

RESOLUTION NUMBER 3647

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, RIVERSIDE COUNTY, STATE OF CALIFORNIA ORDERING THE VACATION OF CERTAIN PORTIONS OF FIRST STREET AND SECOND STREET EAST OF C STREET WITHIN THE CITY'S BOUNDARIES

WHEREAS, a dedication of certain real property to public use for street purposes was previously made in conjunction with the approval and recordation of a subdivision map known as Map of the Town of Perris, recorded in Book 5/Page 270 of Maps, in the Office of the Recorder of San Diego County, California, and said dedication pertains to those portions of the aforementioned map identified as First Street; and

WHEREAS, a dedication of certain real property to public use for street purposes was previously made in conjunction with the approval and recordation of a subdivision map known as Map of Nances Addition to Perris, recorded in Book 15/Page 708 of Maps, in the Office of the Recorder of San Diego County, California, and said dedication pertains to those portions of the aforementioned map identified as Second Street; and

WHEREAS, those portions of the aforementioned maps affected by the dedication as described above are collectively referred to herein as the "Street Areas," said Street Areas being more particularly described in Exhibit "A" and Exhibit "B" attached hereto and incorporated herein by this reference; and

WHEREAS, on March 23, 2006, notices were conspicuously posted along the Street Areas pursuant to California Streets and Highway Code Section 8323; and

WHEREAS, on or before March 23, 2006, notice of the public hearing was published in a semiweekly newspaper circulated in the City; and

WHEREAS, on May 30, 2006, the City Council conducted a duly noticed public hearing on the proposed project, considered testimony and materials in the staff reports, accompanying documents and exhibits; and

WHEREAS, pursuant to California Streets and Highway Code Section 8324, the legislative body of a local agency may adopt a resolution vacating a street if the legislative body finds, from all the evidence submitted, that the street is unnecessary for present or prospective public use; and

WHEREAS, the resolution of vacation provides that the vacation occurs only after conditions required by the legislative body have been satisfied; and

WHEREAS, the City has received Street Vacation Application #P06-0063 from an interested person affected by said offers of dedication, requesting that the Street Areas be vacated in order that the properties may be utilized in conjunction with the multi-modal transit center development of these and other adjoining properties; and

WHEREAS, the interested person has submitted Development Plan Review #P05-0425 (DPR #P05-0425) for the development of the multi-modal transit center, and said Development Plan Review was approved conditioned upon the implementation of conditions of approval stipulated in Street Vacation Application #P06-0063; and

WHEREAS, there are in place public utility easements that are in use in the Street Areas and that would be adversely affected by the vacation; and

WHEREAS, the City Council has determined the public convenience and necessity require the reservation and exception from this vacation said public utility easements and right necessary to maintain, operate, replace, remove or renew public and private utility facilities; and

WHEREAS, there are in place easements and rights of the public in and to any portion of said real property lying within First Street and Second Street that are in use in the Street Areas and that would be adversely affected by the vacation; and

WHEREAS, the City Council has determined the public convenience and necessity requires the reservation and exception from this vacation an easement and right, at any time, to construct, maintain, operate, replace, remove and renew non-vehicular trails for use by the public in, upon, over and across the Street Areas; and

WHEREAS, the City Council has determined that the requested vacation of the Street Areas is in the public interest and convenience in that: (a) the Street Areas are not required for the City's present or prospective public transportation needs, and (b) the multi-modal transit center development to be facilitated by this vacation will bring needed public transportation opportunities to the City; and

WHEREAS, pursuant to Streets and Highways Code Section 892, the City Council has further determined that the streets are not useful as nonmotorized transportation facilities; and

WHEREAS, in conjunction with this vacation, the City will quitclaim any right, title and interest the City may have in the Street Areas to the property owner; and

WHEREAS, an initial study has been prepared for Development Plan Review Permit No. #P05-0425 and Street Vacation #06-0063, and based upon the environmental information staff finds that the project could not have significant effects on the environment because revisions in the project have been agreed to and made by the project proponent, therefore a Negative Declaration (#2213) has been prepared; and

WHEREAS, on May 30, 2006, the City Council considered and approved the Initial Study and Negative Declaration (2213) for the project, finding that these documents adequately addressed the impacts of the proposed project, were prepared in accordance with the California Environmental Quality Act, and reflected the independent judgment of the City;

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

Section 1. The City Council has considered and hereby adopts the findings of fact set forth in the above recitals.

Section 2. Pursuant to the authority of Division 9, Part 3, Chapter 3 of the California Streets and Highways Code, the City Council of the City of Perris hereby orders that those Street Areas set forth in Exhibit "A" and Exhibit "B" attached hereto be vacated, subject to and effective upon the satisfactory completion of the Conditions of Approval stipulated in DPR #P05-0425 and Street Vacation Number #P06-0063 attached hereto as Exhibit "C" and Exhibit "D," respectively, and incorporated herein by this reference.

Section 3. The City Council hereby directs that a Notice of Determination be filed with the County Clerk pursuant to Section 15075 of CEQA.

Section 4. The public convenience and necessity require that the City reserve and except from the vacation of the Street Areas solely the following: (a) said public utility easements and right necessary to maintain, operate, replace, remove or renew public and private utility facilities; and (b) said easement and right, at any time, to construct, maintain, operate, replace, remove and renew vehicular or non-vehicular trails for use by the public in, upon, over and across the Street Areas.

Section 5. The City Council hereby directs the City Clerk to transmit to the County Recorder a certified copy of this Resolution so that this Resolution may be recorded immediately following the satisfaction of the conditions specified in Section 2 above.

Section 6. The City Council hereby directs the City Attorney to prepare and record a quitclaim deed releasing any right, title and interest the City may have in the Street Areas to the property owner.

Section 7. 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 vacation of any of the Street Areas hereunder).

Section 8. The City Council declares that, should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a 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 9. The Mayor shall sign, and the City Clerk shall certify to the passage and adoption of, this Resolution.

ADOPTED, SIGNED and ***APPROVED*** this 30th day of May, 2006.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3647 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 30th day of May, 2006, and that it was so adopted by the following called vote:

AYES: Rogers, Yarbrough, Landers, Motte, Busch
NOES:
ABSENT:
ABSTAIN:

City Clerk, Margaret Rey

Attachments: Exhibit "A" Legal Description
 Exhibit "B" Legal Plat Map
 Exhibit "C" Conditions of Approval DPR #P05-0425
 Exhibit "D" Conditions of Approval STVAC #P06-0063
 Exhibit "E" Schedule B Preliminary Title Report