040 and the Notice Letter.

Thanks.



Craig Olsen
Supervising Real Property Agent
Real Estate – Economic Development Agency
CAOlsen@rivco.org
951-955-4840



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

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

April 3, 2019

Jurupa Road Oil, Inc.
4887 E. La Palma Ave. #707
Anaheim, CA 92807

Re: Resolution No. 2019-040, Notice of Intention to Adopt a Resolution of Necessity for the Jurupa Road Grade Separation Project, City of Jurupa Valley
Parcel No. 0060-018A

Dear Property Owner(s)

The Riverside County Transportation Department (RCTD) proposes to construct a grade separation project at the intersection of Jurupa Road and Van Buren Boulevard in the City of Jurupa Valley (Project).

This proposed project will grade separate Jurupa Road and the UPRR mainline tracks with an underpass where it crosses the tracks. The County Transportation Improvement Program (TIP) provides for improvements to the existing Union Pacific Railroad at grade crossing located on Jurupa Road, which is located within the jurisdictional boundaries of the City of Jurupa Valley.

As you aware, it has been preliminary determined the Project may require the acquisition of the fee simple interest in the above-referenced real property for the construction and operation of the Project. This letter is sent to you since you are named as the property owner listed on the County's assessment rolls.

As required by the California Eminent Domain Law, a written offer to acquire the needed property interest(s) as well as the Summary Basis of Valuation Statement were submitted to you on December 10, 2018 and a revised offer on March 21, 2019. As of the date of this letter, no significant progress has been made toward reaching a mutually acceptable agreement to acquire the property as identified as Parcel No. 0060-018A (fee simple interest). Since time is of the essence, RCTD and the Economic Development Agency-Real Estate Division staff will recommend to the County Board of Supervisors that it consider the adoption of a Resolution of Necessity to acquire the fee interest in the property through an eminent domain proceeding.

The County Board of Supervisors will hold a public hearing to decide whether or not to adopt a Resolution of Necessity to acquire the fee interest in the real property through eminent domain proceedings. Enclosed please find the Notice of Public Hearing which is scheduled for May 7, 2019. You will be given an opportunity to appear before the Board and be heard on the necessity of

acquiring the property by condemnation. The law provides that if you intend to appear and be heard, you must give the County notice fifteen (15) days prior to the hearing date or you waive your right to appear and be heard. However, it is the County's practice that anyone may appear on the day of the hearing, fill out a speaker's card and be heard on the matter.

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:

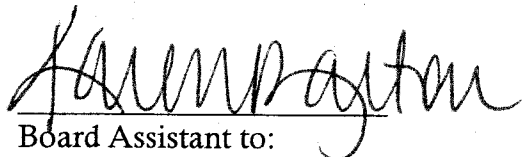
Ms. Kecia R. Harper
Clerk to the Board of Supervisors
County Administrative Center
PO Box 1147
4080 Lemon Street, 1st Floor
Riverside, California 92502-1147

RCTD and EDA-Real Estate will continue to conduct in good faith its negotiations with you in an effort to reach a mutually agreeable right-of-way acquisition agreement. Craig Olsen of EDA-Real Estate staff is available to meet with you to continue discussions of the acquisition of the property needed for the Project on a mutually acceptable basis.

If you have any questions, please call Craig Olsen, Real Property Agent for the Economic Development Agency-Real Estate Division at (951) 955-4840 or email at caolsen@rivco.org.

Thank you.

Sincerely,



Board Assistant to:
KECIA R. HARPER
Clerk of the Board

Cc: Glenn L. Block
California Eminent Domain Law Group
4329 Ocean View Blvd.
Glendale, CA 91208

Doug Evertz
Murphy & Evertz Attorneys at Law
650 Town Center Drive, Suite 550
Costa Mesa, CA 92626

REQUEST TO APPEAR AND BE HEARD ON THE MATTERS REFERRED TO IN
RESOLUTION NO. 2019-040, NOTICE OF INTENTION TO ADOPT A RESOLUTION OF
NECESSITY FOR THE JURUPA ROAD GRADE SEPARATION PROJECT IN THE CITY OF
JURUPA VALLEY.

NAME: _____

ADDRESS: _____

TELEPHONE NO.: (_____) _____

DATED: _____

(Signature)

**DECLARATION OF MAILING OF
RESOLUTION NO. 2019-040, NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY
FOR THE JURUPA ROAD GRADE SEPARATION PROJECT IN THE CITY OF JURUPA VALLEY,
SECOND DISTRICT**

I, KAREN BARTON, Board Assistant, hereby declares as follows:

That on April 9, 2019, I served by mail (1) a copy of Resolution No. 2019-040, Notice of Intention to Adopt a Resolution of Necessity for the Jurupa Road Grade Separation Project in the City of Jurupa Valley; (2) the original of the letter dated April 3, 2019 from the Clerk of the Board of Supervisors to the following property owners as mentioned below; and (3) a copy of Exhibit "A", by depositing said copies enclosed in a sealed envelope, in the United States Postal Service mailbox at the City of Riverside, California.

Jurupa Road Oil, Inc.
4887 E. La Palma Ave. #707
Anaheim, CA 92807
Article#: 7013 0600 1305 5345

Glenn L. Block
California Eminent Domain Law Group
3429 Ocean View Blvd., Suite L
Glendale, CA 91208
Article#: 7013 0600 0001 1305 5369

Doug Evertz
Murphy & Evertz Attorneys at Law
650 Town Center Drive, Suite 550
Costa Mesa, CA 92626
Article#: 7013 0600 0001 1305 5352

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

Executed this 9th day of April, 2019 at Riverside County, California.


Signature