

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF RIVERSIDE, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH AND EXTEND THE PEDESTRIAN MALL KNOWN AS MAIN STREET RIVERSIDE IN RIVERSIDE, CALIFORNIA, SETTING FORTH THE TIME WITHIN WHICH CLAIMS FOR DAMAGES BY REASON OF SUCH ESTABLISHMENT MUST BE FILED, FIXING THE TIME AND PLACE FOR HEARING PROTESTS AND OBJECTIONS TO THE ESTABLISHMENT AND EXTENSION OF SAID PEDESTRIAN MALL AND GIVING NOTICE THEREOF.

BE IT RESOLVED by the City Council of the City of Riverside, California, as follows:

Section 1: That on October 26, 1965, the City Council of the City of Riverside adopted Resolution No. 10393 which established a pedestrian mall in downtown, Riverside, located on Main Street between Sixth Street and Tenth Street. Said pedestrian mall is known as "Main Street Riverside" ("Pedestrian Mall.")

Section 2: The City Council desires to extend the Pedestrian Mall to Eleventh Street.

Section 3: That the City Council hereby determines that the public interest and convenience require the establishment and extension of the Pedestrian Mall hereinafter described and that vehicular traffic will not be unduly inconvenienced thereby, and accordingly this City Council hereby declares its intention to establish such pedestrian mall pursuant to the Pedestrian Mall Law of 1960 (Part 1 of Division 13 of the Streets and Highways Code of the State of California) ("Law").

Section 4: A general description and depiction (a copy of which is attached hereto as Exhibit "A" and incorporated herewith) of the City street, or portions thereof, which is proposed to be established as a pedestrian mall and a general description of any "mall intersections" is as follows:

Main Street between the southerly line of Tenth Street and the northerly line of Eleventh Street

Section 5: That the City Council proposes to amend Chapter 13.20 of the Riverside Municipal Code to extend the Pedestrian Mall boundaries and to prohibit vehicular traffic access to the extended area. All vehicular traffic shall be prohibited on the Pedestrian Mall except the following:

- (a) Emergency vehicles and equipment of all types.
- (b) Public utility vehicles and equipment.

(c) Sweepers, trucks or other vehicles or equipment operated by or at the direction of the City of Riverside for the purpose of performing City services on the Pedestrian Mall.

(d) Public trams or similar public vehicles operated by the City, or by an operator holding a franchise, license, contract or permit from the City, for the purpose of transporting shoppers along the Pedestrian Mall and other persons entering the Pedestrian Mall.

(e) Commercial vehicles and equipment entering the Pedestrian Mall where such entry is reasonably necessary for the purpose of performing work or services on the Pedestrian Mall or on private properties abutting thereon and where the owner or operator hold a “permit of necessity” issued by or at the direction of the Public Works Director of the City.

(f) Any other vehicle the owner or operator of which holds an "emergency permit" issued by or at the direction of the Chief of Police of the City.

Section 6: Notwithstanding the Law, the City and this City Council shall retain its police powers and other rights and powers relating to the City streets constituting a part of said Pedestrian Mall. No action taken pursuant to said Law shall be interpreted or construed to be a vacation or abandonment, in whole or in part, of any City street or any right therein, it being intended that the establishment of said Pedestrian Mall pursuant to said Law be a matter of regulation only. Nothing herein or in said Law shall be interpreted or construed to prevent the City and this City Council from abandoning the operation of said Pedestrian Mall, from changing the extent of said Pedestrian Mall, or from changing or repealing any of the rules and regulations pertaining to said Pedestrian Mall.

Section 7: This City Council proposes to pay the whole of damages, if any, allowed or awarded to any property owner by reason of the establishment and extension of said Pedestrian Mall from the proceeds of the City's General Fund account.

Section 8: That in connection with the establishment and extension of the Pedestrian Mall from Tenth Street to Eleventh Street, the City Council proposes that said Pedestrian Mall shall be improved by the construction of improvements as follows:

(a) Removals, clearing and grading as required.

(b) The resurfacing of the mall area with brick, concrete paving or other appropriate surfacing material.

(c) Curbs and sidewalks as required.

- (d) The construction of planters, pools, benches, fountains, shelters, awnings, display facilities, information booths, and other structures or improvements necessary or convenient to serve members of the public using such mall.
- (e) Landscaping including trees and plants.
- (f) The installation of a street and ornamental lighting system and facilities for the supply of electricity.
- (g) The construction of a storm drainage system.
- (h) The installation of a water supply and irrigation system.
- (i) The installation of conduits and other facilities to accommodate various utility services.
- (j) The installation of conduits and other facilities to accommodate a music and public address system.
- (k) Construction of utility infrastructure as necessary for any temporary and special event uses.
- (l) All other work or improvement incidental or appurtenant to any of the foregoing.

Said improvements are proposed to be made from the City's General Fund account.

Section 9: Notice is hereby given that on March 28, 2017, at 3:00 pm. at City Hall in the Art Pick Council Chamber, all protests and objections to said establishment and extension of the Pedestrian Mall, will be heard by this City Council. Any and all persons having any objection to the said proposed establishment and extension of the Pedestrian Mall, may file a written protest with the City Clerk's Office at any time not later than the hour so fixed for the hearing.

Section 10: Any person owning or having any legal or equitable interest in any real property which might suffer legal damage by reason of the establishment and extension of said Pedestrian Mall may file a written claim for damages with the City Clerk at any time not later than the hour so fixed for the hearing. Any such written claim must describe the real property as to which the claim is made, must state the exact nature of the claimant's interest therein, must state the nature of the claimed damage thereto, and must state the amount of damages claimed. Failure to file such written claim within the time provided shall be deemed a waiver of any claim for damages or compensation and shall operate as a bar to any subsequent action seeking to prevent the establishment of said

1 pedestrian mall or to recover damages on account of such establishment. The filing of such a claim
2 shall operate as a bar in any subsequent action to the recovery of any damages or compensation in
3 excess of the amount stated in such claim.

4 Section 11: A copy of this resolution shall be posted not more than three hundred (300) feet
5 apart as follows:

6 (a) On Main Street, between Tenth and Eleventh Streets, proposed to be established
7 as a pedestrian mall.
8 (b) On all intersecting streets.

9 Such postings shall be posted not less than ninety (90) days prior to the hearing.

10 Section 12: A copy of this resolution shall be mailed, not less than forty-five (45) days prior
11 to the hearing to each of the follow persons:

12 (a) Each person to whom a parcel of land abutting upon any portion of said
13 Pedestrian Mall or any portion of any intersecting street (as hereinbefore described) is
14 assessed as shown on the last equalized assessment roll, at his address as shown upon said
roll.
15 (b) Any person, whether owner in fee or having a lien upon, or legal or equitable
16 interest in, any of those lands whose name and address and a designation of the land in
17 which he or she is interested in on file in the City Clerk's Office..

18 Section 13: That the City Clerk is hereby directed to record a copy of this resolution with the
19 Riverside County Recorder's Office, not less than ninety (90) days prior to March 28, 2017, the date
20 set for hearing.

21 ADOPTED by the City Council this ____ day of _____, 2016.

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24 WILLIAM R. BAILEY, III
25 Mayor of the City of Riverside
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Attest:

COLLEEN J. NICOL
28 City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council of said City at its meeting held on the ____ day of _____, 2016, by the following vote, to wit:

Ayes:

Noes:

Absent:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the
City of Riverside, California, this ____ day of _____, 2016.

City Clerk of the City of Riverside