

**RESOLUTION NUMBER 4300**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, VACATING UNIMPROVED 8<sup>TH</sup> STREET LOCATED BETWEEN THE SANTA FE RAILROAD AND “D” STREET, SUBJECT TO THE FINDINGS NOTED HEREIN.***

**WHEREAS**, on March 1, 2010 a Street Vacation application (*ST. Vac. 10-03-0013*) was submitted by the Redevelopment Agency of the City of Perris to vacate an unimproved section of 8<sup>th</sup> Street between the Santa Fe Railroad and “D” Street herein referred to as Exhibits “A” and “B” (see attached Exhibits “A – Legal Description” and “B – Road Vacation”); and

**WHEREAS**, it has been determined there are no in-place public utilities or easements located in the unimproved section of 8<sup>th</sup> Street that would be adversely affected by the vacation; and

**WHEREAS**, the City Council has determined that the requested vacation is in the public interest and convenience as the street has no functional use, as it is bounded by the Santa Fe Railroad on both the east and west ends making it landlocked for future street purposes, and it has already been envisioned to be designated R14 Residential in the Downtown Specific Plan for multi-family development purposes; and

**WHEREAS**, in conjunction with this vacation, the City will quitclaim any right, title and interest the City may have in 8<sup>th</sup> Street section to the adjacent property owner(s); and

**WHEREAS**, the City Council has determined that the Street Vacation would be exempt from CEQA under Section 15061 (b) (3) in that it can be seen with certainty that there is no possibility that the vacation can have an impact on the environment. This is determined based upon the findings of fact set forth above, namely: 1) There are no in-place public utilities or easements located in the unimproved section of 8<sup>th</sup> Street that would be adversely affected by the vacation; 2) The requested vacation is in the public interest and convenience in that the street has no functional use as it is landlocked by the Santa Fe Railroad; 3) The vacation has already been envisioned in the Downtown Specific Plan to be designated R14 Residential for multi-family development. For all of these reasons, it is clear that the vacation will not have any physical effect on the environment.

**WHEREAS**, Section 66451 of the California Government Code (*Subdivision Map Act*) vests in the legislative bodies of local agencies the regulation and control of the design of Street Vacation; and

**WHEREAS**, Title 18 of the City of Perris Municipal Code (*Subdivisions*) implements the state Subdivision Map Act and authorizes the Council to take action on a Street Vacation; and

**WHEREAS**, Chapter 19.54 of the City of Perris Municipal Code (*Zoning Code, Authority and Review Procedures*) authorizes the City to approve, conditionally approve, or deny requests for Street Vacation; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris, as follows:

**Section 1.** The above recitals are all true and correct.

**Section 2.** The City Council finds and determines that the City has complied with the California Environmental Quality Act and that City Council determinations reflect the independent judgment of the City Council.

**Section 3.** Based upon the information contained within the City Council submittal and the accompanying attachments, with respect to the Street Vacation, the City Council hereby finds the following:

1. The street vacation will not affect health, safety, and welfare.
2. The proposed street vacation is in compliance with the Subdivision Map Act.
3. The proposed street vacation is exempt from CEQA.
4. The street vacation is in compliance with the applicable zoning ordinances.
5. The proposed street vacation is consistent with the existing land uses, and zoning designations in the area.
6. The proposed street vacation has been found to be consistent with city standards, ordinances, and policies.
7. The proposed street vacation is consistent with the General Plan.
8. The street vacation plan is safe, functional, and environmentally sensitive to surrounding properties.

**Section 4.** The City Council hereby directs that a Notice of Exemption be filed with the County Clerk pursuant to Section 15062 of CEQA.

**Section 5.** 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 8<sup>th</sup> Street section areas to the adjacent property owner(s).

**Section 6.** 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 street vacation).

**Section 7.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any 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 8.** The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

**ADOPTED, SIGNED** and **APPROVED** this 30<sup>th</sup> day of March 2010.

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Mayor, Daryl R. Busch

ATTEST:

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Judy L. Haughney, C.M.C., City Clerk

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

I, Judy L. Haughney, duly elected CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4300 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 30<sup>th</sup> day of March 2010, by the following vote:

AYES: COUNCILMEMBERS: Landers, Yarbrough, Evans, Rogers, Busch  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
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Judy L. Haughney, C.M.C., City Clerk