



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 2, 2021

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 3
DEPARTMENT

SUBJECT: AGREEMENTS FOR ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENTS WITH THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION OVER CITY-OWNED PARCELS LOCATED NEAR THE INTERSECTION OF PANORAMA ROAD AND THE UNION PACIFIC RAILROAD TRACKS TO EXTEND THE CURRENT TEMPORARY CONSTRUCTION EASEMENTS FOR AN ADDITIONAL NINE-MONTH TERM TO COMPLETE THE CONSTRUCTION OF THE PACHAPPA UNDERPASS PROJECT FOR TOTAL REVENUE OF \$38,125

ISSUE:

Approve two Agreements for Acquisition of Temporary Construction Easements with the Riverside County Transportation Commission over City-owned parcels located near the intersection of Panorama Road and the Union Pacific Railroad tracks to extend the current Temporary Construction Easements for an additional nine-month term to complete the construction of the Pachappa Underpass Project for total revenue of \$38,125.

RECOMMENDATIONS:

That the City Council:

1. Approve the Agreement for Acquisition of a Temporary Construction Easement (Attachment 1) to extend the current Temporary Construction Easement for an additional nine-month term over Assessor's Parcel Numbers 219-182-006, 219-182-007, and 219-182-016 located near the intersection of Panorama Road and the Union Pacific Railroad tracks for total revenue of \$33,771;
2. Approve the Agreement for Acquisition of a Temporary Construction Easement (Attachment 2) to extend the current Temporary Construction Easement for an additional nine-month term over Assessor's Parcel Numbers 219-103-019 and 219-182-012 located near the intersection of Panorama Road and the Union Pacific Railroad tracks for total revenue of \$4,354; and
3. Authorize the City Manager, or his designee, to execute the two Agreements, including making minor and non-substantive changes, and to sign all documents and instruments necessary to complete the transactions.

BOARD RECOMMENDATION:

On September 27, 2021, the Board of Public Utilities voted unanimously to recommend that the City Council approve the two Agreements for Acquisition of Temporary Construction Easements with the Riverside County Transportation Commission over City-owned parcels located near the intersection of Panorama Road and the Union Pacific Railroad tracks to extend the current Temporary Construction Easements for an additional nine-month term to complete the construction of the Pachappa Underpass Project for total revenue of \$38,125.

BACKGROUND:

The Riverside County Transportation Commission (RCTC) is in the final phase of constructing the Pachappa Underpass (Project). The completed project will result in the elimination of an at-grade railroad crossing, improving safety and congestion by allowing vehicular traffic to flow underneath the existing railroad tracks.

On December 11, 2017, the Board of Public Utilities recommended that City Council approve the transaction for RCTC to acquire the two Temporary Construction Easements (TCE's) over the subject parcels, which are controlled by Riverside Public Utilities (RPU), for the duration of eighteen (18) months. On December 19, 2017, City Council approved the TCE's with RCTC for total revenue of \$75,000.

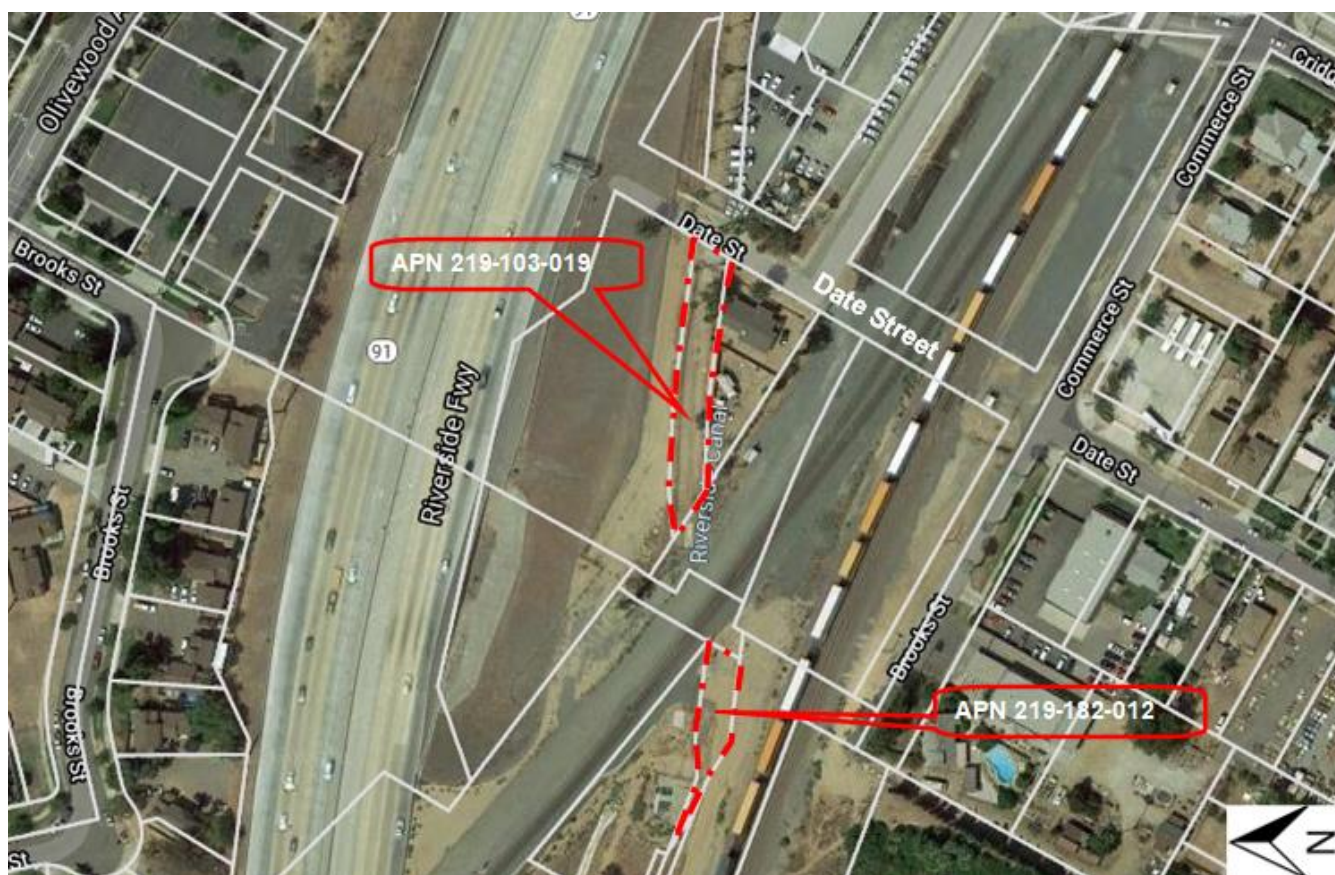
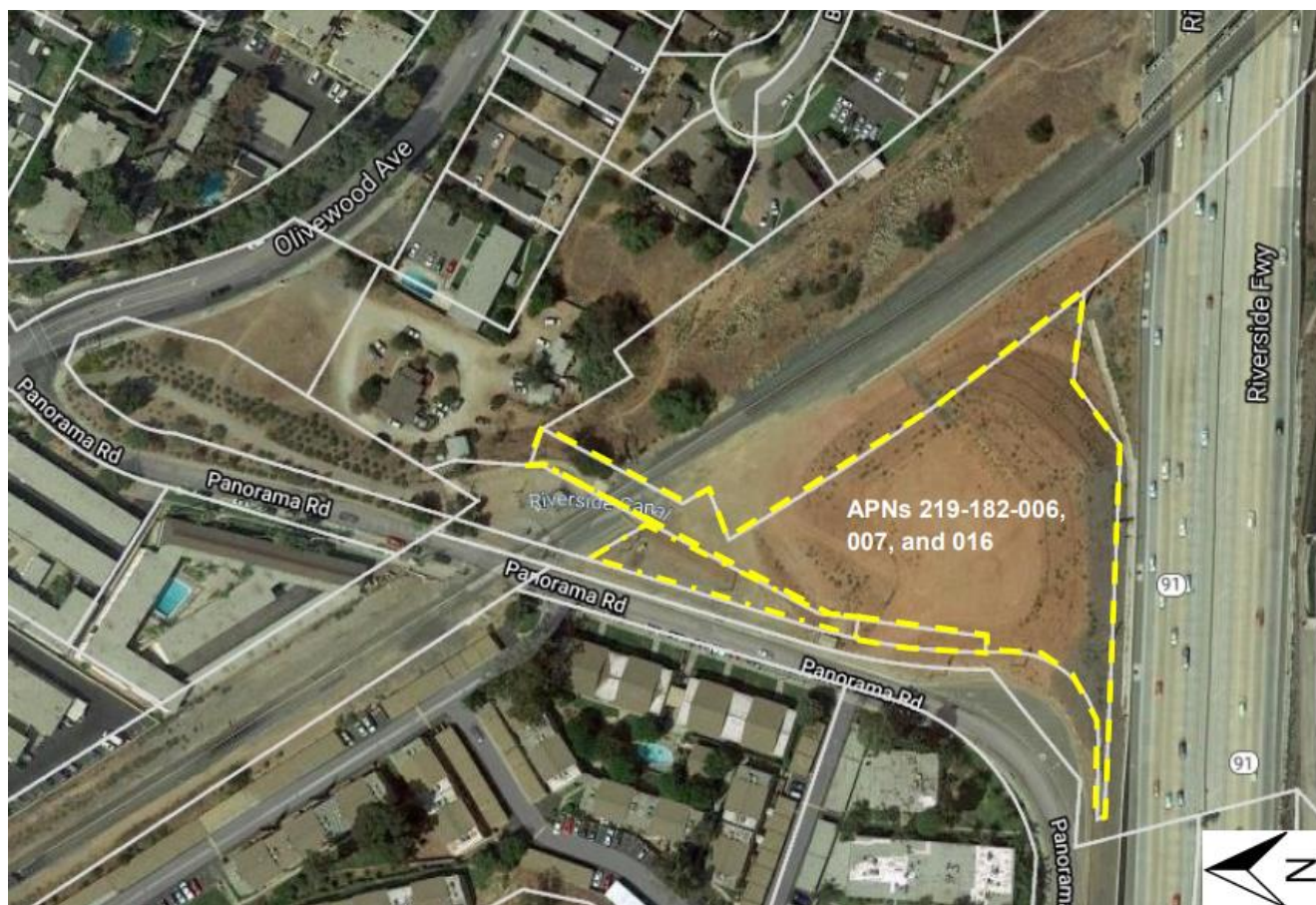
On March 25, 2019, the Board of Public Utilities recommended that City Council approve an extension of the existing TCE's for an additional 24-month term to allow RCTC to complete the construction of the Project. On April 9, 2019, City Council approved the TCE's extension for total revenue of \$113,300, and the TCEs were executed on April 12, 2019.

DISCUSSION:

Due to construction delays, RCTC has not completed the Project within the 24-month extension period, and the subject TCEs expired on April 11, 2021. As a result, RCTC is requesting a final extension of nine months for the two existing TCE's to complete the Project, retroactively commencing April 12, 2021. The TCE over APNs 219-182-006, 219-182-007, and 219-182-016 is approximately 107,346 square feet and is highlighted in yellow below. The TCE over APN 219-182-012 is approximately 8,386 square feet, and the TCE over 219-103-019 is approximately 2,264 square feet and is highlighted in red below. The benefit of granting the nine-month TCE extension is that it will generate additional revenue of \$38,125 to be deposited into the Water Miscellaneous Receipt fund.

RCTC's offers for the extension of the TCEs are based on independent appraisals. Staff has reviewed and determined that the appraised values of \$33,771 for the TCE pertaining to APNs 219-182-006, 219-182-007, and 219- 182-016 and \$4,354 for the TCE pertaining to APNs 219-103-019 and 219-182-012 represent the current fair market value and recommend acceptance.

City-Owned Properties



STRATEGIC PLAN ALIGNMENT:

This item contributes to **Strategic Priority 6 – Infrastructure, Mobility & Connectivity and Goal 6.2–** Maintain, protect, and improve assets and infrastructure within the City’s built environment to ensure and enhance reliability, resiliency, sustainability, and to facilitate connectivity.

The item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The acceptance of the final nine-month TCE will allow for the construction of the underpass and the development and renewal of infrastructure to meet community transportation needs, which contributes to maintaining public trust.
2. **Equity** – Through the development of transportation infrastructure, such as the elimination of an at grade railroad crossing, the City demonstrates attainment of transportation safety by eliminating traffic congestion and improving public safety where the railroad tracks intersect with the street. These types of transportation safety improvements are implemented equitably throughout the city.
3. **Fiscal Responsibility** – By granting the TCE, not only is the City aiding in enhancing transportation infrastructure with a sister agency, but RPU is capitalizing on a secondary use of their land that allows for revenue generation into the Water Miscellaneous Receipt fund.
4. **Innovation** – Granting temporary access to the subject parcels is in alignment with the zoning requirements of the surrounding area. It demonstrates that Riverside is inventive and timely in meeting the community's changing needs and prepares for the future through a collaborative partnership with RCTC and is adaptive to the development process.
5. **Sustainability & Resiliency** – Granting temporary access to the subject parcels allows Riverside to continue with rail mobility without compromising the local air quality by reducing emissions emitted by vehicles when they run idle at at-grade rail crossings.

FISCAL IMPACT:

The total fiscal impact of this action is \$38,125. Proceeds will be recording in the Water Fund, Miscellaneous Receipts Revenue Account Number: 0000520-374200

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: Phaedra A. Norton, City Attorney

Attachments:

1. Agreement for Acquisition of Temporary Construction Easement for APNs 219-182-006, 219-182-007, and 219-182-016
2. Agreement for Acquisition of Temporary Construction Easement for APNs 219-103-019 and 219-182-012