

RESOLUTION NUMBER 2747

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, RIVERSIDE COUNTY, STATE OF CALIFORNIA ADOPTING MITIGATED NEGATIVE DECLARATION NUMBER 2088 AND MITIGATION MONITORING PLAN AND APPROVING NONRENEWAL ON A PORTION OF PROPERTY UNDER A LAND CONSERVATION (WILLIAMSON ACT) CONTRACT (PLANNING CASE NUMBER 99-0168)

WHEREAS, the City of Perris received a request and application from the Coudures Family Limited Partnership (“Landowner”) to serve a notice of nonrenewal on a portion of land currently under a Land Conservation (Williamson Act) Contract (the “Notice of Nonrenewal”); said portion of land consists of approximately 43.82 gross acres, is located east of Indian Avenue (formerly Riverside Avenue) and south of the Ramona Expressway (formerly Martin Street) and is depicted on Exhibit “A” attached hereto (also identified as Assessor's Parcel Numbers 303-060-001, -002, -003, and a portion of -004, and a portion of 303-070-001 and made a part hereof) (the “Nonrenewal Land”); the NonRenewal Land is an integral part of Planning Case Number 99-0168; and,

WHEREAS, Government Code Section 51245 requires that a landowner obtain the authorization of the City Council prior to serving a notice of nonrenewal for a portion of the land under a Land Conservation Contract; and,

WHEREAS, City of Perris Municipal Code Section 19.74.030 requires that the City Council approve after a public hearing the acceptance of service of a notice of nonrenewal on only a portion of the property lying within an agricultural preserve prior to recordation of such notice of nonrenewal; and,

WHEREAS, the City of Perris General Plan adopted in 1991 contemplated and envisioned the gradual elimination of agricultural land within the City, and therefore designated the Nonrenewal Land and the surrounding lands with a Light Industrial General Plan Land Use Designation; and,

WHEREAS, the Nonrenewal Land is located along the western edge of the Perris Valley Agricultural Preserve Number 1 - Map Number 56 (“Land Contract”), is adjacent to the Ramona Expressway, a major arterial road, and will be separated from other agricultural lands by the Ramona Expressway and realigned Indian Avenue, which is also designated as an arterial road by the City's General Plan Circulation Element, and therefore is appropriate for partial nonrenewal of the Land Contract; and,

WHEREAS, the City Council conducted a duly noticed public hearing concerning the request and application for the nonrenewal of the Land Contract with respect to the Nonrenewal Land; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration prepared in connection with Planning Case Number 99-0168 have been prepared, advertised, and circulated, pursuant to the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Perris (“City Council”), 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 has reviewed and considered the environmental documentation and information included in the staff reports prior to taking action on the request and application for partial nonrenewal of the Land Contract with respect to the Nonrenewal Land, and hereby finds and determines that the proposed nonrenewal of the Land Contract with respect to the Nonrenewal Land will not cause or constitute a significant adverse effect on the environment because the mitigation measures described in the Initial Study will mitigate the impacts to less than significant, and that the Negative Declarations reflects the independent judgement of the City Council.

Section 3. The City Council hereby adopts Negative Declaration Number 2088 and the Mitigation Monitoring Plan.

Section 4. The City Council further finds and determines that there is no substantial evidence, in light of the whole record before the City, that the Project, as revised, would have a significant effect on the environment. The documents and other materials which constitute the record of proceedings upon which the City’s findings and decision are based are located at the Department of Planning and Community Development, 101 North D Street, Perris, California 92570. The custodian of these documents and materials is the Director of Department of Planning and Community Development.

Section 5. The City Council hereby approves the Landowner’s request to serve the Notice of Nonrenewal for that portion of the Land Contract that affects the Nonrenewal Land on the City Council, and hereby accepts the Notice of Nonrenewal filed by Landowner.

Section 6. The City Council hereby directs the City Clerk to transmit to the County Recorder a certified copy of the Notice of Nonrenewal so that the same may be recorded within twenty (20) days from the date of this Resolution in accordance with Government Code Section 51245.

Section 7. All actions heretofore taken by the officers of the City of Perris with respect to the Notice of Nonrenewal 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.

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 9th day of November 1999.

MAYOR OF THE CITY OF PERRIS

Attest:

City Clerk

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

I, Margaret Rey, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Resolution Number 2747 was introduced at a regular meeting thereof held 9 November, and adopted by the City Council of the City of Perris at a regular meeting thereof held on the 9th day of November, 1999, by the following vote:

Ayes: 4 Larios, Torres, Yarbrough, Landers
Noes:
Absent: 1 Larragoitiy

City Clerk