

*RESOLUTION NO. 4222*

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, TO ORDER THE SUMMARY VACATION OF A PORTION OF STREET ("OLD EVANS ROAD") PURSUANT TO STREET AND HIGHWAYS CODE SECTIONS 8300 ET SEQ.*

WHEREAS, The City of Perris is owner of the right-of-way for the public street commonly known as "Old Evans Road" as legally described in Exhibit "A" and depicted in Exhibit "B" to this Resolution ("Old Evans Road"); and

WHEREAS, Section 8330 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate a street or highway has been superseded by relocation, unless such vacation would: (i) cut-off all access to a person's property which, prior to relocation, adjoined the street or highway; or (ii) terminate a public service easement unless the easement meets the criteria for summary vacation of a public service easement; and

WHEREAS, subdivision (a) of Section 8334 of the Streets and Highways Code of the State of California further authorizes the City Council to summarily vacate an excess right-of-way of a street not required for street purposes; and

WHEREAS, Old Evans Road has been both superseded by relocation and is not required for public street purposes such that the vacation of Old Evans Road is both appropriate and desirable.

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

***Section 1.*** That the above-stated recitals are true and correct and incorporated herein by this reference.

***Section 2.*** The City of Perris hereby elects to proceed with the summary vacation of that portion of Old Evans Road shown on Exhibit "A" and depicted in Exhibit "B" hereto.

***Section 3.*** The portions of Old Evans Road vacated hereby constitute an excess right-of-way not required for street or highway purposes, and further that such right-of-way was superseded by relocation.

***Section 4.*** The street vacation hereby effected will neither cut-off all access to a person's property which, prior to relocation, adjoined Old Evans Road, nor terminate any public service easement.

**Section 5.** That, from and after the date this Resolution is recorded, the City Council does hereby vacate and abandon all of the City's right, title and interest in the portion of Old Evans Road as described in Exhibit "A" and depicted in Exhibit "B" hereto, which right-of-way area is vacated and no longer constitutes a street, highway or public service easement.

**Section 6.** That the actions taken pursuant to this Resolution are categorically exempt from the requirements of CEQA pursuant to Section 15312, Class 12 of the CEQA Guidelines, for sale or surplus government property and/or Section 15304, Class 4 of the CEQA Guidelines, for minor alterations to land.

**Section 7.** That City staff is hereby directed to cause a certified copy of this Resolution, attested by the City Clerk under the seal of the City, to be recorded in the Office of the County Recorder of Riverside County.

**ADOPTED, SIGNED and APPROVED** by the City Council of the City of Perris this \_\_\_ day of \_\_\_\_\_, 2009

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Mayor

Attest:

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City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PERRIS )

I, \_\_\_\_\_, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA,  
DO HEREBY CERTIFY that the foregoing Resolution Number XXXX was duly and  
regularly adopted by the City Council of the City of Perris at a regular meeting held the  
\_\_\_ day of \_\_\_\_\_, 2009, by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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City Clerk