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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, access easement, 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 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.
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City Clerk of the City of Riverside

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CL #23-1196.23
13 APNs: 210-190-014
210-190-016
14 210-190-020
210-190-025
15 210-190-027

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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.

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**

Street and Highway Easement
Por. APN: 210-190-016
Address: 2509 3rd Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of the Northwest Quarter of section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, described as follows:

COMMENCING at a point on the North line of Blaine Street at its intersection with the centerline of Park Avenue, produced Northerly;

Thence Westerly, along said North line, a distance of 20.00 feet to the **POINT OF BEGINNING**;

Thence Continuing Westerly, along said North line, a distance of 60.00 feet;

Thence Northerly, at right angle to said North line, a distance of 10.00 feet to a line parallel with and distant 10.00 feet Northerly of said North line;

Thence Easterly, along said parallel line, a distance of 50.50 feet;


Thence Northerly, at right angle to said North line, a distance of 6.50 feet to a line parallel with and distant 16.50 feet Northerly of said North line;

Thence Easterly, along said parallel line, a distance of 9.50 feet;

Thence Southerly, at right angle to said North line, a distance of 16.50 feet to the **POINT OF BEGINNING**.

Area – 662 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 9/12/23 Date Prep. C.S.



**EXHIBIT 1
LEGAL DESCRIPTION**

Access Easement
Por. APN: 210-190-025 & 027
Address: 2601 3rd Street

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of the Northwest Quarter of Section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, being a strip of land 20.00 feet in width, the centerline being described as follows:

COMMENCING at a point on the North line of 3rd Street (33 feet half width) at its intersection with the centerline of Park Avenue, produced Northerly;

Thence North $89^{\circ}59'16''$ East, along said North line, a distance of 25.00 feet;

Thence North $00^{\circ}02'49''$ East, a distance of 11.00 feet to a line parallel with and distant 44.00 feet Northerly, measured at right angles from the centerline of 3rd Street, being the **POINT OF BEGINNING** of said centerline description;

Thence continuing North $00^{\circ}02'49''$ East, a distance of 592.88 feet to the beginning of a tangent curve concave Easterly, having a radius of 200.00 feet;

Thence Northerly to the right along said curve an arc length of 74.26 feet, through a central angle of $21^{\circ}16'26''$;

Thence North $21^{\circ}19'16''$ East, a distance of 115.38 feet to the beginning of a tangent curve concave Southwesterly, having a radius of 60.00 feet;

Thence Northerly and Northwesterly to the left along said curve an arc length of 94.25 feet, through a central angle of $90^{\circ}00'00''$;

Thence North $68^{\circ}40'44''$ West, a distance of 91.58 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 35.00 feet;

Thence Southwesterly to the left along said curve an arc length of 50.18 feet, through a central angle of $82^{\circ}09'02''$;


Thence South $29^{\circ}10'14''$ West, a distance of 157.19 feet to the beginning of a tangent curve concave Northwesterly, having a radius of 35.00 feet;

Thence Southerly to the right along said curve an arc length of 33.09 feet, through a central angle of $55^{\circ}09'00''$ to the Northwesterly line of the Southern Pacific Railroad right of way, being the **TERMINATION** of said centerline description.

The sidelines of said strip of land 20.00 feet in width shall be prolonged or shortened to terminate Southerly in a line parallel with and distant 44.00 feet Northerly, measured at right angles from the centerline of 3rd Street and shall be prolonged or shortened to terminate westerly in the Northwesterly line of the Southern Pacific Railroad right of way.

Area – 24,184 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.

By:  12/20/23 Prep. C.S.
Eswin O. Vega, P.L.S. 9164 Date



**EXHIBIT 1
LEGAL DESCRIPTION**

Temporary Construction Easement
Por. APN: 210-190-014
Duration: 36 months

That portion of the Southwest Quarter of the Northwest Quarter of Fractional Section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, according to the official plat, described as follows:

BEGINNING at the point of intersection of the Northeasterly line of Third Street with the Northwesterly line of the Right of Way of the Southern Pacific Railroad;

Thence Southeasterly along said Northeasterly line of Third Street, a distance of 63.86 feet to the point of intersection with the Southeasterly line of the Right of Way of the Southern Pacific Railroad;

Thence Northeasterly along said Southeasterly line of the Right of Way of the Southern Pacific Railroad, a distance of 9.00 feet to a line parallel with and distant 9.00 feet Northeasterly of said Northeasterly line of Third street;

Thence Northwesterly, along said parallel line, a distance of 63.86 feet to said Northwesterly line of the Right of Way of the Southern Pacific Railroad;

Thence Southwesterly along said Northwesterly line of the Right of Way of the Southern Pacific Railroad, a distance of 9.00 feet to the **POINT OF BEGINNING**.

Area – 575 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: 210-190-020
Address: 2609 3rd Street
Duration: 36 months

That certain real property located in the City of Riverside, County of Riverside, State of California, being a portion of the Northwest Quarter of Section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, described as follows:

PARCEL A

COMMENCING at a point on the North line of Blaine Street at its intersection with the centerline of Park Avenue, produced Northerly;

Thence continuing along said centerline of Park Avenue, a distance of 10.00 feet to the Northeast corner of that parcel of land described in Quitclaim Deed to the City of Riverside, recorded January 12, 1976 as Instrument No. 4009 of Official Records of Riverside County, California;

Thence South $89^{\circ}57'59''$ West, along the North line of said Quitclaim Deed, a distance of 178.69 feet to the **POINT OF BEGINNING**;

Thence continuing South $89^{\circ}57'59''$ West, along said North line, a distance of 36.09 feet to the beginning of a tangent curve, concave Northerly, having a radius of 556.00 feet ;

Thence Westerly to the right along said curve and said North line an arc length of 30.32 feet, through a central angle of $3^{\circ}07'28''$;

Thence North $00^{\circ}36'19''$ West, leaving said North line, a distance of 39.18 feet;

Thence North $89^{\circ}57'59''$ East, a distance of 65.50 feet;

Thence South $01^{\circ}53'38''$ East, a distance of 40.02 feet to the **POINT OF BEGINNING**.

Area – 2,629 S.F. more or less

PARCEL B

COMMENCING at a point on the North line of Blaine Street at its intersection with the centerline of Park Avenue, produced Northerly;

Thence continuing along said centerline of Park Avenue, a distance of 10.00 feet to the Northeast corner of that parcel of land described in Quitclaim Deed to the City of Riverside, recorded January 12, 1976 as Instrument No. 4009 of Official Records of Riverside County, California;

Thence South 89°57'59" West, along the North line of said Quitclaim Deed, a distance of 178.69 feet;

Thence continuing South 89°57'59" West, along said North line, a distance of 36.09 feet to the beginning of a tangent curve, concave Northerly, having a radius of 556.00 feet ;

Thence Westerly to the right along said curve and said North line an arc length of 68.38 feet, through a central angle of 7°02'48" to an angle point therein;

Thence South 89°57'59" West, along said North line, a distance of 27.43 feet to the **POINT OF BEGINNING**;

Thence continuing South 89°57'59" West, along said North line, a distance of 0.51 feet to an angle point therein;

Thence North 00°02'00" West, along said North line, a distance of 4.18 feet to an angle point therein and the beginning of a non-tangent curve, concave Northeasterly, having a radius of 556.00 feet, a radial bearing to said point bears South 9°55'30" West;

Thence Westerly to the right along said curve and said North line an arc length of 35.68 feet, through a central angle of 3°40'37" to an angle point therein;

Thence North 29°28'06" West, leaving said North line, a distance of 27.37 feet;

Thence South 60°52'53" East, a distance of 36.30 feet;

Thence South 29°07'07" West, a distance of 20.14 feet to the **POINT OF BEGINNING**.

Area – 801 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.

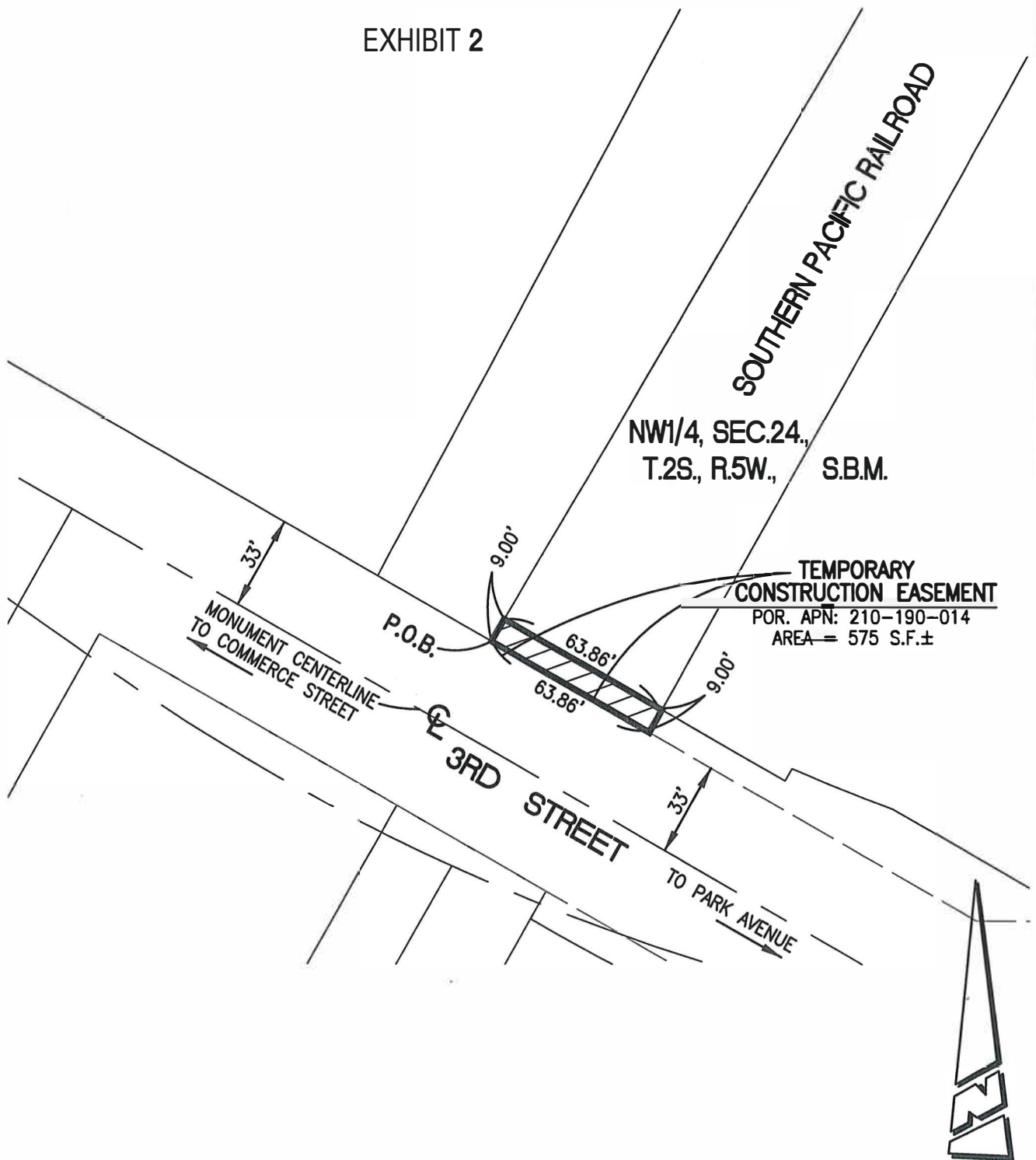
This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act.


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: 9/26/23

SUBJECT: 2609 3RD STREET - R/W - APN 210-190-014

EXHIBIT 2

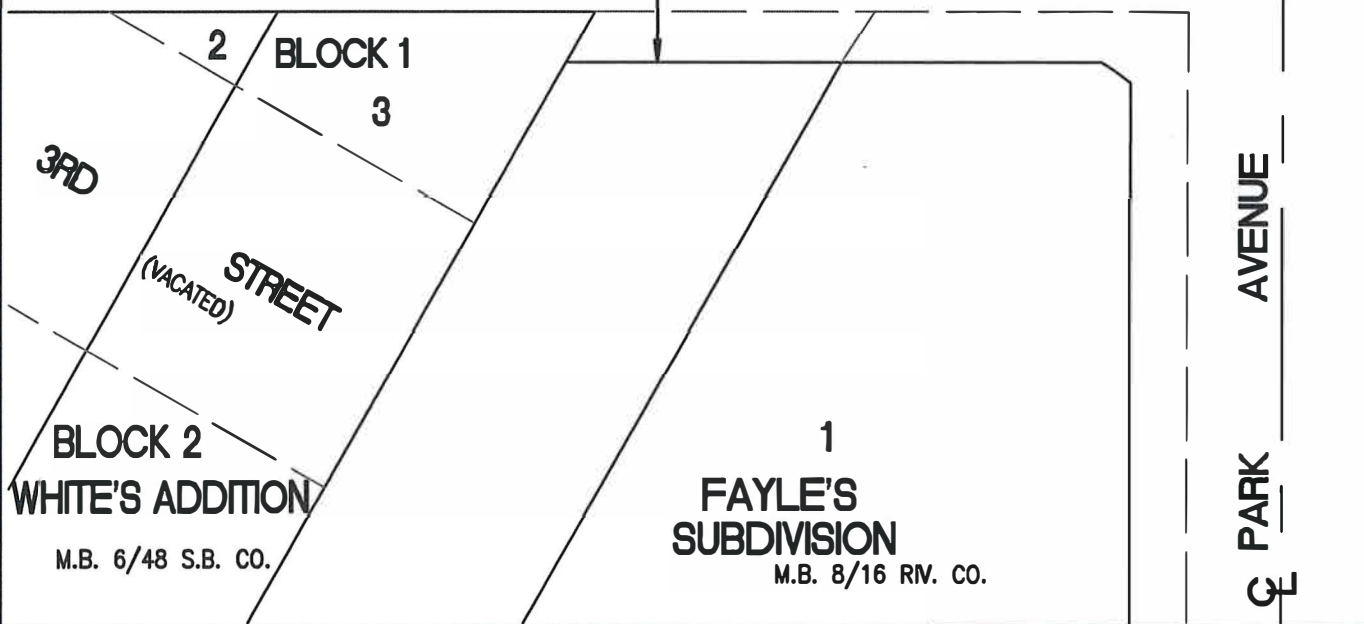
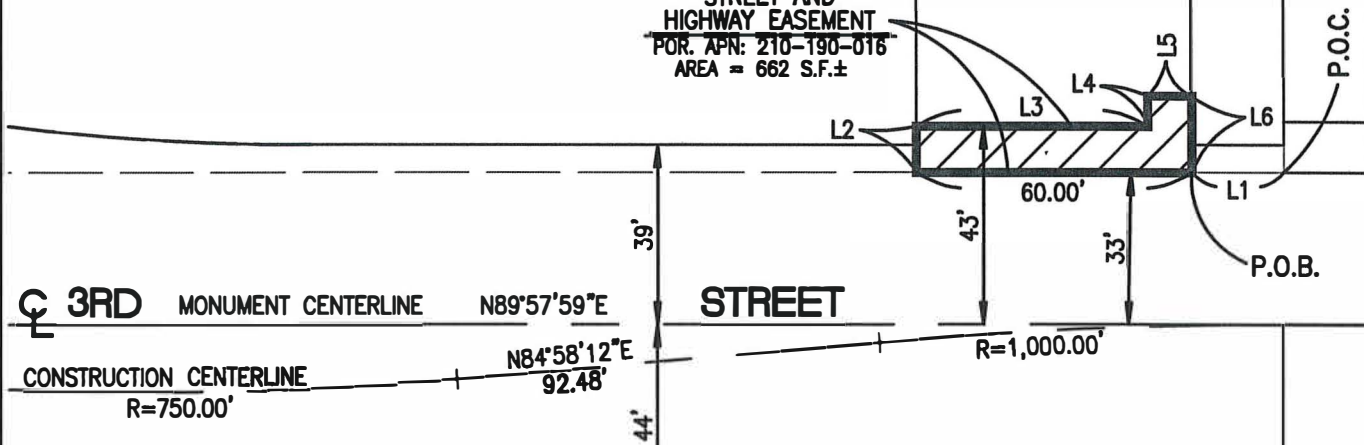
NW1/4, SEC.24, T.2S., R.5W., S.B.M.

LINE DATA

SYM	BEARING	LENGTH
L1	S89°57'59"W	20.00'
L2	N00°02'01"W	10.00'
L3	N89°57'59"E	50.50'
L4	N00°02'01"W	6.50'
L5	N89°57'59"E	9.50'
L6	N00°02'01"W	16.50'



STREET AND HIGHWAY EASEMENT
 POR. APN: 210-190-016
 AREA = 662 S.F.±



• CITY OF RIVERSIDE, CALIFORNIA •

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SCALE: 1"=40' DRAWN BY: CURT DATE: 1/10/23 SUBJECT: 2609 3RD STREET - R/W - APN 210-190-016

EXHIBIT 2

LINE DATA		
SYM	BEARING	LENGTH
L1	S89°57'59"W	178.69'
L2	S89°57'59"W	36.09'
L3	N00°36'19"W	39.18'
L4	N89°57'59"E	65.50'
L5	S01°53'38"E	40.02'
L6	S89°57'59"W	27.43'
L7	S89°57'59"W	0.51'
L8	N00°02'00"W	4.18'
L9	N29°28'06"E	27.37'
L10	S60°52'53"E	36.30'
L11	S29°07'07"W	20.14'

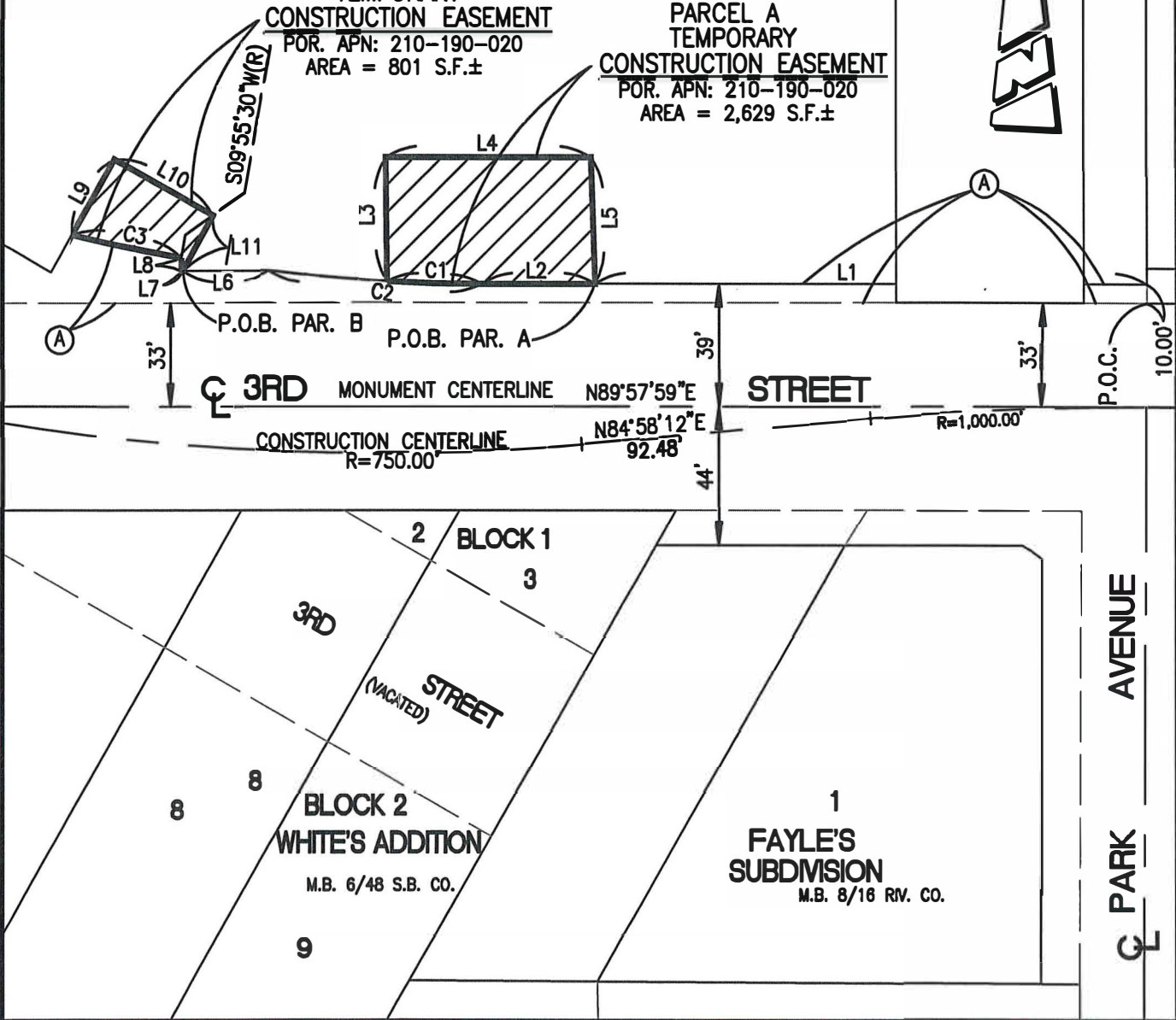
CURVE DATA			
SYM	RADIUS	DELTA	LENGTH
C1	556.00'	3°07'28"	30.32'
C2	556.00'	7°02'48"	68.38'
C3	556.00'	3°40'37"	35.68'

(A) QUITCLAIM DEED TO THE CITY OF RIVERSIDE RECORDED 1/12/1976 #4009 O.R. RV. CO.

NW1/4, SEC.24., T.2S., R.5W., S.B.M.

PARCEL B
TEMPORARY
CONSTRUCTION EASEMENT
POR. APN: 210-190-020
AREA = 801 S.F.±

PARCEL A
TEMPORARY
CONSTRUCTION EASEMENT
POR. APN: 210-190-020
AREA = 2,629 S.F.±



• CITY OF RIVERSIDE, CALIFORNIA •

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SHEET 1 OF 1

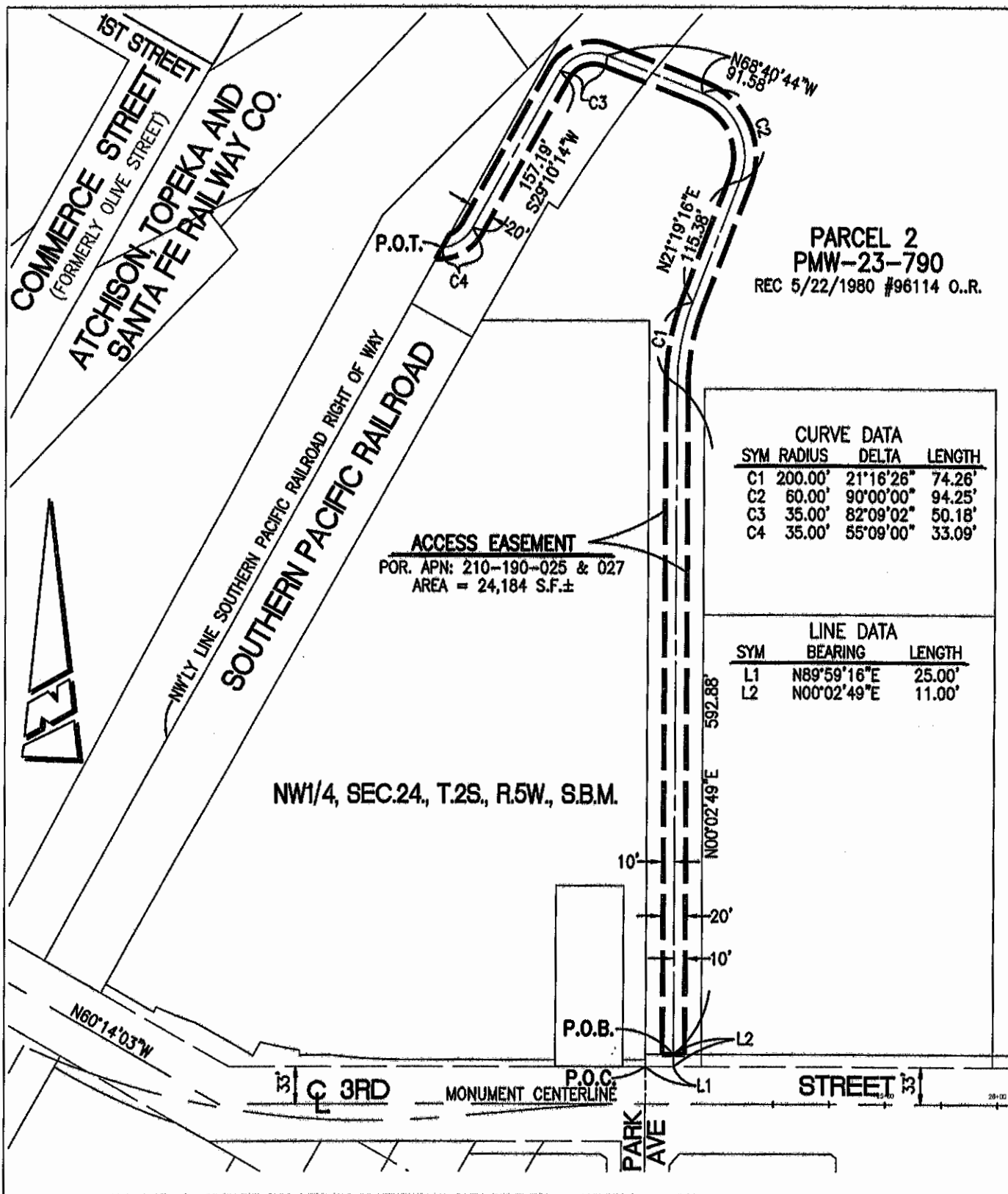
SCALE: 1"=50'

DRAWN BY: CURT

DATE: 1/31/23

SUBJECT: 2609 3RD STREET - R/W - APN 210-190-020

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"=NTS

DRAWN BY: CS

DATE: 9/7/23

SUBJECT: 2601 3RD ST - ESMT -APN 210-190-025 & 027