

**RESOLUTION NO. 2020-098**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, DECLARING THE NECESSITY OF ACQUISITION, BY EMINENT DOMAIN, OF A FEE INTEREST, AS WELL AS IMPROVEMENTS THEREON, PERMANENT ROADWAY EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS INTERESTS IN CERTAIN REAL PROPERTY IDENTIFIED AS ASSESSOR PARCEL NO. (APN) 115-290-035, LOCATED ON NORTH MCKINLEY STREET, AND ON SAMPSON AVENUE, SOUTH OF THE STATE ROUTE 91 (SR-91) EASTBOUND ON-RAMP FOR THE MCKINLEY STREET GRADE SEPARATION PROJECT.**

**WHEREAS**, the City of Corona (the “City”) proposes to acquire fee, permanent street easement and temporary construction easement interests in portions of certain real property, located in the City of Corona, California, more particularly described as Assessor Parcel No.115-290-035 for the construction and maintenance of the McKinley Street Grade Separation Project, in Corona, California, pursuant to the authority granted to it by section 37350 of the California Government Code; and

**WHEREAS**, pursuant to section 1245.235 of the California Code of Civil Procedure, the City scheduled a Public Hearing for Wednesday, July 15, 2020 at 6:30 p.m., at the Corona City Hall, located at 400 South Vicentia Avenue, Corona, California, and gave to each person whose property is to be acquired and whose name and address appeared on the last equalized county assessment roll, notice and a reasonable opportunity to appear at said hearing and be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

**WHEREAS**, said hearing has been held by the City and each affected property owner was afforded an opportunity to be heard on said matters; and

**WHEREAS**, the City may now adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, AS FOLLOWS:**

**SECTION 1. Compliance with California Code of Civil Procedure.** There has been compliance by the City with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

**SECTION 2. Public Use.** The public use for which the portions of fee, roadway easement and temporary construction easement interests are to be acquired is for the construction

and maintenance of the McKinley Street Grade Separation Project, located along McKinley Street, south of the State Route 91 east bound on-ramp, in Corona, California. Section 37350.5 of the California Government Code authorizes the City to acquire by eminent domain property necessary for such purposes.

**SECTION 3. Description of Property.** Attached and marked as Exhibit “C” are the legal descriptions and plat maps of the real property to be acquired by the City, which describe the general location and extent of the property with sufficient detail for reasonable identification.

**SECTION 4. Findings.** The City hereby finds and determines each of the following:

- (a) The public interest and necessity require the proposed project;
- (b) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) The property described in Exhibit “C” is necessary for the proposed project; and
- (d) The offer required by section 7267.2 of the California Government Code was made.

**SECTION 5. Use Not Unreasonably Interfering with Existing Public Use(s).** Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. The legal descriptions of these easements and rights-of-way are on file with the City and describe the general location and extent of the easements and rights-of-way with sufficient detail for reasonable identification. In the event the herein described use or uses will not unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, counsel for the City is authorized to acquire the herein described real property subject to such existing public uses pursuant to section 1240.510 of the California Code of Civil Procedure.

**SECTION 6. More Necessary Public Use.** Some or all of the real property to be acquired is subject to easements and rights-of-way appropriated to existing public uses. To the extent that the herein described use or uses will unreasonably interfere with or impair the continuance of the public use as it now exists or may reasonably be expected to exist in the future, the City finds and determines that the herein described use or uses are more necessary than said existing public use. Counsel for the City is authorized to acquire the herein described real property appropriated to such existing public uses pursuant to section 1240.610 of the California Code of Civil Procedure. Staff is further authorized to make such improvements to the real property being acquired that it determines are reasonably necessary to mitigate any adverse impact upon the existing public use.

**SECTION 7. Further Activities.** Counsel for the City is hereby authorized to acquire the hereinabove described real property in the name of and on behalf of the City by eminent domain, and counsel is authorized to institute and prosecute such legal proceedings as may be required in connection therewith. Legal counsel is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court, to permit the City to take possession of and use said real property at the earliest possible time. Counsel is further authorized to correct any errors or to make or agree to non-material changes in the legal description of the real property that are deemed necessary for the conduct of the condemnation action, or other proceedings or transaction required to acquire the subject real property.

**SECTION 8. Effective Date.** This Resolution shall take effect upon adoption.

**PASSED, APPROVED AND ADOPTED** this 15th day of July, 2020.

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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 passed and adopted by the City Council of the City of Corona, California, at a regular meeting thereof held on the 15th day of July, 2020, by the following vote:

**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 15<sup>th</sup> day of July, 2020.

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

[SEAL]

**EXHIBIT “C”**

**LEGAL DESCRIPTIONS AND PLAT MAPS**

[SEE ATTACHED FIFTEEN (15) PAGES]  
ATTACHMENT 1 - QUICKIE'S CAR WASH/SJRK

**FEE SIMPLE INTEREST  
ATTACHMENT TO LEGAL DESCRIPTION  
APN: 115-290-035  
PARCEL ID: MSGS-05  
COMMERCIAL PROPERTY**

The parcel of land described in Exhibit “B1” is to be acquired as a fee simple interest and used for a public street and incidents and appurtenances thereto by City of Corona, a Municipal Corporation, and its employees, agents, representatives, contractors, successors and assigns (collectively, the “City”) in connection with the construction of the McKinley Grade Separation Project (“Project”). The right acquired is depicted in Exhibit “B2.”

**EXHIBIT B1**  
**LEGAL DESCRIPTION**  
FEE INTEREST

That portion of Lot 4, in the City of Corona, County of Riverside, State of California, as shown by map of Tract No. 23454 on file in Book 193, Pages 100-103 inclusive of Maps, Records of Riverside County, more particularly described as follows:

**COMMENCING** at the intersection of the centerline of McKinley Street (102.00 feet wide) with the centerline of Sampson Avenue (77.50 feet wide);

THENCE northwesterly along said centerline of McKinley Street North  $33^{\circ}36'51''$  West 376.61 feet;

THENCE, perpendicular, South  $56^{\circ}23'09''$  West, 52.00 feet to a point on the westerly line of McKinley Street, said point being on the northeasterly line of said Lot 4, and the beginning of a non-tangent curve, concave southwest, having a radius of 482.00 feet, the initial radial of which bears North  $51^{\circ}09'45''$  East;

THENCE northwesterly along said curve, through a central angle of  $04^{\circ}56'59''$ , an arc length of 41.64 feet to the **TRUE POINT OF BEGINNING**;

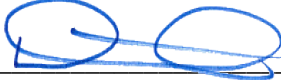
THENCE continuing northwesterly along said curve through a central angle of  $01^{\circ}40'18''$ , an arc length of 14.06 feet to the beginning of a non-tangent curve, concave Southwest, having a radius of 62.00 feet, the initial radial of which bears North  $44^{\circ}32'28''$  East;

THENCE southeasterly along said curve, through a central angle of  $12^{\circ}50'18''$ , an arc length of 13.89 feet;

Thence North  $56^{\circ}29'43''$  East, 1.37 feet to the **TRUE POINT OF BEGINNING**.

Containing 6 square feet, more or less.

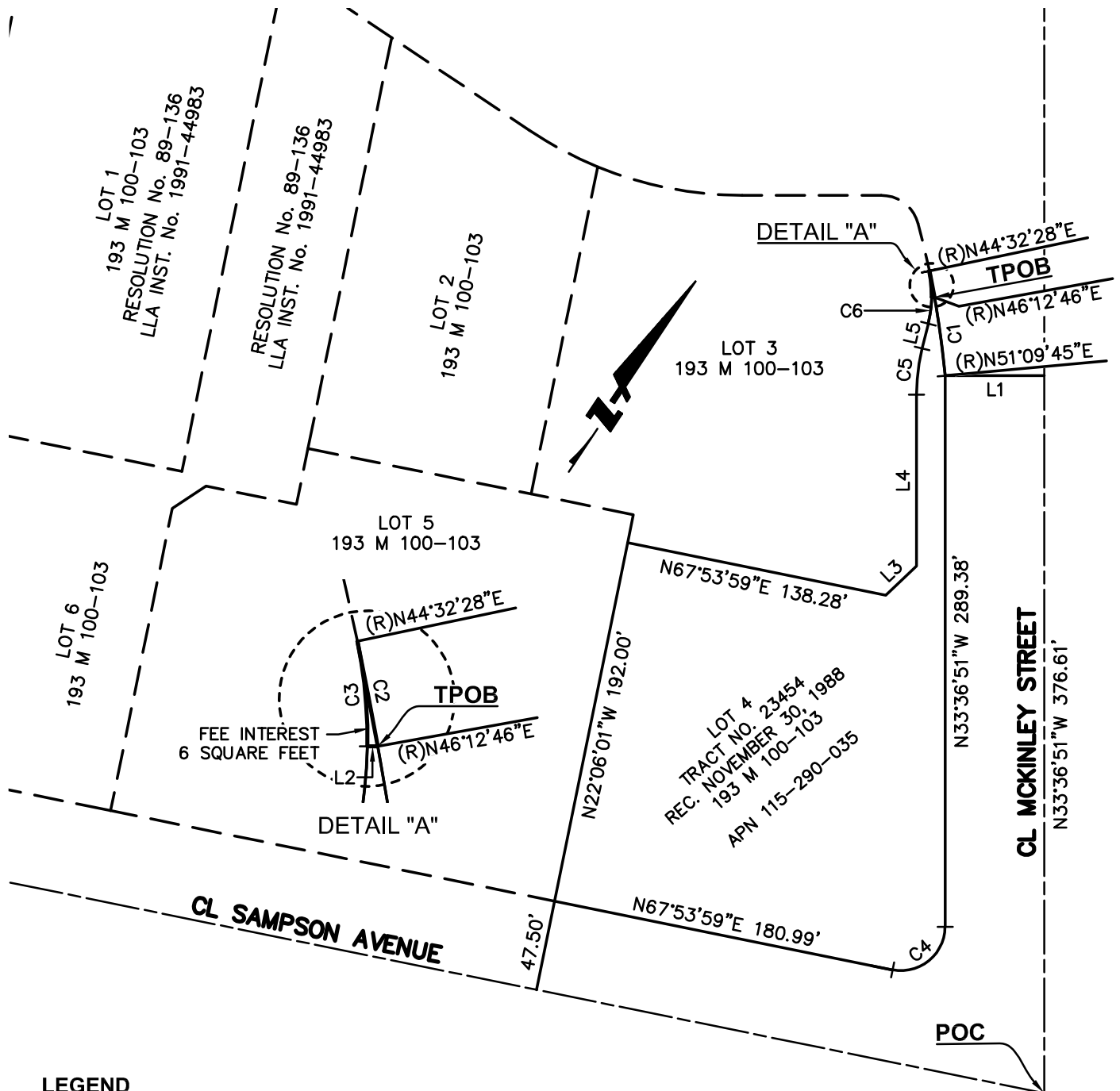
**As shown on plat attached hereto and by this reference made part hereof as Exhibit B2.**

  
\_\_\_\_\_  
Davis Thresh, P.L.S. No. 6868

\_\_\_\_\_  
2/13/2020  
Dated

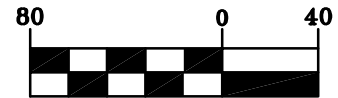


**EXHIBIT B2**  
**FEE INTEREST**



**LEGEND**

- POC = POINT OF COMMENCEMENT
- TPOB = TRUE POINT OF BEGINNING
- = LIMITS OF DESCRIPTION
- = EXISTING PARCEL BOUNDARY
- - - = ADJACENT PARCEL BOUNDARY
- = CENTERLINE OF ROAD



(SCALE IN FEET)

CITY OF CORONA  
RIVERSIDE COUNTY, CALIFORNIA

PLAT TO ACCOMPANY LEGAL DESCRIPTION - REV-1



4675 MACARTHUR COURT  
SUITE 400  
NEWPORT BEACH, CA 92660  
949-526-8460  
949-526-8499 (FAX)

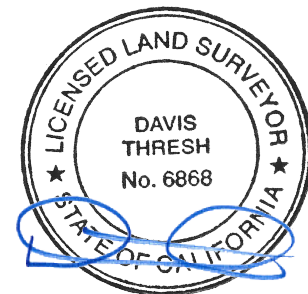
Subject FEE INTEREST  
APN 115-290-035  
Job No. 20180990  
By NP Date 2/13/20 Chkd. WS  
SHEET 1 OF 2



**EXHIBIT B2**  
FEE INTEREST

LINE TABLE		
	DIRECTION	LENGTH
L1	S56°23'09"W	52.00'
L2	N56°29'43"E	1.37'
L3	N12°40'57"E	22.30'
L4	N33°36'51"W	89.97'
L5	N19°36'58"W	13.42'

CURVE TABLE			
	RADIUS	DELTA	LENGTH
C1	482.00'	4°56'59"	41.64'
C2	482.00'	1°40'18"	14.06'
C3	62.00'	12°50'18"	13.89'
C4	23.00'	101°30'50"	40.75'
C5	100.00'	13°59'53"	24.43'
C6	62.00'	13°00'16"	14.07'



CITY OF CORONA  
RIVERSIDE COUNTY, CALIFORNIA

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4675 MACARTHUR COURT  
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Subject FEE INTEREST  
APN 115-290-035  
Job No. 20180990  
By NP Date 2/13/20 Chkd. WS  
SHEET 2 OF 2

**STREET EASEMENT INTEREST  
ATTACHMENT TO LEGAL DESCRIPTION  
APN: 115-290-035  
PARCEL ID: MSGS-05  
COMMERCIAL PROPERTY**

The parcel of land described in Exhibit "C1" is to be acquired as an exclusive permanent easement for public streets and incidents and appurtenances thereto ("Street Easement"), over, above, on, within, across, along, about and through the land described in Exhibit "C-1" and depicted in Exhibit "C-2", in each case, incorporated herein by reference ("Street Easement Area")

Within the Street Easement Area, the easement rights shall also include the right to use the Street Easement to construct, use, install, maintain, repair, replace, improve, alter, relocate, and inspect utilities.

The easement rights shall include without limitation the right to reasonably access the Street Easement Area for all purposes associated with the Street Easement, which activities may include, but are not be limited to, trimming, cutting or clearing away from the Street Easement Area any trees, brush, and vegetation.

The City shall have the right to remove all improvements located within the Street Easement Area including, but not limited to, three (3) mature ornamental trees, hardscape, and landscape improvements.

The City expressly reserves the right to convey, transfer or assign the easement rights subject to the same rights and limitations described herein.

**EXHIBIT C1**  
**LEGAL DESCRIPTION**  
**ROADWAY EASEMENT**

That portion of Lot 4, in the City of Corona, County of Riverside, State of California, as shown by map of Tract No. 23454 on file in Book 193, Pages 100-103 inclusive of Maps, Records of Riverside County, more particularly described as follows:

**COMMENCING** at the intersection of the centerline of McKinley Street (102.00 feet wide) with the centerline of Sampson Avenue (77.50 feet wide);

THENCE northwesterly along said centerline of McKinley Street North 33°36'51" West 376.61 feet;

THENCE, perpendicular, South 56°23'09" West, 52.00 feet to a point on the westerly line of McKinley Street, said point being on the northeasterly line of said Lot 4, the beginning of a non-tangent curve, concave southwest, having a radius of 482.00 feet, the initial radial of which bears North 51°09'45" East, and the **TRUE POINT OF BEGINNING**;

THENCE northwesterly along said curve, through a central angle of 04°56'59", an arc length of 41.64 feet;

THENCE South 56°29'43" West, 1.37 feet to a point on the northwesterly line of said Lot 4, said point also being the beginning of a non-tangent curve, concave Southwest, having a radius of 62.00 feet, the initial radial of which bears North 57°22'46" East;

THENCE southeasterly along said curve, through a central angle of 13°00'16", an arc length of 14.07 feet;

THENCE South 19°36'58" East, 13.42 feet to the beginning of a curve concave northeasterly, having a radius of 100.00 feet;

THENCE southeasterly along said curve, through a central angle of 13°59'53", an arc length of 24.43 feet;

THENCE South 33°36'51" East, 72.35 feet;

THENCE leaving said northwesterly line of Lot 4, South 57°35'45" East, 19.61 feet;

THENCE South 33°30'36" East, 181.34 feet to the beginning of a non-tangent curve, concave West, having a radius of 44.00 feet, the initial radial of which bears North 73°48'39" East;

THENCE southerly along said curve, through a central angle of 39°30'14", an arc length of 30.34 feet to the beginning of a compound curve, having a radius of 28.00 feet;

THENCE southwesterly along said curve, through a central angle of 29°10'32", an arc length of 14.26 feet to a point on the southeasterly line of said Lot 4, said point also being on the northerly line of Sampson Avenue;

THENCE North 67°53'59" East, 11.34 feet to the beginning of a curve to the left, having a radius of 23.00 feet;


THENCE northerly along said curve, through a central angle of 101°30'50", an arc length of 40.75 feet to a point on the westerly line of McKinley Street;

THENCE along the westerly line of McKinley Street, North 33°36'51" West, 289.38 feet to the **TRUE POINT OF BEGINNING**.

**EXHIBIT C1**  
**LEGAL DESCRIPTION**  
**ROADWAY EASEMENT**  
(Continued)

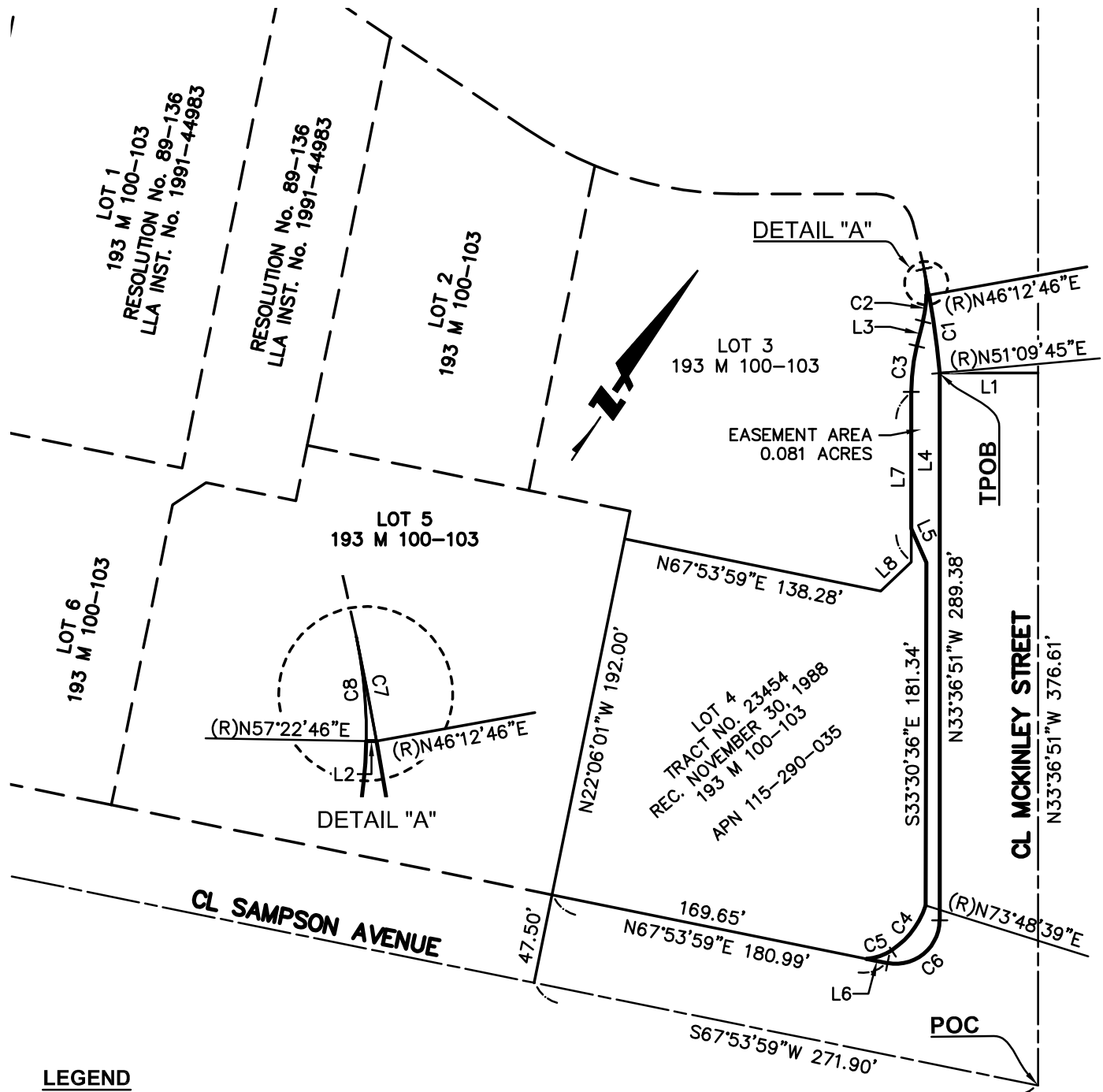
Containing 0.081 acres, more or less.

**As shown on plat attached hereto and by this reference made part hereof as Exhibit C2.**

  
\_\_\_\_\_  
Davis Thresh, P.L.S. No. 6868  
  
\_\_\_\_\_  
2/14/2020  
\_\_\_\_\_  
Dated

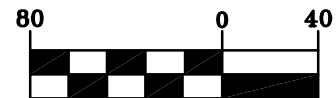


**EXHIBIT C2**  
**ROADWAY EASEMENT**



**LEGEND**

- POC = POINT OF COMMENCEMENT
- TPOB = TRUE POINT OF BEGINNING
- = LIMITS OF DESCRIPTION
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- - - = ADJACENT PARCEL BOUNDARY
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(SCALE IN FEET)

CITY OF CORONA  
RIVERSIDE COUNTY, CALIFORNIA

PLAT TO ACCOMPANY LEGAL DESCRIPTION — REV-1



4675 MACARTHUR COURT  
SUITE 400  
NEWPORT BEACH, CA 92660  
949-526-8460  
949-526-8499 (FAX)

Subject ROADWAY EASEMENT  
APN 115-290-035  
Job No. 20180990  
By NP Date 2/14/20 Chkd. WS  
SHEET 1 OF 2

**EXHIBIT C2**  
ROADWAY EASEMENT

LINE TABLE		
	DIRECTION	LENGTH
L1	S56°23'09"W	52.00'
L2	S56°29'43"W	1.37'
L3	S19°36'58"E	13.42'
L4	S33°36'51"E	72.35'
L5	S57°35'45"E	19.61'
L6	N67°53'59"E	11.34'
L7	N33°36'51"W	89.97'
L8	N12°40'57"E	22.30'

CURVE TABLE			
	RADIUS	DELTA	LENGTH
C1	482.00'	4°56'59"	41.64'
C2	62.00'	13°00'16"	14.07'
C3	100.00'	13°59'53"	24.43'
C4	44.00'	39°30'14"	30.34'
C5	28.00'	29°10'32"	14.26'
C6	23.00'	101°30'50"	40.75'
C7	482.00'	1°40'18"	14.06'
C8	62.00'	12°50'18"	13.89'



CITY OF CORONA  
RIVERSIDE COUNTY, CALIFORNIA

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Subject ROADWAY EASEMENT  
APN 115-290-035  
Job No. 20180990  
By NP Date 2/14/20 Chkd. WS  
SHEET 2 OF 2

**TEMPORARY CONSTRUCTION EASEMENT  
ATTACHMENT TO LEGAL DESCRIPTION  
APN: 115-290-035  
PARCEL ID: MSGS-05  
COMMERCIAL PROPERTY**

The parcel of land described in Exhibit "D1" is to be used for temporary construction purposes by City of Corona, a Municipal Corporation, and its employees, agents, representatives, contractors, successors and assigns (collectively, the "City") in connection with the construction of the McKinley Grade Separation Project ("Project"). The right of usage acquired for the non-exclusive temporary construction easement parcel described in Exhibit "D1" and depicted in Exhibit "D2" ("TCE") shall be for a period of twenty-four (24) consecutive months. However, the actual physical construction activities within the TCE area shall be limited to a period of six (6) consecutive months within the twenty-four (24) month TCE period (the "Construction Period"). During the Construction Period, the City's use and occupancy of the TCE will remain non-exclusive.

The City expressly reserves the right to convey, transfer or assign the TCE subject to the same rights and limitations described herein.

**Work Description / Easement Provisions:**

- The City shall provide the owner(s) and occupant(s) of the property subject to this TCE a minimum of thirty (30)-days written notice as to when the Construction Period will commence.
- The City's work activities shall include:
  - Removal of asphalt, concrete curbs, landscaping, and other features as required for the Project.
  - Construct sidewalks, curbs, gutters, retaining walls for a new right in driveway from McKinley Street.
  - Install sleeves as necessary for irrigation/lighting conduit connecting landscape areas within limits of TCE to be reconstructed by the City.
  - Re-grading of the drive isle area adjacent to new right in driveway from McKinley Street.
  - Construct drainage improvements including but not limited to, storm drain pipes, inlets, and grates necessary to drain drive isle area adjacent to new right in driveway from McKinley Street.
- The City will compensate the property owner for the following activities:
  - Replacement landscaping as damaged by the project.
- The property will have limited access during the Construction Period. as a result of the efforts involved in the construction of a new right in driveway, during this period the property will only be accessible from Sampson Avenue through adjacent properties. Existing access rights for the property owner are labeled as Private Mutual Access Easement shown on Tract Map Number 23454 on map filed for record in book 193, pages 100 through 103, records of Riverside County, State of California. During the Construction

Period, the portion of the TCE that lies within the existing drive aisle adjacent to the commercial/industrial buildings will be accessible for all vehicular and pedestrian traffic during the hours of 7 am through 7 pm to allow for the continued operation of the car wash, including loading/unloading operations. Upon the City's completion of each night's construction activities the drive aisle surface will be repaired such that the surface elevations will match existing elevations and all improvements and construction equipment/materials be moved outside of the drive aisle to allow accessibility conditions to drive aisle as described herein..

- Prior to construction/removal activities, the City shall examine existing irrigation and install as necessary temporary irrigation facilities, including but not limited to sprinklers, piping, and control valves, to maintain existing pattern and zones outside of construction area.
- The City shall maintain all existing drainage patterns during construction, including installation of temporary drainage facilities as necessary, such that drainage is not impeded on property or right of way.
- Reasonable pedestrian and vehicular access to the property shall be maintained.
- Improvements within the TCE area will be removed as needed by the City to allow for construction activities. Any improvements so removed will either be replaced in kind or included in the compensation paid by the City.
- Prior to the termination of the Construction Period, the City will remove from the TCE area all construction equipment including any temporary fence, temporary improvements, and all construction related debris.



**EXHIBIT D1**  
**LEGAL DESCRIPTION**  
TEMPORARY CONSTRUCTION EASEMENT

That portion of Lot 4, in the City of Corona, County of Riverside, State of California, as shown by map of Tract No. 23454 on file in Book 193, Pages 100-103 inclusive of Maps, Records of Riverside County, more particularly described as follows:

**COMMENCING** at the intersection of the centerline of McKinley Street (102.00 feet wide) with the centerline of Sampson Avenue (77.50 feet wide);

THENCE southwesterly along said centerline of Sampson Avenue South 67°53'59" West, 271.90 feet;

THENCE, perpendicular, North 22°06'01" West, 47.50 feet to a point on the northerly line of Sampson Avenue, said point being the southerly most corner of said Lot 4;

THENCE leaving said point, and continuing along said line North 22°06'01" West, 165.41 feet to the **TRUE POINT OF BEGINNING**;

THENCE North 68°02'25" East, 24.00 feet;

THENCE North 22°14'04" West, 14.67 feet;

THENCE North 67°53'59" East, 131.94 feet;

THENCE South 33°30'36" East, 154.12 feet to the beginning of a curve to the right, having a radius of 20.00 feet;

THENCE Southerly along said curve, through a central angle of 101°25'14", an arc length of 35.40 feet;

THENCE South 67°54'38" West, 81.92 feet;

THENCE South 22°06'01" East, 5.00 feet to a point on the southeasterly line of said Lot 4, said point also being on the northerly line of Sampson Avenue;;

THENCE North 67°53'59" East, 84.78 feet to the beginning of a non-tangent curve, concave Northwest, having a radius of 28.00 feet, the initial radial of which bears South 37°30'36" East;

THENCE Northeasterly along said curve, through a central angle of 29°10'32", an arc length of 14.26 feet to the beginning of a compound curve, having a radius of 44.00 feet;

THENCE Northerly along said curve, through a central angle of 39°30'14", an arc length of 30.34 feet;

THENCE North 33°30'36" West, 181.34 feet;

THENCE North 57°35'45" West, 19.61 feet to a point on the northwesterly line of said Lot 4;

THENCE South 33°36'51" East, 17.62 feet;

THENCE South 12°40'57" West, 22.30 feet;

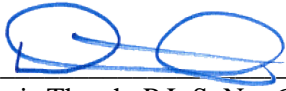
THENCE South 67°53'59" West, 138.28 feet;

THENCE South 22°06'01" East, 26.60 feet to the **TRUE POINT OF BEGINNING**.

**EXHIBIT D1**  
**LEGAL DESCRIPTION**  
TEMORARY CONSTRUCTION EASEMENT  
(Continued)

Containing 0.107 acres, more or less.

**As shown on plat attached hereto and by this reference made part hereof as Exhibit D2.**

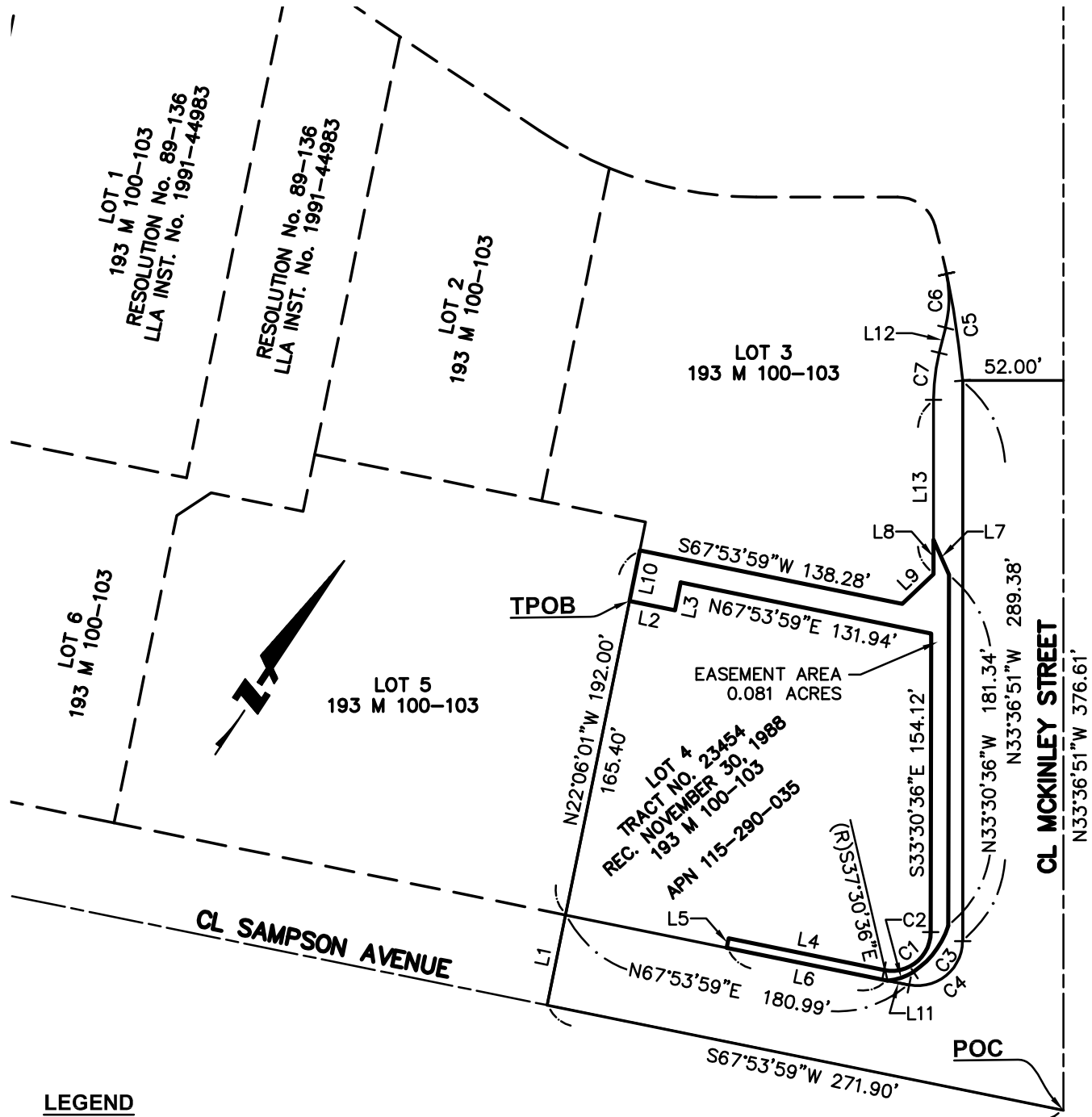
  
\_\_\_\_\_  
Davis Thresh, P.L.S. No. 6868

\_\_\_\_\_  
2/14/2020  
Dated



# EXHIBIT D2

## TEMPORARY CONSTRUCTION EASEMENT



CITY OF CORONA  
RIVERSIDE COUNTY, CALIFORNIA

PLAT TO ACCOMPANY LEGAL DESCRIPTION - REV-1



4675 MACARTHUR COURT  
SUITE 400  
NEWPORT BEACH, CA 92660  
949-526-8460  
949-526-8499 (FAX)

Subject TEMPORARY CONSTRUCTION  
EASEMENT - APN 115-290-035

Job No. 20180990

By NP Date 2/14/20 Chkd. WS

SHEET 1 OF 2

**EXHIBIT D2**  
TEMPORARY CONSTRUCTION EASEMENT

LINE TABLE		
	DIRECTION	LENGTH
L1	N22°06'01"W	47.50'
L2	N68°02'25"E	24.00'
L3	N22°14'04"W	14.67'
L4	S67°54'38"W	81.92'
L5	S22°06'01"E	5.00'
L6	N67°53'59"E	84.78'
L7	N57°35'45"W	19.61'
L8	S33°36'51"E	17.62'
L9	S12°40'57"W	22.30'
L10	S22°06'01"E	26.60'
L11	N67°53'59"E	11.34'
L12	N19°36'58"W	13.42'
L13	N33°36'51"W	89.97'

CURVE TABLE			
	RADIUS	DELTA	LENGTH
C1	20.00'	101°25'14"	35.40'
C2	28.00'	29°10'32"	14.26'
C3	44.00'	39°30'14"	30.34'
C4	23.00'	101°30'50"	40.75'
C5	482.00'	6°37'17"	55.70'
C6	62.00'	25°50'34"	27.96'
C7	100.00'	13°59'53"	24.43'



CITY OF CORONA  
RIVERSIDE COUNTY, CALIFORNIA

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SHEET 2 OF 2