

RESOLUTION NO. 2021- 094

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, DECLARING THE NECESSITY OF ACQUISITION, BY EMINENT DOMAIN, OF TEMPORARY INGRESS AND EGRESS EASEMENT INTERESTS, LOCATED ON NORTH MCKINLEY STREET, SOUTH OF THE STATE ROUTE 91 EASTBOUND ON-RAMP FOR THE MCKINLEY STREET GRADE SEPARATION PROJECT.

WHEREAS, the City of Corona proposes to acquire temporary ingress and egress easement interests in portions of certain real property, located in the City of Corona, California, more particularly described as Assessor Parcel No. 172-050-006, 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 21, 2021, 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 temporary ingress and egress easement interests are to be acquired is for the construction and maintenance of the McKinley Street Grade Separation Project, located on North McKinley Street, south of the State Route 91 eastbound 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 “A” are the legal definitions, 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 “A” 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 Uses. 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 nonmaterial changes in the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings, or transactions required to acquire the subject real property.

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

PASSED, APPROVED AND ADOPTED this 21st day of July, 2021.

Mayor of the City of Corona, California

ATTEST:

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 21st day of July, 2021 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 21st day of July, 2021.

City Clerk of the City of Corona, California

[SEAL]

EXHIBIT "A"

**LEGAL DEFINITIONS, LEGAL DESCRIPTIONS
AND DEPICTIONS**

**SEE ATTACHED:
ATTACHMENT 1 - CHUNG (12 PAGES)**

TEMPORARY INGRESS/EGRESS EASEMENT INTERESTS
ATTACHMENT TO LEGAL DESCRIPTION
APN'S: 172-050-006
PARCEL ID'S: MSGS-013A
COMMERCIAL PROPERTY

The construction of the McKinley Grade Separation Project ("Project") temporarily severs existing legal access from McKinley Street to the real property as described in the Grant Deed to Luis Castro and Lilliana Castro, trustees of the Luis Castro and Lilliana Castro Revocable Trust recorded March 03, 2008 as document number 2008-0102920 in the office of the county recorder of Riverside County, State of California attached hereto as Exhibit "A-1" and depicted or illustrated on the map or drawing attached hereto as Exhibit "A-2" and, in each case, incorporated herein by reference ("Ingress/Egress Property"). To replace severed access to the Ingress/Egress Property, the City of Corona, a Municipal Corporation, and its employees, agents, representatives, contractors, successors and assigns (collectively, the "City") in connection with the Project is acquiring a non-exclusive temporary easement for ingress, egress, and access purposes ("Easement"), over, above, on, within, across, along, about and through the land depicted in Exhibit "A-3", incorporated herein by reference ("Property"). The easement will allow a path of travel from McKinley Street to the Ingress /Egress Property as described in Exhibit "A-4" and depicted on Exhibit "A-5", incorporated herein by reference as "Primary Ingress/Egress Path of Travel". Additionally, construction along the Estelle Street driveway will impair use of the Primary Ingress/Egress Path of Travel severing access to the Ingress/Egress Property. To provide continuous access to the Ingress/Egress Property during this period, the Easement will also allow non-exclusive use for ingress access only from Magnolia Street along the drive aisle behind the primary shopping center building described in Exhibit "A-6" and depicted on Exhibit "A-7", incorporated herein by reference as "Secondary Ingress Path of Travel". ("Easement") shall be for a period of twenty-four (24) consecutive months. However, the actual use the Primary Ingress/Egress Path of Travel shall occur over a period of six (6) consecutive months (the "Primary Ingress/Egress Use Period") and the actual use of the Secondary Ingress Path of Travel shall be shall occur over a period of twenty (20) consecutive days (the "Secondary Ingress Use Period"). During the Primary Ingress/Egress Use Period and Secondary Ingress Use Period, the City's use and occupancy of the TCE will remain non-exclusive.

Temporary Ingress/Egress Rights shall include all vehicular and pedestrian ingress, egress, and access necessary for the accessibility to any improvements and businesses (collectively "Businesses") located within the Ingress/Egress Property limits, including, but not limited to:

- 1) Vehicular access for Businesses' clients, customers, agents, representatives and employees.
- 2) Shuttle and vehicular transportation for Businesses' clients, customers, agents, representatives and employees.
- 3) Trucks and delivery vans from vendors, suppliers, and maintenance/repair contractors.

Temporary Access Easement Provisions:

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

- The easement will expire upon City and its successors or assigns providing written notice to the property owner of that real property depicted in Exhibit A-3 of the completion of both of the Primary Ingress/Egress Use Period and the Secondary Ingress Use Period.
- Not including depreciation caused through normal use of the Easement, the City and their successors and assigns shall perform all remedies and curative measures, repairing said improvements to existing conditions or better within Temporary Access Easement Area in a reasonable time frame at their expense should they or their employees, agents, and representatives cause damage due to gross negligence or willful misconduct. Said remedies and curative measures shall be performed by the City and their successors and assigns following all current laws, including securing permits and approvals from appropriate jurisdiction agencies.
- The property owner, including its heirs, successors and assigns, of the real property depicted in exhibit A-3 shall maintain a paved access area throughout the entire limits of the Easement. This paved area shall be free and clear of obstructions.
- The property owner, including its employees, agents, representatives, contractors, successors and assigns, shall not use this Easement in any manner that would impede, obstruct, or restrict the City's rights as defined herein, including without limitation, landscaping of the type that would prohibit or restrict reasonable pedestrian and vehicular access.
- The City and their successors and assigns, shall not use this Easement in any manner that would impede, obstruct, or restrict the property owner, or their employees, lessees, customers, agents, representatives, contractors, successors access to or from existing and future semi-truck and trailer loading areas and parking stalls immediately adjacent to both the Primary Ingress/Egress Path of Travel and Secondary Ingress Path of Travel through uses including, but not limited to, stopping and/or queueing of transportation/shuttle vehicles.
- The City and their successors and assigns, shall not use this Easement in any manner that would impede, obstruct, or restrict the property owner, or their employees, lessees, customers, agents, representatives, contractors, successors access to or from existing and future restaurant drive through approaches and exits immediately adjacent to both the Primary Ingress/Egress Path of Travel and Secondary Ingress Path of Travel through uses including, but not limited to, stopping and/or queueing of transportation/shuttle vehicles.

EXHIBIT A1
INGRESS/EGRESS PROPERTY

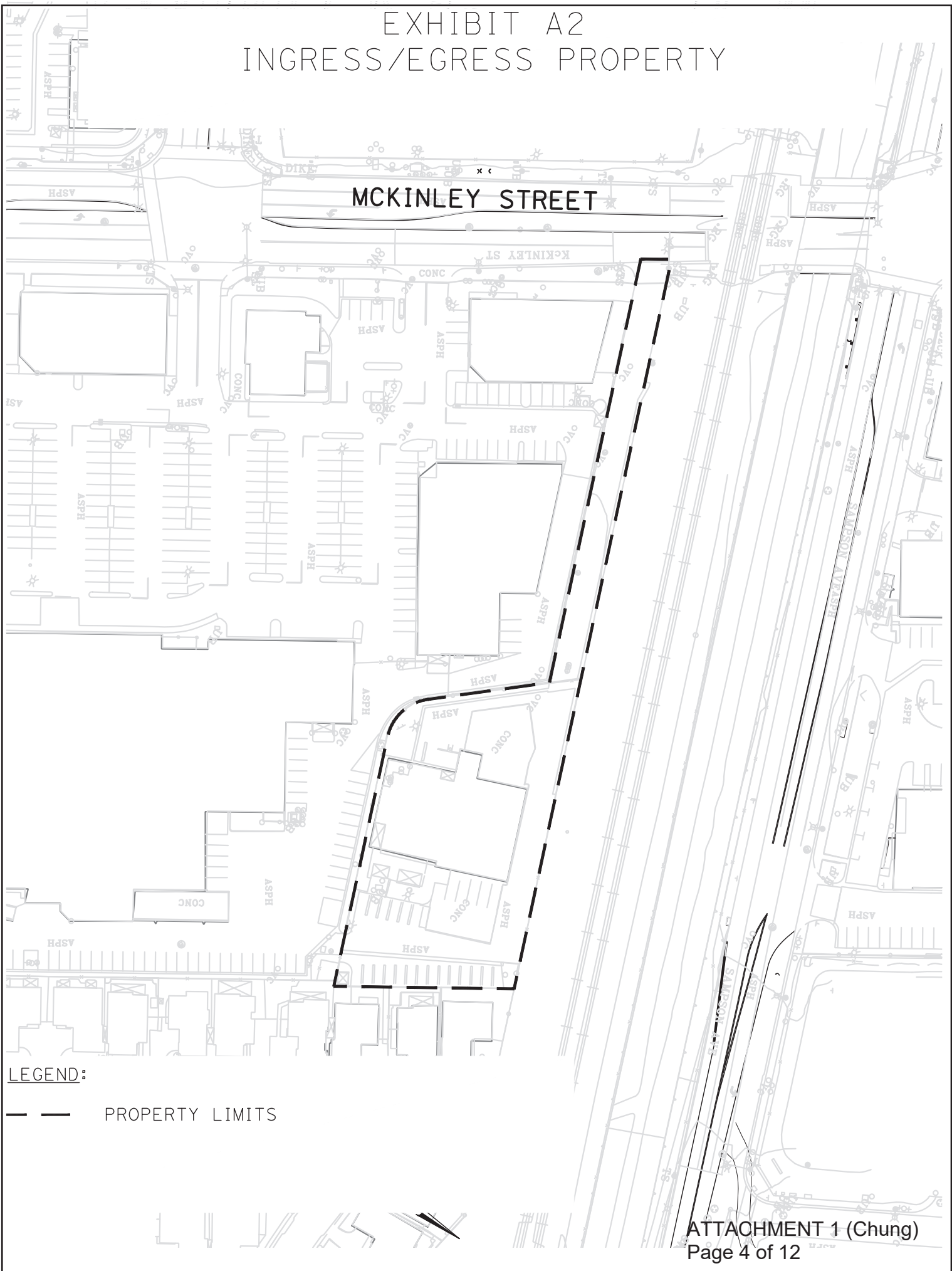
All those portions of Lots 12, 13, 14 and 15 in Block 55 of the lands of the Riverside Land and Irrigating Company, as shown by map on file in book 1, page 44 of Maps, Riverside County Records, and all those portions of Lots 9 and 16 of Block 58 of the lands of the Riverside Land and Irrigating Company, as shown by map on file in book 1 page 70 of Maps, San Bernardino County Records, particularly described as follows:

Beginning at the intersection of the Northwestern line of Magnolia Avenue, 132.00 feet wide, and the Northeasterly line of McKinley Street, 60.00 feet wide, as shown by map on file in book 53 page 87 and 88 of Records of Survey, Riverside County Records;
Thence North 34 deg 03' 10" West, along the Northeasterly line of said McKinley Street, a distance 804.78 feet to the Southeasterly line of the Atchison, Topeka and Santa Fe Railroad right-of-way, 100.00 feet wide, as shown on said Record of Survey; to the true point of beginning;
Thence North 67 deg 17' 00" East, along said Southeasterly line, a distance of 620.15 feet;
Thence South 34 deg 03' 10" East, parallel with the Northeasterly line of said McKinley Street, a distance of 150.00 feet;
Thence South 67 deg 17' 00" West, parallel with the Southeasterly line of said Atchison, Topeka and Santa Fe Railroad right-of way, a distance of 212.00 feet, to the beginning of a tangent 40.00 foot radius curve concave Northeasterly;
Thence Northwesternly along said curve through a central angle of 69 deg 58' 57", a distance of 48.85 feet;
Thence tangent to said curve North 42 deg 44' 03" West, a distance of 101.92 feet to a point on a line which is parallel with and 25.00 feet Southeasterly measured at right angles from said Southeasterly line of Atchison, Topeka and Santa Fe Railroad right-of-way;
Thence South 67 deg 17' 00" West, along said parallel line, a distance of 360.15 feet to the Northeasterly line of said McKinley Street;
Thence North 34 deg 03' 10" West, along said Northeasterly line a distance of 25.50 feet to the true point of beginning.

Said land is also known as Parcel 1 of Parcel Map 16655, as shown by map on file in book 85 pages 64 and 65 of Parcel Maps, Records of Riverside County, California.

Commonly known as: 135 N. McKinley Street
Corona, California 92879

EXHIBIT A2
INGRESS/EGRESS PROPERTY



LEGEND:

— — — — — PROPERTY LIMITS

EXHIBIT A3
PROPERTY

ATTACHMENT 1 (Chung)
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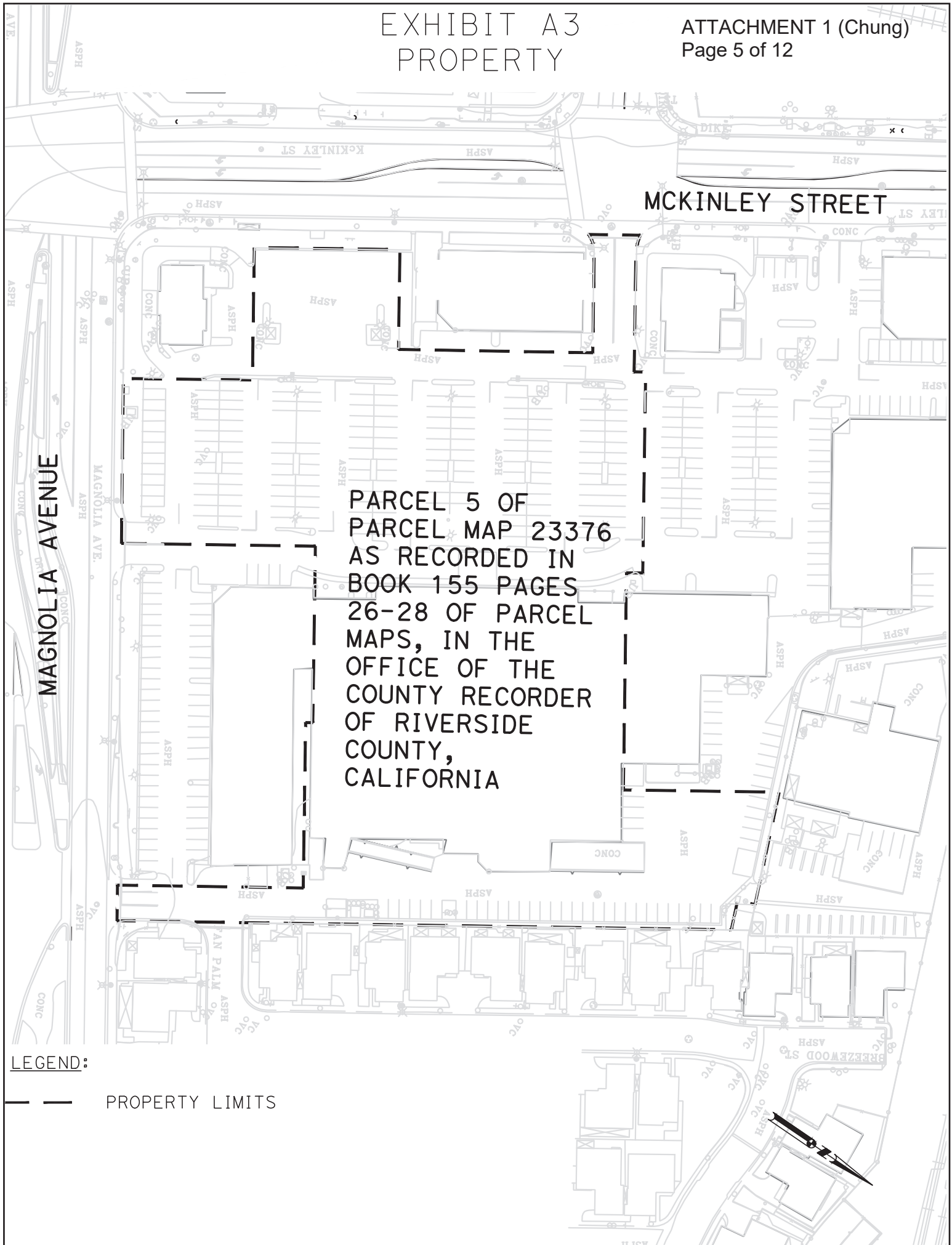


EXHIBIT A4
LEGAL DESCRIPTION
TEMPORARY INGRESS/EGRESS EASEMENT
PRIMARY INGRESS/EGRESS PATH OF TRAVEL

That portion of Parcel 5, in the City of Corona, County of Riverside, State of California, as shown by Parcel Map 23376 on file in Book 155, Pages 26 through 28 inclusive of Parcel Maps, Records of Riverside County, more particularly described as follows:

COMMENCING at the intersection of the centerline of McKinley Street (100.00 feet wide) with the centerline of Magnolia Avenue (112.00 feet wide);

Thence northwesterly along said centerline of McKinley Street North 34°03'17" West, 463.29 feet;

Thence North 55°56'43" East, 50.00 feet to a point on the easterly line of McKinley Street;

Thence leaving said point, and continuing along said line North 55°56'43" East, 100.00 feet to the **TRUE POINT OF BEGINNING**;

Thence South 34°03'17" East, 165.71 feet;

Thence South 55°56'43" West, 64.68 feet;

Thence South 34°03'17" East, 56.59 feet;

Thence South 55°56'43" West, 20.32 feet;

Thence South 34°02'56" East, 24.00 feet;

Thence North 55°56'43" East, 38.32 feet to the beginning of a curve to the left, having a radius of 5.00 feet;

Thence Northerly along said curve, through a central angle of 90°00'00", an arc length of 7.85 feet;

Thence North 34°03'17" West, 58.59 feet to the beginning of a curve to the right, having a radius of 5.00 feet;

Thence Northerly along said curve, through a central angle of 90°00'00", an arc length of 7.85 feet;

Thence North 55°56'43" East, 54.68 feet to the beginning of a curve to the left, having a radius of 5.00 feet;

Thence Northerly along said curve, through a central angle of 90°00'00", an arc length of 7.85 feet;

Thence North 34°03'17" West, 110.93 feet to the beginning of a curve to the right, having a radius of 5.00 feet;

Thence Northerly along said curve, through a central angle of 32°12'15", an arc length of 2.81 feet;

Thence North 01°51'02" West, 34.00 feet to the beginning of a curve to the left, having a radius of 60.16 feet;

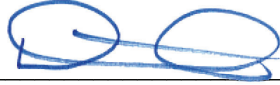
Thence Northerly along said curve, through a central angle of 30°33'58", an arc length of 32.09 feet;

Thence South 55°56'43" West, 51.12 feet to the **TRUE POINT OF BEGINNING**.

Containing an area of 0.183 acres, more or less.

EXHIBIT A4
LEGAL DESCRIPTION
TEMPORARY INGRESS/EGRESS EASEMENT
PRIMARY INGRESS/EGRESS PATH OF TRAVEL
(CONTINUED)

As shown on plat attached hereto and by this reference made part hereof as Exhibit A5.



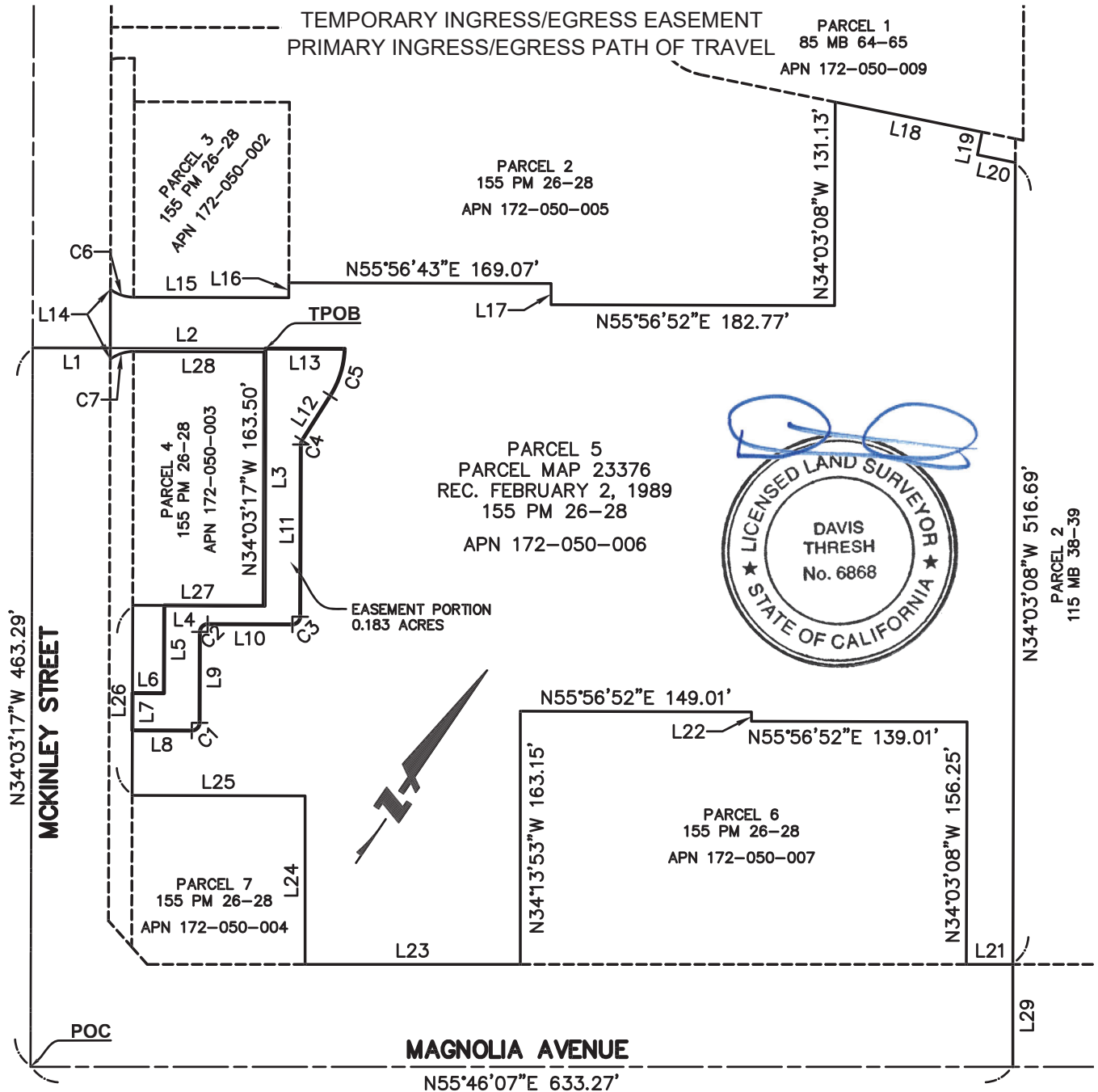
Davis Thresh, P.L.S. No. 6868

2/03/2021

Dated



EXHIBIT A5



LEGEND

POC = POINT OF COMMENCEMENT
TPOB = TRUE POINT OF BEGINNING

CITY OF CORONA
RIVERSIDE COUNTY, CALIFORNIA



(SCALE IN FEET)

PLAT TO ACCOMPANY LEGAL DESCRIPTION - REV1



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

Subject TEMPORARY INGRESS/EGRESS
EASEMENT APN 172-050-006
Job No. 20180990
By NP Date 2/03/21 Chkd. WS
SHEET 1 OF 2

EXHIBIT A5TEMPORARY INGRESS/EGRESS EASEMENT
PRIMARY INGRESS/EGRESS PATH OF TRAVEL

LINE TABLE		
	DIRECTION	LENGTH
L1	N55°56'43"E	50.00'
L2	N55°56'43"E	100.00'
L3	S34°03'17"E	165.71'
L4	S55°56'43"W	64.68'
L5	S34°03'17"E	56.59'
L6	S55°56'43"W	20.32'
L7	S34°02'56"E	24.00'
L8	N55°56'43"E	38.32'
L9	N34°03'17"W	58.59'
L10	N55°56'43"E	54.68'
L11	N34°03'17"W	110.93'
L12	N1°51'02"W	34.00'
L13	S55°56'43"W	51.12'
L14	N34°03'17"W	45.00'
L15	N55°56'43"E	100.00'
L16	N34°03'17"W	9.70'
L17	N34°03'17"W	13.66'
L18	N67°16'53"E	96.65'
L19	N22°43'07"W	15.00'

LINE TABLE		
	DIRECTION	LENGTH
L20	N67°16'53"E	24.90'
L21	N55°46'07"E	29.99'
L22	N34°03'08"W	6.00'
L23	N55°46'07"E	138.74'
L24	N34°13'53"W	108.54'
L25	N55°56'43"E	111.48'
L26	N34°02'56"W	122.49'
L27	N55°56'43"E	84.00'
L28	N55°56'43"E	84.00'
L29	N34°13'53"W	66.00'

CURVE TABLE			
	RADIUS	DELTA	LENGTH
C1	5.00'	90°00'00"	7.85'
C2	5.00'	90°00'00"	7.85'
C3	5.00'	90°00'00"	7.85'
C4	5.00'	32°12'15"	2.81'
C5	60.16'	30°33'58"	32.09'
C6	25.00'	36°52'11"	16.09'
C7	25.00'	36°52'11"	16.09'

CITY OF CORONA
RIVERSIDE COUNTY, CALIFORNIA

PLAT TO ACCOMPANY LEGAL DESCRIPTION - REV1

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949-526-8499 (FAX)
Subject TEMPORARY INGRESS/EGRESS
EASEMENT APN 172-050-006
Job No. 20180990
By NP Date 2/03/21 Chkd. WS
SHEET 2 OF 2

EXHIBIT A6
LEGAL DESCRIPTION
TEMPORARY INGRESS/EGRESS EASEMENT
SECONDARY INGRESS ACCESS

That portion of Parcel 5, in the City of Corona, County of Riverside, State of California, as shown by Parcel Map 23376 on file in Book 155, Pages 26 through 28 inclusive of Parcel Maps, Records of Riverside County, more particularly described as follows:

COMMENCING at the intersection of the centerline of McKinley Street (100.00 feet wide) with the centerline of Magnolia Avenue (112.00 feet wide);

THENCE northeasterly along said centerline of Magnolia Avenue North 55°46'07" East, 633.27 feet;

THENCE North 34°13'53" West, 66.00 feet to a point on the northerly line of Sampson Avenue and the westerly most corner of said Parcel 5, said point also being the **TRUE POINT OF BEGINNING**;

THENCE North 34°03'08" West, 59.35 feet along the northeasterly line of said Parcel 5;

THENCE leaving said easterly line of Parcel 5 North 40°23'56" West, 49.66 feet;

THENCE North 34°03'08" West, 31.42 feet;

THENCE North 57°04'39" West, 42.21 feet;

THENCE North 34°03'08" West, 342.12 feet;

THENCE South 67°16'53" West, 2.46 feet;

THENCE North 22°43'07" West, 15.00 feet to the northerly corner of said Parcel 5;

THENCE South 67°16'53" West, 24.00 feet along the northwest line of said Parcel 5;

THENCE leaving said northwest line of Parcel 5 South 34°03'08" East, 349.40 feet;


THENCE South 57°02'33" East, 40.97 feet;

THENCE South 34°03'08" East, 153.99 feet and parallel with the northeast line of Parcel 6 of said Parcel Map, to the northerly line of Magnolia Avenue;

THENCE North 55°46'07" East, 29.00 feet along the northerly line of Magnolia Avenue to the **TRUE POINT OF BEGINNING**.

Containing an area of 0.292 acres, more or less.

As shown on plat attached hereto and by this reference made part hereof as Exhibit A7.



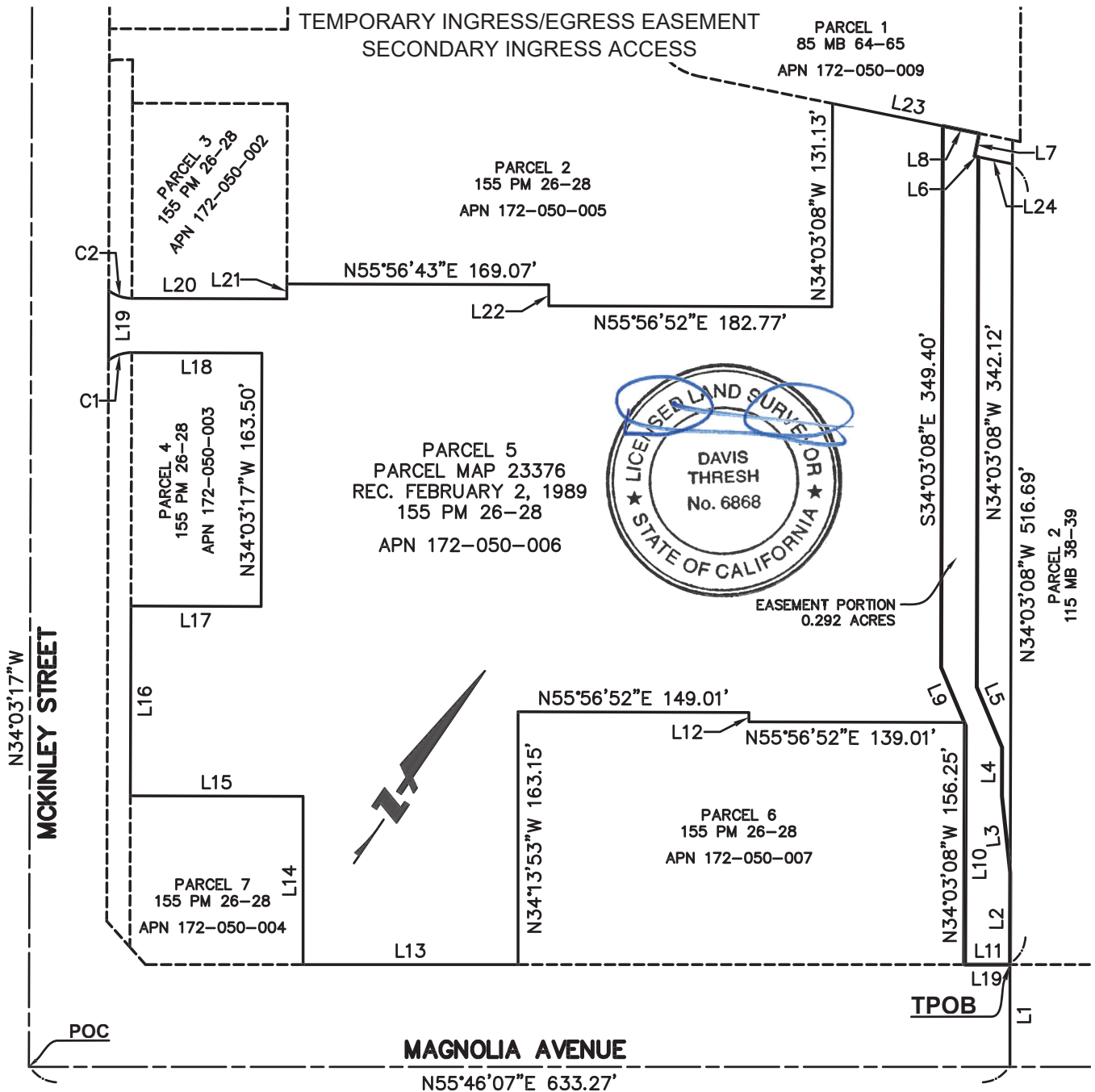
Davis Thresh, P.L.S. No. 6868

2/03/2021

Dated



EXHIBIT A7



LEGEND

POC = POINT OF COMMENCEMENT
TPOB = TRUE POINT OF BEGINNING



(SCALE IN FEET)

CITY OF CORONA
RIVERSIDE COUNTY, CALIFORNIA

PLAT TO ACCOMPANY LEGAL DESCRIPTION - REV1



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EASEMENT APN 172-050-006
Job No. 20180990
By NP Date 2/03/21 Chkd. WS
SHEET 1 OF 2

EXHIBIT A7

TEMPORARY INGRESS/EGRESS EASEMENT SECONDARY INGRESS ACCESS

LINE TABLE		
	DIRECTION	LENGTH
L1	N34°13'53"W	66.00'
L2	N34°03'08"W	59.35'
L3	N40°23'56"W	49.66'
L4	N34°03'08"W	31.42'
L5	N57°04'39"W	42.21'
L6	S67°16'53"W	2.46'
L7	N22°43'07"W	15.00'
L8	S67°16'53"W	24.00'
L9	S57°02'33"E	40.97'
L10	S34°03'08"E	153.99'
L11	N55°46'07"E	29.00'
L12	N34°03'08"W	6.00'
L13	N55°46'07"E	138.74'
L14	N34°13'53"W	108.54'
L15	N55°56'43"E	111.48'

LINE TABLE		
	DIRECTION	LENGTH
L16	N34°02'56"W	122.49'
L17	N55°56'43"E	84.00'
L18	N55°56'43"E	84.00'
L19	N34°03'17"W	45.00'
L19	N55°46'07"E	29.99'
L20	N55°56'43"E	100.00'
L21	N34°03'17"W	9.70'
L22	N34°03'17"W	13.66'
L23	N67°16'53"E	96.65'
L24	N67°16'53"E	24.90'

CURVE TABLE			
	RADIUS	DELTA	LENGTH
C1	25.00'	36°52'11"	16.09'
C2	25.00'	36°52'11"	16.09'

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