



STAFF REPORT

DATE: 08/06/2024
TO: Honorable Mayor and City Council Members
FROM: Public Works Department

2025-317

REQUEST FOR CITY COUNCIL ACTION

SUBJECT:

PUBLIC HEARING FOR RESOLUTION OF NECESSITY TO ACQUIRE, BY EMINENT DOMAIN, A FEE INTEREST IN A PORTION OF PROPERTY AT 3298 SKYLINE DRIVE (APN 112-320-019) FOR THE CONTINUED USE OF SKYLINE DRIVE AND CONTINUED PUBLIC ACCESS TO THE SKYLINE TRAIL

EXECUTIVE SUMMARY:

This staff report asks the City Council to adopt a resolution declaring the necessity of acquiring, by eminent domain, a fee interest in a portion of property located at 3298 Skyline Drive and identified as Assessor Parcel No. 112-320-019 for continued vehicular, bicycle, and pedestrian public right-of-way purposes.

RECOMMENDED ACTION:

That the City Council:

- a. Conduct a public hearing to consider the adoption of a resolution of necessity, including providing all parties interested in the affected property and their attorneys, or their representatives, an opportunity to be heard on the issues relevant to the Resolution of Necessity;
- b. Make the following findings as hereinafter described in this report:

- i) The public interest and necessity require the proposed Project;
 - ii) The Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
 - iii) The real property to be acquired is necessary for the Project; and
 - iv) The offer of just compensation has been made to the property owner.
- c. Adopt Resolution No. 2025-091, declaring the necessity of acquisition, by eminent domain, of a fee interest in a portion of real property located at 3298 Skyline Drive, and more particularly described as Assessor Parcel No. 112-320-019, for the continued use of Skyline Drive for vehicular, bicycle and pedestrian public right-of-way purposes and continued bicycle and pedestrian public access to the Skyline Trail.

BACKGROUND & HISTORY:

Skyline Trail has increasingly become a premier destination for hikers, mountain bikers, and trail enthusiasts from all over southern California. The Skyline Trail is the City's most popular hiking destination and is readily accessible to the public. The area is surrounded by nature and is a gateway for hikers and mountain bikers to access the Cleveland National Forest. A significant portion of the Skyline Trail runs along Skyline Drive and can be accessed from West Foothill Parkway. The name Skyline comes from Corona founder R.B. Taylor, who envisioned a road from Corona to the top of the mountain as far back as the late 1800s and "dedicated" Skyline Drive in 1927 by breaking a bottle of locally grown orange juice.

City records indicate that not only was Skyline Drive dedicated in 1927, the City has actively maintained Skyline Drive for the public benefit for generations (as far back as its current records show). Maps and records indicate that Skyline Drive has connected to Chase Drive since 1962, and there were National Oceanic and Atmospheric Administration Access Road Improvements in 1996. Skyline Drive was paved upon the completion of the Foothill Bridge in 2006. Most visitors to the Skyline area use Skyline Drive for hiking and biking.

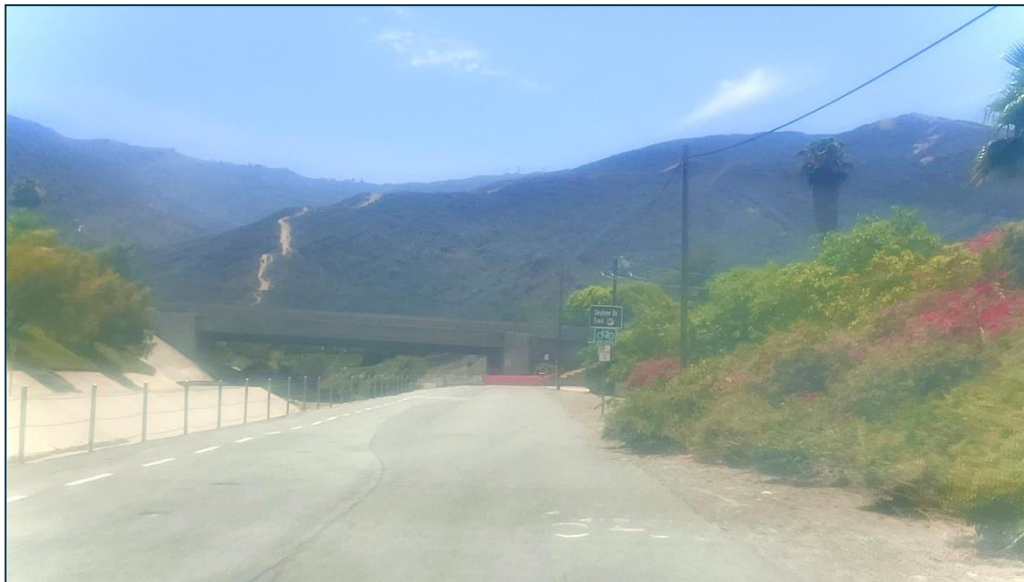
In 2020, the Corona City Council announced the purchase of approximately 292 acres of land in the Skyline area. In addition to protecting wilderness areas for future generations and ensuring recreation opportunities for Southern Californians, this purchase ensured that private land ownership would not block access through the Skyline Trail to the Cleveland National Forest. Access to open trail space was vital to the City's investment.

Given the rising interest in the Skyline area and adjacent trails, residents have envisioned Corona as a City of Trails and pushed for the preparation of Corona's first-ever Trails Master Plan ("TMP") in 2020. The TMP was approved by the City Council on February 21, 2024, providing a strategic and comprehensive master planning document that guides the development and improvement of the trails system throughout the City of Corona.

The TMP incorporated a Master Plan for the Skyline area of Corona ("Skyline Master Plan"). The Skyline Master Plan focuses on the land owned by the City of Corona, which is comprised of the meadow south of Skyline Drive and the hillside area located between Skyline Drive and Foothill Parkway.

The development of the TMP showed that, in 2023, 73% of total trips to/from the Skyline Drive trailhead occurred between Corona or neighboring cities such as Norco, Eastvale and Riverside. The Skyline Drive trailhead had the highest percentage of activity (56%) during the winter season (January-March), and the majority of trail users (53%) accessed the trailhead during the weekends and in the morning between 6 am and 12 pm. Despite the regional draw of the Skyline Drive trailhead, the majority of the trail users are local residents who live in and around Corona and use the trail multiple times per week.

During outreach for the TMP, community members commented that the Skyline Trail tends to be the most crowded trail in Corona. Many trail users access the Skyline Trailhead by walking or biking down Skyline Drive, a paved roadway that has long been a public right-of-way controlled and maintained by the City of Corona.



Like other popular trailheads in the City of Corona, the Skyline Drive trailhead is established and immovable. As the trail approaches the West Foothill Parkway underpass, it passes along and abuts the eastern property line of real property located at 3298 Skyline Drive, more particularly described as Assessor Parcel No. 112-320-019 ("Property"). The Property consists of 97,574 square feet of land area, or 2.24 acres.

A small sliver of the Property (704 sq. ft.) lies at the very south end of Skyline Drive and extends out into the southern portion of Skyline Drive ("Sliver Parcel"). A true and correct copy of the legal description and depiction of the Sliver Parcel is attached to the Resolution of Necessity as Exhibit A. The Sliver Parcel should have been dedicated to the City many years ago, but for reasons that remain unclear, that never occurred.

The owners of the Property, Donald R. Long and Ann F. Long ("Owners"), have erected barriers on the Sliver Parcel to cut off access to the Skyline Trail from Skyline Drive.



Although multiple generations of Southern California families have enjoyed Skyline Drive as the main route to the Skyline Trailhead, the Owners have intentionally deprived the public of such access by completely blocking this public access by installing barricades in the form of K-rails and other large barriers completely across Skyline Drive, specifically designed to block pedestrian and recreational access. Furthermore, the K-rails have been laced with a white substance believed to be sugar designed to attract bees and wasps. Not only has trail access been barricaded, but individuals now coming upon the barricades risk bee and wasp stings, which are known to cause, in certain people, allergic reactions, including hives, difficulty breathing, or even anaphylactic shock, which requires immediate medical attention. This has deprived enthusiasts of access to one of the region's greatest outdoor public spaces and ended nearly 100 years of unimpeded public enjoyment of the Skyline Trail.

Skyline is the City's most popular hiking destination and, before the Owners' actions, was readily accessible to the public.

The City has engaged in negotiations with the Owners for several years regarding trail access and, most recently, the potential acquisition of the Sliver Parcel; however, the parties have been unable to reach an agreement. The City may continue to negotiate with the Owners to acquire the Sliver Parcel. However, since negotiations with the Owners have stalled, authority is needed now to undertake eminent domain proceedings to acquire the property rights and obtain possession of the Sliver Parcel to ensure continued use of Skyline Drive, which has been a continuing vehicular, bicycle, and pedestrian public right-of-way for many decades, as well as, continued bicycle and pedestrian public access to the Skyline Trail, which has been used for many decades as well ("Project").

ANALYSIS:

Eminent Domain Law:

The City desires to acquire a fee interest in the Sliver Parcel for purposes of the Project. The acquisition of the Sliver Parcel will give the City ownership of the full width of the south end of Skyline Drive and preserve continued public access along Skyline Drive, making traversing the Skyline Trail easier and safer. Notably, more than 99.7% of the eastern boundary of the Property and the adjacent parcels abut an already existing public road (Skyline Drive), which is used to access the existing Skyline Trail. The acquisition of the Sliver Parcel would eliminate the isolated sliver of private property that extends into Skyline Drive and the existing flood control channel, while maintaining both resident access for the Owners and public access to the Skyline Trail.

The power of eminent domain is used by the City only as a last resort to obtain interests necessary for projects after 1) negotiations have stalled; or 2) the owner has requested that the City proceed directly to eminent domain for tax or other advantages; or 3) the eminent domain process is necessary to clear title to the property.

Since an agreement has not been reached with the Owners, the eminent domain process is an option the City may pursue to acquire the Sliver Parcel. A litigation guarantee was ordered to determine and confirm that the Owners are the record owners of the Property. Pursuant to Section 1245.235 of the California Code of Civil Procedures, a notice of this hearing was sent by first class mail on July 18, 2025 to the Owners and stated the City's intent to consider the adoption of a resolution, the right of the property owners to appear and be heard, and notice that failure to file a written request to appear may result in a waiver of the right to appear and be heard.

The City obtained an appraisal prepared by Benjamin V. Balos, MAI of R.P. Laurain & Associates, Inc. to establish the fair market value of the Sliver Parcel. California's definition of fair market value is one of the most inclusive definitions in the United States and requires the appraiser to consider the highest and best use of the property and to consider the highest price a willing buyer and seller would agree to. The City's appraisal must use this definition of fair market value.

An offer of just compensation, pursuant to California Government Code section 7267.2, was made to the Owners for the acquisition of the Sliver Parcel based on the fair market value established by the above-referenced appraisal.

Hearings and Required Findings:

California eminent domain law provides that a public entity may not commence an eminent domain proceeding until its governing body has adopted a Resolution of Necessity, which resolution may only be adopted after each party with an interest in the affected property or the representatives have been given a reasonable opportunity to appear and be heard on the following matters:

1. The public interest and necessity require the proposed project.
2. The project has been planned and located in a manner most compatible with the greatest public good and the least private injury.
3. The real property to be acquired is necessary for the project.
4. The offer of just compensation has been made to the property owner.

The four required findings referenced above are addressed below.

1. The Public Interest and Necessity Require the Proposed Project

Approval of the Resolution of Necessity to acquire the Sliver Parcel serves the public interest and is necessary for completion of the Project as it will give the City ownership of the full width of the south end of Skyline Drive and preserve continued public access along Skyline Drive, making accessing and traversing the Skyline Trail easier and safer for residents and visitors alike. The acquisition of the Sliver Parcel will also eliminate the isolated sliver of private property extending into Skyline Drive and the existing flood control channel, while maintaining both resident access for the Owners and public access to the Skyline Trail.

2. The Project is Planned or Located in a Manner That Will be Most Compatible With the Greatest Public Good and the Least Private Injury

The location of Skyline Drive and the Skyline Trail are fixed and have existed for decades. The public has already used the Sliver Parcel for access to the Skyline Trail since at least the completion of the Foothill Bridge in 2006. To move the Project elsewhere would require significant land use policy changes, cause greater impact to property owners and to City residents, and would be effectively cost-prohibitive. The Project has been designed to minimize property impacts and will not impede the Owners' access to their property along Skyline Drive.

3. The Real Property to be Acquired is Necessary for the Proposed Project

The fee interest to be acquired, in the Sliver Parcel, lies in the path of the Project area and City staff has worked with City consultants to ensure that no more property is being acquired from the Property than what is necessary. The Sliver Parcel is required to establish ownership of the full width of the south end of Skyline Drive and eliminate the isolated sliver of private property within Skyline Drive and the existing flood control channel to preserve continued public access to the Skyline Trail along Skyline Drive.

4. The Offer of Just Compensation Has Been Made

As indicated above, an appraisal was prepared by R.P. Laurain & Associates, to establish the fair market value of the fee interest the City is seeking to acquire in the Sliver Parcel. An offer of just compensation was made to the Owners to purchase the fee interest as established by the approved appraisal and as required by Section 7267.2 of the California Government Code. Although a negotiated settlement may still be possible for the Sliver Parcel, it would be appropriate to commence the procedure to acquire the property through eminent domain to ensure that the City has possession of the real property, which is necessary in order for the City to proceed with the Project.

The assessor parcel number, the party to whom the offer was made, and the date of the offer is provided in the following table:

APN	Record Owners	Date of Offer
112-320-019	Donald R. Long and Ann F. Long	10/07/2024

FINANCIAL IMPACT:

There is no financial impact with the approval of the recommended actions. Once an amount is determined, staff will return to the City Council for approval of an appropriation.

ENVIRONMENTAL ANALYSIS:

This action is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. This section, known as the commonsense exemption, stipulates that CEQA applies only to projects with the potential for significant environmental effects. When it is evident that an activity will not significantly impact the environment, the activity is not subject to CEQA. This resolution seeks the Council's approval to begin the process to acquire property to ensure that access to the existing Skyline Trail is preserved.

PREPARED BY: JAMIE RAYMOND, CHIEF DEPUTY CITY ATTORNEY

REVIEWED BY: SAVAT KHAMPHOU, PUBLIC WORKS DIRECTOR

ATTACHMENTS:

1. Exhibit 1 – Resolution No. 2025-091