

RESOLUTION NUMBER 4845

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, TO APPROVE VACATING A 100'-FOOT SECTION OF 6TH STREET, BETWEEN "C" STREET AND "D" STREET, TO FACILITATE CONSTRUCTION TO THE FUTURE DOWNTOWN PERRIS METROLINK STATION WITHIN THE DOWNTOWN SPECIFIC PLAN AREA, SUBJECT TO THE FINDINGS NOTED HEREIN.

WHEREAS, on September 17, 2013 the applicant submitted and initiated a Street Vacation (*Street Vacation 13-09-0010*) to vacate a 100'-foot section of 6th Street, between "C" Street and "D" Street, to facilitate construction to the future Downtown Perris *Metrolink Station* parking lot herein referred to as Exhibits "A" and "B" (see attached Exhibits "A – Legal Description" and "B – Road Vacation"); and

WHEREAS, on February 18, 2015 the Planning Commission unanimously recommended the City Council approve the proposal to vacate a 100' foot section of 6th street; and

WHEREAS, the City Council has determined that the Street Vacation would be exempt from CEQA under Section 15061 (b) (3) in that it can be seen with certainty that there is no possibility that the vacation can have an impact on the environment for the reasons noted above; and

WHEREAS, Section 66451 of the California Government Code (*Subdivision Map Act*) vests in the legislative bodies of local agencies the regulation and control of the design of the Street Vacation; and

WHEREAS, Title 18 of the City of Perris Municipal Code (*Subdivisions*) implements the state Subdivision Map Act and authorizes the City Council to take action on a Street Vacation; and

WHEREAS, Chapter 19.54 of the City of Perris Municipal Code (*Zoning Code, Authority and Review Procedures*) authorizes the City to approve, conditionally approve, or deny requests for Summary Vacation; and

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 and are incorporated herein by reference as if set forth in full.

Section 2. The City Council finds and determines that the City has complied with the California Environmental Quality Act and that City Council determinations reflect the independent judgment of the City Council.

Section 3. Based upon the information contained within the City Council submittal and the accompanying attachments, with respect to the Summary Vacation, the City Council hereby finds the following:

1. Affected agencies and nearby property owners have been notified of this vacation request, and, as of this writing, no opposition has been received.
2. There is substantial evidence to support the conclusion that the right-of-way is no longer needed for vehicular or pedestrian traffic and is unnecessary for present or future public use.
3. The Summary Vacation will not affect health, safety, and welfare.
4. The proposed Summary Vacation is in compliance with the Subdivision Map Act.
5. The proposed Summary Vacation is exempt from CEQA under Section 15061 (b) (3).
6. The Summary Vacation is in compliance with the applicable zoning ordinances.
7. The proposed Summary Vacation is consistent with the existing land uses, and zoning designations in the area.
8. The proposed Summary Vacation has been found to be consistent with city standards, ordinances, and policies.
9. The proposed Summary Vacation is consistent with the Downtown Specific Plan.
10. The Summary Vacation plan is safe, functional, and environmentally sensitive to surrounding properties.
11. The Summary Vacation will not prohibit access to adjoining properties
12. This Summary Vacation is required to ensure protecting passenger rail operations and safety.

Section 4. The City Council hereby directs that a Notice of Exemption be filed with the County Clerk pursuant to Section 15062 of CEQA.

Section 5. All actions heretofore taken by the officers of the City with respect to such street vacations are hereby approved, confirmed and ratified, and the Mayor and City staff are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Resolution (including, without limitation, confirmation of satisfaction of any of the conditions to the

effectiveness of the street vacation).

Section 6. 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 7. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 10th day of March 2015.

Mayor, Daryl R. Busch

ATTEST:

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 4845 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 10th day of March 2015, by the following vote:

AYES: BURKE, RABB, RODRIGUEZ, BUSCH
NOES: NONE
ABSTAIN: NONE
ABSENT: ROGERS

Nancy Salazar, City Clerk

Attachments: Planning Division Conditions of Approval