

RESOLUTION NUMBER 2757

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, RIVERSIDE COUNTY, STATE OF CALIFORNIA ORDERING THE SUMMARY VACATION OF CERTAIN PORTIONS OF STREETS WITHIN THE CITY'S BOUNDARIES

WHEREAS, an offer to dedicate 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 Golden Valley Farms No. 4, recorded in Book 17/Page 23 of Maps, Records of Riverside County, California, and said offer pertains to those portions of the aforementioned map identified as Miller Street, Morris Street and Riverside Avenue (also known as Indian Avenue); and,

WHEREAS, an offer to dedicate 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 Riverside Tract, recorded in Book 14/Page 668 of Maps, Records of San Diego County, California, and said offer pertains to those portions of the aforementioned map identified as Riverside Avenue south of Martin Street (also known as the Ramona Expressway) and north of Morgan Street, and Dawes Street east of Riverside Avenue and west of Barrett Avenue; and,

WHEREAS, an offer to dedicate 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 Figadota Farms No. 17, recorded in Book 17/Page 32, Records of Riverside County, California, and said offer pertains to those portions of the aforementioned map identified as Dawes Street east of Barrett Avenue and west of Perris Boulevard, and Barrett Avenue north of Dawes Street and south of Martin Street; and,

WHEREAS, except for that portion of Dawes Street between Barrett Avenue and Perris Boulevard, and that portion of Barrett Avenue between Dawes Street and Martin Street, the offers of dedication described above have not been accepted by a local agency for purposes of vesting title; and

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

WHEREAS, pursuant to California Streets and Highway Code Section 8331, the legislative body of a local agency may summarily vacate a street if (a) for a period of five consecutive years, the street has been impassable for vehicular travel,

and (b) no public money was expended for maintenance on the street during such period; and

WHEREAS, all of the Street Areas meet both of the criteria set forth in California Streets and Highway Code Section 8331 for summary vacation in that for a period of five consecutive years they have not been improved and made passable for vehicular travel and, further, that no public money has been expended for their maintenance during such period; and

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

WHEREAS, the City has received an application from the owner of the properties 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 industrial development of these and other adjoining properties; 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, (b) the vacation of a portion of Indian Avenue (a circulation element road) will not be detrimental because that portion of Indian Avenue will be realigned in accordance with Development Plan Review 99-0167 and General Plan Amendment 99-0171, and (c) the industrial development to be facilitated by this vacation will bring needed jobs and revenues 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, 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 streets to be vacated have not been improved or used for public street purposes, 2) that the streets are not required for the City's present or prospective public transportation needs, and 3) that

there are no in place public utilities that would be adversely affected by the vacation. 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. Pursuant to the authority of Division 9, Part 3, Chapter 4 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" attached hereto be vacated, subject to and effective upon the realignment of Riverside (Indian) Avenue in accordance with DPR 99-0167 as set forth on the site plan attached hereto as Exhibit "B" and incorporated herein by this reference.

SECTION 3. The City Council hereby directs that a Notice of Exemption be filed with the County Clerk pursuant to Section 15062 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: the non-exclusive right of Southern California Edison to use that portion of Riverside (Indian) Avenue required to maintain its existing power line until such time as said power line is relocated.

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 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 2757 was introduced at a regular meeting thereof held 9 November 1999, 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

Exhibit A

Depiction of Street Areas

Exhibit B

Site Plan