

**RESOLUTION NUMBER 3097**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PERRIS, RIVERSIDE COUNTY, STATE OF CALIFORNIA,  
APPROVING THE RELINQUISHMENT OF UNACCEPTED  
OFFERS OF DEDICATION FOR RIGHT-OF-WAY AND THE  
QUITCLAIM OF CITY-OWNED FEE STRIPS LOCATED  
PARALLEL TO THE TRACT BOUNDARIES OF THE MAY  
RANCH SPECIFIC PLAN ADJACENT TO THE STREET  
RIGHT-OF-WAY, CITY OF PERRIS***

**WHEREAS**, the City Council conducted a legally noticed public hearing on the proposed street vacation and considered testimony and materials in the staff report and accompanying document and exhibits; and

**WHEREAS**, the City owns in fee that 20-foot-wide portion (Parcel "A") of Bradley Road as described in a Grant Deed recorded on February 11, 1976, as Instrument No. 18602, of official records, in the Office of the Recorder of the County of Riverside, State of California; and

**WHEREAS**, the City owns in fee that 14-foot-wide portion (Parcel "B") of Old Evans Road (formerly Evans Road) as described in a Grant Deed recorded on February 11, 1976, as Instrument No. 18602, of official records, in the Office of the Recorder of the County of Riverside, State of California; and

**WHEREAS**, the City owns in fee that 20-foot-wide portion (Parcel "C") of Rider Street as described in a Grant Deed recorded on February 11, 1976, as Instrument No. 18602, of official records, in the Office of the Recorder of the County of Riverside, State of California; and

**WHEREAS**, the City owns in fee that 30-foot-wide portion (Parcel "D") of Evans Road (formerly Center Street) as described in a Grant Deed recorded on February 11, 1976, as Instrument No. 18602, of official records, in the Office of the Recorder of the County of Riverside, State of California; and

**WHEREAS**, an offer to dedicated certain real property to public use for right-of-way purposes was previously made in conjunction with the approval and recordation of a subdivision map known as Parcel Map as 25943 in the County of Riverside in Parcel Map Book 176, pages 60-71; and

**WHEREAS**, within Parcel 11 of Map Book 16, Page 40, a 30 foot offer of dedication was made (Parcel "E") and not accepted by the City for the west side of Bradley Road; and

**WHEREAS**, within Parcel 11 of Map Book 16, Page 40, a 30 foot offer of dedication was made (Parcel “E”) and not accepted by the City for the east side of El Nido Avenue; and

**WHEREAS**, within Parcel 11 of Map Book 16, Page 40, a 30 foot offer of dedication was made (Parcel “E”) and not accepted by the City for the north side of Rider Street; and

**WHEREAS**, within Parcel 10 of Map Book 16, Page 40, a 30 foot offer of dedication was made (Parcel “E”) and not accepted by the City for the west side of El Nido Avenue; and

**WHEREAS**, within Parcel 10 of Map Book 16, Page 40, a 30 foot offer of dedication was made (Parcel “E”) and not accepted by the City for the north side of Rider Street; and

**WHEREAS**, within Parcel 10 of Map Book 16, Page 40, a 30 foot offer of dedication (Parcel “E”) was made and not accepted by the City for the east side of Old Evans Road; and

**WHEREAS**, within Parcel 10 of Map Book 16, Page 40, a 30 foot offer of dedication was made (Parcel “E”) and not accepted by the City for the north side of Rider Street; and

**WHEREAS**, within Parcel 10 of Map Book 16, Page 40, a 30 foot offer of dedication was made (Parcel “E”) and not accepted by the City for the east side of Evans Road; and

**WHEREAS**, those portions of the aforementioned maps affected by the land owned in fee and the unaccepted offers of dedication as described above are collectively referred to herein as Exhibit “B”, (Sheets 1 and 2) describing the areas of Fee Title Quitclaim and Offer of Dedication Abandonment; and

**WHEREAS**, said Lettered Parcels are more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference; and

**WHEREAS**, there are no in-place public utility facilities located in the Lettered Parcels that would be adversely affected by the vacation since new dedications will replace the prior dedications; and

**WHEREAS**, easements are provided in the CC&R’s to authorize utility companies to enter upon the property for installation and maintenance of utilities and governmental agencies to enter upon the property for carrying out their official duties; and

**WHEREAS**, the City Council has determined that the requested quitclaim and relinquishment of prior right-of-way dedications (Lettered Parcels) is in the public interest and convenience in that the Lettered Parcels are for street improvement purposes; and

**WHEREAS**, in conjunction with this vacation of prior right-of-way dedications and the quitclaim of the Lettered Parcels, the applicant, KB Home Coastal Inc., has provided a concurrent irrevocable offer of dedication for all right-of-way required by the revised May Ranch Specific Plan for the development of Evans Road, Old Evans Road, El Nido Avenue, Bradley Road and Rider Street; and

**WHEREAS**, KB Home Coastal Inc. will record the new Irrevocable Offers of Dedication concurrently with the Quitclaim Deed at the County Recorder's Office; and

**WHEREAS**, the City Council has determined that the vacation is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14 of the California Code of Regulations) in that it can be seen with certainty that there is no possibility that the vacation could have a significant effect on the environment; and

**WHEREAS**, staff recommends approval of Street Vacation 02-0254 to the City Council based on the information presented in the staff report and the following findings:

- A. The proposed project is consistent with the General Plan, and the May Ranch Specific Circulation Plan.
- B. The existing underground utilities will not be negatively impacted by the proposed street vacation.
- C. The project will not affect health, safety and welfare.
- D. The proposed project is in compliance with the Subdivision Map Act.
- E. The proposed project is exempt from California Environmental Quality Act.
- F. The proposed project has been found to be consistent with city standards, ordinances and policies.

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

**Section 3.** 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 4.** 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 Lettered Parcels to the property owner.

**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 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 final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraph, sentences and words of this Resolution shall remain in full force and effect.

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

**ADOPTED, SIGNED** and **APPROVED** this 29<sup>th</sup> day of April, 2003.

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Mayor, Daryl R. Busch

ATTEST:

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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 3097 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 29<sup>th</sup> day of April, 2003, and that it was so adopted by the following called vote:

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

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City Clerk, Margaret Rey