

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 RIVERSIDE, CALIFORNIA, ESTABLISHING THE PUBLIC USE AND
4 NECESSITY FOR WHICH CERTAIN LEGALLY DESCRIBED REAL
5 PROPERTY IS TO BE ACQUIRED BY EMINENT DOMAIN, STATING
6 THE STATUTORY AUTHORITY FOR SUCH ACQUISITION, AND
7 AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE
8 PURPOSE OF ACQUIRING CERTAIN SOUTHERN CALIFORNIA
9 EDISON ELECTRICAL FACILITIES AND REAL PROPERTY
10 INTERESTS IN ANNEXATION AREAS 95 AND 99.

11 WHEREAS, the City Clerk of the City of Riverside duly noticed the City Council's
12 intention to adopt a Resolution of Necessity for the purpose of acquiring by eminent domain the
13 real property interests of Southern California Edison electrical facilities located in annexation
14 areas 95 and 99 ("Project"); and

15 WHEREAS, a public hearing was held by the City Council on November 15, 2016, at the
16 time and place stated in the Notice of Intention to Adopt a Resolution of Necessity, at which time
17 the City Council duly considered the matters to be heard.

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

20 1. The real property interests sought to be acquired are located in the city and county
21 of Riverside, state of California, and are legally described in the attached Exhibit 1. Maps
22 depicting the general location and dimensions of the interests to be acquired are attached hereto
23 as Exhibit 2. The facilities being acquired by the City of Riverside are listed in the attached
24 Exhibit 3. Exhibits 1, 2, and 3 are incorporated herein by this reference ("Subject Property").

25 2. The City of Riverside is authorized to acquire the Subject Property by right of
26 eminent domain pursuant to the Charter of the City of Riverside, California Government Code
27 sections 37350.5, 39792, 40401, and 40404, the Eminent Domain Law commencing with
28 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
November 15, 2016, are hereby adopted and incorporated herein by this reference.

1 4. The public use for which the Subject Property is being acquired by right of
2 eminent domain is to acquire Southern California Edison electrical facilities, including certain
3 interests in real property, located in those areas annexed to the City of Riverside in Local Agency
4 Formation Commission (LAFCO) proceeding No. 2003-11-5 known as “Annexation No. 95 –
5 Easterly side of Orange Street, northerly of Columbia Avenue” and proceeding No. 2004-35-5
6 known as “Annexation No. 99 – Two Trees – generally south of the City of Riverside, west of
7 the Box Springs Mountain Reserve, north of Blaine Street and east of Galaxy Height Road”; and
8 as necessary, the widening of streets, construction of sidewalks, curbs, and gutters, grading and
9 landscaping, installation of new traffic signals and street lights, installation and relocation of
10 public utilities, undergrounding of overhead power lines where required, and such other related
11 improvements as may be necessary to promote the health, safety, and welfare of the general
12 public.

13 5. The public interest and necessity require the proposed Project in order to extend
14 electric service within the city limits to an area that is already served by Southern California
15 Edison (SCE). The Project will enable the City of Riverside’s Public Utilities Department (RPU)
16 to acquire existing utility interests from SCE in order for RPU to better serve the residents of the
17 city; serve all areas of the city by its own electric utility; control the construction and expense of
18 the added electrical utility facilities in the developing area; and avoid customer confusion for
19 marketing of energy conservation programs. As such, the project will protect the health, safety
20 and welfare of the general public by supplying reliable and safe electrical energy. Accordingly,
21 the Project is designed to enhance the health, safety, and welfare of the general public.

22 6. The proposed Project is planned and located in a manner that will be most
23 compatible with the least private injury. By acquiring preexisting utility interests currently
24 owned by SCE, RPU can provide electric service to residents in certain annexed areas of
25 Riverside which are currently served by SCE. Thus, the proposed project is planned and located
26 in a manner that will be most compatible with the least private injury to the parcels and property
27 interests that are necessary to complete the project in a manner that enhances the health, safety
28 and welfare of the general public by supplying reliable and safe electrical energy.

1 7. The Subject Property is necessary for the proposed Project to expand the electrical
2 distribution system of the City of Riverside into the annexed areas. The City's purchase of the
3 existing facilities would be more economical than constructing duplicate facilities and such
4 purchase would also satisfy any obligation by the City to compensate SCE for any of SCE's
5 facilities that are idled by the City taking over the service area. The facilities proposed for
6 purchase can be connected to the City's electrical system after minor modification. Thus, the
7 property sought is necessary for the general health, safety and welfare of the public by
8 addressing the electrical delivery needs of the City as a whole.

9 8. The offer has been made to the owners of record of the Subject Property in
10 substantial compliance with Government Code section 7267.2.

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

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

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

22 12. All applicable requirements of the California Environmental Quality Act and the
23 regulations of the City of Riverside implementing the Act have been completed.

24 13. The City Attorney is authorized to (i) correct any errors or to make or agree to
25 non-material changes in the legal description of the real property that are deemed necessary for
26 the conduct of the condemnation action or other proceedings or transaction required to acquire
27 the Subject Property; (ii) reduce or modify the extent of the interests or property to be acquired
28 so as to reduce the compensation payable in the action where such change would not

1 substantially impair the construction and operation for the project for which the Subject Property
2 is being acquired; and (iii) deposit or direct payment of money out of the proper funds of the City
3 of Riverside for probable compensation according to the provisions of the Eminent Domain Law
4 (Code of Civil Procedure section 1235.010 et seq.) and for jury fees, reporter fees, and other
5 costs hereby authorized.

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

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

13
14 ADOPTED by the City Council this ____ day of _____, 2016.

15
16 _____
17 WILLIAM R. BAILEY, III
18 Mayor of the City of Riverside

19 Attest:

20 _____
21 COLLEEN J. NICOL
22 City Clerk of the City of Riverside

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

27 Ayes:
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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

L16-0175