

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.: 143-342-043, 146-253-026, and 155-290-030

Street Address: Hole Avenue, Riverside California 92505; and Arlington Avenue,
Riverside California 92505

Record Owner: Riverside County Flood Control and Water Conservation District

Required Interest: Public Utility Easements; Public Utility Easement (Overhead); and
Poles, Guys, and Anchors 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

1 the City Council duly considered the matters to be heard.

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

4 1. The real property interests sought to be acquired are located in the city and county
5 of Riverside, state of California, and are legally described in the attached Exhibit 1. Parcel maps
6 depicting the general location and dimensions of the interests to be acquired are attached hereto
7 as Exhibit 2. Exhibits 1 and 2 are incorporated herein by this reference ("Subject Property").

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

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

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

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

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

1 reliability criteria. Without reinforcements, load shedding may occur during peak load
2 conditions. As a part of RTRP, RPU's local system will be divided into two systems: the east
3 system, served from Vista Substation, and the west system, served from the new Wilderness
4 Substation. This division would include the remaining sub-transmission line reinforcements that
5 are needed. This project will accommodate the current needs of the population as well as the
6 needs of future population growth and energy demand. As such, the project will protect the
7 health, safety and welfare of the general public by supplying reliable and safe electrical energy.
8 Accordingly, the Project is designed to enhance the health, safety, and welfare of the general
9 public.

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

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

27 8. The offer required by section 7267.2 of the Government Code of the State of
28 California has been made to the owners of record of the Subject Property based upon the

1 approved appraisal of fair market value as prepared by a qualified independent appraiser.

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

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

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

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

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

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

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

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

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 ADOPTED by the City Council this ____ day of _____, 2016.
2
3
4

5 WILLIAM R. BAILEY, III
6 Mayor of the City of Riverside
7

8 Attest:
9

10 _____
11 COLLEEN J. NICOL
12 City Clerk of the City of Riverside
13

14 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
15 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City
16 Council of said City at its meeting held on the ____ day of _____, 2016, by the following
17 vote, to wit:
18

19 Ayes:
20

21 Noes:
22

23 Absent:
24

25 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of
26 the City of Riverside, California, this ____ day of _____, 2016.
27

28 _____
29 City Clerk of the City of Riverside
30

31 L16-0089
32
33
34
35
36
37
38

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. 143-342-043

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

That portion of Lot CH (Jones Avenue, vacated) of La Sierra Gardens, as shown by map on file in Book 11, Pages 42 through 50 inclusive of Maps, records of Riverside County, California, and being that portion of Parcel 1060-20 of Record of Survey on file in Book 35, Pages 16 through 18 of Record of Surveys, records of said Riverside County, described as follows:

BEGINNING at the intersection of the centerline of said Lot CH (Jones Avenue, vacated) with the southerly line of Hole Avenue, also being the northwesterly corner of said Parcel 1060-20;

THENCE South $78^{\circ}54'26''$ East, along said southerly line of Hole Avenue, a distance of 14.44 feet;

THENCE South $38^{\circ}06'20''$ West, a distance of 20.26 feet;

THENCE North $75^{\circ}32'35''$ West, a distance of 23.07 feet to a point on the northwesterly line of said Parcel 1060-20 distant southwesterly 24.39 feet from the Point of Beginning;

THENCE North $57^{\circ}54'19''$ East along said northwesterly line, a distance of 24.39 feet to the **POINT OF BEGINNING**;

Containing 0.01 acres or 335 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.


Richard F. Wenglikowski, L.S. 4904

9/10/13

Date

DESCRIPTION APPROVAL:

BY: K. S. Stephens

11/5/2013

DATE

FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR



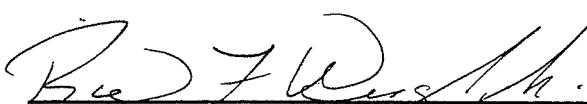
Public Utility Easement
POR. A.P.N. 146-253-026

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

The Northerly 20.0 feet of those portions of Lots 9, 10 and 11 in Block 39 of La Sierra Gardens, as shown by Map on file in Book 11, pages 42 through 50, inclusive, in Maps, Records of said Riverside County, being the Northerly 20.00 feet of Parcels 1060-26, 1060-27 and 1060-28, of Record of Survey, on file in Book 35, Pages 16 through 18, inclusive, of Record of Surveys, Records of Riverside County, California.

Containing 0.03 Acres or 1,200 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.

 9/10/13
Richard F. Wenglikowski, L.S. 4904 Date



DESCRIPTION APPROVAL:

BY: K. Strand 11/5/2013 DATE

FOR: CURTIS C. STEPHENS, L.S. 7519
CITY SURVEYOR

Public Utility Easement (Overhead)
Por. A.P.N. 155-290-030

That certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of Parcel 1150-1E of Record of Survey filed in Record of Survey Book 60, Pages 11 through 14 inclusive, records of Riverside County, California, described as follows:

COMMENCING at the southwesterly corner of Lot 1 of Tract No. 21605, as shown by map on file in Book 163, Pages 6 and 7 of Maps, Records of said Riverside County, point is also on the northeasterly line of said Parcel 1150-1E;

THENCE South $32^{\circ}27'56''$ East, along said northeasterly line, a distance of 18.54 feet;

THENCE South $71^{\circ}07'44''$ West, a distance of 1.05 feet to the **POINT OF BEGINNING**;

THENCE South $19^{\circ}34'15''$ West, a distance of 250.27 feet to a point on the southeasterly line of said Parcel 1150-1E;

THENCE South $79^{\circ}08'35''$ West, a distance of 39.43 feet;

THENCE North $19^{\circ}34'15''$ East, a distance of 270.24 feet;

THENCE South $70^{\circ}25'45''$ East, a distance of 34.00 feet to the **POINT OF BEGINNING**.

Area – 594 square feet or 0.014 acres more or less.

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

Curtis C. Stephens
Curtis C. Stephens, L.S. 7519

7/6/16
Date

Prep. (es)



Poles, Guys and Anchors Easement
Por. A.P.N. 155-290-030

That certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of Parcel 1150-1E of Record of Survey filed in Record of Survey Book 60, Pages 11 through 14 inclusive, records of Riverside County, California, described as follows:

PARCEL A41

BEGINNING at the southwesterly corner of Lot 1 of Tract No. 21605, as shown by map on file in Book 163, Pages 6 and 7 of Maps, Records of said Riverside County, point is also on the northeasterly line of said Parcel 1150-1E;

THENCE South 32°27'56" East, along said northeasterly line, a distance of 18.54 feet;

THENCE South 71°07'44" West, a distance of 1.05 feet;

THENCE North 70°25'45" West, a distance of 34.00 feet;

THENCE North 19°34'15" East, a distance of 16.21 feet;

THENCE North 71°07'44" East, a distance of 9.42 feet to a point on the northeasterly line of said Parcel 1150-1E, also being on the southwesterly line of said Lot 1 of Tract No. 21605;

THENCE South 32°27'56" East, along said northeasterly line, a distance of 16.27 feet to the **POINT OF BEGINNING**.

Area – 452.8 square feet or 0.010 acres more or less.

PARCEL A42

COMMENCING at the southwesterly corner of Lot 1 of Tract No. 21605, as shown by map on file in Book 163, Pages 6 and 7 of Maps, Records of said Riverside County, point is also on the northeasterly line of said Parcel 1150-1E;

THENCE South 32°27'56" East, along said northeasterly line, a distance of 18.54 feet;

THENCE South 71°07'44" West, a distance of 1.05 feet;

THENCE South 19°34'15" West, a distance of 250.27 feet to a point on the southeasterly line of said Parcel 1150-1E, and to the **POINT OF BEGINNING** of the parcel of land to be described;

THENCE South 79°08'35" West, a distance of 39.43 feet;

THENCE South 07°03'24" West, a distance of 31.07 feet to a point on the southeasterly line of said Parcel 1150-1E;

THENCE North 48°02'05" East, along said southeasterly line, a distance of 57.21 feet to the **POINT OF BEGINNING**.

Area – 582.8 square feet or 0.013 acres more or less.

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

Curt C. Stephens
Curtis C. Stephens, L.S. 7519

7/6/16

Date

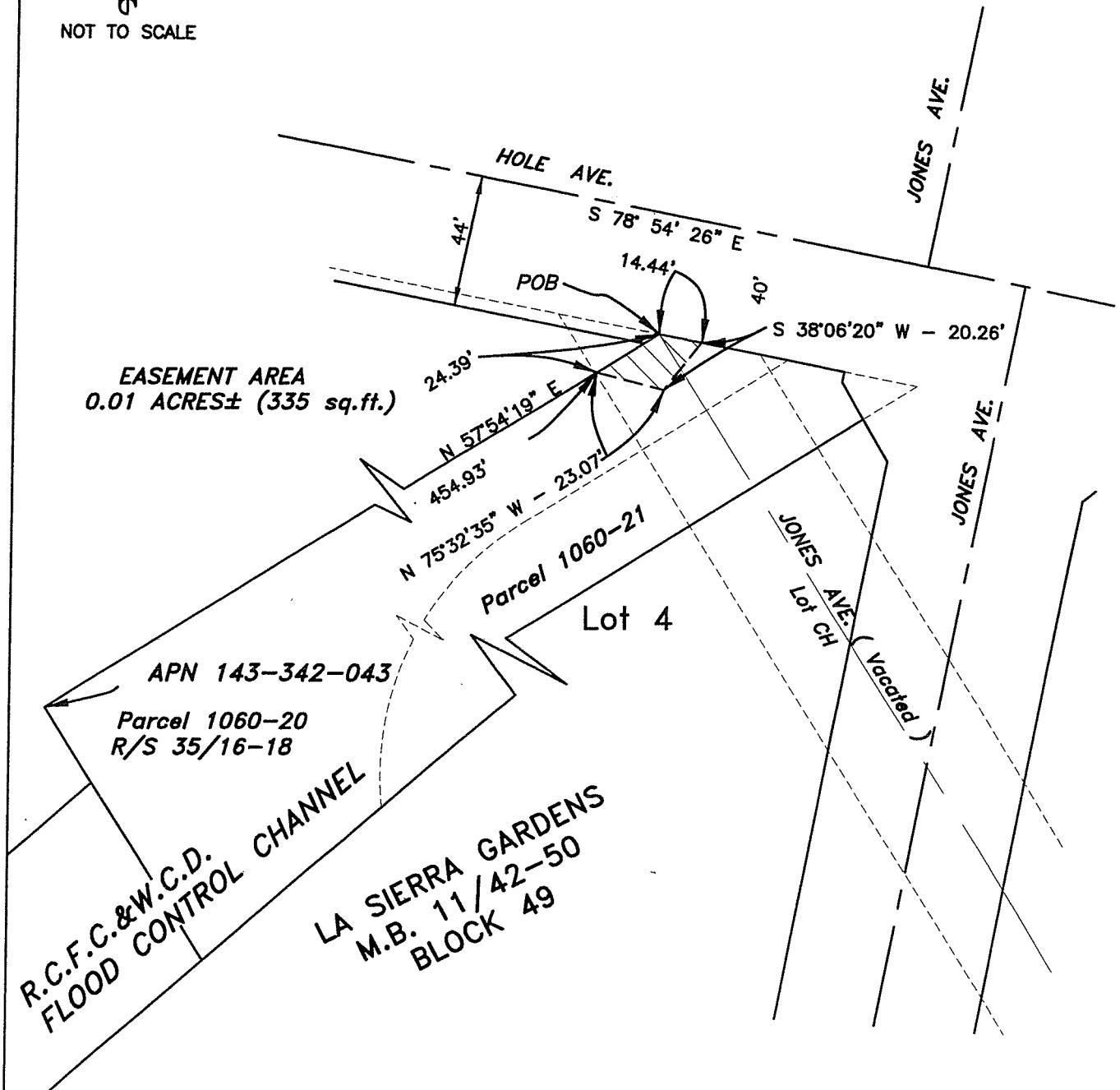
Prep. (sg)



EXHIBIT 2

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.

NOT TO SCALE



Richard F.
Wenglikowski PLS
Carey, ID
208-720-5692

CITY OF RIVERSIDE PUBLIC UTILITY
PUBLIC UTILITY EASEMENT

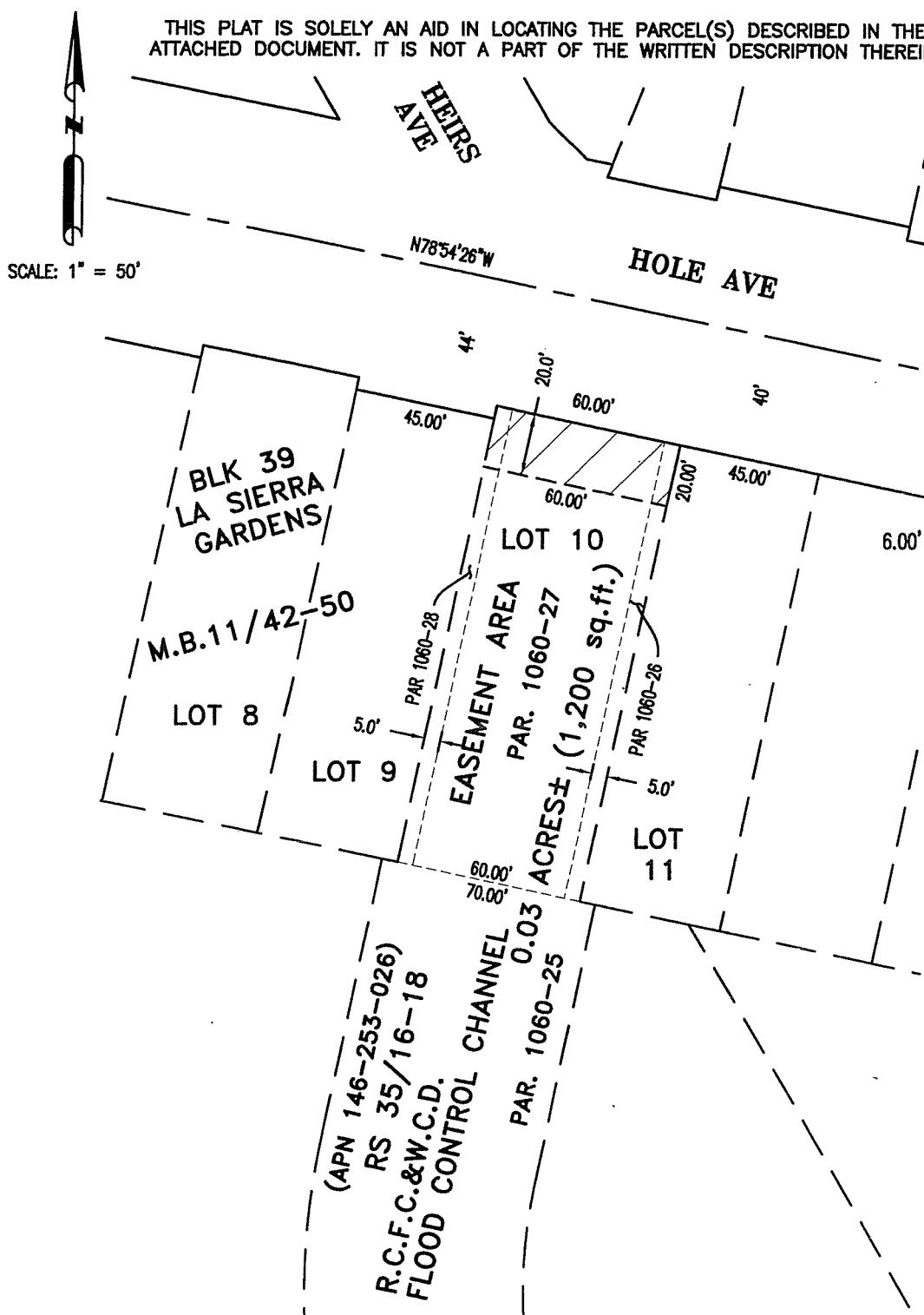
DATE
09/06/13

PROJECT: 69KV RTRP PROJECT

SHEET NO.
1 of 1

DRAWING NO.
CB-64S-D45

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.



Richard F.
Wenglikowski PLS
Carey, ID
208-720-5692

CITY OF RIVERSIDE PUBLIC UTILITY
PUBLIC UTILITY EASEMENT

DATE
09/06/13

PROJECT: 69KV RTRP PROJECT

SHEET NO.
1 of 1

DRAWING NO.
CB-64S-14

TRACT NO. 21605
M.B. 163/6-7

PAR 1150-D R/S 60/11-14

PAR 1150-E

S70°25'45"E
34.00'

1

POC

S32°27'56"E
18.54'

S71°07'44"W
1.05'

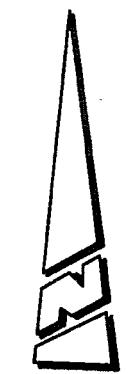
APN 155-290-030
EASEMENT AREA-
594 S.F. - (0.014 ACRES[±])

N19°34'15"E
270.24'

S19°34'15"W
250.27'

S79°08'35"W
39.43'

R/S 15/39



NOT TO SCALE

55'

ARLINGTON AVENUE

55'

TO VAN BUREN BLVD.

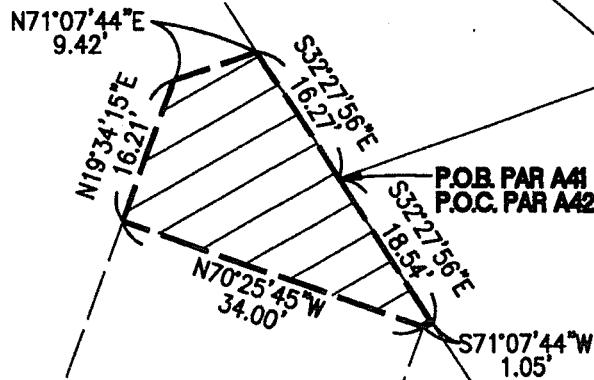
• CITY OF RIVERSIDE, CALIFORNIA •

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

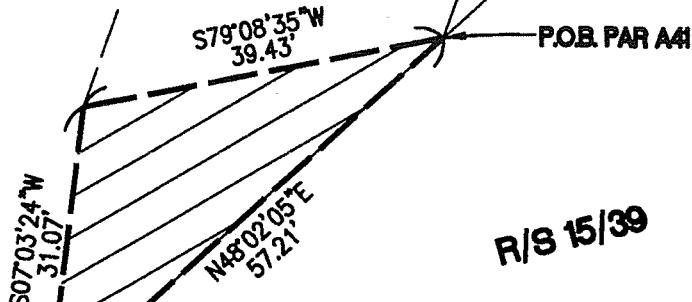
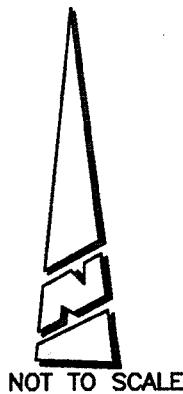
SCALE: NTS	DRAWN BY: CURT	DATE: 7/5/16	SUBJECT: 155-290-030 OVERHEAD EASEMENT - 69KV RTRP PROJECT
------------	----------------	--------------	--

TRACT NO. 21605
M.B. 163/6-7



PARCEL A41
EASEMENT AREA-4528 S.F.

APN 155-290-030
TOTAL EASEMENT AREA-
1035.6 S.F. - (0.024 ACRES±)



PARCEL A42
EASEMENT AREA-582.8 S.F.

55'

ARLINGTON AVENUE

55'

TO VAN BUREN BLVD.

• 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: NTS

DRAWN BY: CURT

DATE: 7/5/16

SUBJECT: 155-290-030 POLE & GUY EASEMENT - 69KV RTPR PROJECT