



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JANUARY 6, 2026

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT WARD: 3

SUBJECT: NOTICED HEARING: RESOLUTION OF THE CITY OF RIVERSIDE FINDING AND DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUIRING AND AUTHORIZING THE CONDEMNATION OF CERTAIN REAL PROPERTY INTERESTS WITHIN THE CITY OF RIVERSIDE, AUTHORIZING THE CITY ATTORNEY TO FILE COMPLAINT IN EMINENT DOMAIN, AND THE TAKING OF ALL OTHER ACTIONS REQUIRED UNDER THE CITY'S EMINENT DOMAIN AUTHORITY – BROCKTON AVENUE TO PALM AVENUE RAILROAD QUIET ZONE PROJECT

ISSUE:

Adopt one (1) Resolution of Necessity and Authorization of Eminent Domain Proceedings for Acquisition of Permanent Street and Highway Easement (110.5 sq. ft.) and Temporary Construction Easement (132.5 sq. ft.) for the Brockton Avenue to Palm Avenue Railroad Quiet Zone Project (APN: 225-032-028; 6281 Brockton Avenue).

RECOMMENDATIONS:

That the City Council:

1. Conduct the noticed public hearing to consider the adoption of one (1) Resolution of Necessity (Attachment 3) and hear all interested parties;
2. Find and determine, based on substantial evidence in this report and administrative record: (a) the public interest and necessity require the Project; (b) the Project is planned/located for greatest public good and least private injury; (c) the described property interests are necessary for the Project; and (d) the statutory offer under Government Code §7267.2 has been made and refused;
3. Adopt, by at least five (5) votes, the Resolution, in the form presented at this meeting, declaring each finding under CCP §1240.030;
4. Authorize the City Attorney to prepare, file, and prosecute the eminent domain complaint in Riverside Superior Court and seek prejudgment possession under CCP §1255.410 et seq; and

5. Authorize the City Manager or designee to execute related documents, except policy matters.

SUMMARY:

The Project installs Union Pacific railroad, Federal Railroad Administration, and California Public Utilities Commission (Railroad/FRA/CPUC) -mandated safety measures at Brockton Avenue railroad crossing: eight new vehicular and four new pedestrian warning devices with gates, raised medians, fencing, ADA-compliant sidewalks, and path-of-travel improvements to establish a Railroad/FRA/CPUC approved Quiet Zone. Trains sound horns 31 times daily (21 freight, 10 passenger) at 96–110 dBA for 15–20 seconds, causing noise pollution, sleep disturbance, and health/safety hazards. Notice of hearing mailed December 16, 2025, per CCP §1245.235. Project exempt from CEQA (Class 1, §15301); Notice filed July 18, 2024.

BACKGROUND:

On April 10, 2018, the City Council received a report on the Concept Design Approval and Project Authorization for the proposed Quiet Zone along the Union Pacific Railroad Corridor at Brockton Avenue and Palm Avenue rail crossings. Following discussion, the City Council (1) approved the concept design for the Palm Avenue/Union Pacific rail crossing; (2) approved the concept design Alternative 1 for the Brockton Avenue/Union Pacific rail crossing; and (3) directed the Public Works Department to complete the project design and file a Notice of Intent to create a new quiet zone at the Brockton Avenue and Palm Avenue rail crossings.

DISCUSSION:

Over the past several months, the Real Property Services Division has been involved in the acquisition of real property interests from the State Department of Motor Vehicles (DMV) and the adjacent private property owner, The Family Trust of Richard H. Pluim and Rosalie J. Pluim, dated March 22, 1997. Regarding the Pluim Family Trust, the acquisition is for an approximately 110.5 square foot street and highway easement and an approximately 132.5 square foot temporary construction easement necessary for the project which consists of installing eight (8) new vehicular and four (4) new pedestrian railroad warning devices at Brockton Avenue, replacing the existing at-grade crossing surface at Brockton Avenue, installing four (4) new vehicular railroad warning devices at Palm Avenue, reconstructing concrete curbs, gutters, sidewalks, and driveways, constructing raised medians, installing fencing and handrailing, installing tactile tiles, and repaving both crossings ("Project").

A Notice of Decision to Appraise letter was sent out on December 15, 2023, and a statutory Offer to Purchase was made to the owners of record on September 10, 2024. The offers were based on independent appraisals of fair market value completed by EPIC Land Solutions, Inc. Since initiating negotiations of the (2) ownerships impacted by the Project, (1) has been actively in progress with the Department of General Services relating to the DMV acquisition, and (1) remains to be settled, Pluim Family Trust.

The ownerships, assessor's parcel number, and property address of the affected parcel, and the related real property interests that are subject of this action are as follows:

1. Owner: Rosalie J. Pluim, Dana Marie Regan, and Toni Lee House, trustees of The Rosalie J. Pluim Survivor's Trust, a division of The Family Trust of Richard H. Pluim and Rosalie J. Pluim, dated March 22, 1997

- a. APN: 225-032-028
- b. Address: 6281 Brockton Avenue, Suite 4, Riverside, CA 92506
- c. Interests: 110.5 square foot street and highway easement,
132.5 square foot temporary construction easement (12-Month Duration)

To date, the above required real property interests have not been obtained, and the City was notified by the owner's representative that they have been addressing ADA compliance issues on the property for over a year. Owner's representative is stating the City's Project would trigger new compliance requirements with an approximate amount of \$150,000 in construction costs. Negotiations are continuing in hopes of reaching mutually acceptable settlement and/or closing of open escrow, but they are uncertain. Since the negotiations and/or escrows may continue for some time and may not close, it is recommended that the Resolution of Necessity be adopted, and eminent domain action be filed in order to acquire the permanent and temporary property interests necessary for the Project by the second quarter of the 2026, in order to meet the construction schedule that has been tentatively agreed upon by the Union Pacific railroad. Legal description: Portion of Lot 13, Eastman Tract (Book 15, Page 60 of Maps, Riverside County Records), per Attachments 4 (permanent) and 5 (temporary).

HEARING AND PROJECT NECESSITY FINDINGS:

On or before December 16, 2025, the required notice of hearing was sent by first class mail to the property owners of record. They specified the City's intent to consider the adoption of the Resolution, right to appear and be heard on the issues noted below, and that failure to file a written request to appear would result in a waiver of the right to appear and be heard. The City has scheduled the hearing at which all persons who filed a written request within 15 days of the date the notices were mailed, may appear and be heard.

The Resolution requires a two-thirds majority to adopt, and the City must make four (4) findings. The required findings and facts in support thereof are as follows:

I. Whether the public interest and necessity require the proposed public project.

Discussion: The Project is in the City's Magnolia Center neighborhood which is zoned Office (O) and the General Plan Designation is MU-N (Mixed-Use Neighborhood). The Brockton Avenue to Palm Avenue Quiet Zone Project, when completed, will establish a railroad Quiet Zone that will result in the elimination of the routine sounding of train horns at these crossings, which have a significant impact on the quality of life of the residents living near these crossings, especially at night, and in order to protect the health, and safety and welfare of the general public at large.

On average 21 Union Pacific freight trains and 10 Metrolink passenger trains go through these crossings daily. Per Federal law each train must blow their horns at a decibel level between 96 and 110 decibels (dBA) at 100-foot in front of the train at least 15 seconds but no more than 20 seconds before reaching the crossing. If a train is moving faster than 60 mph, the horn must be sounded when the train is within a quarter mile of the crossing, even if that's less than 15 seconds in advance. The required horn pattern is two long blasts, one short blast, and one long blast. This pattern is repeated or prolonged until the front of the train occupies the crossing. Routine 96–110 dBA horns (31 daily trains) create public nuisance/health hazard in Magnolia Center (zoned O, MU-N General Plan).

- II. Whether the proposed public project is planned and located in a manner that would be most compatible with the greatest public good and the least private injury.

Discussion: The design was selected based on significant input from staff at Federal Railroad Administration, California Public Utilities Commission, and Union Pacific railroad who owns and maintains the tracks. The proposed Project is planned and located in a manner that will be most compatible 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.

- III. Whether the property sought to be acquired is necessary for the proposed Project.

Discussion: The real property interests sought to be acquired are a small portion of the frontage of the subject property and are necessary for the construction of the proposed Project. Without this real property interest, the Project cannot be constructed as proposed and as approved by the California Public Utilities Commission Authorization (Attachment 2). The permanent easement is needed to realign the existing concrete sidewalk and provide a viable and safe path of travel for pedestrians crossing the tracks. The Temporary Construction Easement is necessary for labor access during the construction period to remove the existing side metal gate to the Pluim property and reconstruct a new gate in-kind.

Without acquiring these interests a viable and safe path of travel for pedestrians cannot be constructed, the Quiet Zone cannot be approved by Railroad/FRA/CPUC, and the Project cannot proceed.

- IV. Whether the offer required by Section 7267.2 of the Government Code has been made to each of the owners of record.

Discussion: Confirmation and identity of the record owners of the parcels affected by this proposed Project was made by ordering a litigation guarantee and by obtaining the last equalized tax rolls. The statutory offer was then made to those property owners of record, based on approved independent fee appraisal of fair market value, from December 13, 2023 through September 18, 2025. The offer was delivered and refused.

The City of Riverside has an overriding need for prejudgment possession of the property interests identified herein in that the City of Riverside will not be able to complete the improvements as required by Union Pacific Railroad, California Public Utilities Commission and Federal Railroad Administration and will not be able to establish a railroad quiet zone at the Brockton Avenue crossing.

FISCAL IMPACT:

Total fiscal impact of the cost to acquire the subject real property interests is \$3,100, which is based on approved independent fee appraisal. The amount is required to be deposited into the State Condemnation Fund as part of the eminent domain process. Sufficient funds are available in the 2009 Measure A Fund, UP Quiet Zone-Brockton and Palm project account 9872130-440313.

Prepared by:	Ron Duran, Real Property Agent
Approved by:	Jennifer Lilley, AICP, Community & Economic Development Director
Certified as to availability of funds:	Kristie Thomas, Chief Financial Officer
Approved by:	Mike Futrell, City Manager
Approved as to form:	Rebecca McKee-Reimbold, Interim City Attorney

Attachments:

1. Vicinity Map
2. CPUC Authorization
3. Resolution of Necessity and Exhibits 1 and 2
 - Legal Description & Map - Permanent Easement (110.5 sq. ft.)
 - Legal Description & Map - Temporary Easement (132.5 sq. ft.)
4. Appraisal Summary (EPIC Land Solutions, Inc.)
5. Statutory Offer Letter (September 10, 2024)
6. Notice of Exemption (CEQA, July 18, 2024)
7. Notice of Hearing (December 16, 2025)
8. Presentation