

**RESOLUTION NUMBER 3116**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, RIVERSIDE COUNTY, STATE OF CALIFORNIA ORDERING THE VACATION OF RUBY DRIVE, BETWEEN JARVIS AND DALE STREETS; CITY OF PERRIS**

**WHEREAS**, the applicant, Payne Development, on June 19, 2002, submitted an application to vacate the westerly half of Ruby Drive, between Jarvis and Dale Streets (to facilitate the development of a 78-unit family apartment complex), more accurately described as:

That portion of the west half of Ruby Drive, in the City of Perris, County of Riverside, State of California, as shown on the map of Figadota Farms No. 2, recorded in Book 16, page 63 of maps in the office of the County Recorder of said County, bounded northerly by the southerly line of Jarvis Street and bounded southerly by the northerly line of Dale Street.

**WHEREAS**, this portion of Ruby Drive is more graphically depicted in Exhibit “A and B” attached hereto and incorporated herein by this reference; and

**WHEREAS**, there are no in-place public utility facilities that are in use in the street that would be adversely affected by the vacation; and

**WHEREAS**, the City Council has determined that the requested street vacation is in the public interest and convenience in that the easterly portion of Ruby Drive has already been dedicated and that the vacation is consistent with what has already been approved and will remove a portion of street that is no longer viable; 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. This determination is based on the findings of fact set forth above, namely: 1) that the street vacation will remove a portion of street that is no longer viable for the City’s present or prospective transportation need, 2) that there are no in place public utilities that would be adversely affected by the vacation, and 3) the easterly side of the street has already been vacated. For all of these reasons, it is clear that the vacation will not have any physical effect on the environment.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris 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 Street Areas to the property owner.

**Section 5.** All actions heretofore taken by the officers of the City with respect to such street vacation is 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, paragraphs, 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 27<sup>th</sup> day of May, 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 3116 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 27<sup>th</sup> day of May, 2003, and that it was so adopted by the following called vote:

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

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City Clerk, Margaret Rey