

City Council  
February 25, 2025

## Community & Economic Development

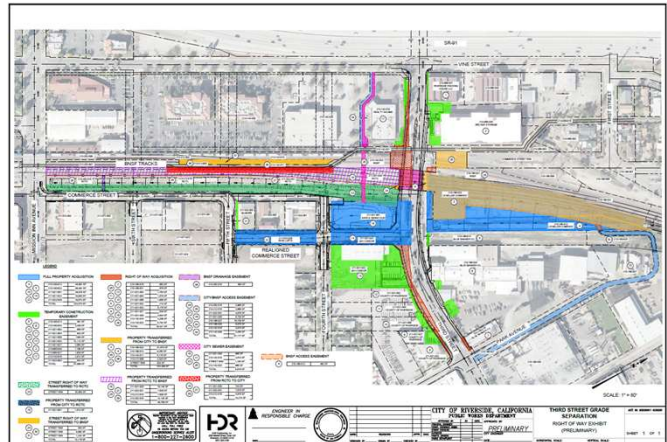
**NOTICE OF HEARING:**  
**Resolutions Finding and Determining the Public Interest and Necessity for Acquiring and Authorizing the Condemnation of Real Property Interests for the Third Street Grade Separation Project, Federal Project No. STPL-5058 (081)**

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## BACKGROUND

- April 11, 2017 – Third Street/BNSF line grade separation approved with direction to complete Environmental Review phase.
- July 24, 2018 – \$4 million in TUMF funding approved.
- March 9, 2020 – RCTC committed \$18 million in CMAQ funds to the project.



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## DISCUSSION

- Project: a railroad underpass; a bridge for rail traffic; and realignment of Commerce Street.
- 13 owners' property identified for acquisition (property rights) to build project
- BNSF & RCTC are partners with City for project (both not a part of this action)
- Offers made to owners based on fair market value
- 11 acquisitions of 13 remain to be settled
- 9 of the remaining ownerships are the subject of this action



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## DISCUSSION

- 11 acquisitions of 13 remain to be settled
- 9 of the remaining ownerships are the subject of this action
- 1 property is in escrow, not a part (Riverside Packing House)
- 1 property intentionally omitted, not a part (Helix Street, LLC)
- February 10, 2025: 9 of the remaining ownerships were sent notices of the City's intent to consider the adoption of the resolutions and their right to appear and be heard.



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## Required Findings

- *Whether the public interest and necessity require the proposed public project*

The Project will improve safety, eliminate significant vehicular delays, and improve access for emergency vehicles.

- *Whether the proposed Project is planned and located in a manner that would be most compatible with the greatest public good and least private injury*

The design of the Project was selected based on an evaluation that limits the acquisition to parcels and property interests essential to complete the proposed Project that will enhance the health, welfare, and safety of the general public.



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## Required Findings

- *Whether the property sought to be acquired is necessary for the proposed Project*

The real property interests are necessary for the construction of the proposed Project as without them, the Project cannot be constructed as proposed.

- *Whether the offer required by Section 7267.2 of the Government Code has been made to each of the owners of record*

Confirmation and identity of the record owners affected by the proposed Project were made by obtaining litigation guarantees and obtaining the last equalized tax rolls.



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## STRATEGIC PLAN ALIGNMENT

### Strategic Priority 6 – Infrastructure, Mobility & Connectivity



**Goal 6.2** – Maintain, protect and improve assets and infrastructure within the City's built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.

### Cross-Cutting Threads



Community Trust



Fiscal Responsibility  
Innovation



Sustainability &  
Resiliency



Equity



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## RECOMMENDATIONS

That the City Council:

1. Conduct a hearing to consider the adoption of Resolutions of Necessity and provide all parties that have an interest in the affected properties, or their representatives, an opportunity to be heard on the issues related to the Resolutions of Necessity;
2. Make the following findings as hereinafter described in this report: (a) the public interest and necessity require the proposed public Project described in this report, (b) the proposed public Project is planned and located in a manner to be most compatible with the greatest public good and the least private injury, (c) the real property interests being sought to be acquired as described in the Resolutions are necessary for the proposed public Project, and (d) that the offers required by Government Code 7267.2 have been made to the owners of record;



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## RECOMMENDATIONS

4. Adopt, by vote, the Resolutions, in the forms presented at this meeting, declaring that the City Council's formal decision has been made relative to each of the foregoing findings to acquire the subject real property interests through eminent domain proceedings;
5. Authorize the City Attorney to prepare and file the complaints in eminent domain and take all other actions necessary to acquire the subject real property interests; and
6. Except on matters involving policy determinations to be made by the City Council, authorize the City Manager, or his designee, to prepare and execute the appropriate documents and take all other actions as required under the City's eminent domain authority.



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