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 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. The interest to be acquired herein is fee simple. 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

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February 25, 2025, 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 construct a railroad underpass at the Third Street and the Burlington Northern Santa Fe ("BNSF") railroad tracks; and as necessary, the widening and realignment 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 improve safety, eliminate significant vehicular delays and improve access for emergency vehicles, and in order to protect the health, and safety and welfare of the general public at large.

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

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

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

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

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

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

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

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

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

14. All applicable requirements of the California Environmental Quality Act and the 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

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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

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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 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 #23-1196.19
APNs: 211-021-001, 211-021-024

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EXHIBIT 1

EXHIBIT "1"
LEGAL DESCRIPTION

FEE SIMPLE INTEREST
APN: 211-021-001
Address: 2660 3RD Street

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

Lot 1, Lot 2, Lot 27 and Lot 28 in Block 2 of White's Addition to Riverside, as shown by Map on file in Book 6, Page 48 of Maps, Records of San Bernardino County, California.

Area – 39,600 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.

DB Webber 12/11/24 Prep. dbw
Douglas B. Webber, L.S. 9477 Date

EXHIBIT "1"
LEGAL DESCRIPTION

FEE SIMPLE INTEREST
APN: 211-021-024
Address: Vacant

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

Lot 3 and Lot 26 in Block 2 of White's Addition to Riverside, as shown by Map on file in Book 6, Page 48 of Maps, Records of San Bernardino County, California.

Area – 19,800 S.F. more or less

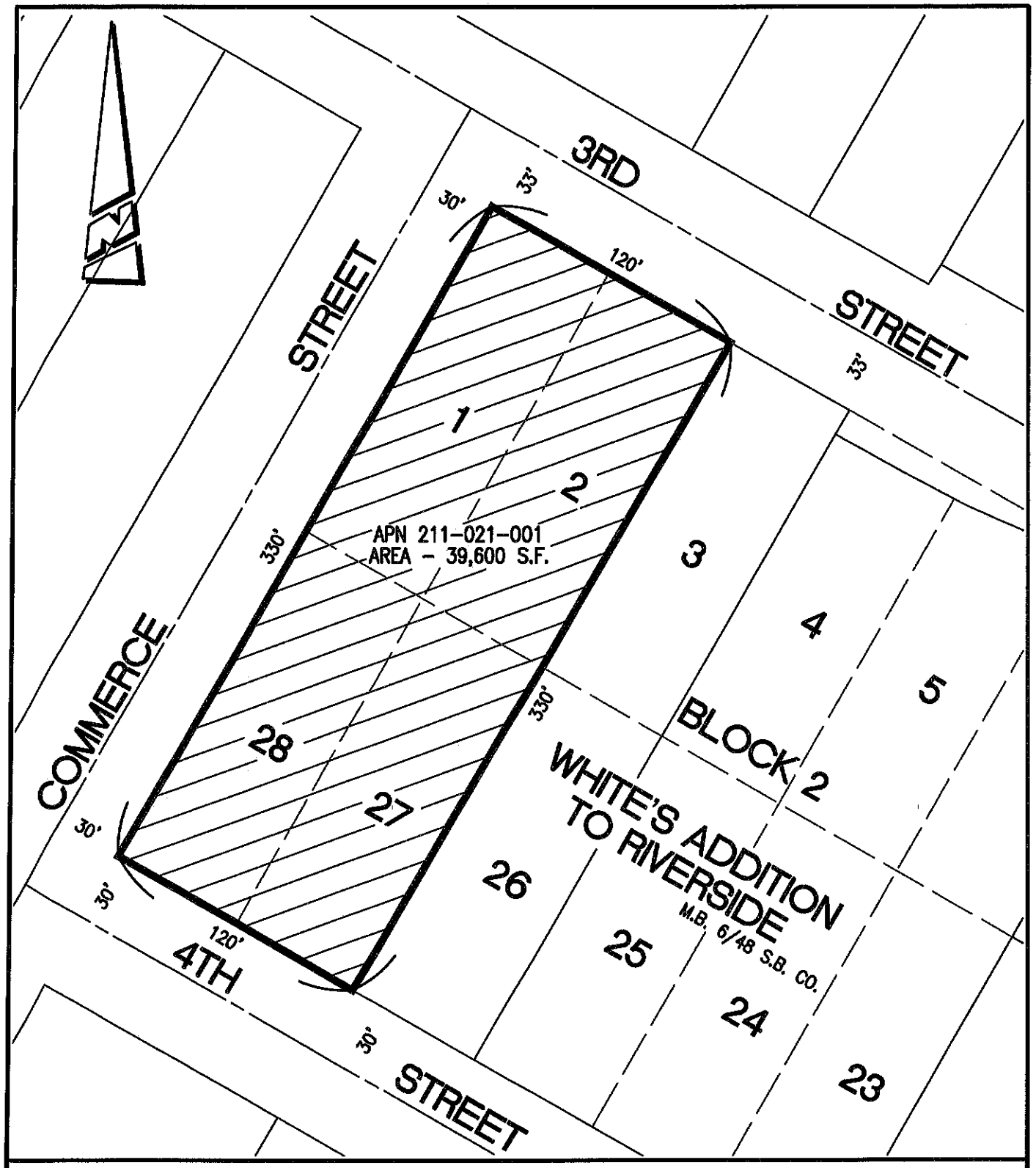
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

DB WW 12/11/24 Prep. dbw

Douglas B. Webber, L.S. 9477 Date

EXHIBIT 2

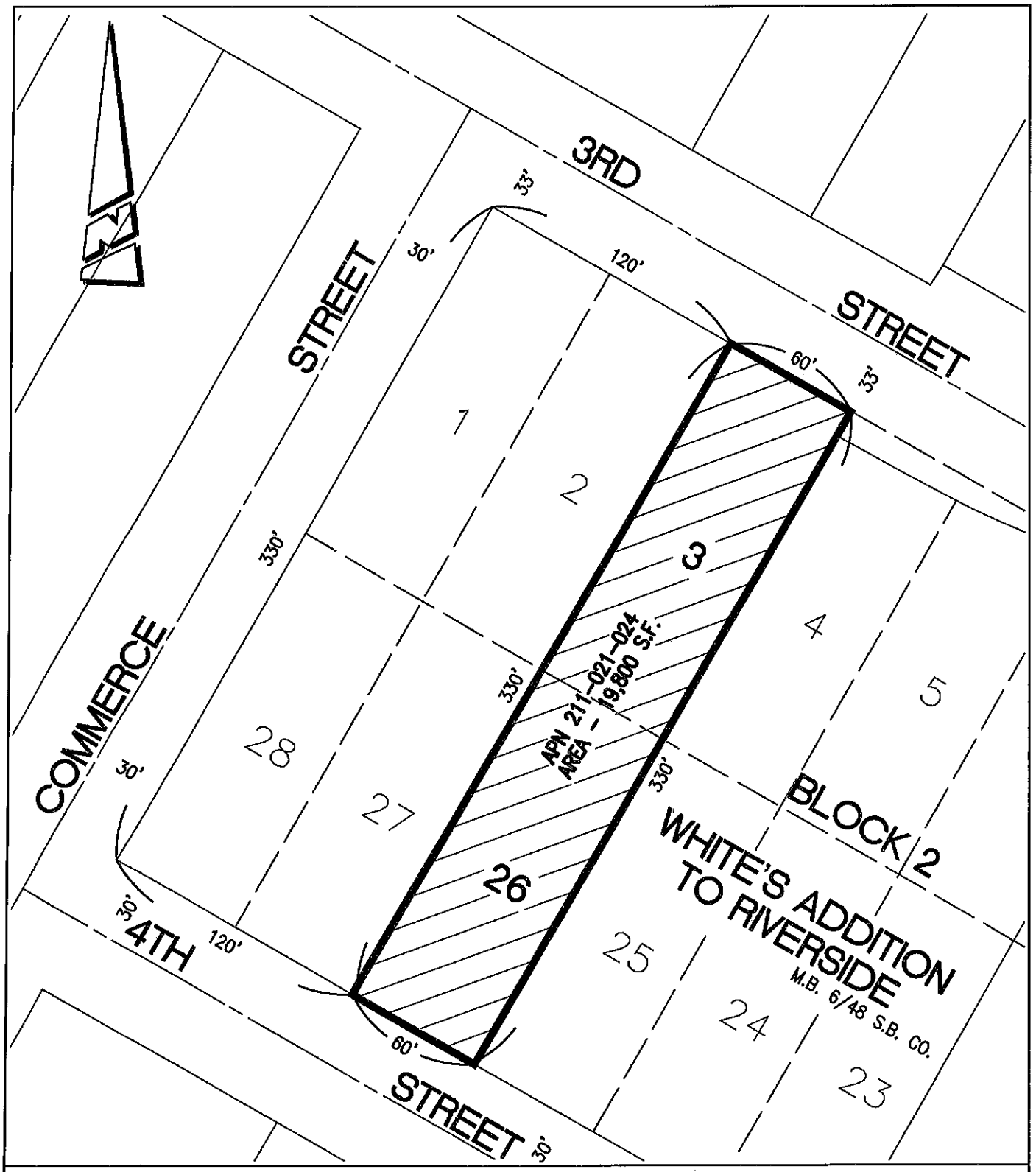
EXHIBIT "2"



• 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"=60'	DRAWN BY: CURT DATE: 7/5/22	SUBJECT: 2660 3RD STREET – APN 211-021-001

EXHIBIT "2"



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SCALE: 1"=60'	DRAWN BY: CURT DATE: 7/5/22	SUBJECT: APN 211-021-024