

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RESOLUTION NO.

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

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

WHEREAS, a public hearing was held by the City Council on February 25, 2025, at the time and place stated in the Notice of Intention to Adopt a Resolution of Necessity, at which time the City Council duly considered the matters to be heard.

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

1. The real property interests sought to be acquired are located in the city and county of Riverside, state of California, and are legally described in the attached Exhibit 1. The interests to be acquired herein are street and highway easement, access easement, and temporary construction easements. Parcel maps depicting the general locations and dimensions of the interests to be acquired are attached hereto as Exhibit 2. Exhibits 1 and 2 are incorporated herein by this reference ("Subject Property").

2. The City of Riverside is authorized to acquire the Subject Property by right of eminent domain pursuant to the Charter of the City of Riverside, California Government Code sections 37350.5, 39792, 40401, and 40404, the Eminent Domain Law commencing with 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  
2 February 25, 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.

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

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

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

ADOPTED by the City Council this       day of       , 2025.

PATRICIA LOCK DAWSON  
Mayor of the City of Riverside

Attest:

DONESIA GAUSE  
City Clerk of the City of Riverside

I, Donesia Gause, 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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Council of said City at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2025, 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 \_\_\_\_\_, 2025.

\_\_\_\_\_  
City Clerk of the City of Riverside

CL #23-1196.23  
APNs: 210-190-014  
210-190-016  
210-190-020  
210-190-025  
210-190-027

## EXHIBIT 1

**EXHIBIT 1  
LEGAL DESCRIPTION**

Temporary Construction Easement  
Por. APN: 210-190-014

That portion of the Southwest Quarter of the Northwest Quarter of Fractional Section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, according to the official plat, described as follows:

**BEGINNING** at the point of intersection of the Northeasterly line of Third Street with the Northwestern line of the Right of Way of the Southern Pacific Railroad;

Thence Southeasterly along said Northeasterly line of Third Street, a distance of 63.86 feet to the point of intersection with the Southeasterly line of the Right of Way of the Southern Pacific Railroad;

Thence Northeasterly along said Southeasterly line of the Right of Way of the Southern Pacific Railroad, a distance of 9.00 feet to a line parallel with and distant 9.00 feet Northeasterly of said Northeasterly line of Third street;

Thence Northwesterly, along said parallel line, a distance of 63.86 feet to said Northwesterly line of the Right of Way of the Southern Pacific Railroad;

Thence Southwesterly along said Northwesterly line of the Right of Way of the Southern Pacific Railroad, a distance of 9.00 feet to the **POINT OF BEGINNING**.

Area – 575 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      10/3/23 Date      Prep. C.S.



**EXHIBIT 1  
LEGAL DESCRIPTION**

Street and Highway Easement  
Por. APN: 210-190-016  
Address: 2509 3rd Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of the Northwest Quarter of section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, described as follows:

**COMMENCING** at a point on the North line of Blaine Street at its intersection with the centerline of Park Avenue, produced Northerly;

Thence Westerly, along said North line, a distance of 20.00 feet to the **POINT OF BEGINNING**;

Thence Continuing Westerly, along said North line, a distance of 60.00 feet;

Thence Northerly, at right angle to said North line, a distance of 10.00 feet to a line parallel with and distant 10.00 feet Northerly of said North line;

Thence Easterly, along said parallel line, a distance of 50.50 feet;


Thence Northerly, at right angle to said North line, a distance of 6.50 feet to a line parallel with and distant 16.50 feet Northerly of said North line;

Thence Easterly, along said parallel line, a distance of 9.50 feet;

Thence Southerly, at right angle to said North line, a distance of 16.50 feet to the **POINT OF BEGINNING**.

Area – 662 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      9/13/23      Date      Prep. C.S.





**EXHIBIT 1**  
**LEGAL DESCRIPTION**

Temporary Construction Easement  
Por. APN: 210-190-020  
Address: 2609 3rd Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of the Northwest Quarter of Section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, described as follows:

**PARCEL A**

**COMMENCING** at a point on the North line of Blaine Street at its intersection with the centerline of Park Avenue, produced Northerly;

Thence continuing along said centerline of Park Avenue, a distance of 10.00 feet to the Northeast corner of that parcel of land described in Quitclaim Deed to the City of Riverside, recorded January 12, 1976 as Instrument No. 4009 of Official Records of Riverside County, California;

Thence South 89°57'59" West, along the North line of said Quitclaim Deed, a distance of 178.69 feet to the **POINT OF BEGINNING**;

Thence continuing South 89°57'59" West, along said North line, a distance of 36.09 feet to the beginning of a tangent curve, concave Northerly, having a radius of 556.00 feet ;

Thence Westerly to the right along said curve and said North line an arc length of 30.32 feet, through a central angle of 3°07'28";

Thence North 00°36'19" West, leaving said North line, a distance of 39.18 feet;

Thence North 89°57'59" East, a distance of 65.50 feet;

Thence South 01°53'38" East, a distance of 40.02 feet to the **POINT OF BEGINNING**.

Area – 2,629 S.F. more or less

**PARCEL B**

**COMMENCING** at a point on the North line of Blaine Street at its intersection with the centerline of Park Avenue, produced Northerly;

Thence continuing along said centerline of Park Avenue, a distance of 10.00 feet to the Northeast corner of that parcel of land described in Quitclaim Deed to the City of Riverside, recorded January 12, 1976 as Instrument No. 4009 of Official Records of Riverside County, California;

Thence South 89°57'59" West, along the North line of said Quitclaim Deed, a distance of 178.69 feet;

Thence continuing South 89°57'59" West, along said North line, a distance of 36.09 feet to the beginning of a tangent curve, concave Northerly, having a radius of 556.00 feet ;

Thence Westerly to the right along said curve and said North line an arc length of 68.38 feet, through a central angle of 7°02'48" to an angle point therein;

Thence South 89°57'59" West, along said North line, a distance of 27.43 feet to the **POINT OF BEGINNING**;

Thence continuing South 89°57'59" West, along said North line, a distance of 0.51 feet to an angle point therein;

Thence North 00°02'00" West, along said North line, a distance of 4.18 feet to an angle point therein and the beginning of a non-tangent curve, concave Northeasterly, having a radius of 556.00 feet, a radial bearing to said point bears South 9°55'30" West;

Thence Westerly to the right along said curve and said North line an arc length of 35.68 feet, through a central angle of 3°40'37" to an angle point therein;


Thence North 29°28'06" West, leaving said North line, a distance of 27.37 feet;

Thence South 60°52'53" East, a distance of 36.30 feet;

Thence South 29°07'07" West, a distance of 20.14 feet to the **POINT OF BEGINNING**.

Area – 801 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.

 9/12/23 Prep. C.S.  
Eswin O. Vega, P.L.S. 9164 Date



**EXHIBIT 1**  
**LEGAL DESCRIPTION**

Access Easement  
Por. APN: 210-190-025 & 027  
Address: 2601 3rd Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of the Northwest Quarter of Section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, being a strip of land 20.00 feet in width, the centerline being described as follows:

**COMMENCING** at a point on the North line of 3rd Street (33 feet half width) at its intersection with the centerline of Park Avenue, produced Northerly;

Thence North  $89^{\circ}59'16''$  East, along said North line, a distance of 25.00 feet;

Thence North  $00^{\circ}02'49''$  East, a distance of 11.00 feet to a line parallel with and distant 44.00 feet Northerly, measured at right angles from the centerline of 3rd Street, being the **POINT OF BEGINNING** of said centerline description;

Thence continuing North  $00^{\circ}02'49''$  East, a distance of 592.88 feet to the beginning of a tangent curve concave Easterly, having a radius of 200.00 feet;

Thence Northerly to the right along said curve an arc length of 74.26 feet, through a central angle of  $21^{\circ}16'26''$ ;

Thence North  $21^{\circ}19'16''$  East, a distance of 115.38 feet to the beginning of a tangent curve concave Southwesterly, having a radius of 60.00 feet;

Thence Northerly and Northwesterly to the left along said curve an arc length of 94.25 feet, through a central angle of  $90^{\circ}00'00''$ ;

Thence North  $68^{\circ}40'44''$  West, a distance of 91.58 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 35.00 feet;

Thence Southwesterly to the left along said curve an arc length of 50.18 feet, through a central angle of  $82^{\circ}09'02''$ ;

Thence South  $29^{\circ}10'14''$  West, a distance of 157.19 feet to the beginning of a tangent curve concave Northwesterly, having a radius of 35.00 feet;

Thence Southerly to the right along said curve an arc length of 33.09 feet, through a central angle of  $55^{\circ}09'00''$  to the Northwesterly line of the Southern Pacific Railroad right of way, being the **TERMINATION** of said centerline description.

The sidelines of said strip of land 20.00 feet in width shall be prolonged or shortened to terminate Southerly in a line parallel with and distant 44.00 feet Northerly, measured at right angles from the centerline of 3rd Street and shall be prolonged or shortened to terminate westerly in the Northwesterly line of the Southern Pacific Railroad right of way.

Area – 24,184 S.F. more or less

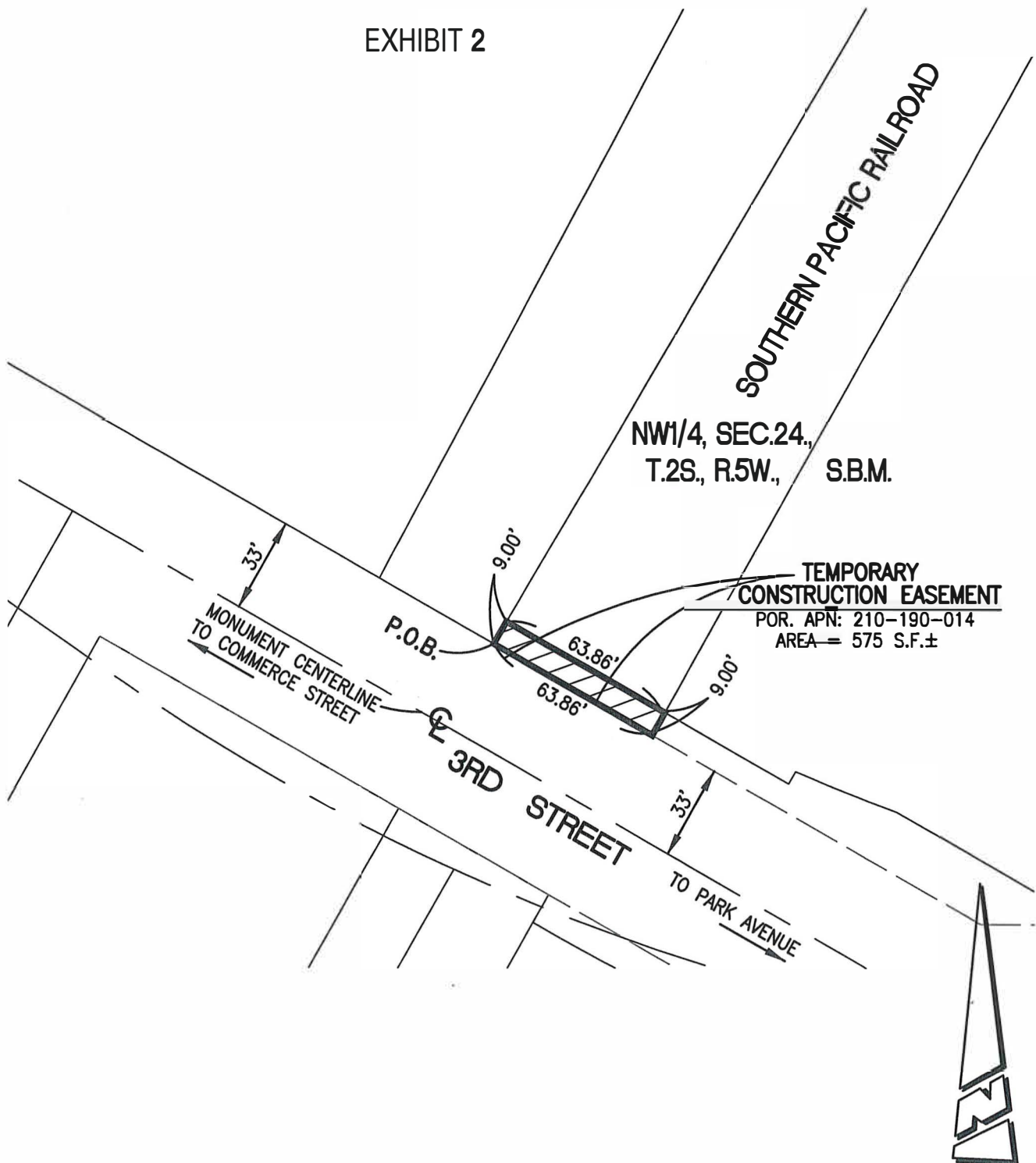
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

By: [Signature] 12/20/23 Prep. C.S.  
Eswin O. Vega, P.L.S. 9164 Date



## 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

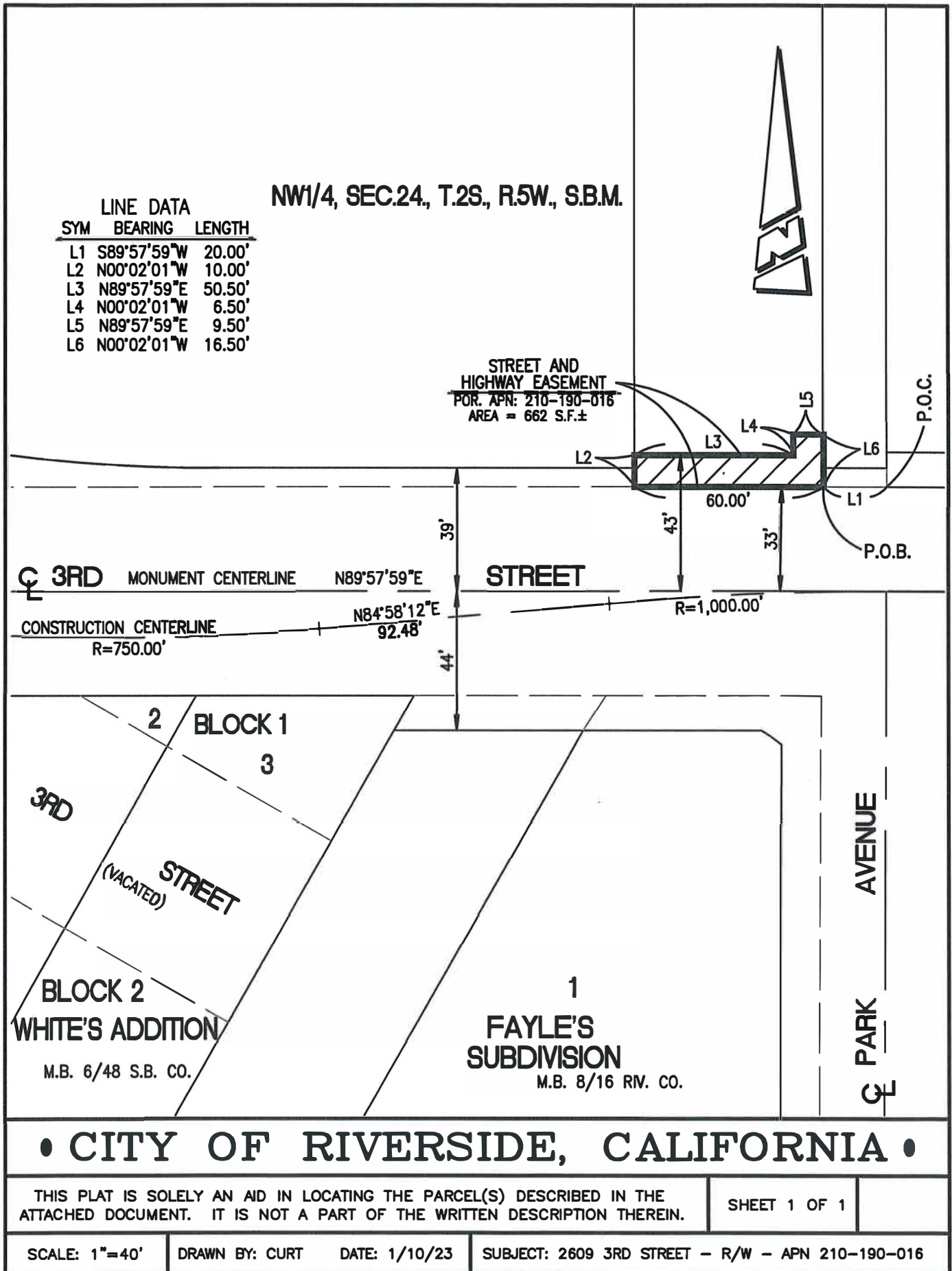
SCALE: 1"=50'

DRAWN BY: EV

DATE: 9/26/23

SUBJECT: 2609 3RD STREET - R/W - APN 210-190-014

# EXHIBIT 2





# EXHIBIT 2

LINE DATA		
SYM	BEARING	LENGTH
L1	S89°57'59"W	178.69'
L2	S89°57'59"W	36.09'
L3	N00°36'19"W	39.18'
L4	N89°57'59"E	65.50'
L5	S01°53'38"E	40.02'
L6	S89°57'59"W	27.43'
L7	S89°57'59"W	0.51'
L8	N00°02'00"W	4.18'
L9	N29°28'06"E	27.37'
L10	S60°52'53"E	36.30'
L11	S29°07'07"W	20.14'

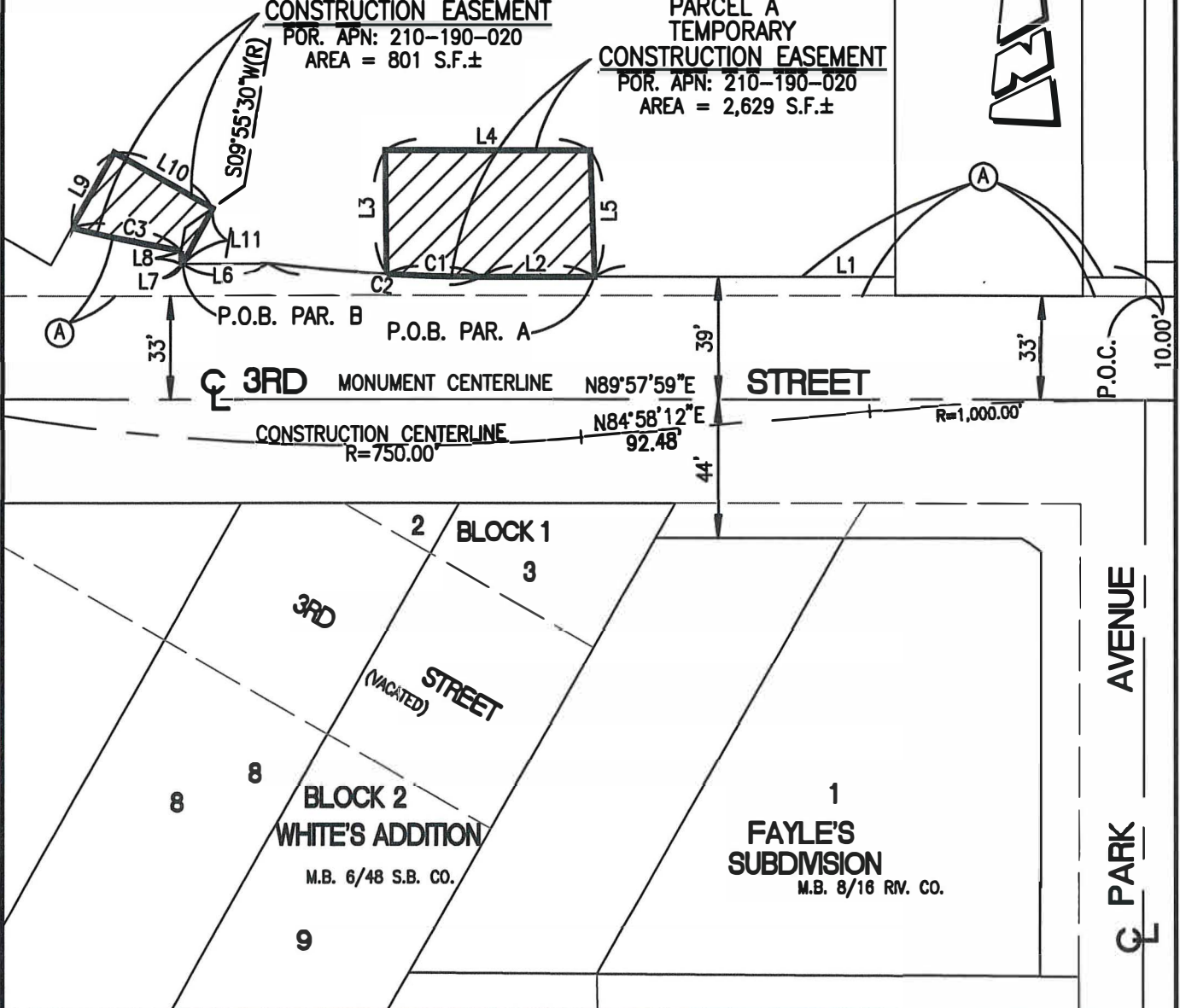
CURVE DATA			
SYM	RADIUS	DELTA	LENGTH
C1	556.00'	3°07'28"	30.32'
C2	556.00'	7°02'48"	68.38'
C3	556.00'	3°40'37"	35.68'

Ⓐ QUITCLAIM DEED TO THE CITY OF RIVERSIDE RECORDED 1/12/1976 #4009 O.R. RV. CO.

NW1/4, SEC.24., T.2S., R.5W., S.B.M.

PARCEL B  
TEMPORARY  
CONSTRUCTION EASEMENT  
POR. APN: 210-190-020  
AREA = 801 S.F.±

PARCEL A  
TEMPORARY  
CONSTRUCTION EASEMENT  
POR. APN: 210-190-020  
AREA = 2,629 S.F.±



• 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'

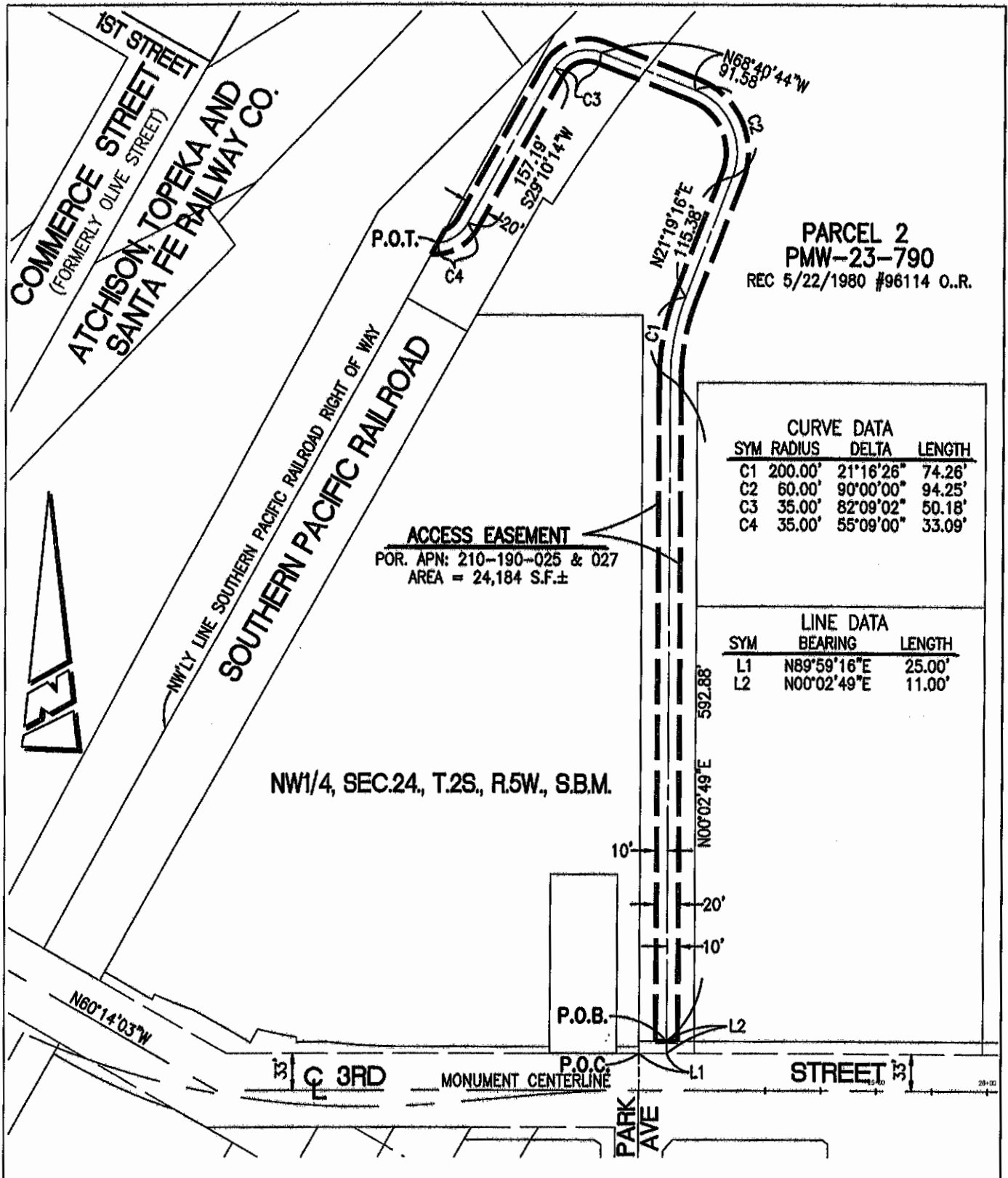
DRAWN BY: CURT

DATE: 1/31/23

SUBJECT: 2609 3RD STREET - R/W - APN 210-190-020



# 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"=NTS

DRAWN BY: CS

DATE: 9/7/23

SUBJECT: 2601 3RD ST - ESMT -APN 210-190-025 & 027