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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 March 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, sanitary sewer facilities easement, access easements, 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 March 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.

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 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
28 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City

1 Council of said City at its meeting held on the ___ day of _____, 2025, by the following
2 vote, to wit:

3 Ayes:

4 Noes:

5 Absent:

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

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City Clerk of the City of Riverside

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CL #23-1196.24
13 APNs: 213-142-015
213-142-028

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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.

Access Easement

A permanent easement and right-of-way for the purpose of providing ingress and egress from Third Street to the facilities constructed and maintained by the City of Riverside (“City”) or BNSF Railway, in, under, upon, over and along the real property, together with the right to enter upon and to pass and repass over and along said real property by City, its officers, agents, and employees; and by persons under contract with City and their officers, agents, and employees; and by BNSF Railway and its successors and assigns, whenever and wherever necessary for the purpose of constructing, reconstructing, maintaining, operating, inspecting, repairing, replacing, relocating, renewing, and removing said facilities.

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.

**EXHIBIT 1
LEGAL DESCRIPTION**

Access Easement
Por. APN: 213-142-015
Address: 3310 Vine Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being the Southwesterly 10.00 feet of Parcel 14 of Parcel Map No. 26301, as shown by Map on file in Book 176, Pages 72 through 81 of Parcels Maps, Records of Riverside County, California.

TOGETHER WITH that portion of said Parcel 14, described as follows:

BEGINNING at the intersection of a line parallel with and distant 10.00 feet Northeasterly, measured at right angles from the Southwesterly line of said Parcel 14 and the Southeasterly line of said Parcel 14;

Thence North 60°14'03" West, along said parallel line, a distance of 45.93 feet;


Thence North 74°23'40" East, a distance of 19.67 feet to a line parallel with and distant 24.00 feet Northeasterly, measured at right angles from the Southwesterly line of said Parcel 14;

Thence South 60°14'03" East along above said parallel line, a distance of 32.10 feet to the Southeasterly line of said Parcel 14;

Thence South 29°44'16" West along said Southeasterly line, a distance of 14.00 feet to the **POINT OF BEGINNING**.

Area – 3,810 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.

 10/18/24 Prep. E.V.
Eswin O. Vega, P.L.S. 9164 Date



**EXHIBIT 1
LEGAL DESCRIPTION**

Access Easement
Por. APN: 213-142-028
Address: 3350 Vine Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being the Northeasterly 10.00 feet of Parcel 1 of Certificate of Compliance No. PW-011-956, recorded October 18, 1996, as Instrument No. 400680, Official Records of Riverside County, California.

Area – 3,264 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 12/29/23 Date Prep. E.V



**EXHIBIT 1
LEGAL DESCRIPTION**

Sanitary Sewer
Facilities Easement
Por. APN: 213-142-015
Address: 3310 Vine Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being the Southwesterly 10.00 feet of Parcel 14 of Parcel Map No. 26301, as shown by Map on file in Book 176, Pages 72 through 81 of Parcels Maps, Records of Riverside County, California.

Area – 3,264 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
10/10/24 Date
Prep. E.V.



**EXHIBIT 1
LEGAL DESCRIPTION**

Street and Highway Easement
Por. APN: 213-142-015
Address: 3310 Vine Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of Parcel 14 of Parcel Map No. 26301, as shown by Map on file in Book 176, Pages 72 through 81 of Parcels Maps, Records of Riverside County, California, described as follows:

COMMENCING at the most Northerly corner of said Parcel 14;

Thence South 60°14'03" East, along the Northeasterly line of said Parcel 14, a distance of 44.00 feet to the most Northerly corner of an Easement for Sidewalks and Landscape Dedicated on said Parcel Map No. 26301 to the **POINT OF BEGINNING**;

Thence South 74°44'56" West, along the Southerly line of said Easement, a distance of 4.35 feet to the beginning of a non-tangent curve concave Southwesterly, having a radius of 953.00 feet, a radial bearing to said point bears North 30°29'20" East;

Thence Easterly to the right along said curve an arc length of 71.39 feet, through a central angle of 04°17'32";

Thence South 55°13'08" East, a distance of 25.39 feet;

Thence South 29°42'35" West, a distance of 7.44 feet;

Thence South 60°17'25" East, a distance of 78.18 feet;

Thence South 55°13'08' East, a distance of 23.57 feet;

Thence South 29°42'35" West, a distance of 4.02 feet;

Thence South 55°13'08" East, a distance of 62.83 feet;

Thence South 29°44'53" West, a distance of 29.82 feet;

Thence South 60°15'02" East, a distance of 8.04 feet to the Southeasterly line of said Parcel 14;

Thence North 29°44'58" East, along the Southeasterly line of said Parcel 14, a distance of 57.62 feet to most Easterly corner of said Parcel 14;

Thence North 60°14'03" West, along the Northeasterly line of said Parcel 14, a distance of 265.64 feet to the **POINT OF BEGINNING.**

Area – 4,209 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 10/18/24 Date Prep. C.S.



**EXHIBIT 1
LEGAL DESCRIPTION**

Temporary Construction Easement

Por. APN: 213-142-015

Address: 3310 Vine Street

Duration: 36 months

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of Parcel 14 of Parcel Map No. 26301, as shown by Map on file in Book 176, Pages 72 through 81 of Parcels Maps, Records of Riverside County, California, described as follows:

COMMENCING at the most Northerly corner of said Parcel 14;

Thence South 60°14'03" East, along the Northeasterly line of said Parcel 14, a distance of 44.00 feet to the most Northerly corner of an Easement for Sidewalks and Landscape Dedicated on said Parcel Map No. 26301;

Thence South 74°44'56" West, along the Southerly line of said Easement, a distance of 4.35 feet to the beginning of a non-tangent curve concave Southwesterly, having a radius of 953.00 feet, a radial bearing to said point bears North 30°29'20" East and to the **POINT OF BEGINNING**;

Thence Easterly to the right along said curve an arc length of 71.39 feet, through a central angle of 04°17'32";

Thence South 55°13'08" East, a distance of 25.39 feet;

Thence South 29°42'35" West, a distance of 7.44 feet;

Thence South 60°17'25" East, a distance of 78.18 feet;

Thence South 55°13'08" East, a distance of 23.57 feet;

Thence South 29°42'35" West, a distance of 4.02 feet;

Thence South 55°13'08" East, a distance of 62.83 feet;

Thence South 30°02'23" West, a distance of 29.82 feet;

Thence North 16°14'03" West, a distance of 16.00 feet ;

Thence North 30°02'23" East, a distance of 23.37 feet;

Thence North 60°14'03" West, a distance of 47.70 feet,

Thence North 29°45'57" East, a distance of 16.00 feet;

Thence North 16°14'03" West, a distance of 212.27 feet to said Southerly line of Easement for Sidewalks and Landscape;

Thence North 74°44'56" east, along said Southerly line, a distance of 21.45 feet to the **POINT OF BEGINNING.**

Area – 2,512 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 Easement
Por. APN: 213-142-015
Address: 3310 Vine Street
Duration: 36 months

That certain real property located in the City of Riverside, County of Riverside, State of California, being the Northeastly 5.00 feet of the Southwestly 15.00 feet of Parcel 14 of Parcel Map No. 26301, as shown by Map on file in Book 176, Pages 72 through 81 of Parcels Maps, Records of Riverside County, California.

Area – 1,632 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.

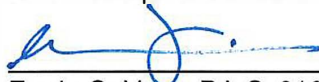
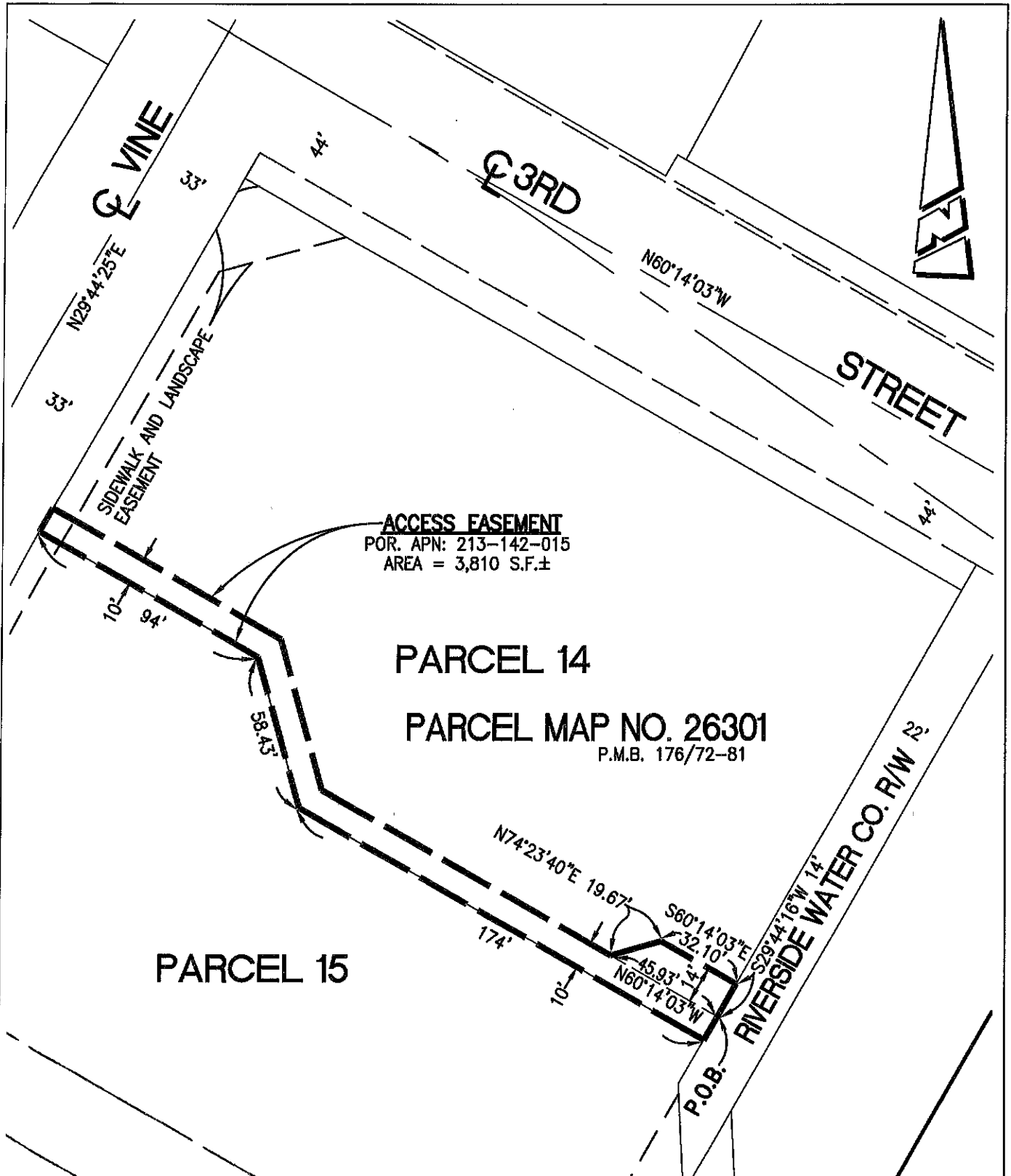

Eswin O. Vega, P.L.S. 9164 3/3/25 Date Prep. C.S.



EXHIBIT 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

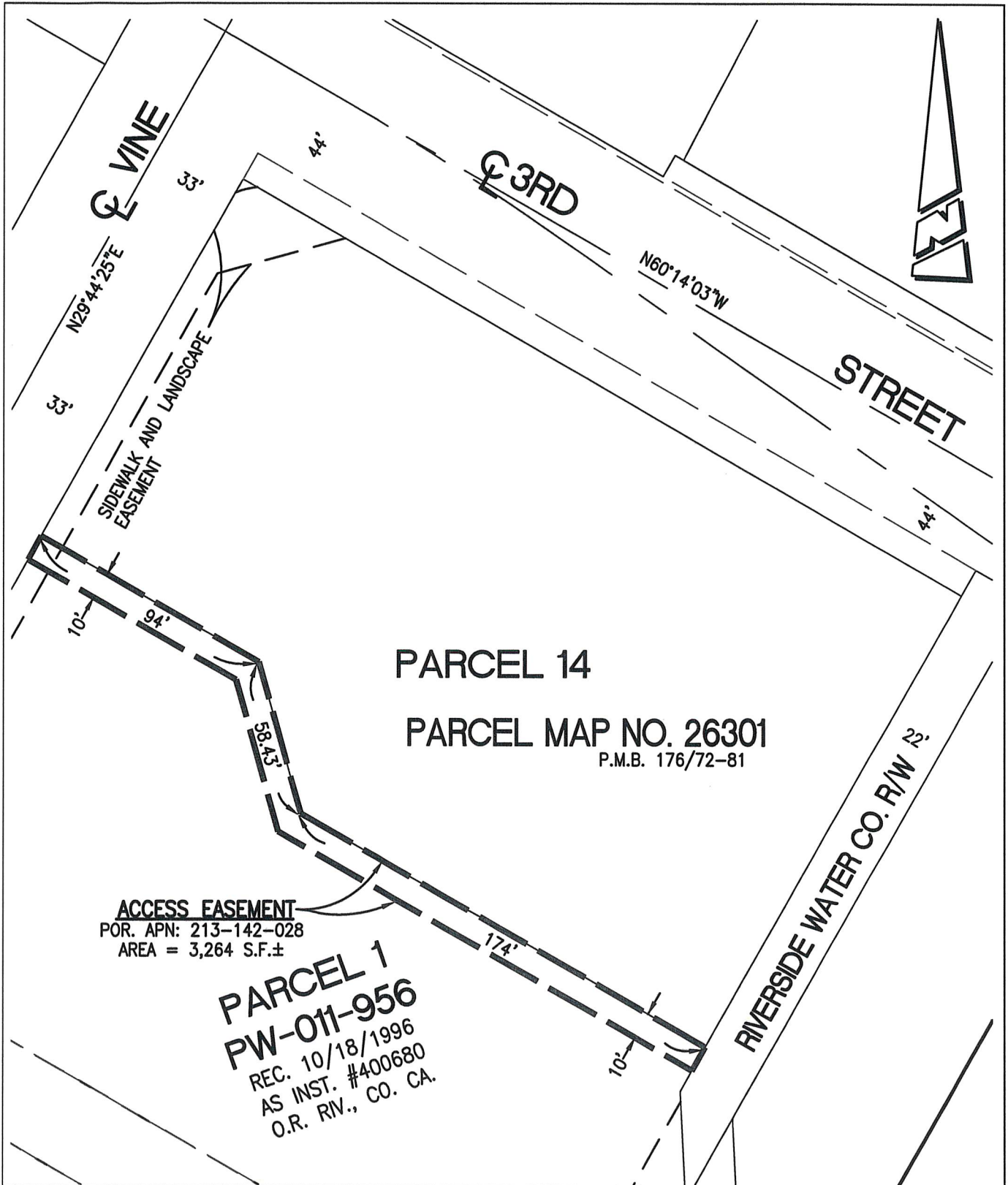
SCALE: 1"=50'

DRAWN BY: EV

DATE: 12/15/23

SUBJECT: 3310 VINE ST. - ESMT - POR. APN 213-142-015

EXHIBIT 2



ACCESS EASEMENT
 POR. APN: 213-142-028
 AREA = 3,264 S.F.±

PARCEL 1
PW-011-956
 REC. 10/18/1996
 AS INST. #400680
 O.R. RIV., CO. CA.

• CITY OF RIVERSIDE, CALIFORNIA •

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SHEET 1 OF 1

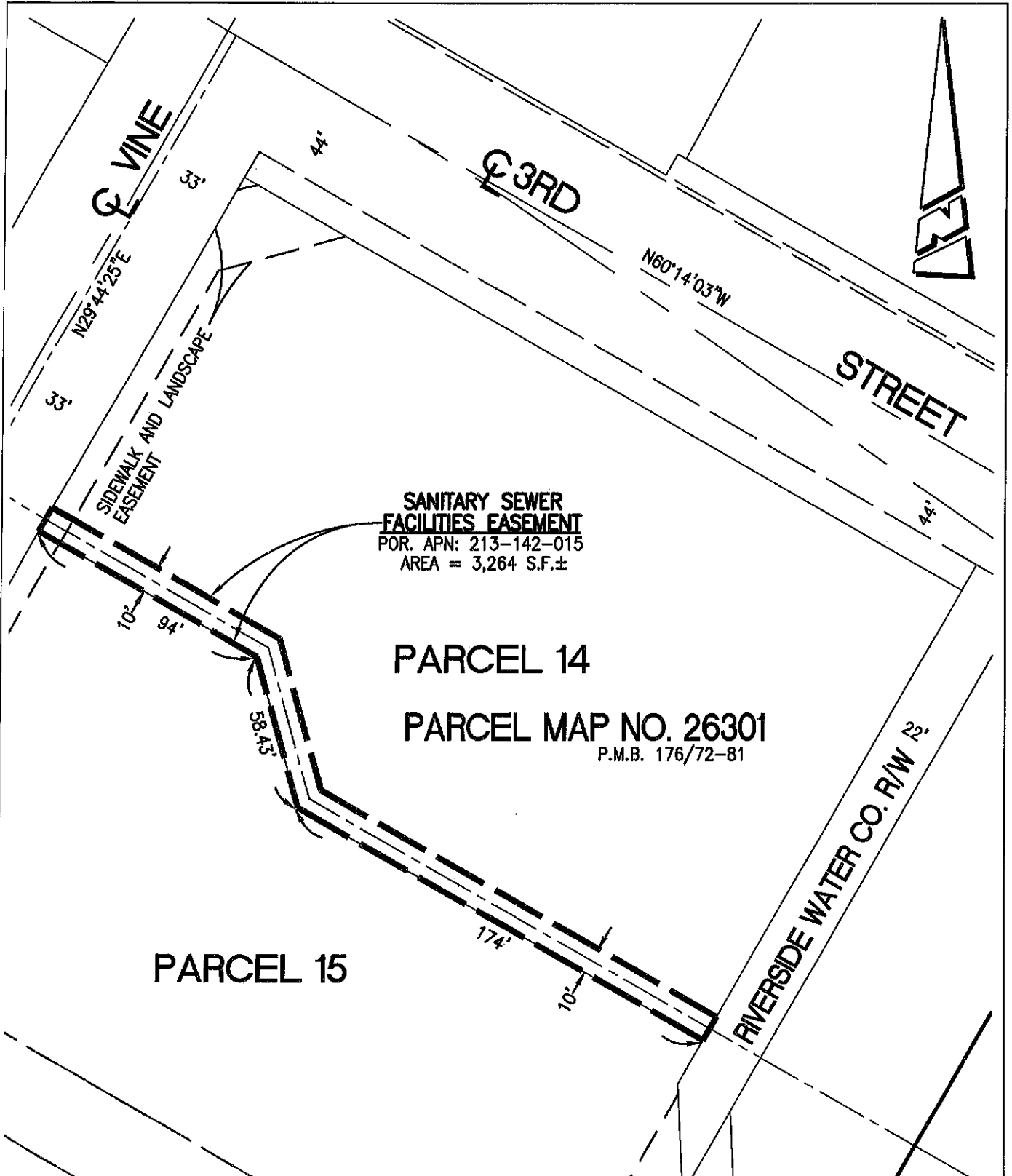
SCALE: 1"=50'

DRAWN BY: EV

DATE: 12/15/23

SUBJECT: 3350 VINE ST. - ESMT - POR. APN 213-142-028

EXHIBIT 2



• CITY OF RIVERSIDE, CALIFORNIA •

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SHEET 1 OF 1

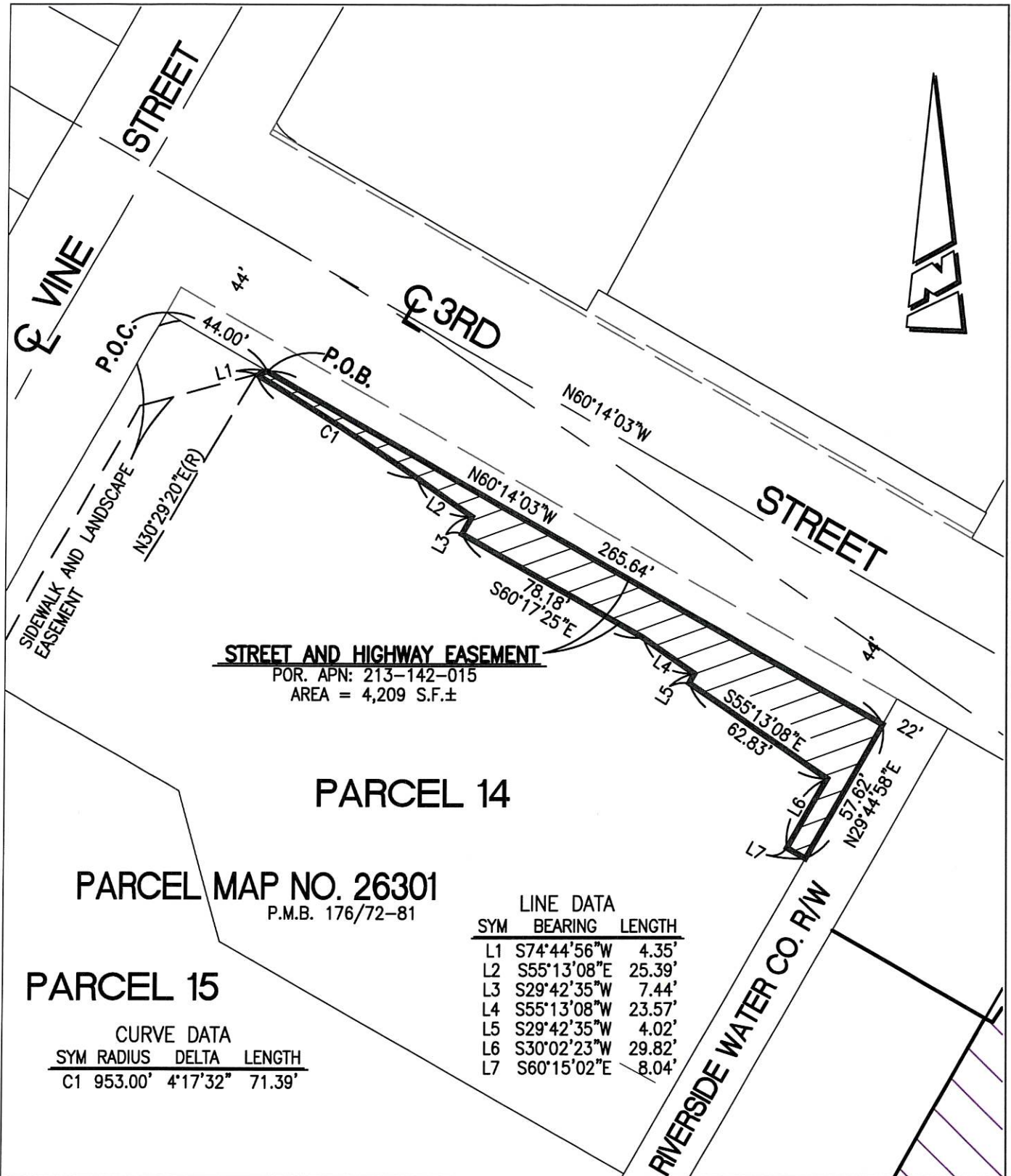
SCALE: 1"=50'

DRAWN BY: EV

DATE: 8/20/24

SUBJECT: 3310 VINE ST. - ESMT - POR. APN 213-142-015

EXHIBIT 2



STREET AND HIGHWAY EASEMENT
 POR. APN: 213-142-015
 AREA = 4,209 S.F.±

PARCEL 14

PARCEL MAP NO. 26301
 P.M.B. 176/72-81

PARCEL 15

CURVE DATA

SYM	RADIUS	DELTA	LENGTH
C1	953.00'	4°17'32"	71.39'

LINE DATA

SYM	BEARING	LENGTH
L1	S74°44'56"W	4.35'
L2	S55°13'08"E	25.39'
L3	S29°42'35"W	7.44'
L4	S55°13'08"W	23.57'
L5	S29°42'35"W	4.02'
L6	S30°02'23"W	29.82'
L7	S60°15'02"E	8.04'

• CITY OF RIVERSIDE, CALIFORNIA •

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SHEET 1 OF 1

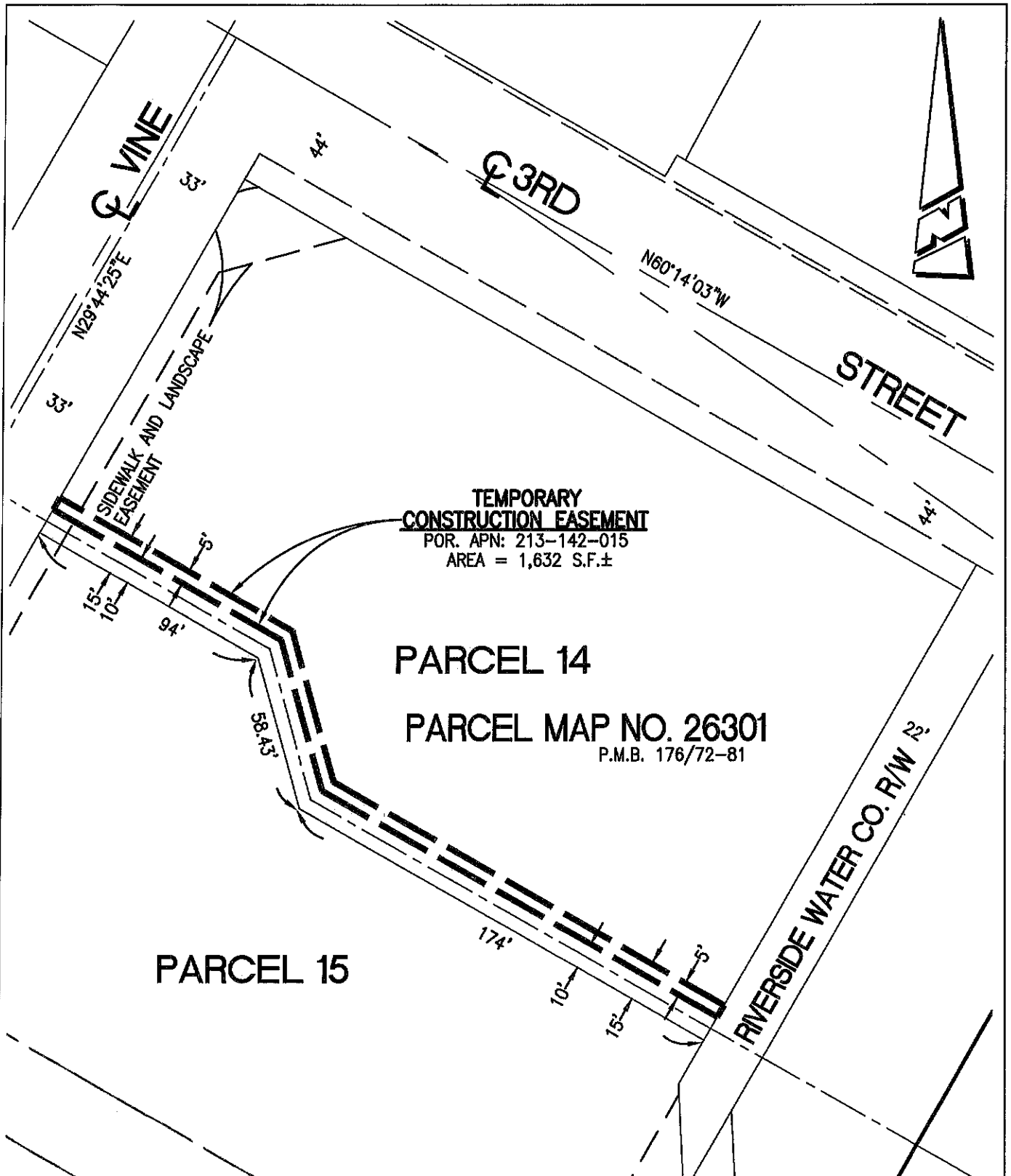
SCALE: 1"=50'

DRAWN BY: CURT

DATE: 12/06/22

SUBJECT: 3310 VINE STREET - R/W - APN 213-142-015

EXHIBIT 2



**TEMPORARY
CONSTRUCTION EASEMENT**
 POR. APN: 213-142-015
 AREA = 1,632 S.F.±

PARCEL 14

PARCEL MAP NO. 26301
 P.M.B. 176/72-81

PARCEL 15

• CITY OF RIVERSIDE, CALIFORNIA •

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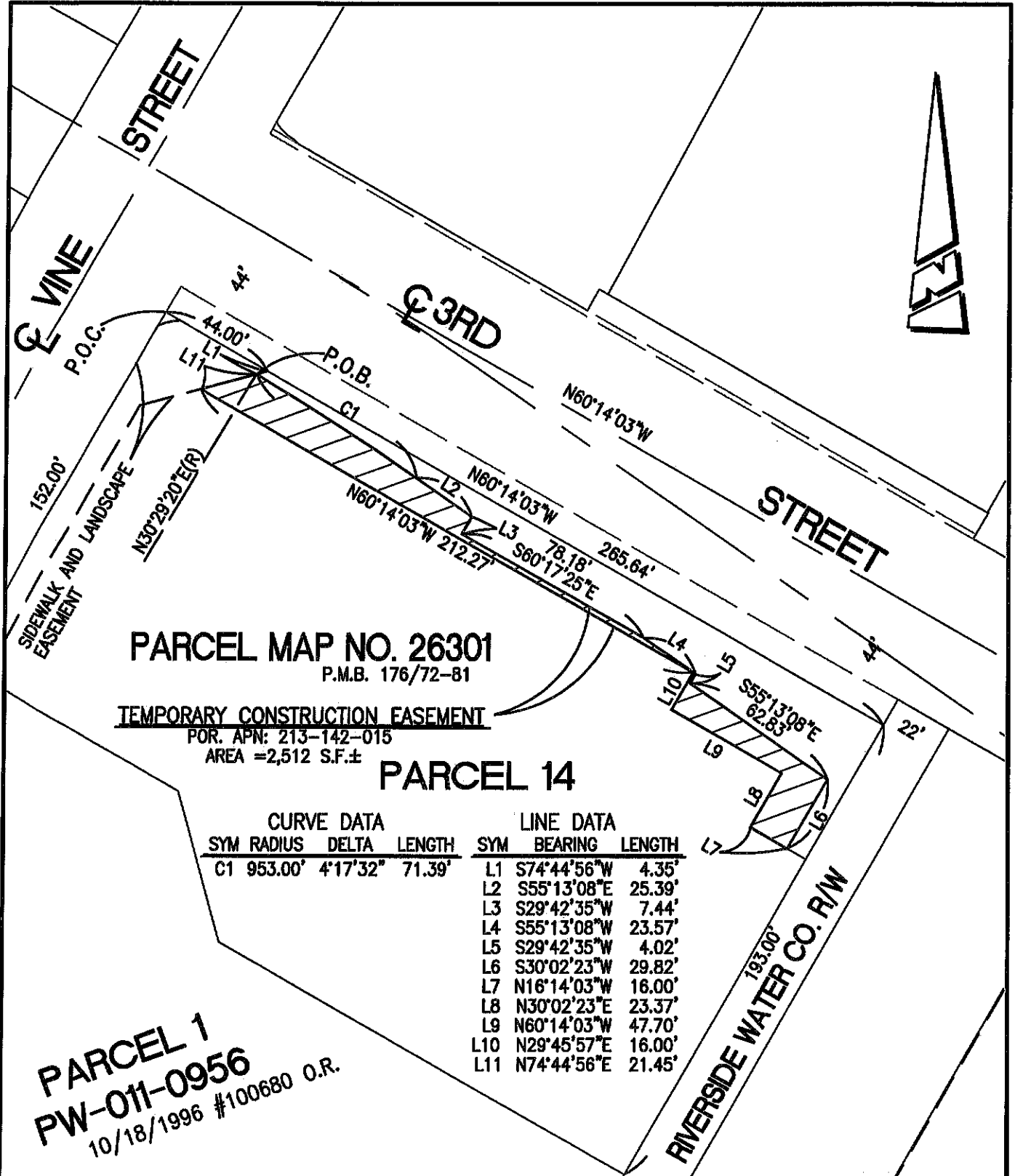
SHEET 1 OF 1

SCALE: 1"=50'

DRAWN BY: EV

DATE: 8/20/24

SUBJECT: 3310 VINE ST. - ESMT - POR. APN 213-142-015



PARCEL MAP NO. 26301
P.M.B. 176/72-81

TEMPORARY CONSTRUCTION EASEMENT
POR. APN: 213-142-015
AREA = 2,512 S.F.±

PARCEL 14

CURVE DATA			LINE DATA			
SYM	RADIUS	DELTA	LENGTH	SYM	BEARING	LENGTH
C1	953.00'	4°17'32"	71.39'	L1	S74°44'56"W	4.35'
				L2	S55°13'08"E	25.39'
				L3	S29°42'35"W	7.44'
				L4	S55°13'08"W	23.57'
				L5	S29°42'35"W	4.02'
				L6	S30°02'23"W	29.82'
				L7	N16°14'03"W	16.00'
				L8	N30°02'23"E	23.37'
				L9	N60°14'03"W	47.70'
				L10	N29°45'57"E	16.00'
				L11	N74°44'56"E	21.45'

PARCEL 1
PW-011-0956
10/18/1996 #100680 O.R.

• CITY OF RIVERSIDE, CALIFORNIA •

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SHEET 1 OF 1

SCALE: 1"=50'

DRAWN BY: CURT

DATE: 12/06/22

SUBJECT: 3310 VINE STREET - TCE - APN 213-142-015