

RESOLUTION NUMBER 2709

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF PERRIS CERTIFYING FINAL CANCELLATION OF  
LAND CONSERVATION CONTRACTS AND  
DIMINISHMENT OF AGRICULTURAL PRESERVE

WHEREAS, LOUISE C. MARTIN, COUDURES FAMILY LIMITED PARTNERSHIP. ("COUDURES") entered into a Land Conservation Contract ("Contract") on February 27, 1970, with the County of Riverside, pursuant to the Land Conservation Act of 1965 recorded as Instrument No. 19068 in the Offices of the Riverside County Recorder. (Government Code Section 51200, et seq.); and

WHEREAS, On February 2, 1999, Coudures, the current owner of the property subject to the Land Conservation Contract referenced above, and known as the Perris Valley Agricultural Preserve #2, Map #57, filed a petition to cancel the contract and diminish the preserve by deleting 6.31 acres of agricultural land which is under their ownership after discovering that said land was affected by the I 215 State Highway Widening Project; and

WHEREAS, a public hearing was held on this matter by the Perris City Council on February 23, 1999, regarding tentative cancellation and on April 13, 1999, regarding final cancellation; wherein the City Council made the necessary findings for cancellation pursuant to the Williamson Act; and

WHEREAS, all procedures of the California Environmental Quality Act (CEQA) and the City of Perris Rules to implement the Act have been satisfied; and

WHEREAS, the landowner has proposed, if the cancellation is approved, that the land will be used for the following alternative use: I 215 Freeway and Development Plan Review 15/92, Phase No. I of Perris Plaza, a commercial use; and

WHEREAS, cancellation of said contract is in the public interest due to other public concerns which substantially outweigh the objections of the Williamson Act, and there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contract land be put, or, that development of the contracted land would provide more contiguous patterns of urban development or cancellation and alternative use will not result in decontiguous patterns of urban development; and

WHEREAS, the amount of the cancellation fee, deferred property taxes, pursuant to Section 51283 of the Government Code, has been determined by the Riverside County Treasurer and certified by this City Council to be \$46,337.00;

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

1. The cancellation of said contract and diminishment of 6.31 acres of the Perris Valley Agricultural Preserve #2, Map 57, attached hereto as Exhibit A, and the use of the land for the proposed alternative use are consistent with the General Plan of the City of Perris.
2. The conditions with which the landowner must comply following the date of the recording of this Certificate of Final Cancellation are as follows:
  - a. Payment within one year of the total amount of the cancellation fee of \$46,337.00 to the Treasurer of Riverside County, or, if after one year following the date of recordation of this Certificate of Final Cancellation, payment of the recomputed fee referenced on page 3 of this Resolution. This condition shall not be interpreted as constituting a limitation on the period of validity of this Certificate of Final Cancellation, nor shall an Extension of Time application be required.
  - b. All conditions necessary for the City of Perris to issue grading permits for the alternative use of the site have been met.

BE IT RESOLVED FURTHER, FOUND, DETERMINED AND ORDERED that the City Clerk shall file and record copies of this Resolution, map and boundary description, in the Office of the County Recorder of Riverside County, California, and with the Director of Conservation, State of California; and, that, upon fulfillment of all of the conditions, the landowner will be entitled to a Final Certificate of Cancellation which provides as follows:

1. Perris Valley Agricultural Preserve #2, Map 57, dated February 27, 1970, and recorded as Instrument No. 19068, in the Office of the County Recorder of Riverside County, California, as amended, will be further amended by deleting therefrom the area 6.31 acres as shown on the map entitled Perris Valley Agricultural Preserve #2, Map 57, and described by boundary description thereof, said map and description both being on file in the Office of the City Clerk.

2. The Land Conservation Contract between the County of Riverside and Martin dated February 27, 1999, and recorded as Instrument No. 19068, in the office of the County Recorder of Riverside, California, will be cancelled as said contract applies to the land referenced in the petition of COUDURES, therefore removing from the effect of said contract the real property in the County of Riverside, State of California, described on the Exhibit entitled, Perris Valley Agricultural Preserve #2, Map 57, Exhibit "A", a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that, if the cancellation fee of \$46,337.00 is not paid within one year following the recordation of this Certificate of Final Cancellation, the fee shall be recomputed pursuant to Government Code Section 51283.4 (a), and the landowner shall be required to pay the recomputed fee as a condition to final cancellation of the contract.

BE IT FURTHER RESOLVED that, upon application of the landowner, the City Council may hereafter amend a tentatively approved specified alternative use if the City Council finds that such amendment is consistent with the findings made pursuant to Government Code 51282.

ADOPTED, SIGNED and APPROVED this 13<sup>th</sup> day of April, 1999

\_\_\_\_\_  
Mayor of the City of Perris

Attest:

\_\_\_\_\_  
City Clerk

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

I, Margaret Rey, duly elected City Clerk of the City of Perris, California, hereby certify that the foregoing Resolution Number 2709 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 13<sup>th</sup> day of April, 1999, by the following called vote:

Ayes: Torres, Larios, Yarbrough, Larragoitiy and Landers  
Noes: None  
Abstain: None  
Absent: None

\_\_\_\_\_  
CITY CLERK