

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: 6281 Brockton Avenue; Portion of APN: 225-032-028)

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 January 6, 2026, at which time the Council received and considered all oral and written testimony, evidence, and objections

1 regarding the matters herein, including the staff report dated January 6, 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 January 6, 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 (110.5 sq. ft. permanent easement and 132.5 sq. ft. temporary construction easement) to  
23 accommodate the required improvements. The vehicular and pedestrian gate locations are  
24 governed by Railroad standards and cannot be altered, ensuring the greatest public benefit in noise  
25 mitigation and safety enhancements while limiting private injury.

26 C. The property sought to be acquired is necessary for the proposed project.  
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1 The specific property interests—a permanent street and highway easement of 110.5 sq. ft.  
2 and a temporary construction easement of 132.5 sq. ft., over a portion of Lot 13 of Eastman Tract,  
3 as shown by map on file in Book 15, Page 60 of Maps, Records of Riverside County, California,  
4 more particularly described and depicted in Exhibit "1" attached hereto and incorporated herein  
5 by this reference, and a temporary construction easement more particularly described and depicted  
6 in Exhibit "2" attached hereto and incorporated herein by this reference—are physically necessary  
7 to realign the existing concrete sidewalk and provide a viable and safe ADA-compliant path of  
8 travel for pedestrians toward the pedestrian gates. The temporary construction easement is  
9 necessary for adequate labor access during the construction period to remove the existing side  
10 metal gate to the property and reconstruct a new gate in-kind. Without acquiring these specific  
11 property interests, a viable and safe path of travel for pedestrians cannot be constructed, the Quiet  
12 Zone cannot be approved by the Railroad, CPUC, and FRA, and the Project cannot proceed.

13 D. The offer required by section 7267.2 of the Government Code has been made.  
14 The City obtained an appraisal of the subject property interests from an independent, qualified  
15 appraiser and made a written statutory offer to the owner of record in the full amount of the  
16 appraised fair market value, which offer has been refused.

17 Section 2. Environmental Compliance.

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

22 Section 3. Statutory Authority.

23 The City of Riverside is authorized to acquire the subject property interests by eminent  
24 domain pursuant to the Charter of the City of Riverside, California Government Code sections  
25 37350.5, 39792, 40401, and 40404, the Eminent Domain Law commencing with California Code  
26 of Civil Procedure section 1235.010, and Article I, section 19, of the Constitution of the State of  
27 California.  
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Section 4. Authorization to Acquire.

The City Attorney is authorized and directed to prepare, commence, and prosecute proceedings in eminent domain in the Superior Court of the County of Riverside to acquire the property interests described and depicted in Exhibits "1" and "2". The City Attorney is further authorized to seek an order for prejudgment possession pursuant to Code of Civil Procedure section 1255.410 et seq.

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
PATRICIA LOCK DAWSON  
Mayor of the City of Riverside

Attest:

\_\_\_\_\_  
DONESIA GAUSE  
City Clerk of the City of Riverside

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 \_\_\_\_\_, 2026, 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 \_\_\_\_\_, 2026.

\_\_\_\_\_  
DONESIA GAUSE  
City Clerk of the City of Riverside

312023 DKC 12/16/25

**EXHIBIT “1”**

**EXHIBIT "1"**  
**LEGAL DESCRIPTION**

Street and Highway Easement  
Project: Brockton Avenue Quiet Zone  
Address: 6281 Brockton Avenue  
Por. APN: 225-032-028

That portion of Lot 13 of Eastman Tract, as shown by map on file in Book 15, Page 60 of Maps, Records of Riverside County, California located in the City of Riverside, County of Riverside, State of California, described as follows:

**COMMENCING** at the Southeast corner of said Lot 13;

Thence South  $89^{\circ}16'37''$  West, along the Southerly line of said Lot 13, a distance of 4.00 feet to the Southwest corner of a Grant Deed in favor of the City of Riverside recorded August 12, 1977 as Instrument No. 156961 of Official Records of Riverside County, California and to the **POINT OF BEGINNING**;

Thence South  $89^{\circ}16'37''$  West, continuing along said Southerly line, a distance of 13.00 feet;

Thence North  $0^{\circ}05'19''$  West, along a line parallel to the West line of said Grant Deed, a distance of 8.50 feet;

Thence North  $89^{\circ}16'37''$  East, along a line parallel to said Southerly line, a distance of 13.00 feet to the Westerly line of said Grant Deed;

Thence South  $0^{\circ}05'19''$  East, along said Westerly line, a distance of 8.50 feet to the **POINT OF BEGINNING**.

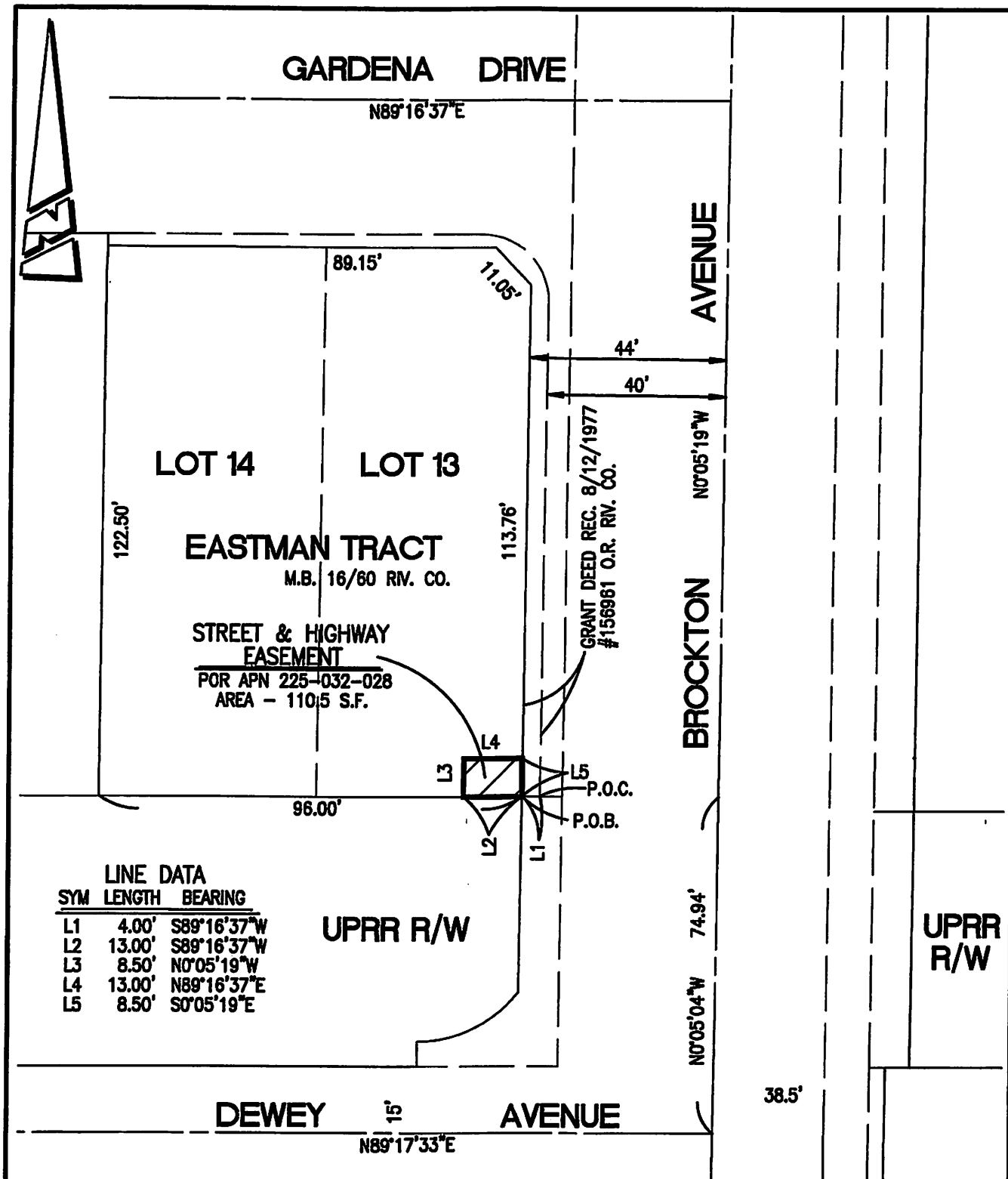
Area – 110.5 S.F. more or less

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

DBW 8/1/2024 Prep. cs  
Douglas B. Webber, L.S. 9477 Date



**EXHIBIT "1"**



• 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: 5/9/23**

**SUBJECT: 6281 BROCKTON AVENUE - APN 225-022-028**

**EXHIBIT "2"**



**EXHIBIT "2"**  
**LEGAL DESCRIPTION**

Temporary Construction Easement  
Project: Brockton Avenue Quiet Zone  
Address: 6281 Brockton Avenue  
Por. APN: 225-032-028

That portion of Lot 13 of Eastman Tract, as shown by map on file in Book 15, Page 60 of Maps, Records of Riverside County, California located in the City of Riverside, County of Riverside, State of California, described as follows:

**COMMENCING** at the Southeast corner of said Lot 13;

Thence South 89°16'37" West, along the Southerly line of said Lot 13, a distance of 4.00 feet to the Southwest corner of a Grant Deed in favor of the City of Riverside recorded August 12, 1977 as Instrument No. 156961 of Official Records of Riverside County, California;

Thence South 89°16'37" West, continuing along said Southerly line, a distance of 13.00 feet to the **POINT OF BEGINNING**;

Thence North 0°05'19" West, along a line parallel to the Westerly line of said Grant Deed, a distance of 8.50 feet

Thence North 89°16'37" East, along a line parallel to the Southerly line of said Lot 13, a distance of 13.00 feet to said Westerly line;

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

Thence South 89°16'37" West, along a line parallel to said Southerly line, a distance of 18.00 feet;

Thence South 0°05'19" East, along a line parallel to said Westerly line, a distance of 13.50 feet to said Southerly line;

Thence North 89°16'37" East, along said Southerly line, a distance of 5.00 feet to the **POINT OF BEGINNING**.

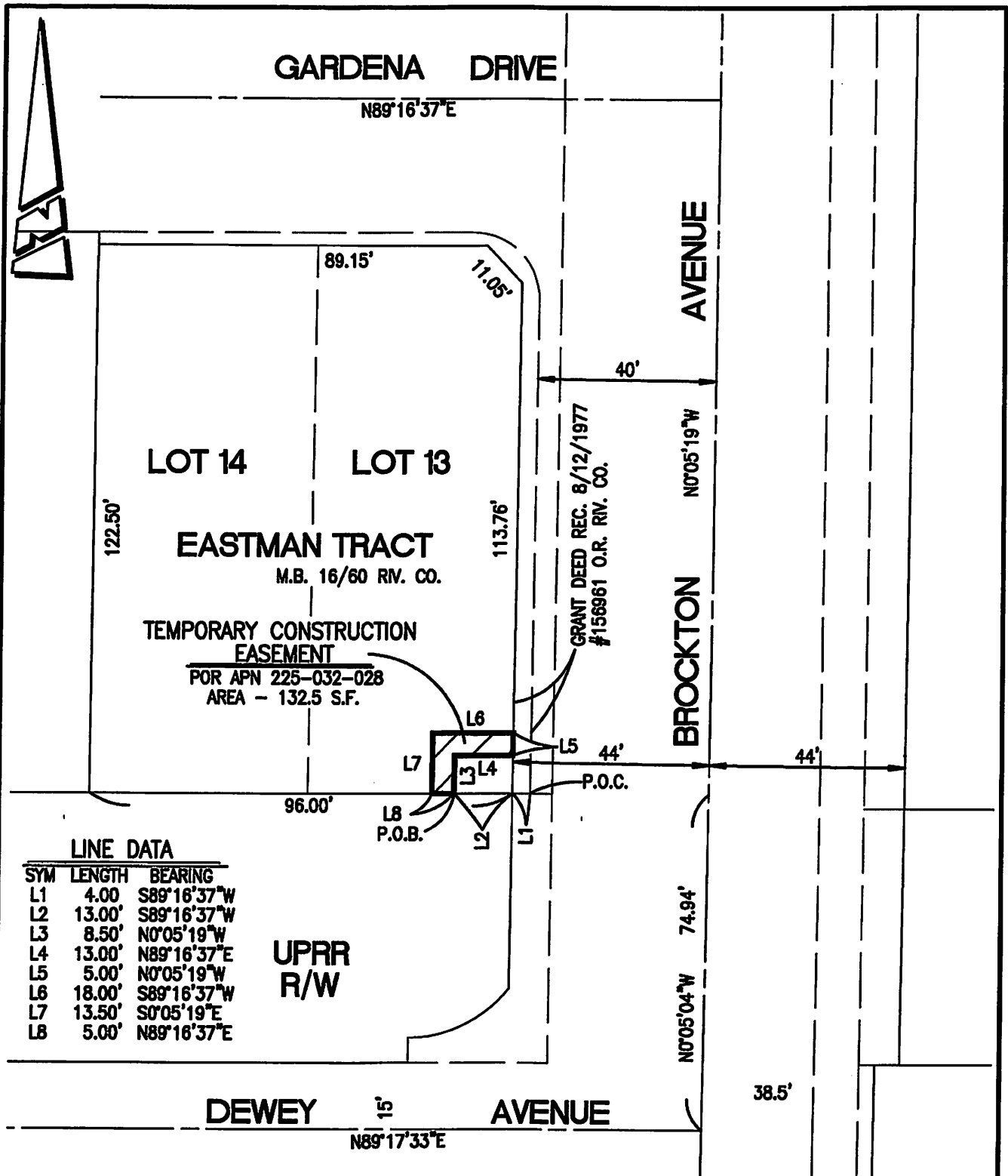
Area – 132.5 S.F. more or less

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

DBW 8/1/2024 Prep. cs  
Douglas B. Webber, L.S. 9477 Date



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"=30'

DRAWN BY: CURT

DATE: 5/9/23

SUBJECT: 6281 BROCKTON AVENUE - APN 225-022-028