

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 INSTALLING APPROXIMATELY 10 MILES OF 69KV SUB-TRANSMISSION LINES, CONSTRUCTION OF A NEW 230KV TO 69KV SUBSTATION, IMPROVEMENTS TO FIVE EXISTING SUBSTATIONS, RELOCATION OF EXISTING DISTRIBUTION LINES, AND INSTALLATION OF NEW TELECOMMUNICATION LINES.

WHEREAS, the City of Riverside has identified the following real property in the City of Riverside for acquisition pursuant to this Resolution:

Assessor's Parcel No.: 147-301-002

Street Address: 4739 Tomlinson Avenue, Riverside, CA 92503

Record Owner: Eugenio Martinez and Romulo Martinez

Required Interest: Public Utility Easement

Uneconomic Remnant: No

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 install approximately 10 miles of 69kV sub-transmission lines, construction of a new 230kV to 69kV substation, improvements to five existing substations, relocation of existing distribution lines, and installation of new telecommunication lines, from Riverside's Energy Resource Center (RERC) to Riverside Public Utilities' (RPU) Harvey Lynn and Freeman Substations ("Project"); and

WHEREAS, a public hearing was held by the City Council on September 13, 2016, 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

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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 interest sought to be acquired is located in the city and county of Riverside, state of California, and is legally described in the attached Exhibit 1. A parcel map depicting the general location and dimensions of the interest to be acquired is 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.

3. Facts in support of findings contained in the City Council memoranda dated September 13, 2016, are hereby adopted and incorporated herein by this reference.

4. The public use for which the Subject Property is being acquired by right of eminent domain is to install approximately 10 miles of 69kV sub-transmission lines, construction of a new 230kV to 69kV substation, improvements to five existing substations, relocation of existing distribution lines, and installation of new telecommunication lines; and as necessary, the widening of streets, construction of sidewalks, curbs, and gutters, grading and landscaping, installation of new traffic signals and street lights, installation and relocation of public utilities, undergrounding of overhead power lines where required, and such other related improvements as may be necessary to promote the health, safety, and welfare of the general public.

5. The public interest and necessity require the proposed Project in order to provide Riverside Public Utilities (RPU) a second connection to the state electric transmission grid, addressing the long-term electric capacity and reliability needs of the City, and in order to protect the health, and safety and welfare of the general public at large. More specifically, RPU has an obligation to provide a safe and reliable energy supply and electrical infrastructure to all customers, including government, education, and health facilities within the City limits. The Riverside Transmission Reliability Project (RTRP) is a joint project with Southern California

1 Edison (SCE) to provide RPU a second connection to the state electric transmission grid
2 addressing the long term electric capacity and reliability needs of the City. SCE performed a
3 System Impact Study and a Facilities Study in 2005 at the request of RPU. Both studies indicated
4 the need for the project. In June, 2006, the California Independent System Operator's Board of
5 Governors affirmed construction of RTRP. The rapid population growth and commercial
6 development in the City have led to an increase in local electric customers and in their use of
7 electric energy. Currently, the sole source of bulk electrical energy supply for RPU electric
8 customers is through SCE's Vista Substation located within the City of Grand Terrace.
9 Beginning in 2006, RPU's electrical demand has exceeded the available 557 MW of capacity
10 from Vista Substation, requiring local generation during peak load conditions. A new
11 interconnection to SCE's transmission system is urgently needed to provide capacity for existing
12 as well as new electrical load and an additional point of interconnection for reliability purposes.
13 Without this addition, load shedding and area electrical blackouts will eventually be required.
14 Load shedding is the intentional, controlled interruption of electrical load. It is performed by
15 system operators, or by automatic equipment, in order to protect the majority of the electric
16 system from permanent damage, such as from an overload. In addition to increasing capacity, the
17 RTRP would substantially reduce the impact of an outage similar to that which occurred to the
18 City of Riverside in October 2007, when service from Vista Substation was interrupted. All
19 electric customers, including government, school, university, and hospital facilities, within the
20 City lost power for up to four hours. RERC and Springs generation have already been
21 constructed within the City in part to address the capacity limit at Vista Substation. The internal
22 generation reduces the power that must flow through the transformers at Vista Substation by
23 generating and supplying it locally. However, these generators are "peaking" units. As such, the
24 number of hours that the units can operate is limited by the permit requirements issued by the
25 South Coast Air Quality Management District (SCAQMD). It is not prudent utility practice to
26 defer transformer capacity additions by continued installation of peaking units. In addition,
27 reinforcement is urgently needed to the existing 69 kV sub-transmission system to meet standard
28 reliability criteria. Without reinforcements, load shedding may occur during peak load

1 conditions. As a part of RTRP, RPU's local system will be divided into two systems: the east
2 system, served from Vista Substation, and the west system, served from the new Wilderness
3 Substation. This division would include the remaining sub-transmission line reinforcements that
4 are needed. This project will accommodate the current needs of the population as well as the
5 needs of future population growth and energy demand. As such, the project will protect the
6 health, safety and welfare of the general public by supplying reliable and safe electrical energy.
7 Accordingly, the Project is designed to enhance the health, safety, and welfare of the general
8 public.

9 6. The proposed Project is planned and located in a manner that will be most
10 compatible with the least private injury. A number of alternatives were considered and
11 eliminated from further consideration when they failed to meet most of the basic project
12 objectives, were infeasible, or would not avoid significant impacts on the environment and
13 private property interests. RTRP is designed to minimize impacts to private property. The real
14 property interests sought to be acquired are necessary for the construction of the needed
15 transmission lines. Thus, the proposed project is planned and located in a manner that will be
16 most compatible with the least private injury to the parcels and property interests that are
17 necessary to complete the project in a manner that enhances the health, safety and welfare of the
18 general public by supplying reliable and safe electrical energy.

19 7. The Subject Property is necessary for the proposed Project to improve the general
20 health, safety, and welfare of the public, as well as to provide RPU a second connection to the
21 state electric transmission grid, addressing the long-term electric capacity and reliability needs of
22 the City. RTRP is designed to minimize impacts to private property and the real property
23 interests sought to be acquired are necessary for the construction of the needed transmission
24 lines. The property sought is necessary for the general health, safety and welfare of the public by
25 addressing the energy delivery needs of the City as a whole.

26 8. The offer required by section 7267.2 of the Government Code of the State of
27 California has been made to the owners of record of the Subject Property based upon the
28 approved appraisal of fair market value as prepared by a qualified independent appraiser.

1 9. The City of Riverside has an overriding need for prejudgment possession of the
2 property interests identified herein in that: (1) The rapid population growth and commercial
3 development in the City have led to an increase in local electric customers and in their use of
4 electric energy. (2) Currently, the sole source of bulk electrical energy supply for RPU electric
5 customers is through SCE's Vista Substation located within the City of Grand Terrace. (3)
6 Beginning in 2006, RPU's electrical demand has exceeded the available 557 MW of capacity
7 from Vista Substation, requiring local generation during peak load conditions. (4) A new
8 interconnection to SCE's transmission system is urgently needed to provide capacity for existing
9 as well as new electrical load and an additional point of interconnection for reliability purposes.
10 (5) Without this addition, load shedding and area electrical blackouts will eventually be required.
11 (6) In addition to increasing capacity, the RTRP would substantially reduce the impact of an
12 outage similar to that which occurred to the City of Riverside in October 2007, when service
13 from Vista Substation was interrupted. (7) In addition, reinforcement is urgently needed to the
14 existing 69 kV sub-transmission system to meet standard reliability criteria. Without
15 reinforcements, load shedding may occur during peak load conditions. This project will
16 accommodate the current needs of the population as well as the needs of future population
17 growth and energy demand. Prompt completion of the proposed improvements will provide RPU
18 a second connection to the state electric transmission grid, addressing the long-term electric
19 capacity and reliability needs of the City.

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

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

28 12. To the extent that any portion of the Subject Property has been or is presently

1 appropriated to a public use, the City Council finds and declares pursuant to California Code of
2 Civil Procedure section 1240.610 that the proposed use is a more necessary public use.

3 13. All applicable requirements of the California Environmental Quality Act and the
4 regulations of the City of Riverside implementing the Act have been completed.

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

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

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

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

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

10 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
11 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City
12 Council of said City at its meeting held on the _____ day of _____, 2016, by the following
13 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

L16-0089

EXHIBIT 1

Permanent Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement (Public Utilities Easement)

An easement and right-of-way for the construction, reconstruction, maintenance, operation, inspection, repair, replacement, relocation, renewal and removal of *electric energy distribution and transmission facilities, and telecommunication facilities*, together with all necessary appurtenances, in, under, upon, over and along that certain real property. 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 by Grantee (City of Riverside), its officers, agents and employees whenever and wherever necessary for the purpose of constructing, reconstructing, maintaining, operating, inspecting, repairing, replacing, relocating, renewing and removing said *electric energy distribution and transmission facilities, and telecommunication facilities*.

Overhead Electric Energy Distribution and Transmission Facilities, and Telecommunication Facilities Easement (Public Utilities Easement – Overhead)

An easement and right-of-way for the construction, reconstruction, maintenance, operation, inspection, repair, replacement, relocation, renewal and removal of *electric energy distribution and transmission facilities, and telecommunication facilities*, together with all necessary appurtenances over that certain real property. Further, Grantor shall not erect, place, construct, nor permit to be erected, placed or constructed any structures or modifications to existing structures above the existing finished height of any structures existing as of the date of recordation of this easement. This height restriction is made supplemental to existing City of Riverside building code regarding setbacks, any permanent future construction or additions to existing structures and is hereby imposed in said easement.

60-Day Temporary Construction Easement (Temporary Construction Easement)

A temporary easement and right of way allowing Grantee (City of Riverside) the right to use the property for the purpose of installing overhead electrical lines. Such use may include, but is not limited to ingress and egress of persons and vehicles, the deposit of tools, equipment, machinery, and materials used in the performance of the construction, and for similar purposes by Grantee, its officers, employees, agents or contractors. Upon completion of construction, Grantee promises to remove all debris, waste, brush, or other materials deposited or placed upon the property subject to this temporary easement. Grantee further promises to make all reasonable efforts to return the surface of the property, with the exception of vegetation, to its original condition prior to entry. The temporary easement and right of way shall terminate two (2) months after issuance of the Notice to Proceed or upon completion of the installation of the overhead electrical lines, whichever occurs first.

Public Utility Easement
POR. A.P.N. 147-301-002

All that certain real property situated in the City of Riverside, County of Riverside, State of California, described as follows:

The Southwesterly 12.0 feet of that portion of Lot 3 in Block 32 of La Granada, in the City of Riverside, County of Riverside, State of California, as shown by Map on file in Book 12 Pages 42 to 51 inclusive of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the most Westerly corner of said Lot 3;

Thence Northeasterly along the Northwesterly line thereof, 100 feet to a point;

Thence Southeasterly 80 feet parallel with the Southwesterly line of said Lot 3;

Thence Southwesterly 100 feet parallel with the Northwesterly line of said Lot 3, to the Southwesterly line thereof;

Thence Northwesterly 80 feet along the Southwesterly line of said Lot 3, to the **Point of Beginning**.

Containing 0.02 Acres or 960 square feet more or less.

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

 6-6-13
Richard F. Wenglikowski, L.S. 4904 Date

DESCRIPTION APPROVAL:

BY: C. Stephens 6/19/2013 DATE
FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR



EXHIBIT 2

