



Legislation Text

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AGENDA REPORT REQUEST FOR CITY COUNCIL ACTION

DATE: 12/04/2019

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

SUBJECT:

City Council consideration of a Cooperative Agreement between the City and Riverside County pertaining to the ability to acquire property as the lead agency for properties within the County's jurisdiction to accommodate the construction of McKinley Street Grade Separation Project.

RECOMMENDED ACTION:

That the City Council approve and authorize the City Manager, or his designee, to execute a Cooperative Agreement in accordance with California Code of Civil Procedures Section 1240.040 between the City and Riverside County, in which the County authorizes the City to exercise its eminent domain authority per California Code of Civil Procedures Section 1240.140, to acquire property outside of the City's boundaries but within the County of Riverside, that is necessary for the construction of the McKinley Street Grade Separation Project.

ANALYSIS:

The City will construct a new overhead grade separation at the McKinley Street/ BNSF Railway double tracks south of the McKinley Street intersection with Sampson Avenue in the City. Limits of improvements along McKinley Street extend from the Magnolia Avenue intersection and terminate at State Route 91 eastbound on/off-ramps. The Project will consist of four lanes in the post construction condition.

The City wishes to acquire permanent and temporary property interests necessary to support the construction, operation, and long-term maintenance of roadway, wall, and utility infrastructure improvements from three privately owned properties within the County's jurisdictional limits. The limits of Riverside County's jurisdiction are south of Sampson Avenue and west of McKinley Street. The final boundaries of the real property interests to be acquired by the City will be identified within the first quarter of 2020, prior to the commencement of acquisition activities.

The Cooperative Agreement provides legal authority for the City to extend their power of eminent domain pursuant to relevant provisions of California law and/or California Government Code section

37350.5 for real property interests existing outside of their immediate jurisdiction in accordance with the California Code of Civil Procedures Section 1240.140.

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

There will be no fiscal impact to the City, as services to complete property acquisition efforts within the County's immediate jurisdiction were included in the City's award of contract for the Request for Proposals (RFP) 19-006CA, titled "McKinley Street Grade Separation Right-of-Way Appraisal and Acquisition Services" to Paragon Partners, LTD, November 7, 2018. Additionally, Riverside County is not requesting reimbursement or fees associated with the execution of this cooperative Agreement.

ENVIRONMENTAL ANALYSIS:

This action is categorically 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 involves recommendations related execution of a cooperative agreement and will not result in any significant effect on the environment.

The proposed McKinley Grade Separation Project is also statutorily exempt from CEQA pursuant to Section 21080.13 of the California Public Resources Code, which states that CEQA does not apply to any railroad grade separation project that eliminates an existing grade crossing. The proposed McKinley Grade Separation Project eliminates the existing grade crossing at McKinley Street, south of Sampson Avenue. Therefore, no environmental analysis is required at this time.

PREPARED BY: DARIN JOHNSON, PROJECT MANAGER

REVIEWED BY: PETER RAMEY, ENGINEERING CONSULTANT

REVIEWED BY: TOM KOPER, P.E., ACTING PUBLIC WORKS DIRECTOR

SUBMITTED BY: JACOB ELLIS, CITY MANAGER

Attachments:

1. Cooperative Agreement