

**RESOLUTION NUMBER 6226**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, VACATING EXCESS PUBLIC RIGHT-OF-WAY TOTALING 0.28 ACRES, LOCATED AT THE SOUTHEAST CORNER OF OLD NUEVO ROAD AND NUEVO ROAD, PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE, SUBJECT TO THE FINDINGS AND CONDITIONS NOTED HEREIN.***

***WHEREAS***, the vacation of public easements and rights-of-way in California is governed by the provisions under Division 9, Part 3 of the California Streets and Highways Code commencing with section 8300; and

***WHEREAS***, Streets and Highways Code Section 8324 authorizes the City Council to impose conditions on the vacation of a street or highway, which conditions shall be satisfied before the resolution of vacation is recorded and effective; and

***WHEREAS***, the applicant John Pollock of Kimley-Horn, with the City of Perris as a co-applicant, submitted and initiated a Street Vacation (*Street Vacation 23-05092*) to vacate 0.28 acre segment, consisting of a northerly 4,992 square foot section of excess right-of-way and southerly 7,392 square foot section of right-of-way, located at the southeast corner of Old Nuevo Road and Nuevo Road, herein legally described and depicted respectively as Exhibit A. – Legal Description and Exhibit B. – Street Vacation Plot Plan (collectively the “Excess Right-of-Way”); and

***WHEREAS***, on May 30, 2023, the City Council of the City of Perris approved Resolution No. 6192 declaring its intention to vacate the Excess Right-of-Way, and setting the date of the public hearing;

***WHEREAS***, the City sent utilities a notice of its intention to vacate;

***WHEREAS***, the City Council has determined that the proposed vacation of the subject real property will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not, therefore, subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) Common Sense Exemption of the State CEQA Guidelines; and

***WHEREAS***, pursuant to Government Code Section 65402, the Planning Commission considered the proposed vacation of the Excess Right-of-Way at a duly noticed public hearing on June 21, 2023, and determined that the proposed vacation is consistent with the City’s adopted General Plan; and

***WHEREAS***, the City held a duly noticed public hearing on July 25, 2023 to hear evidence offered by interested persons and to determine from all of the evidence

submitted whether the described Excess Right-of-Way is unnecessary for present or prospective public use; and

**WHEREAS**, before acting, the City Council has heard, been presented with, and reviewed all of the information and data which constitutes the administrative record for the vacation of the Excess Right-of-Way, including all oral and written evidence presented to the City by members of the public and City staff during all meetings and hearings; and

**WHEREAS**, the Excess Right-of-Way vacation proceedings conform to the requirements of the Streets and Highways Code Sections 8300-8349 and all necessary utility easements have been reserved from vacation.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris, as follows:

**Section 1.** The above recitals are all true and correct.

**Section 2.** The City Council finds and determines that the City has complied with the California Environmental Quality Act (“CEQA”) finding the proposed vacation is Categorical Exempt from CEQA review pursuant to Section 15061(b)(3) (Common Sense Exemption) as vacation of the Excess Right-of-Way would not result in a direct or reasonably foreseeable indirect physical change in the environment, and that City Council determinations reflect the independent judgment of the City Council.

**Section 3.** The location of the Excess Right-of-Way subject to the vacation is legally described and depicted in Exhibits 1 and 2 attached to this Resolution and incorporated herein, and are summarized as those sections of excess right-of-way approximating 4,992 square feet and 7,392 square feet located at the southeast corner of Old Nuevo Road and Nuevo Road.

**Section 4.** The City Council has determined that the Summary Vacation is in accordance with California Streets and Highway Code Section 8330 in that the following findings of fact can be made: 1) The property is excess right-of-way and is not required for street purposes; 2) access to adjoining properties will not be affected; and 3) this portion of the 5<sup>th</sup> Street has been impassable as a public road and no public funds have been expended on its maintenance for the last five years; and

**Section 5.** The City Council therefore orders the vacation of the Excess Right-of-Way in the City of Perris, County of Riverside, State of California, as legally described and depicted in Exhibits 1 and 2.

**Section 6.** The City Council does hereby reserve an easement, in favor of Eastern Municipal Water District, over the Excess Right-of-Way. The easement shall reserve the right to excavate for, lay, construct, reconstruct, relocate, reconfigure, use, inspect, maintain, operate, repair, replace, patrol, change the size of, add to, or remove from time to time one or more pipelines and conduits, together with devices for metering, measuring, regulating and other appurtenances in, over and across the area to be vacated.

**Section 7.** The City Council does hereby reserve an easement, in favor of Eastern Municipal Water District, over the Excess Right-of-Way. The easement shall reserve the right from time to time to construct, maintain, operate, replace, or renew sewer system facilities in, over and across the area to be vacated.

**Section 8.** The City Council does hereby reserve an easement, in favor of Southern California Gas Company, over the Excess Right-of-Way. The easement shall reserve the right to excavate for, lay, construct, reconstruct, relocate, reconfigure, use, inspect, maintain, operate, repair, replace, patrol, change the size of, add to, or remove from time to time one or more pipelines and conduits, together with devices for metering, measuring, regulating, cathodic protection, communications and other appurtenances in, over and across the area to be vacated.

**Section 9.** The City Council does hereby reserve an easement, in favor of the City Public Works Department, over the Excess Right-of-Way. The easement shall reserve the right from time to time to construct, maintain, operate, replace, renew or remove the asbestos cement pipe system in, over and across the area to be vacated.

**Section 10.** Notwithstanding the foregoing, the approval of the vacation and reservations of easements set forth in this Resolution shall only become final and effective immediately only after the City transfers the underlying property of the northern 4,992 square foot section of the Excess Right-of-Way as depicted on Exhibits A and B to a third party ("Council Transfer Approval"). If the Council Transfer Approval is not made within 180 days of the adoption of this Resolution, then no vacation or reservation under this Resolution shall take effect, and the matter shall be returned to the City Council without prejudice for further consideration and a final decision after any required notice of the same is provided as required by law. If the Council Transfer Approval is made within 180 days of the adoption of this Resolution, upon occurrence of the same, City staff are directed to promptly cause a certified copy of this Resolution to be recorded as set forth in Section 13.

**Section 11.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

**Section 12.** The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

**Section 13.** That if the condition in Section 10 is met and direction is provided by the City Manager, City staff is hereby directed to cause a certified copy of this Resolution, attested by the City Clerk, to be recorded in the Office of the County Recorder of the County of Riverside.

**Section 14.** That upon recordation as provided in Section 12 above, the vacation is complete.

**ADOPTED, SIGNED** and **APPROVED** this 25th day of July 2023.

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Mayor, Michael M. Vargas

ATTEST:

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City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, Nancy Salazar, duly elected CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 6226 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 25th day of July 2023, by the following vote:

AYES: CORONA, RABB, ROGERS, NAVA, VARGAS

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

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Nancy Salazar, City Clerk

**Exhibits:**

- A. Legal Descriptions
- B. Plot Plans