

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, DECLARING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF A PERMANENT STREET AND HIGHWAY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT OVER A PORTION OF CERTAIN REAL PROPERTY FOR THE CONSTRUCTION OF THE BROCKTON AVENUE TO PALM AVENUE RAILROAD QUIET ZONE PROJECT, AND AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS.

(Property: 6280 Brockton Avenue; Portion of APN: 225-041-007)

WHEREAS, the City of Riverside ("City") is engaged in a public safety and quality of life project known as the Brockton Avenue to Palm Avenue Railroad Quiet Zone Project ("Project"); and

WHEREAS, the Project involves installing railroad, state, and federally mandated safety measures—including eight (8) new vehicular and four (4) new pedestrian railroad warning devices, raised medians, fencing, and ADA-compliant path-of-travel improvements—at the Brockton Avenue railroad crossing; and

WHEREAS, the Federal Railroad Administration (FRA) "Train Horn Rule" (49 CFR Part 222) generally requires trains to sound horns at 96–110 decibels for 15–20 seconds approaching these crossings, which occurs approximately 31 times daily (21 freight, 10 passenger), causing sleep disturbance and adverse health impacts for residents; and

WHEREAS, to establish a "Quiet Zone" and legally silence the routine sounding of train horns, the City must construct non-mountable medians, vehicular and pedestrian gates that strictly conform to Railroad, FRA, and California Public Utilities Commission (CPUC) requirements; and

WHEREAS, notice of the intention of the City Council to consider the adoption of this Resolution of Necessity was mailed to the record owner(s) of the subject property in compliance with Code of Civil Procedure section 1245.235; and

WHEREAS, a public hearing was held by the City Council on March 10, 2026, at which time the Council received and considered all oral and written testimony, evidence, and objections

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1 regarding the matters herein, including the staff report dated March 10, 2026, and the
2 administrative record; and

3 WHEREAS, the City has complied with the California Environmental Quality Act (CEQA)
4 by filing a Notice of Exemption with the Riverside County Clerk on July 18, 2024.

5 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside as
6 follows:

7 Section 1. The City Council hereby finds and determines each of the following in
8 accordance with California Code of Civil Procedure sections 1240.030 and 1245.230, based on the
9 substantial evidence contained in the staff report dated March 10, 2026, and the administrative
10 record:

11 A. The public interest and necessity require the proposed project.

12 The routine sounding of train horns at 96–110 dBA creates a significant public nuisance
13 and health hazard. The Project is necessary to: (1) establish a railroad, state-, and federally
14 approved Quiet Zone to eliminate this noise pollution; (2) upgrade aging crossing infrastructure to
15 current Railroad standards as detailed in the CPUC authorization; and (3) provide a safe path for
16 pedestrian traffic crossing the railroad tracks using active warning devices. Without the Project,
17 the City cannot legally suspend the train horn requirement, and the safety and noise issues will
18 persist.

19 B. The proposed project is planned or located in the manner that will be most compatible
20 with the greatest public good and the least private injury.

21 The Project alignment minimizes private injury by utilizing the smallest footprint possible
22 (156 sq. ft. permanent easement and 150 sq. ft. temporary construction easement) to accommodate
23 the required improvements. The vehicular and pedestrian gate locations are governed by Railroad
24 standards and cannot be altered, ensuring the greatest public benefit in noise mitigation and safety
25 enhancements while limiting private injury.

26 C. The property sought to be acquired is necessary for the proposed project.

27 The specific property interests—a permanent street and highway easement of 156 sq. ft.
28 and a temporary construction easement of 150 sq. ft., over a portion of Government Lot 3 in the

1 Fractional Northwest Quarter of Section 34, Township 2 South, Range 5 West, San Bernardino
2 Meridian located in the City of Riverside, County of Riverside, California, more particularly
3 described and depicted in Exhibit “1” and Exhibit “2” attached hereto and incorporated herein by
4 this reference—are physically necessary to realign the existing concrete sidewalk and provide a
5 viable and safe ADA-compliant path of travel for pedestrians toward the pedestrian gates. The
6 temporary construction easement is necessary for adequate labor access during the construction
7 period to facilitate the construction of proposed new improvements. Without acquiring these
8 specific property interests, a viable and safe path of travel for pedestrians cannot be constructed,
9 the Quiet Zone cannot be approved by the Railroad, CPUC, and FRA, and the Project cannot
10 proceed.

11 D. The offer required by section 7267.2 of the Government Code has been made.

12 The City obtained an appraisal of the subject property interests from an independent, qualified
13 appraiser and made a written statutory offer to the owner of record in the full amount of the
14 appraised fair market value, which offer has been refused.

15 Section 2. Environmental Compliance.

16 The City Council acknowledges and affirms that the Project is exempt from CEQA
17 pursuant to CEQA Guidelines section 15301 (Class 1 - Existing Facilities), as it involves the repair
18 and minor alteration of existing public structures involving negligible expansion of use. A Notice
19 of Exemption was filed with the Riverside County Clerk on July 18, 2024.

20 Section 3. Statutory Authority.

21 The City of Riverside is authorized to acquire the subject property interests by eminent
22 domain pursuant to the Charter of the City of Riverside, California Government Code sections
23 37350.5, 39792, 40401, and 40404, the Eminent Domain Law commencing with California Code
24 of Civil Procedure section 1235.010, and Article I, section 19, of the Constitution of the State of
25 California.

26 Section 4. Authorization to Acquire.

27 The City Attorney is authorized and directed to prepare, commence, and prosecute
28 proceedings in eminent domain in the Superior Court of the County of Riverside to acquire the

1 property interests described and depicted in Exhibits “1” and “2”. The City Attorney is further
2 authorized to seek an order for prejudgment possession pursuant to Code of Civil Procedure
3 section 1255.410 et seq.

4 ADOPTED by the City Council this ___ day of _____, 2026.

5
6 _____
7 PATRICIA LOCK DAWSON
8 Mayor of the City of Riverside

9 Attest:

10 _____
11 DONESIA GAUSE
12 City Clerk of the City of Riverside

13 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
14 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City
15 Council of said City at its meeting held on the ___ day of _____, 2026, by the following
16 vote, to wit:

17 Ayes:

18 Noes:

19 Absent:

20 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of
21 the City of Riverside, California, this ___ day of _____, 2026.

22
23 _____
24 DONESIA GAUSE
25 City Clerk of the City of Riverside

26 312023 02/18/26

EXHIBIT "1"

EXHIBIT "1"
LEGAL DESCRIPTION

Street and Highway Easement
Project: Brockton Avenue Quiet Zone
Address: 6280 Brockton Avenue
Por. APN: 225-041-007

That portion of Government Lot 3 in the Fractional Northwest Quarter of Section 34. Township 2 South, Range 5 West, San Bernardino Meridian located in the City of Riverside, County of Riverside, State of California, described as follows:

BEGINNING at the Southeast corner of Parcel 1 of Grant of Easement in favor of the City of Riverside recorded June 29, 1962, Instrument No. 61418 of Official Records of Riverside County, California, being the intersection of the Northerly line of the Union Pacific Railroad Right of Way and a line parallel with and distant 44.00 feet Easterly, measured at right angles from the centerline of Brockton Avenue;

Thence North 89°28'12" East, along the Northerly line of said Union Pacific Railroad Right of Way, a distance of 13.00 feet;

Thence North 0°05'19" West, along a line parallel to the Easterly line of said Parcel 1, a distance of 12.00 feet;

Thence South 89°28'12" West, along a line parallel to said Northerly line, a distance of 13.00 feet to said Easterly line,

Thence South 0°05'19" East, along said Easterly line, a distance of 12.00 feet, to the **POINT OF BEGINNING**;

Area – 156 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.

Curtis C. Stephens 5/12/23 Prep. *[Signature]*
Curtis C. Stephens, L.S. 7519 Date



GARDENA DRIVE

DRIVE

N89°16'37"E

89.15'

11.05'

44'

AVENUE

LOT 13

EASTMAN TRACT
M.B. 16/60 RIV. CO.

113.76'

N0°05'19"W

PARCEL 1 OF GRANT OF EASEMENT
REC. 6/29/1962 #61418 O.R. RIV. CO.

POR. GOVERNMENT LOT 3
N.W. 1/4 SECTION 34
T.2S., R.5W., S.B.M.



44'

BROCKTON

44'

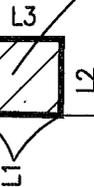
STREET & HIGHWAY
EASEMENT

POR APN 225-041-007
AREA - 156 S.F.

UPRR R/W

N0°05'04"W 74.94'

P.O.B.



LINE DATA		
SYM	LENGTH	BEARING
L1	13.00'	N89°28'12"E
L2	12.00'	N0°05'19"W
L3	13.00'	S89°28'12"W
L4	12.00'	S0°05'19"E

UPRR R/W

15'

DEWEY
AVENUE

N89°17'33"E

38.5'

• 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"=30'

DRAWN BY: CURT

DATE: 5/12/23

SUBJECT: 6280 BROCKTON AVENUE - APN 225-041-007

EXHIBIT "2"

EXHIBIT "A"
LEGAL DESCRIPTION

Temporary Construction Easement
Project: Brockton Avenue Quiet Zone
Address: 6280 Brockton Avenue
Por. APN: 225-041-007

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Thence North 89°28'12" East, along the Northerly line of the Union Pacific Railroad Right of Way, a distance of 13.00 feet to the **POINT OF BEGINNING**;

Thence North 0°05'19" West, along a line parallel to the Easterly line of said Parcel 1, a distance of 12.00 feet,

Thence South 89°28'12" West, along a line parallel to said Northerly line, a distance of 13.00 feet to said Easterly line;

Thence North 0°05'19" West, along said Easterly line, a distance of 5.00 feet

Thence North 89°28'12" East, along a line parallel to said Northerly line, a distance of 18.00 feet;

Thence South 0°05'19" East, along a line parallel to said Easterly line, a distance of 17.00 feet to said Northerly line;

Thence South 89°28'12" West, along said Northerly line, a distance of 5.00 feet to the **POINT OF BEGINNING**;

Area – 150 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.

Curtis C. Stephens 5/12/23 Prep. (Signature)
Curtis C. Stephens, L.S. 7519 Date





GARDENA

DRIVE

N89°16'37"E

89.15'

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LOT 13

EASTMAN TRACT
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113.76'

N0°05'19"W

BROCKTON

PARCEL 1 OF GRANT OF EASEMENT
REC. 6/29/1962 #61418 O.R. RIV. CO.

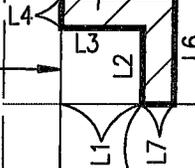
POR. GOVERNMENT LOT 3
N.W. 1/4 SECTION 34
T.2S., R.5W., S.B.M.

TEMPORARY CONSTRUCTION
EASEMENT

POR APN 225-041-007
AREA - 150 S.F.

44'

44'



P.O.B.

LINE DATA

SYM	LENGTH	BEARING
L1	13.00'	N89°28'12"E
L2	12.00'	N0°05'19"W
L3	13.00'	S89°28'12"W
L4	5.00'	N0°05'19"W
L5	18.00'	N89°28'12"E
L6	17.00'	S0°05'19"E
L7	5.00'	S89°28'12"W

UPRR R/W

74.94'

N0°05'04"W

UPRR R/W

38.5'

15'

DEWEY
AVENUE

N89°17'33"E

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