



Agenda Report

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File #: 18-2101

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**AGENDA REPORT  
REQUEST FOR CITY COUNCIL ACTION**

DATE: 9/19/2018

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

**SUBJECT:**

City Council authorization to adopt Resolution No. 2018-104, ordering the summary vacation of a portion of the west side of Lincoln Avenue, south of Rincon Street.

**RECOMMENDED ACTION:**

That the City Council:

1. Adopt Resolution No. 2018-104, ordering the summary vacation of a portion of the west side of Lincoln Avenue, south of Rincon Street.
2. Authorize the Mayor, or her designee, to execute the Quitclaim Deed to convert the existing easterly slope to public right-of-way.

**ANALYSIS:**

Corona Industrial Park, LLC, proposes to construct three (3) industrial buildings totaling 727,316 square feet at 1138 West Rincon Street. The project is located at the former site of the Golden Cheese Company of California plant located on the southwest corner of West Rincon Street and North Lincoln Avenue in the M-2 (General Manufacturing) Zone, as shown on Exhibit "A."

The applicant has requested that a portion of the existing right-of-way along the westerly side of North Lincoln Avenue between West Rincon Street and the Burlington Northern Santa Fe (BNSF) Railway, as described in Exhibit "B," and shown on Exhibit "C," be vacated to permit the optimization of the project site and reduce maintenance costs for the City of Corona. The right-of-way was dedicated to the City for street and public utility purposes as part of Parcel Map 16719 recorded on November 6, 1980 in anticipation of the future Lincoln Avenue grade separation. During the design and construction of the grade separation, in which Lincoln Avenue was elevated over the existing BNSF facilities, the alignment of the road was shifted towards the east which resulted in the centerline of the street not being centered within the dedicated right-of-way. Because of this

alignment shift, the westerly portion of the right-of-way consist primarily of a landscaped downslope. In connection with the City's approval of the project, the developer is required to process a Street Vacation Application.

Staff has reviewed the vacation request and has determined the vacation of the portion of right-of-way along the westerly side of North Lincoln Avenue between West Rincon Street and the BNSF Railway is a necessary step in the development of the project. The proposed vacated right-of-way consists of vegetated downslope that is not part of the pedestrian or vehicular travel way. The existing road section currently consists of an 88-foot right-of-way which is consistent with the secondary arterial road classification as specified in the General Plan. Due to the existing roadway alignment not matching with the right-of-way, the City will reserve the easterly downslope as public right-of-way by executing a Quitclaim Deed.

Because of the vacation, the existing street section will include the parkway and the sidewalks as is, only the vegetated downslope located behind the sidewalk will be vacated. The applicant will provide to the City a separate easement through their property for access to the North Lincoln Avenue Bridge abutments. Staff has also verified there are no other public facilities located within the easement area to be vacated.

California Streets and Highways Code Section 8333(c) authorizes the summary vacation of public service easements determined to be excess, so long as there are no other public facilities located within the area to be vacated. Adoption of the attached resolution would order the summary vacation of the portion of right-of-way along the westerly side of North Lincoln Avenue, south of West Rincon Street deemed excess as described in Exhibit "B," and shown on Exhibit "C."

**COMMITTEE ACTION:**

Not applicable.

**STRATEGIC PLAN:**

Not applicable.

**FISCAL IMPACT:**

All costs associated with this action have been paid for by the applicant.

**ENVIRONMENTAL ANALYSIS:**

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action merely approves the vacation of right-of-way where such right-of-way is no longer needed, and there is no possibility that approving this vacation will have a significant effect on the environment. Therefore, no environmental analysis is required.

**PREPARED BY:** TOM KOPER, P.E., ASSISTANT PUBLIC WORKS DIRECTOR

**REVIEWED BY:** NELSON D. NELSON, P.E., PUBLIC WORKS DIRECTOR

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**REVIEWED BY:** GEORGE JOHNSTONE, CHIEF OF POLICE

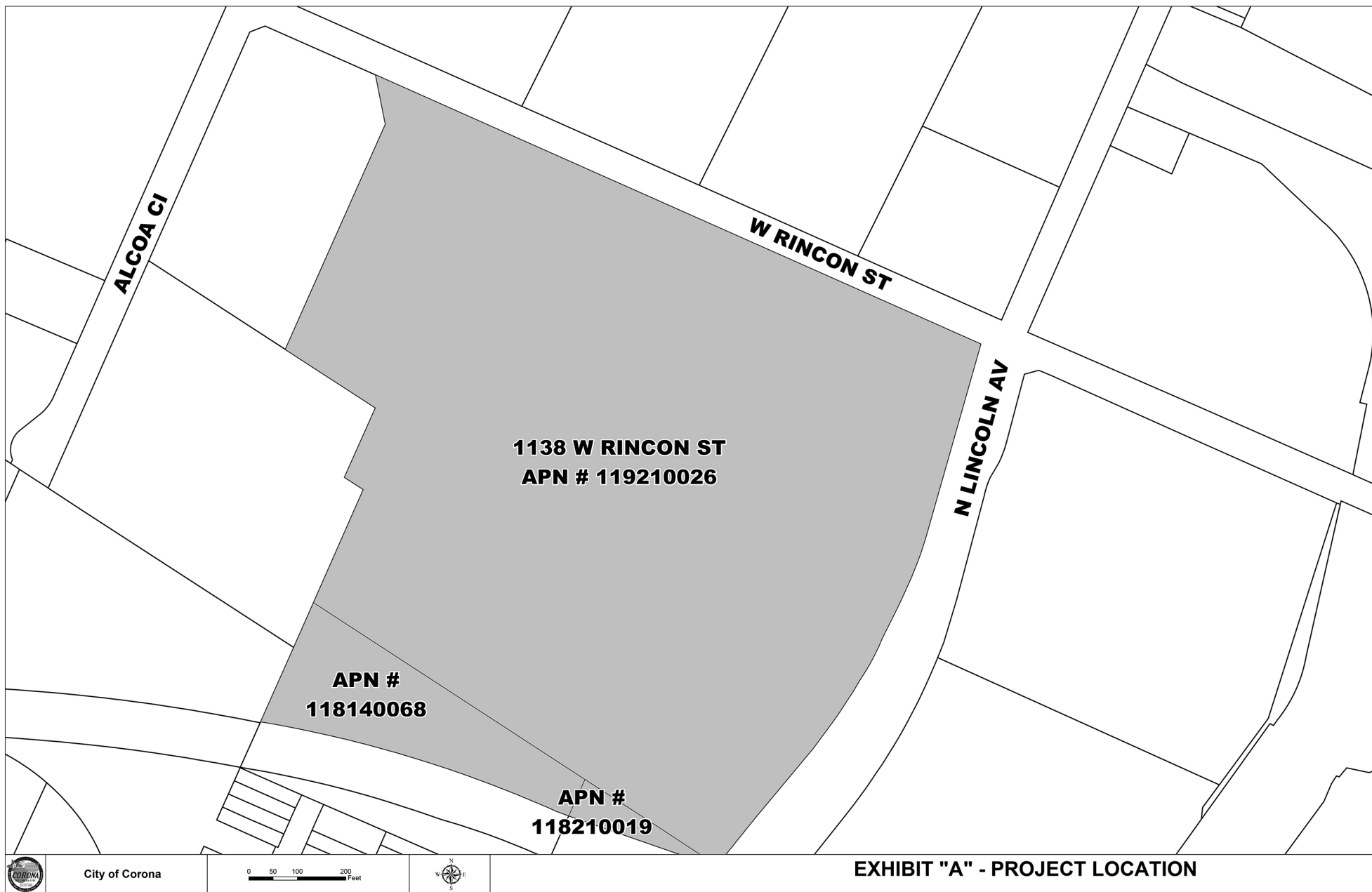
**REVIEWED BY:** KERRY EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES  
DIRECTOR

**REVIEWED BY:** MICHELE NISSEN, ASSISTANT CITY MANAGER

**SUBMITTED BY:** DARRELL TALBERT, CITY MANAGER

Exhibits:     “A” - Project Location  
                  “B” - Legal Description  
                  “C” - Plat Map

Attachments: Resolution Ordering Vacation  
                  Quitclaim Deed



City of Corona

0 50 100 200 Feet



EXHIBIT "A" - PROJECT LOCATION

EXHIBIT "B"

LEGAL DESCRIPTION

CITY OF CORONA

VACATION OF A PORTION OF LINCOLN AVENUE

That portion of Lot "B" of Parcel Map No. 16719, in the City of Corona, County of Riverside, State of California, as shown on a map filed in Book 84, Pages 59 and 60 of Parcel Maps, in the Office of the County Recorder of said county, lying northwesterly of the following described line:

**COMMENCING** at the westerly corner of said Lot "B"; thence along the southwesterly line of said Lot "B", South  $56^{\circ}58'14''$  East 21.38 feet to the **TRUE POINT OF BEGINNING**; thence North  $40^{\circ}58'42''$  East 216.76 feet to the beginning of a tangent curve concave northwesterly and having a radius of 1163.00 feet; thence along said curve northeasterly 526.37 feet through a central angle of  $25^{\circ}55'55''$ ; thence tangent from said curve North  $15^{\circ}02'47''$  East 35.87 feet to the beginning of a tangent curve concave northwesterly and having a radius of 5270.00 feet; thence along said curve northeasterly 162.14 feet through a central angle of  $01^{\circ}45'46''$  to a point of reverse curvature with a curve concave southeasterly and having a radius of 5290.00 feet, a radial line of said curves from said point bears North  $76^{\circ}42'59''$  West; thence along said curve northeasterly 156.21 feet through a central angle of  $01^{\circ}41'31''$ ; thence tangent from said curve North  $14^{\circ}58'32''$  East 135.23 feet to the northerly corner of said Lot "B".

**CONTAINING:** 33,839 Square Feet, more or less.

**SUBJECT TO** all Covenants, Rights, Rights-of-Way and Easements of Record.

**EXHIBIT "B"** attached and by this reference made a part hereof.



Kevin D. MacDonald, L.S. 8431

12-5-17

Date

Michael Baker International  
5 Hutton Centre, Suite 500  
Santa Ana, California 92707  
JN 154204

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PARCEL 2  
PARCEL MAP NO. 16719  
P.M.B. 84/59-60

PARCEL A OF CORPORATION  
GRANT DEED TO CITY OF  
CORONA REC. 7/24/1987 AS  
INSTRUMENT NO. 213097, O.R.

**P.O.C.**

W'LY CORNER LOT "B"  
PER R1

SEE SHEET 2

PARCEL 1

PARCEL B OF  
CORPORATION GRANT DEED  
TO CITY OF CORONA REC.  
7/24/1987 AS INSTRUMENT  
NO. 213097, O.R.

CA LINCOLN AVENUE

A.T. & S.F. RAILWAY RIGHT-OF-WAY

**LEGEND**

PRC POINT OF REVERSE CURVATURE  
R1 PARCEL MAP NO. 16719, P.M.B. 84/59-60

**EXHIBIT "C"**

SKETCH TO ACCOMPANY A  
LEGAL DESCRIPTION FOR

CITY OF CORONA  
VACATION OF A PORTION OF  
LINCOLN AVENUE

CONTAINING: 33,839 S.F.+/-

SHEET 1 OF 2 SHEETS

**Michael Baker**

**INTERNATIONAL**

5 Hutton Centre Drive, Suite 500

Santa Ana, CA 92707

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NOVEMBER 28, 2017

154204



**LEGEND**

PRC POINT OF REVERSE CURVATURE  
R1 PARCEL MAP NO. 16719, P.M.B. 84/59-60

PARCEL 2  
PARCEL MAP NO. 16719  
P.M.B. 84/59-60

PARCEL A OF CORPORATION  
GRANT DEED TO CITY OF  
CORONA REC. 7/24/1987 AS  
INSTRUMENT NO. 213097, O.R.

PARCEL B OF CORPORATION  
GRANT DEED TO CITY OF  
CORONA REC. 7/24/1987 AS  
INSTRUMENT NO. 213097, O.R.

PARCEL 1

**EXHIBIT "C"**

SKETCH TO ACCOMPANY A  
LEGAL DESCRIPTION FOR

CITY OF CORONA  
VACATION OF A PORTION OF  
LINCOLN AVENUE

CONTAINING: 33,839 S.F.+/-

SEE SHEET 1

SHEET 2 OF 2 SHEETS

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NOVEMBER 28, 2017

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**RESOLUTION NO. 2018-104**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CORONA, CALIFORNIA, ORDERING THE SUMMARY  
VACATION OF A PORTION OF THE WEST SIDE OF  
LINCOLN AVENUE, SOUTH OF RINCON STREET**

**WHEREAS**, on or about November 3, 1980, through the approval of Parcel Map 16719, the City of Corona (“City”) accepted that portion of Lincoln Avenue located between Rincon Street and Railroad Street and adjacent to the property identified as 1138 Rincon Street, which is identified as Lot “B” on Parcel Map 16719; and

**WHEREAS**, Industrial Park, LLC, a Delaware Limited Liability Company, the owner of the property identified as 1138 Rincon Street, has requested the summary street vacation of a portion of the west side of Lincoln Avenue south of Rincon Street, constituting approximately 33,839 square feet of land area, as more particularly described and depicted in Exhibit “A” attached hereto and incorporated herein by reference (“Excess ROW”); and

**WHEREAS**, on or about July 21, 1987, the City accepted fee title to certain real property immediately adjacent to the east side of Lincoln Avenue south of Rincon Street and north of the railroad tracks for the purpose of completing the realignment of Lincoln Avenue, which was required for a railroad grade separation project (“New ROW”); and

**WHEREAS**, in connection with this Resolution, the City Council is considering approving a quitclaim deed to formally restrict the New ROW, which ranges from 32 feet to 12 feet in width, for public right-of-way purposes; and

**WHEREAS**, the General Plan designates Lincoln Avenue as a secondary 4-lane street, which has a full street width requirement of 88 feet. If the New ROW is formally restricted for public right-of-way purposes, Lincoln Avenue will have a full street width that ranges from 88 feet to 120 feet, not including the Excess ROW; and

**WHEREAS**, if the New ROW is formally restricted for public right-of-way purposes, the Excess ROW would not be needed or required for street purposes, would be in excess of the right-of-way designated by the General Plan and the current City standards, and would not be an integral component of the City’s circulation system; and

**WHEREAS**, these summary vacation proceedings are being conducted pursuant to the requirements of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, which authorizes the City Council to summarily vacate excess right-of-way of a street or highway that is not required for street or highway purposes and to summarily vacate a street or highway that has been superseded by relocation; and



**WHEREAS**, pursuant to Section 8313 of the California Streets and Highways Code, on or about September 11, 2018, the City's Community Development Director determined that the vacation of the Excess ROW is consistent with the City of Corona General Plan because it is consistent with General Plan Policy 1.19.3 to promote the consolidation of small, underutilized lots into larger parcels to support viable and cohesive development projects.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Corona, California, as follows:

**SECTION 1. Incorporation of Recitals.** The above Recitals are true and correct and are incorporated herein by reference.

**SECTION 2. Findings.** The City Council finds that if the New ROW is formally restricted for public right-of-way purposes: (i) the Excess ROW would be considered excess right-of-way because it is not needed to satisfy the full street width requirement for the street; (ii) the Excess ROW would not be needed for street and highway purposes because the existing width of Lincoln Avenue satisfies all current City standards and is adequate to serve the residents and businesses in the City; (iii) the vacation of the Excess ROW would not cut off access to an adjoining property because no access is provided from Lincoln Avenue; (iv) there are no public service easements within the Excess ROW; and (v) there are no public utility facilities in use or that would be affected by the vacation of the Excess ROW.

**SECTION 3. Contingent Upon Approval of Accompanying Quitclaim Deed.** The adoption of this Resolution and the vacation of the Excess ROW is expressly contingent upon the City Council's approval of a quitclaim deed to formally restrict the New ROW for public right-of-way purposes. If the City Council does not approve a quitclaim deed to formally restrict the New ROW for public right-of-way purposes, this Resolution shall be of no further force or effect.

**SECTION 4. Vacation of the Existing Right-of Way.** The City Council hereby summarily vacates the Excess ROW in accordance with Sections 8330(a) and 8334(a) of the California Streets and Highways Code contingent upon the City Council's concurrent approval of the quitclaim deed described in Section 3 of this Resolution.

**SECTION 5. Effective Date.** This Resolution shall be effective immediately upon recordation of a quitclaim deed to formally restrict the New ROW for public right-of-way purposes.

**SECTION 6. Recordation.** The City Clerk shall cause a certified copy of this Resolution to be recorded in the Riverside County Recorder's Office after recordation of a quitclaim deed to formally restrict the New ROW for public right-of-way purposes. From and after the date this Resolution is recorded, the Excess ROW shall no longer constitute a street, highway or public right-of way.

**PASSED, APPROVED, AND ADOPTED** this 19<sup>th</sup> day of September 2018.

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Mayor of the City of Corona, California

**ATTEST:**

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City Clerk of the City of Corona, California

**CERTIFICATION**

I, SYLVIA EDWARDS, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly introduced and adopted at an adjourned meeting of the City Council of the City of Corona, California, thereof held on the 19<sup>th</sup> day of September 2018, by the following vote of the Council:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 19<sup>th</sup> day of September 2018.

\_\_\_\_\_  
City Clerk of the City of Corona, California

[SEAL]

**EXHIBIT “A”**

**LEGAL DESCRIPTION AND DEPICTION OF EXCESS ROW**

RECORDED AT REQUEST OF  
AND WHEN RECORDED RETURN TO:

City of Corona  
400 S. Vicentia Ave  
Corona, California 92882  
Attn: City Clerk (Adm. Services)

APN: See Exhibit "A"

(SPACE ABOVE FOR RECORDER'S USE)  
FEE EXEMPT – GOVERNMENT CODE §27383  
DOCUMENTARY TRANSFER TAX EXEMPT - R&T CODE § 11922

### **QUITCLAIM DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
**THE CITY OF CORONA, a California municipal corporation ("Grantor")** hereby  
REMISE(S), RELEASE(S) AND FOREVER QUITCLAIM(S) to **CITY OF CORONA, a  
California municipal corporation ("Grantee")**,

all that certain real property situated in the City of Corona, County of Riverside, State of  
California, described and depicted in EXHIBIT A attached hereto and incorporated herein by  
reference, for public right-of-way purposes.

The covenants contained herein shall run with the land and shall inure to the benefit of and be  
binding upon the Grantor and Grantee and their respective assigns, heirs and voluntary and  
involuntary successors in interest.

Dated: \_\_\_\_\_, 2018

**GRANTOR:**

**City of Corona,  
a California municipal corporation**

By: \_\_\_\_\_  
Mayor, City of Corona

**ACKNOWLEDGMENT**

STATE OF CALIFORNIA                    )

COUNTY OF \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_ (here insert name and title of the officer), personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

## EXHIBIT A

The property located in the City of Corona, County of Riverside, State of California, and described as follows:

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 16719, AS SHOWN BY MAP ON FILE IN BOOK 84, PAGES 59 AND 60 OF PARCEL MAPS, RIVERSIDE COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF THAT PORTION OF SAID PARCEL 2 LYING SOUTHEASTERLY OF LOT "B" OF PARCEL MAP NO. 16719;  
THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 2, NORTH 66° 09' 54" WEST 18.03 FEET TO THE MOST EASTERLY CORNER OF SAID LOT "B";  
THENCE SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5056.00 FEET, FROM A RADIAL LINE WHICH BEARS NORTH 69° 33' 21" WEST, THROUGH A CENTRAL ANGLE OF 02° 23' 17" AN ARC DISTANCE OF 210.73 FEET;  
THENCE TANGENT TO SAID CURVE, SOUTH 18° 03' 22" WEST 317.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1444.00 FEET;  
THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20° 56' 38" AN ARC DISTANCE OF 527.84 FEET;  
THENCE TANGENT TO SAID CURVE, SOUTH 39° 00' 00" WEST 178.25 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT "B";

THE PREVIOUS FOUR (4) COURSES AND DISTANCES BEING ALONG THE BOUNDARY LINE OF SAID PORTION OF PARCEL 2 LYING SOUTHEASTERLY OF SAID LOT "B"

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 2, SOUTH 57° 08' 45" EAST 60.98 FEET TO THE MOST SOUTHERLY CORNER OF SAID PORTION OF PARCEL 2 LYING SOUTHEASTERLY OF SAID LOT "B";  
THENCE NORTH 39° 00' 00" EAST 185.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1080.00 FEET;  
THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25° 17' 17" AND DISTANCE OF 476.67 FEET;  
THENCE TANGENT TO SAID CURVE, NORTH 13° 42' 43" EAST 215.22 FEET;  
THENCE NORTH 18° 03' 22" EAST 160.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5038.00 FEET;  
THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02° 22' 33" AN ARC DISTANCE OF 208.91 FEET TO THE POINT OF BEGINNING.

THE PREVIOUS FIVE (5) COURSES AND DISTANCES BEING ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID PORTION OF PARCEL 2 LYING SOUTHEASTERLY OF SAID LOT "B"

EXCEPTING THEREFROM AN UNDIVIDED  $\frac{1}{2}$  INTEREST IN ALL MINERALS, GAS OR OIL OF WHATSOEVER CHARACTER THAT MAY BE FOUND IN, UNDER OR UPON SAID LAND, AS CONVEYED TO P.J. WHITTEN, BY DEED RECORDED AUGUST 25, 1924 IN BOOK 613, PAGE 379 OF DEED, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM AN UNDIVIDED 25% INTEREST IN ALL MINERALS, GAS OR OIL OF WHATSOEVER CHARACTER THAT MAY BE FOUND IN, UNDER OR UPON THE HEREIN DESCRIBED PROPERTY, AS RESERVED TO WILLIAM L. ROBINSON, AN UNMARRIED MAN, BY DEED DATED DECEMBER 7, 1959 AND RECORDED JANUARY 12, 1960 AND A 25% INTEREST RESERVED TO LUCILLE BALL ARNEZ, A MARRIED WOMAN, BY QUITCLAIM DEED DATED JANUARY 4, 1960 AND RECORDED JANUARY 12, 1960 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.