

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 RIVERSIDE, CALIFORNIA, ESTABLISHING THE PUBLIC USE AND
4 NECESSITY FOR WHICH CERTAIN LEGALLY DESCRIBED REAL
5 PROPERTY IS TO BE ACQUIRED BY EMINENT DOMAIN, STATING
6 THE STATUTORY AUTHORITY FOR SUCH ACQUISITION, AND
7 AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE
8 PURPOSE OF THE THIRD STREET GRADE SEPARATION PROJECT.

9 WHEREAS, the City Clerk of the City of Riverside duly noticed the City Council's
10 intention to adopt a Resolution of Necessity pursuant to California Code of Civil Procedure
11 section 1245.235 for the purpose of acquiring certain interests in real property by eminent
12 domain to construct a railroad underpass at the Third Street and the BNSF railroad tracks
13 ("Project"); and

14 WHEREAS, a public hearing was held by the City Council on June 24, 2025, at the time
15 and place stated in the Notice of Intention to Adopt a Resolution of Necessity, at which time the
16 City Council duly considered the matters to be heard.

17 NOW, THEREFORE, BE IT FOUND, RESOLVED, DETERMINED, AND ORDERED
18 by the City Council of the City of Riverside, California as follows:

19 1. The real property interests sought to be acquired are located in the city and county
20 of Riverside, state of California, and are legally described in the attached Exhibit 1. The interests
21 to be acquired herein are street and highway easement, sanitary sewer facilities easement,
22 temporary construction easement, and temporary construction access. Parcel map depicting the
23 general location and dimensions of the interests to be acquired are attached hereto as Exhibit 2.
24 Exhibits 1 and 2 are incorporated herein by this reference ("Subject Property").

25 2. The City of Riverside is authorized to acquire the Subject Property by right of
26 eminent domain pursuant to the Charter of the City of Riverside, California Government Code
27 sections 37350.5, 39792, 40401, and 40404, the Eminent Domain Law commencing with
28 California Code of Civil Procedure section 1235.010, and Article I, section 19, of the
Constitution of the State of California.

1 3. Facts in support of findings contained in the City Council memoranda dated June
2 24, 2025, are hereby adopted and incorporated herein by this reference.

3 4. The public use for which the Subject Property is being acquired by right of
4 eminent domain is to construct a railroad underpass at the Third Street and the Burlington
5 Northern Santa Fe (“BNSF”) railroad tracks; and as necessary, the widening and realignment of
6 streets, construction of sidewalks, curbs, and gutters, grading and landscaping, installation of
7 new traffic signals and street lights, installation and relocation of public utilities, undergrounding
8 of overhead power lines where required, and such other related improvements as may be
9 necessary to promote the health, safety, and welfare of the general public.

10 5. The public interest and necessity require the proposed Project in order to improve
11 safety, eliminate significant vehicular delays and improve access for emergency vehicles, and in
12 order to protect the health, and safety and welfare of the general public at large.

13 6. The proposed Project is planned and located in a manner that will be most
14 compatible with the greatest public good as the proposed construction will reduce traffic delays,
15 accommodate increased traffic from increased movement of goods by rail from southern
16 California ports and distribution centers as well as growth in Riverside County, the City of
17 Riverside, and adjoining jurisdictions, and improve traffic safety on Third Street.

18 7. Thus, the proposed Project is planned and located in a manner that will be most
19 comparable with the least private injury by limiting acquisition to those parcels and property
20 interests that are necessary to complete the proposed Project in a manner that enhances the
21 health, safety, and welfare of the general public.

22 8. The Subject Property is necessary for the proposed Project as existing
23 improvements are inadequate to accommodate increased traffic flow and volume on Third Street.
24 Unless the Subject Property is acquired by eminent domain, the City of Riverside will not
25 accommodate increased movement of goods by rail from southern California ports and
26 distribution centers, as well as growth in Riverside County, the City of Riverside, and adjoining
27 jurisdictions, all of which continue to increase.

28 9. The offer required by section 7267.2 of the Government Code of the State of

1 California has been made to the owners of record of the Subject Property based upon the
2 approved appraisal of fair market value as prepared by a qualified independent appraiser.

3 10. The City of Riverside has an overriding need for prejudgment possession of the
4 property interests identified herein in that: (1) Third Street is a key east-west arterial that links
5 residential and retail areas in the downtown area of Riverside and carries a total of 13,063
6 vehicles per day; (2) John W. North High School is one mile east of the crossing and
7 approximately 67 school buses traverse the rail crossing each day, in addition to 72 freight trains
8 and 20 passenger trains; (3) Rail traffic causes approximately 192 minutes (3.2 hours) per day of
9 delay on Third Street, significantly impacting emergency vehicles and hampering the City's
10 ability to respond to life-threatening emergencies; (4) These train delays also result in local air
11 pollution from idling vehicles and noise pollution from train horns, which diminish the quality of
12 life for nearby residents. Prompt completion of the proposed improvements will reduce traffic
13 problems and delays to emergency response vehicles and other travelers through the Project,
14 ultimately relieving traffic demands and congestion locally and throughout the City, and will
15 protect the health, and safety, and welfare of the general public at large.

16 11. If this Resolution of Necessity provides in the recitals that the Subject Property is
17 being taken as an economic remnant, then said parcels are being acquired pursuant to California
18 Code of Civil Procedure section 1240.410.

19 12. To the extent that any portion of the Subject Property has been or is presently
20 appropriated for a public use, the City Council finds and declares pursuant to section 1240.510 of
21 the Code of Civil Procedure of the State of California that the proposed use will not
22 unreasonably interfere with or impair the continuance of the public use as it now exists or may
23 reasonably be expected to exist in the future.

24 13. To the extent that any portion of the Subject Property has been or is presently
25 appropriated to a public use, the City Council finds and declares pursuant to California Code of
26 Civil Procedure section 1240.610 that the proposed use is a more necessary public use.

27 14. All applicable requirements of the California Environmental Quality Act and the
28 policies and regulations of the City of Riverside implementing the Act have been completed.

1 15. The City Attorney is authorized to (i) correct any errors or to make or agree to
2 nonmaterial changes in the legal description of the real property that are deemed necessary for
3 the conduct of the condemnation action or other proceedings or transaction required to acquire
4 the Subject Property; (ii) reduce or modify the extent of the interests or property to be acquired
5 so as to reduce the compensation payable in the action where such change would not
6 substantially impair the construction and operation for the project for which the Subject Property
7 is being acquired; and (iii) deposit or direct payment of money out of the proper funds of the City
8 of Riverside for probable compensation according to the provisions of the Eminent Domain Law
9 (Code of Civil Procedure section 1235.010 et seq.) and for jury fees, court reporter fees, and
10 other costs hereby authorized.

11 16. The City Council authorizes and directs the City Attorney to cause eminent
12 domain proceedings in the name of the City of Riverside to be prosecuted in the Superior Court
13 of the state of California, in and for the county of Riverside, or in any other court having
14 jurisdiction thereof, for the acquisition of the real properties herein described by condemnation in
15 accordance with the Eminent Domain Law, and to make an application to said court for an order
16 for prejudgment possession if such is necessary to permit timely construction of the Project.

17 17. The City Clerk shall certify to the adoption of this Resolution.

18 ADOPTED by the City Council this ____ day of _____, 2025.

19
20 _____
21 PATRICIA LOCK DAWSON
22 Mayor of the City of Riverside

23 Attest:

24 _____
25 DONESIA GAUSE
26 City Clerk of the City of Riverside

27 //

28 //

1 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City
3 Council of said City at its meeting held on the ____ day of _____, 2025, by the following
4 vote, to wit:

5 Ayes:

6 Noes:

7 Absent:

8
9 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of
10 the City of Riverside, California, this ____ day of _____, 2025.

11
12 _____
13 DONESIA GAUSE
14 City Clerk of the City of Riverside

15 CL #23-1196.22
16 APN: 211-021-023
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

FORM OF EASEMENTS

Street and Highway Easement

A permanent easement and right-of-way for public street and highway purposes, together with all rights to construct and maintain utilities, sanitary sewers, drains and other improvements consistent with the use as a public street and highway.

Sanitary Sewer Easement

A permanent easement and right-of-way for the construction, reconstruction, maintenance, operation, inspection, repair, replacement, relocation, renewal and removal of sanitary sewer facilities, together with all necessary appurtenances. Together with the right to clear and keep clear said easement and right-of-way from any structures or trees, to enter upon and to pass and repass over and along said real property, and to deposit tools, implements and other material thereon whenever and wherever necessary for the purpose of constructing, reconstructing, maintaining, operating, inspecting, repairing, replacing, relocating, renewing and removing said sanitary sewer facilities.

Temporary Construction Easement

A temporary easement and right-of-way for the purpose of installing public improvements. Such use may include, but is not limited to ingress and egress of persons and vehicles; the deposit of tools, equipment, machinery, supplies, and materials used in the performance of the construction; the construction and installation of wet and dry utilities, roadway slopes, retaining walls, hardscape, landscaping, irrigation facilities, driveway facilities, and temporary detour roadway facilities; regrading; and for similar and related purposes and other work necessary for the City of Riverside ("City") and its officers, agents, employees, and contractors and their officers, agents, and employees to complete the project as determined by the City Engineer.

Upon completion of construction, City promises to remove all debris, waste, brush, or other materials deposited or placed upon the property subject to this temporary easement. City further promises to make all reasonable efforts to return the surface of the property, with the exception of vegetation and/or constructed slopes, to its original condition prior to entry. This temporary easement shall be in effect for 36 months from the date the City takes possession of the temporary easement or from November 3, 2025, whichever is later. The Grantor shall enter into an amendment contract to extend the term of the temporary easement if necessary. The City shall provide just compensation for the extended period.

Temporary Construction Access Easement

A temporary easement and right-of-way for the purpose of installing public improvements. Such use may include, but is not limited to ingress and egress of persons and vehicles; the deposit of tools, equipment, machinery, supplies, and materials used in the performance of the construction; the construction and installation of wet and dry utilities, roadway slopes, retaining walls, hardscape, landscaping, irrigation facilities, driveway facilities, and temporary detour roadway

facilities; regrading; and for similar and related purposes and other work necessary for the City of Riverside ("City") and its officers, agents, employees, and contractors and their officers, agents, and employees to complete the project as determined by the City Engineer.

Upon completion of construction, City promises to remove all debris, waste, brush, or other materials deposited or placed upon the property subject to this temporary easement. City further promises to make all reasonable efforts to return the surface of the property, with the exception of vegetation and/or constructed slopes, to its original condition prior to entry. This temporary easement shall be in effect for 36 months from the date the City takes possession of the temporary easement or from November 3, 2025, whichever is later. The Grantor shall enter into an amendment contract to extend the term of the temporary easement if necessary. The City shall provide just compensation for the extended period.

**EXHIBIT 1
LEGAL DESCRIPTION**

Street and Highway Easement
Por. APN: 211-021-023
Address: 2622 3rd Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of Lots 4, 5 and 6 in Block 2 of White's Addition as shown by Map on file in Book 6, Page 48 of Maps, Records of San Bernardino County, California, described as follows:

COMMENCING at the most Northerly corner of said Lot 4;

Thence South $29^{\circ}45'00''$ West, along the Northwesternly line of said Lot 4, a distance of 11.00 feet to the most Westerly corner of that certain parcel of land described in Quitclaim Deed to the City of Riverside recorded September 12, 1980, as Instrument No. 166668 of Official Records of Riverside County, California, and to the **POINT OF BEGINNING**;

Thence continuing South $29^{\circ}45'00''$ West, along said Northwesternly line of Lot 4, a distance of 65.02 feet;

Thence North $71^{\circ}10'04''$ East, a distance of 30.07 feet to the beginning of a non-tangent curve, concave Northerly, having a radius of 801.00 feet, a radial bearing to said point bears South $20^{\circ}52'32''$ West;

Thence Easterly to the left along said curve an arc length of 166.35 feet, through a central angle of $11^{\circ}53'58''$ to the Southeast line of said Lot 6;

Thence North $29^{\circ}45'00''$ East, along said Southeasterly line, a distance of 10.86 feet to the most Easterly corner of said Lot 6;

Thence North $60^{\circ}12'36''$ West, along the Northeasterly line of said Lot 6, a distance of 59.61 feet to the beginning of a non-tangent curve, concave Northerly, having a radius of 544.00 feet, a radial bearing to said point bears South $18^{\circ}14'54''$ West, and to the most Easterly corner of said Quitclaim Deed;

Thence Westerly to the right along the Southwest line of said Quitclaim Deed and said curve an arc length of 109.58 feet, through a central angle of $11^{\circ}32'30''$;

Thence North $60^{\circ}12'36''$ West, along said Northeasterly line, a distance of 11.96 feet to the **POINT OF BEGINNING**.

Area – 5,996 S.F. more or less

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act.


Eswin O. Vega, P.L.S. 9164

9/12/23 Date
Prep. C.S.



**EXHIBIT 1
LEGAL DESCRIPTION**

Sanitary Sewer
Facilities Easement
Por. APN: 211-021-023
Address: 2622 3rd Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of Lots 6 and 23 in Block 2 of White's Addition as shown by Map on file in Book 6, Page 48 of Maps, Records of San Bernardino County, California, lying within a strip of land 15.00 feet in width, the centerline being described as follows:

COMMENCING at the most Northerly corner of said Lot 4;

Thence South 29°45'00" West, along the Northwesternly line of said Lot 4, a distance of 11.00 feet to the most Westerly corner of that certain parcel of land described in Quitclaim Deed to the City of Riverside recorded September 12, 1980, as Instrument No. 166668 of Official Records of Riverside County, California, and to the **POINT OF BEGINNING**;

Thence continuing South 29°45'00" West, along said Northwesternly line of Lot 4, a distance of 65.02 feet;

Thence North 71°10'04" East, a distance of 30.07 feet to the beginning of a non-tangent curve, concave Northerly, having a radius of 801.00 feet, a radial bearing to said point bears South 20°52'32" West;

Thence Easterly to the left along said curve an arc length of 144.05 feet, through a central angle of 10°18'14" to the **POINT OF BEGINNING** of said centerline description;

Thence South 29°50'20" West, a distance of 313.10 feet to the Southwesterly line of said Lot 23, being the **TERMINATION** of said centerline description.

The sidelines of said strip of land 15.00 feet in width shall be prolonged or shortened to terminate Northerly in said curve with a radius of 801.00 feet described above and shall be prolonged or shortened to terminate Southeasterly in the Southwesterly line of said Lot 23.

Area – 4,697 S.F. more or less

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act.

 12/16/24 Prep. _____
Eswin O. Vega, P.L.S. 9164 Date



EXHIBIT 1 "
LEGAL DESCRIPTION

Temporary Construction Easement
Por. APN: 211-021-023
Address: 2622 3rd Street
Duration: 36 months

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of Lots 4, 5, 6, 23 and 24 in Block 2 of White's Addition as shown by Map on file in Book 6, Page 48 of Maps, Records of San Bernardino County, California, described as follows:

COMMENCING at the most northerly corner of said Lot 4;

Thence South 29°45'00" West, along the Northwesternly line of said Lot 4, a distance of 11.00 feet to the most Northerly corner of that certain parcel of land described in Quitclaim Deed to the City of Riverside recorded September 12, 1980, as Instrument No. 166668 of Official Records of Riverside County, California;

Thence continuing South 29°45'00" West, along said Northwesternly line of Lot 4, a distance of 65.02 feet to the **POINT OF BEGINNING**;

Thence North 71°10'04" East, a distance of 30.07 feet to the beginning of a non-tangent curve, concave Northerly, having a radius of 801.00 feet, a radial bearing to said point bears South 20°52'32" West;

Thence Easterly to the left along said curve an arc length of 166.35 feet, through a central angle of 11°53'58" to the Southeast line of said Lot 6;

Thence South 29°45'00" West, along said southeasterly line, a distance of 162.30 feet;

Thence North 60°15'00" West, a distance of 114.70 feet;

Thence North 29°45'00" East, a distance of 57.15 feet;

Thence North 60°15'00" West, a distance of 22.30 feet;

Thence North 29°45'00" East, a distance of 24.88 feet;

Thence North 60°15'00" West, a distance of 43.42 feet to the northwesterly line of said Lot 4;

Thence North 29°45'00" East, along said northwesterly line, a distance of 15.23 to the **POINT OF BEGINNING.**

Area – 19,489 S.F. more or less

THIS TEMPORARY EASEMENT SHALL BE IN EFFECT FOR 36 MONTHS FROM THE DATE THE CITY TAKES POSSESSION OF THE TEMPORARY EASEMENT OR NOVEMBER 3, 2025, WHICHEVER IS LATER.

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act.



Eswin O. Vega, P.L.S. 9164 3/3/25 Date Prep. C.S.



EXHIBIT "1"
LEGAL DESCRIPTION

Temporary Construction Access
Por. APN: 211-021-023
Address: 2622 3rd Street
Duration: 36 months

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of Lots 23, 24 and 25 in Block 2 of White's Addition as shown by Map on file in Book 6, Page 48 of Maps, Records of San Bernardino County, California, described as follows:

COMMENCING at the most northerly corner of said Lot 4;

Thence South 29°45'00" West, along the Northwesterly line of said Lot 4, a distance of 11.00 feet to the most Northerly corner of that certain parcel of land described in Quitclaim Deed to the City of Riverside recorded September 12, 1980, as Instrument No. 166668 of Official Records of Riverside County, California;

Thence continuing South 29°45'00" West, along said Northwesterly line of Lot 4, a distance of 65.02 feet;

Thence North 71°10'04" East, a distance of 30.07 feet to the beginning of a non-tangent curve, concave Northerly, having a radius of 801.00 feet, a radial bearing to said point bears South 20°52'32" West;

Thence Easterly to the left along said curve an arc length of 166.35 feet, through a central angle of 11°53'58" to the Southeast line of said Lot 6;

Thence South 29°45'00" West, along said southeasterly line and the southeasterly line of said Lot 23, a distance of 162.30 feet to the **POINT OF BEGINNING**;

Thence continuing South 29°45'00" West, along the southeasterly line of said Lot 23, a distance of 158.44 feet to the most southerly corner of said Lot 23;

Thence North 60°11'57" West along the southwesterly line of said Lot 23 and the southwesterly line of said Lots 24 and 25, a distance of 180.42 feet to the most westerly corner of said Lot 25;

Thence North 29°45'00" East along the northwesterly line of said Lot 25, a distance of 40.87 feet;

Thence South 60°11'57" East, a distance of 65.72 feet;

Thence North 29°45'00" East, a distance of 117.47 feet;

Thence South 60°15'00" East, a distance of 114.70 feet to the **POINT OF BEGINNING.**

Area – 20,853 S.F. more or less

THIS TEMPORARY EASEMENT SHALL BE IN EFFECT FOR 36 MONTHS FROM THE DATE THE CITY TAKES POSSESSION OF THE TEMPORARY EASEMENT OR NOVEMBER 3, 2025, WHICHEVER IS LATER.

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act.


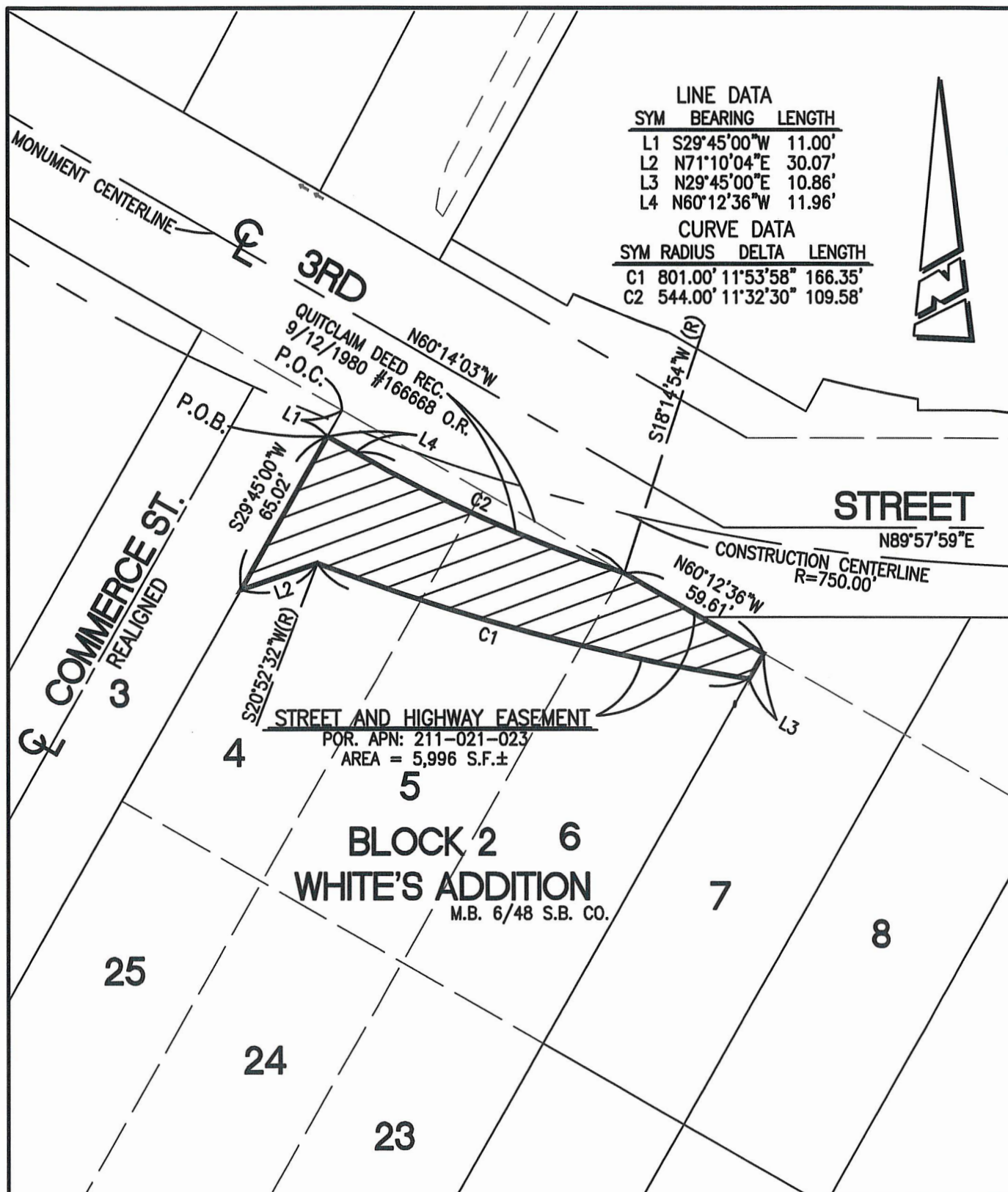

Eswin O. Vega, P.L.S. 9164 5/6/27 Date Prep. E.V.



EXHIBIT 2

EXHIBIT 2



• CITY OF RIVERSIDE, CALIFORNIA •

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

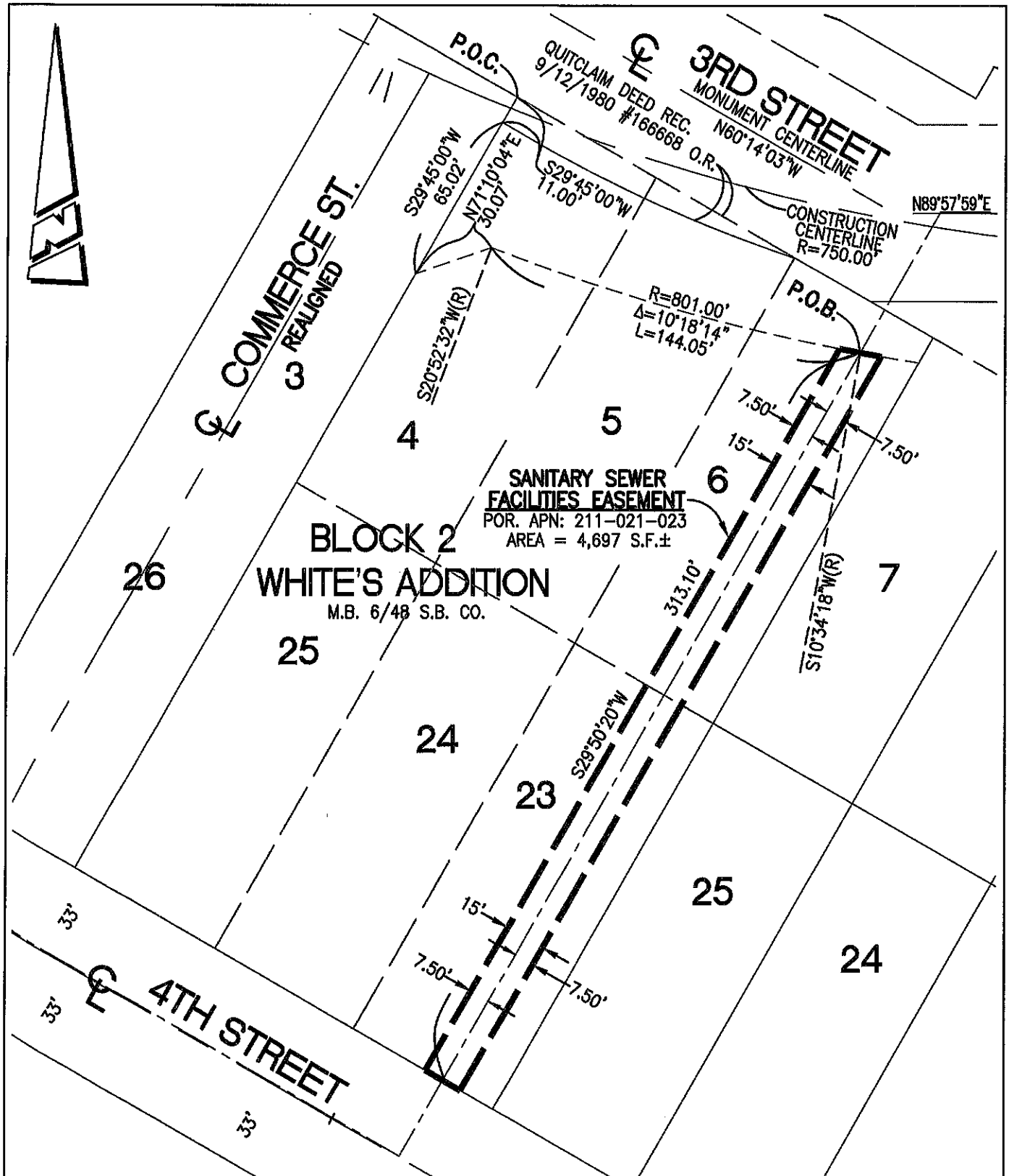
SCALE: 1"=50'

DRAWN BY: CURT

DATE: 2/10/22

SUBJECT: 2622 3RD STREET - R/W - APN 211-021-023

EXHIBIT 2



• CITY OF RIVERSIDE, CALIFORNIA •

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

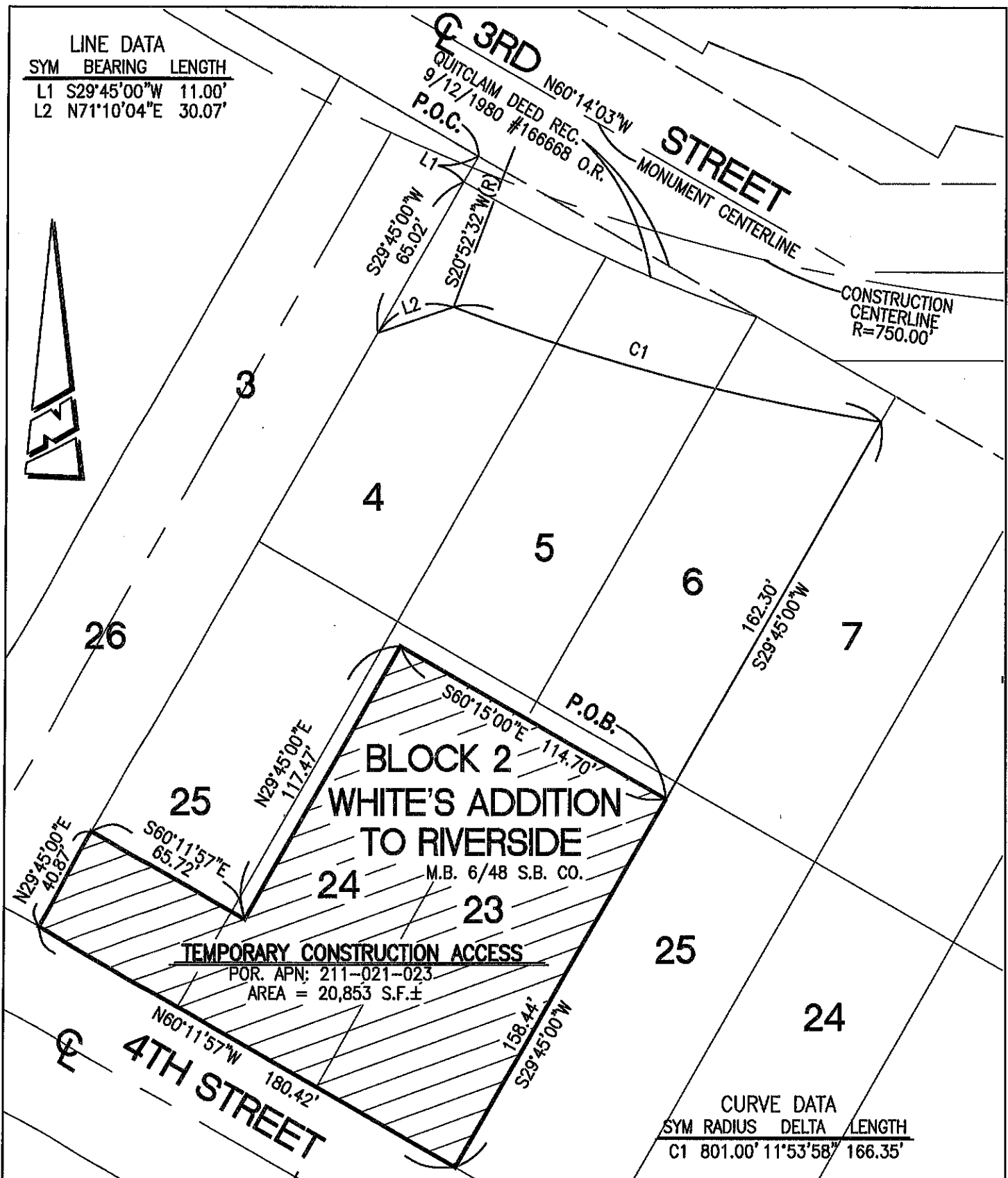
SCALE: 1"=50'

DRAWN BY: EV

DATE: 8/22/24

SUBJECT: 2622 3RD STREET - APN 211-021-023

EXHIBIT 2



• CITY OF RIVERSIDE, CALIFORNIA •

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

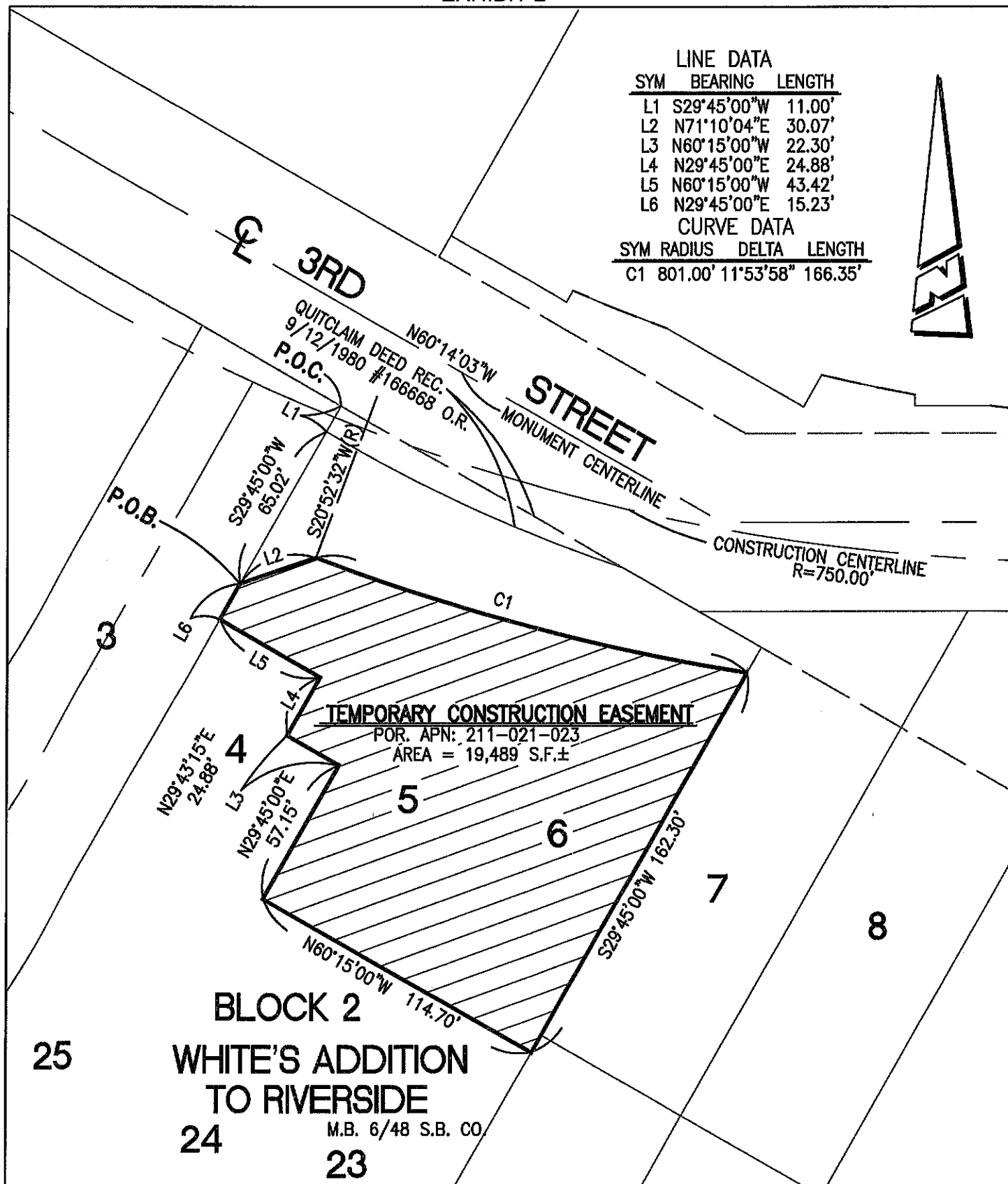
SHEET 1 OF 1

SCALE: 1"=50'

DRAWN BY: EV

DATE: 1/7/25

SUBJECT: 2622 3RD STREET - TCA - APN 211-021-023



• CITY OF RIVERSIDE, CALIFORNIA •

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

SCALE: 1"=50'

DRAWN BY: CURT

DATE: 12/15/22

SUBJECT: 2622 3RD STREET - TCE - APN 211-021-023