

City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JANUARY 14, 2020

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARDS: ALL
DEPARTMENT

SUBJECT: AGREEMENT OF PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS WITH THE SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY FOR A TWENTY-FOUR-MONTH TEMPORARY CONSTRUCTION EASEMENT ON A PORTION OF ASSESSOR'S PARCEL NUMBERS 0281-301-18 AND 0281-301-19 FOR THE REDLANDS PASSENGER RAIL PROJECT – FOR A TOTAL REVENUE OF \$30,700

ISSUE:

Approve the Agreement of Purchase and Sale and Joint Escrow Instructions with the San Bernardino County Transportation Authority for a twenty-four-month temporary construction easement on a portion of Assessor's Parcel Numbers 0281-301-18 and 0281-301-19 for the Redlands Passenger Rail Project – for a total revenue of \$30,700.

RECOMMENDATIONS:

That the City Council:

1. Approve the Agreement of Purchase and Sale and Joint Escrow Instructions for a twenty-four-month temporary construction easement on a portion of Assessor's Parcel Numbers 0281-301-18 and 0281-301-19 located on the north and south side of Hardt Street, 720 feet east of Gifford Avenue in San Bernardino in the amount of \$30,700 in revenue to the City; and
2. Authorize the City Manager, or his designee, to execute the Agreement of Purchase and Sale and Joint Escrow Instructions with the San Bernardino County Transportation Authority, including making minor non-substantive changes, and to sign all documents necessary to complete the transaction.

BOARD RECOMMENDATION:

On December 9, 2019, the Board of Public Utilities with eight members present and one member absent unanimously recommended that the City Council approve the Agreement of Purchase and Sale and Joint Escrow Instructions (Agreement 1) with the San Bernardino County Transportation Authority for a twenty-four-month temporary construction easement on a portion of Assessor's Parcel Numbers 0281-301-18 and 0281-301-19 located on the north and south

side of Hardt Street, 720 feet east of Gifford Avenue in San Bernardino in the amount of \$30,700 in revenue to the City.

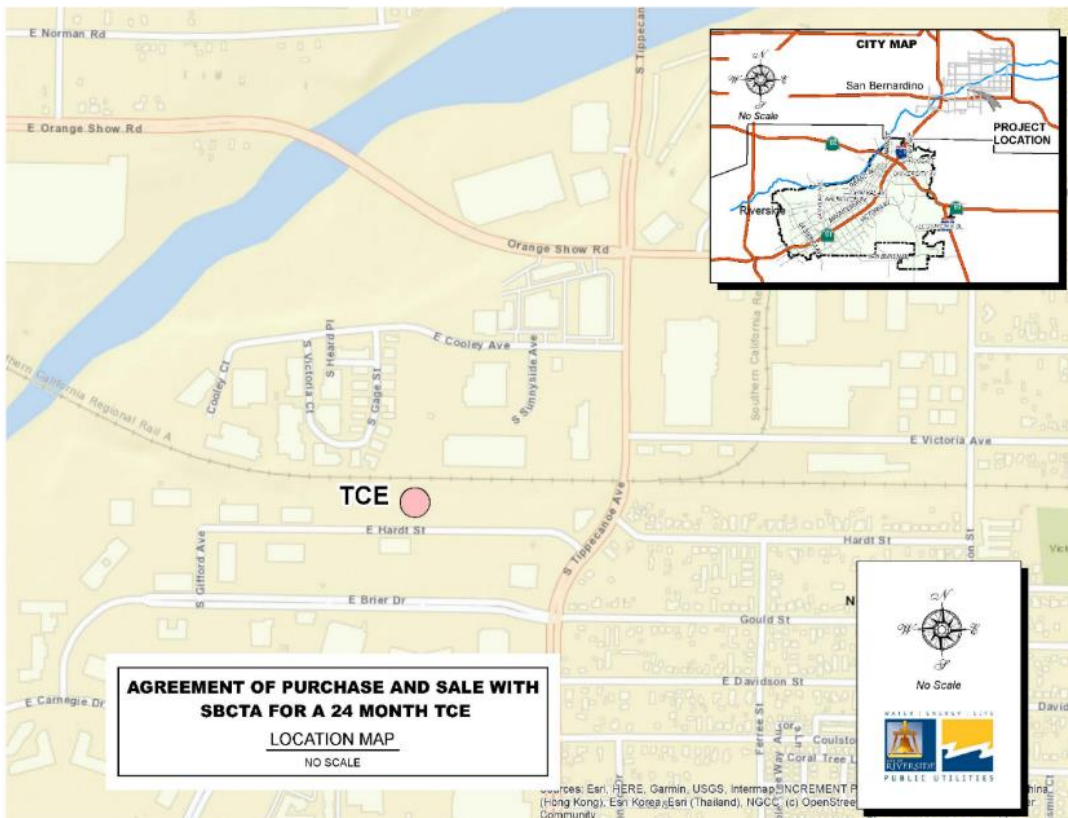
BACKGROUND:

The San Bernardino County Transportation Authority (SBCTA) is continuing with plans to develop the Redlands Passenger Rail Project. The proposed project involves the extension of the passenger rail service along an approximate nine-mile corridor extending east from the San Bernardino Transit Center in the City of San Bernardino to the University of Redlands in the City of Redlands. On April 3, 2019, SBCTA adopted Resolutions of Necessity to Acquire the real property interest from the City of Riverside and has entered into a tolling agreement with the City of Riverside which provides for a January 31, 2020 deadline to voluntarily resolve this matter in order to avoid filing an eminent domain action in court against the City.

DISCUSSION:

On January 31, 2018, the City received a purchase offer from SBCTA to acquire a 24 month, 15,499 square foot temporary construction easement (TCE) on a portion of City-owned land controlled by Riverside Public Utilities identified as Assessor's Parcel Numbers (APNs) 0281-301-18 and 0281-301-19 for \$29,300. The proposed TCE is only a temporary rental of the land for construction related activities to SBCTA's Redlands Passenger Rail Project for up to two years and it does not convey any permanent easement rights in perpetuity.

On April 25, 2019, SBCTA submitted a revised purchase offer to the City in the total amount of \$30,700. Staff coordinated with SBCTA to reach mutually acceptable terms and conditions for conveyance of the requested TCE. The subject parcels are located on the north and south side of Hardt Street, approximately 720 feet east of Gifford Avenue in San Bernardino. The TCE is shown on the aerial site map below.



Staff, along with the Riverside Public Utilities' General Manager, have reviewed the purchase offer and have determined that the appraised value of \$30,700 for the temporary construction easement for APNs 0281-301-18 and 0281-301-19 represents the current fair market value for the real property interest to be conveyed from the City to SBCTA and recommend acceptance.

FISCAL IMPACT:

The total fiscal impact is an increase of \$30,700 of revenue to be received by the City. Proceeds will be credited to the Riverside Public Utilities' Water Fund – Land and Building Rental Account No. 0000520-373100.

Prepared by: David Welch, Community & Economic Development Director
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Gary G. Guess, City Attorney

Attachments:

1. Agreement of Purchase and Sale and Joint Escrow Instructions
 - a. Grant of Temporary Construction Easement
2. RPU Board Meeting Minutes – December 9, 2019