

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Patrick Thomas, Director of Public Works/City Engineer

DATE: November 28, 2023

SUBJECT: Approve Grant of Public Utility Easement and Temporary Construction Easement on Property Owned by Longs Drug Stores, California, L.L.C. in Connection with the Santa Gertrudis Creek Phase II – Margarita Under-Crossing (APN 920-080-020)

PREPARED BY: Avlin Odviar, Principal Civil Engineer

RECOMMENDATION: That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THAT CERTAIN GRANT OF PUBLIC UTILITY EASEMENT AND THE TEMPORARY CONSTRUCTION EASEMENT GRANTED BY LONGS DRUG STORES CALIFORNIA, L.L.C. IN CONNECTION WITH THE SANTA GERTRUDIS CREEK PHASE II – MARGARITA UNDER-CROSSING, PW19-04 AND MAKING FINDINGS THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES AND SECTION 21166 OF THE PUBLIC RESOURCES CODE (APN 920-080-020)

BACKGROUND:

Brief Description of Project

The City of Temecula (“City”) seeks to construct the Santa Gertrudis Creek Phase II – Margarita Under-Crossing, PW19-04 (“Project”). The Project will construct a total approximate 610 feet of a shared bicycle and pedestrian trail undercrossing beneath the overpass of Margarita Road. The Project would include the reconstruction and/or replacement of the existing trail and infrastructure, such as the existing retaining wall and channel slope paving and cut-off wall. The Project requires the relocation of reclaimed waterline owned by Rancho California Water District (“RCWD”). Accordingly, the City was required to acquire, for the benefit of RCWD the necessary property

interests for the reclaimed waterline and related improvements. Specifically, the City needed to acquire an approximate 594 square foot permanent public utility easement and an approximate 722 square foot temporary construction easement with a term of six (6) months to construct the Project.

Acquisition of Certain Subject Property Interests on APN 920-080-020

The City Council has before it a proposed Resolution approving the acquisition of certain property interest on the real property located at 40365 Winchester Road, in the City of Temecula, and identified as Riverside County Tax Assessor's Parcel Number 920-080-020 ("Property"). The Property is owned by Longs Drug Stores California, L.L.C., a California limited liability company ("Owner") and is improved with a CVS Pharmacy. Specifically, the Resolution approves the following two documents:

(i) Grant of Public Utility Easement – Pursuant to the Grant of Public Utility Easement, the Owner grants to the City an approximate 594 square foot permanent non-exclusive public utility easement described more particularly in EXHIBIT "A" and EXHIBIT "B" to the Grant of Public Utility Easement for a public use, namely for public utility and reclaimed waterline purposes, access and maintenance purposes, and all uses necessary and convenient thereto in connection with the Project.

(ii) Temporary Construction Easement Agreement – Pursuant to the Temporary Construction Easement Agreement, the Owner authorizes the City to use an approximate 722 square foot portion of the Property for a non-exclusive temporary construction easement with a term of six (6) months described more particularly in EXHIBIT "A" and EXHIBIT "B" to the Temporary Construction Easement to help facilitate the construction of the reclaimed waterline improvements in connection with the Project.

The approximate 594 permanent public utility easement and approximate 722 square foot temporary construction easement that the City seeks to acquire on the Property are referred to below collectively as the "Subject Property Interests". The public utility easement is located directly adjacent to an existing public utility easement that benefits RCWD. The approximate 722 square foot temporary construction easement area is located adjacent to the existing RCWD easement. After the City completes the construction of the Project, the City plans to quitclaim to RCWD its title and interest in and to said public utility easement.

The City seeks to acquire the Subject Property Interests for public use, namely for public utility and reclaimed waterline purposes, access and maintenance purposes, and all uses necessary and convenient thereto in connection with the Project. The City is authorized to acquire the Subject Property Interests in connection with the Project pursuant to the authority conferred upon the City by California Government Code Sections 37350, 37350.5, 37351, 38730, 38742 (b) and 40404, and by other provisions of law.

The total monetary consideration that the City will pay to Owner for the Subject Property Interests is \$14,300.00 (Fourteen Thousand Three Hundred Dollars), which is the amount set as just compensation based on the fair market value estimate for the Subject Property Interests arrived at in the independent appraisal prepared on behalf of the City. The City wishes to proceed with the proposed acquisition of the Subject Property Interests and Owner wishes to grant to the City the Subject Property Interests pursuant to the terms of the Grant of Public Utility Easement and

Temporary Construction Easement attached to this Resolution and incorporated herein by this reference. The terms of the Grant of Public Utility Easement and the Temporary Construction Easement are detailed in the respective documents and summarized in the Resolution.

Environmental Review

The environmental effects of the Project, including the relocation of the RCWD waterline which triggered the acquisition of the Subject Property Interests needed for the Project were studied and analyzed as an integral part of the Draft Initial Study/Mitigated Negative Declaration for the Santa Gertrudis Phase II Undercrossing at Margarita Dated February 2022 (“MND”). On April 12, 2022, the City Council approved the Initial Study and adopted the MND for the Project and directed the Public Works Director to file a Notice of Determination in accordance with the California Environmental Quality Act (CEQA). The City duly filed the Notice of Determination with the County Clerk and Recorder’s Office in accordance with CEQA. The MND noted that the Project does not require the acquisition of residences or habitable structures. It also explained that the relocation of the RCWD waterline would be relocated within the confines of the Project boundary a maximum of 23-feet to the east of the proposed anchor wall. This relocation was considered minor and routine in scope. The California Transportation Commission filed a Notice of Determination in compliance with Section 21108 of the Public Resources Code on July 5, 2023. Said Notice of Determination advised that the California Transportation Commission approved the Project on June 28-29, 2023 and determined that the Project will not have a significant effect on the environment; a Mitigated Negative Declaration was prepared pursuant to the provisions of CEQA; mitigation measures were made a condition of the approval of the Project; a mitigation reporting or monitoring plan was adopted for the Project; a Statement of Overriding Considerations was not adopted for the Project; and findings were made pursuant to the provisions of CEQA. Said environmental documents are incorporated herein by this reference.

Pursuant to the criteria of Section 15162 of the CEQA Guidelines and Section 21166 of the Public Resources Code, City Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and the City has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests for the Project. Accordingly, the City hereby finds that no further environmental review is required pursuant to Section 15162 of the CEQA Guidelines and Section 21166 of the Public Resources Code.

City Staff recommends that the City Council approve the Resolution approving the City’s purchase of the approximate 594 square foot public utility easement and the approximate 722 square foot temporary construction easement pursuant to the terms set forth in the Grant of Public Utility Easement and the Temporary Construction Easement Agreement, respectively.

FISCAL IMPACT: The Santa Gertrudis Creek Phase II – Margarita Under-Crossing project is included in the City’s Capital Improvement Program Fiscal Years 2024-28. The sources of funds include Measure S and Senate Bill 1, Active Transportation Program Augmentation. There are sufficient funds in the project account to cover the total cost of \$14,300.00 for the public utility easement and temporary construction easement.

ATTACHMENTS: Resolution with attachments