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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 interest sought to be acquired is located in the city and county of Riverside, state of California, and is legally described in the attached Exhibit 1. The interest to be acquired herein is fee simple. A parcel map depicting the general location and dimensions of the interest to be acquired is 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.

3. Facts in support of findings contained in the City Council memoranda dated

1 March 25, 2025, are hereby adopted and incorporated herein by this reference.

2 4. The public use for which the Subject Property is being acquired by right of
3 eminent domain is to construct a railroad underpass at the Third Street and the Burlington
4 Northern Santa Fe (“BNSF”) railroad tracks; and as necessary, the widening and realignment of
5 streets, construction of sidewalks, curbs, and gutters, grading and landscaping, installation of
6 new traffic signals and street lights, installation and relocation of public utilities, undergrounding
7 of overhead power lines where required, and such other related improvements as may be
8 necessary to promote the health, safety, and welfare of the general public.

9 5. The public interest and necessity require the proposed Project in order to improve
10 safety, eliminate significant vehicular delays and improve access for emergency vehicles, and in
11 order to protect the health, and safety and welfare of the general public at large.

12 6. The proposed Project is planned and located in a manner that will be most
13 compatible with the greatest public good as the proposed construction will reduce traffic delays,
14 accommodate increased traffic from increased movement of goods by rail from southern
15 California ports and distribution centers as well as growth in Riverside County, the City of
16 Riverside, and adjoining jurisdictions, and improve traffic safety on Third Street.

17 7. Thus, the proposed Project is planned and located in a manner that will be most
18 comparable with the least private injury by limiting acquisition to those parcels and property
19 interests that are necessary to complete the proposed Project in a manner that enhances the
20 health, safety, and welfare of the general public.

21 8. The Subject Property is necessary for the proposed Project as existing
22 improvements are inadequate to accommodate increased traffic flow and volume on Third Street.
23 Unless the Subject Property is acquired by eminent domain, the City of Riverside will not
24 accommodate increased movement of goods by rail from southern California ports and
25 distribution centers, as well as growth in Riverside County, the City of Riverside, and adjoining
26 jurisdictions, all of which continue to increase.

27 9. The offer required by section 7267.2 of the Government Code of the State of
28 California has been made to the owners of record of the Subject Property based upon the

1 approved appraisal of fair market value as prepared by a qualified independent appraiser.

2 10. The City of Riverside has an overriding need for prejudgment possession of the
3 property interests identified herein in that: (1) Third Street is a key east-west arterial that links
4 residential and retail areas in the downtown area of Riverside and carries a total of 13,063
5 vehicles per day; (2) John W. North High School is one mile east of the crossing and
6 approximately 67 school buses traverse the rail crossing each day, in addition to 72 freight trains
7 and 20 passenger trains; (3) Rail traffic causes approximately 192 minutes (3.2 hours) per day of
8 delay on Third Street, significantly impacting emergency vehicles and hampering the City's
9 ability to respond to life-threatening emergencies; (4) These train delays also result in local air
10 pollution from idling vehicles and noise pollution from train horns, which diminish the quality of
11 life for nearby residents. Prompt completion of the proposed improvements will reduce traffic
12 problems and delays to emergency response vehicles and other travelers through the Project,
13 ultimately relieving traffic demands and congestion locally and throughout the City, and will
14 protect the health, and safety, and welfare of the general public at large.

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

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

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

26 14. All applicable requirements of the California Environmental Quality Act and the
27 policies and regulations of the City of Riverside implementing the Act have been completed.

28 15. The City Attorney is authorized to (i) correct any errors or to make or agree to

1 nonmaterial changes in the legal description of the real property that are deemed necessary for
2 the conduct of the condemnation action or other proceedings or transaction required to acquire
3 the Subject Property; (ii) reduce or modify the extent of the interests or property to be acquired
4 so as to reduce the compensation payable in the action where such change would not
5 substantially impair the construction and operation for the project for which the Subject Property
6 is being acquired; and (iii) deposit or direct payment of money out of the proper funds of the City
7 of Riverside for probable compensation according to the provisions of the Eminent Domain Law
8 (Code of Civil Procedure section 1235.010 et seq.) and for jury fees, court reporter fees, and
9 other costs hereby authorized.

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

16 17. The City Clerk shall certify to the adoption of this Resolution.

17 ADOPTED by the City Council this ___ day of _____, 2025.

18
19 _____
20 PATRICIA LOCK DAWSON
21 Mayor of the City of Riverside

22 Attest:

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

26 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
27 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City
28

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 #23-1196.18
APNs: 210-190-013, 210-190-023

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EXHIBIT 1

**EXHIBIT 1
LEGAL DESCRIPTION**

FEE SIMPLE INTEREST

APN: 210-190-013, 210-190-023
Address: 2665 and 2675 3rd Street

That certain real property located in the City of Riverside, County of Riverside, State of California, as described in Grant Deed to L R Miller Properties, LLC by Grant Deed recorded October 13, 2009 as document No. 2009-0528253 of Official Records of said Riverside county, described as follows

PARCEL1 - APN 210-190-013

That portion of the Southwest Quarter of 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 Northerly line of Third Street with the Westerly line of the Right of Way of the Southern Pacific Railroad;

Thence Northwesterly along the Northeasterly line of Third Street, 60.90 feet to a point 200.00 feet Southeasterly from the Easterly line of Olive Street;

Thence Northeasterly at right angle and parallel with the Easterly line of said Olive Street, 710.3 feet, to a point in the Southeasterly line of the Right of Way of the Atchison, Topeka and Santa Fe Railroad;

Thence Northeasterly along the Southeasterly line of said Right of Way, 230.3 feet to the point of intersection of the Southeasterly line of the Atchison, Topeka and Santa Fe Railroad with the Northwesterly line of the Right of Way of the Southern Pacific Railroad;

Thence Southwesterly along the Northwesterly line of the Right of Way of the Southern Pacific Railroad, 932.3 feet to the **POINT OF BEGINNING**.

Area – 50,165 S.F. more or less (1.152 Ac.)

PARCEL 2 – APN 210-190-023

That certain parcel of land, being a portion of the Atchison, Topeka and Santa Fe Railway Company's property in the Northwest Quarter of Section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, described in deeds to the Riverside, Santa Ana and Los Angeles Railroad Company and Southern California Railway Company (predecessors in interest to first said Railway Company) recorded February 15, 1886 in Book 45, Page 105 and January 13, 1891 in Book 124, Page 147 both of deeds, Records of San Bernardino County, California, described as follows:

BEGINNING at a point in the Southwesterly Boundary of said Railway Company's Property, said Southwesterly Boundary being also the Northeasterly line of Third Street (66 feet wide) distant South 61°51'00" East, (Bearing assumed for the purpose of this description) along said Southwesterly Boundary 24.84 feet from its intersection with the Southeasterly line of Jurupa Rancho;

Thence along the Boundary of said property, the following three courses:

Thence continuing South 61°51'00" East, 175.16 feet;

Thence North 29°02'00" East, 706.29 feet;

Thence North 44°35'00" East, 231.37 feet;

Thence North 45°25'00" West, at right angles to the preceding course, 35.50 feet;

Thence South 44°35'00" West, at right angles to the preceding course, 292.31 feet;

Thence North 45°25'00" West, at right angles to the preceding course, 2.50 feet;

Thence South 44°35'00" West, at right angles to the preceding course, 138.73 feet;

Thence South 38°39'12" West, 533.12 feet to the **POINT OF BEGINNING**;

Excepting therefrom all oil, minerals, gas and other hydrocarbon substances, but without the right of surface entry, as conveyed to the Atchison, Topeka and Santa Fe Railway Company, a Delaware Corporation, by deed recorded September 1, 1976 as Instrument No. 130303 of Official Records of Riverside County, California,

Area – 89,705 S.F. more or less (2.059 Ac.)

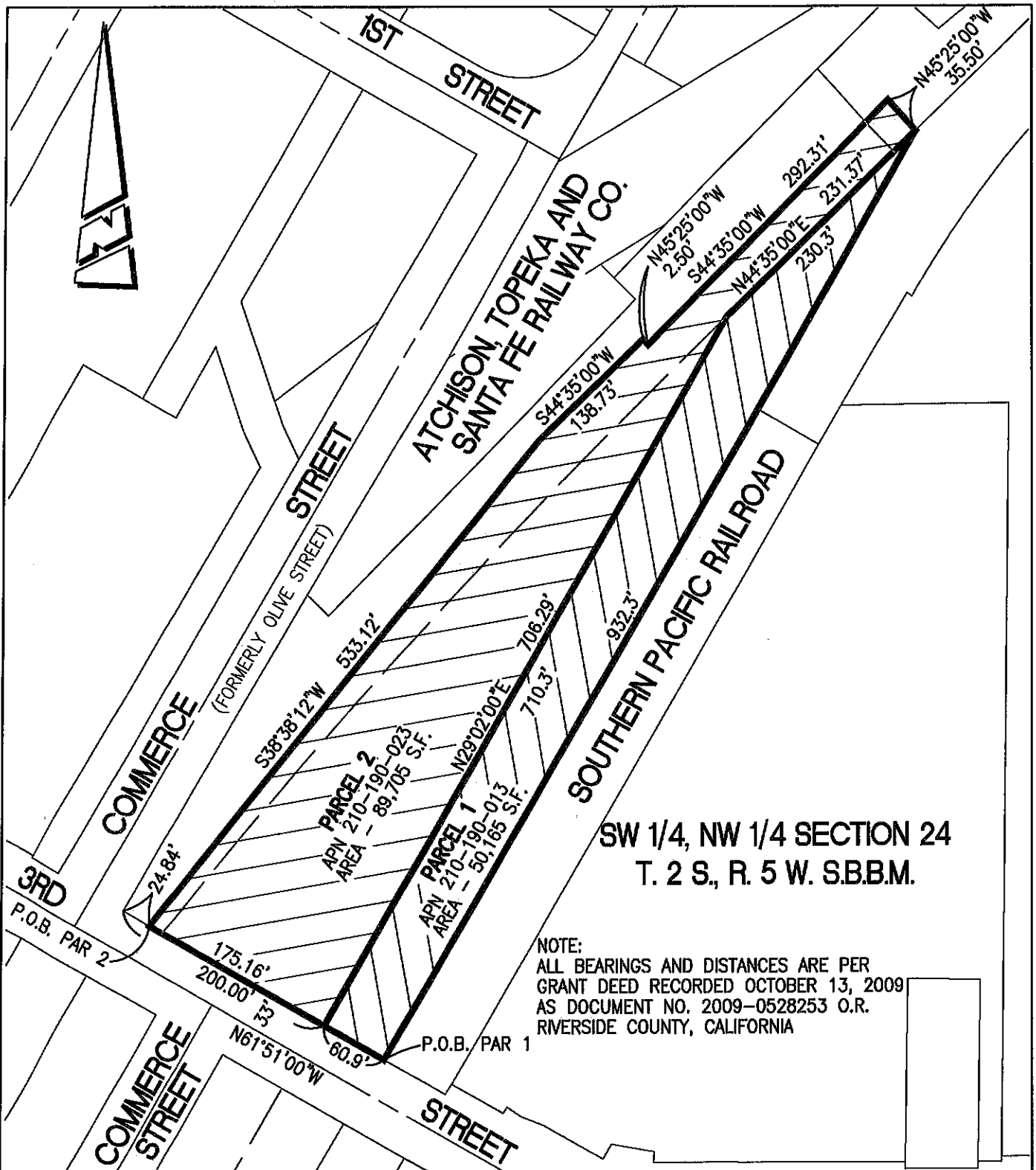
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

DBW 12/11/24 Prep. dbw
Douglas B. Webber, L.S. 9477 Date



EXHIBIT 2

EXHIBIT 2



SW 1/4, NW 1/4 SECTION 24
T. 2 S., R. 5 W. S.B.M.

NOTE:
ALL BEARINGS AND DISTANCES ARE PER
GRANT DEED RECORDED OCTOBER 13, 2009
AS DOCUMENT NO. 2009-0528253 O.R.
RIVERSIDE COUNTY, CALIFORNIA

• 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: CURT

DATE: 9/13/22

SUBJECT: 2665 & 2675 3RD STREET - APN 210-190-013, -023