

RESOLUTION NUMBER 4672

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, TO SUMMARILY VACATE A SECTION OF MARKHAM STREET FROM REDLANDS AVENUE TO THE PERRIS VALLEY STORM CHANNEL TO FACILITATE CONSTRUCTION OF THE STRATFORD RANCH INDUSTRIAL PROJECT WITHIN THE PERRIS VALLEY COMMERCE CENTER SPECIFIC PLAN AREA, SUBJECT TO THE FINDINGS NOTED HEREIN.

WHEREAS, on October 29, 2013, the applicant submitted and initiated a Summary Vacation (*Street Vacation 13-10-0017*) to summarily vacate a section of Markham Street from Redlands Avenue to the Perris Valley Storm Channel to facilitate construction of the Stratford Ranch Industrial project 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 Markham Street that would be adversely affected by the vacation; and

WHEREAS, the City Council has determined that the requested Summary Vacation is in the public interest and convenience as the portion of Markham Street to be vacated is unimproved and has never been used as a public road. In addition, there are no plans to ever improve this portion of Markham Street as a right-of-way per the Circulation Element of the Perris Valley Commerce Specific Plan; and

WHEREAS, the City Council has determined that the Summary Vacation is in accordance with California Streets and Highway Code Section 8330 in that the following findings of fact can be made: 1) The property is excess right-of-way and is not required for street purposes; 2) access to adjoining properties will not be affected; and 3) this portion of the Markham Street has been impassable as a public road and no public funds have been expended on its maintenance for the last five years; and

WHEREAS, the City Council has determined that the Summary 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 for the reasons noted above; and

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 Summary 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 Summary 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 Summary 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 Summary Vacation, the City Council hereby finds the following:

1. The Summary Vacation will not affect health, safety, and welfare.
2. The proposed Summary Vacation is in compliance with the Subdivision Map Act.
3. The proposed Summary Vacation is exempt from CEQA under Section 15061(b)(3).
4. The Summary Vacation is in compliance with the applicable zoning ordinances.
5. The proposed Summary Vacation is consistent with the existing land uses, and zoning designations in the area.
6. The proposed Summary Vacation has been found to be consistent with city standards, ordinances, and policies.
7. The proposed Summary Vacation is consistent with the General Plan.
8. The Summary Vacation plan is safe, functional, and environmentally sensitive to surrounding properties.
9. The Summary Vacation is in accordance with California Streets and Highway Code Section 8330 in that the following finding of facts can be made a) the property is excess right-of-way and is not required for street purposes; b) access to adjoining properties will not be affected; and c) this portion of Markham Street has been impassable as a public road and no public funds have been expended on its maintenance for the last five years.

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. 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 6. 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 7. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and **APPROVED** this 14th day of January 2014.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Nancy Salazar

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

I, **Nancy Salazar**, duly elected CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4672 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 14th day of January 2014, by the following vote:

AYES: LANDERS, RODRIGUEZ, ROGERS, YARBROUGH, BUSCH
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Nancy Salazar, City Clerk

EXHIBIT "A"
ROAD VACATION

That portion of Lot "C" (Markham Street, formerly La Vina Blvd.) in Unit 2 of La Vina Land Co Tract Units 1 & 2 as shown by map on file in Book 14 of Maps at pages 19 and 20, Records of Riverside County, California, lying within Section 5, Township 4 South, Range 3 West, San Bernardino Meridian, described as follows:

A strip of land 100.00 feet wide, lying 50.00 feet on each side of the following described centerline:

BEGINNING at a point being the intersection of the centerline of said Markham Street (40.00 feet in full width) with the westerly line of Parcel 4010-21 as shown on Record of Survey on file in Book 129 of Records of Survey at pages 85 through 93, inclusive thereof, Records of Riverside County, California, as Riverside County Flood Control and Water Conservation District Right of Way for Perris Valley Storm Channel;

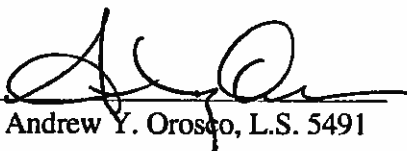
Thence North 89°51'44" West along said centerline, a distance of 1036.49 feet to the end of this centerline description, said point being on a line parallel with and distant easterly 20.00 feet, measured at a right angle, from the centerline of Redlands Avenue (20.00 feet in half width) as shown on said La Vina Land Co Tract Units 1 & 2.

The side lines of said strip to be lengthened or shortened so as to terminate at said westerly line of Parcel 4010-21 and at said parallel line.

Containing 2.38 acres, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B".

PREPARED UNDER MY SUPERVISION

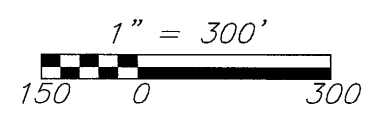
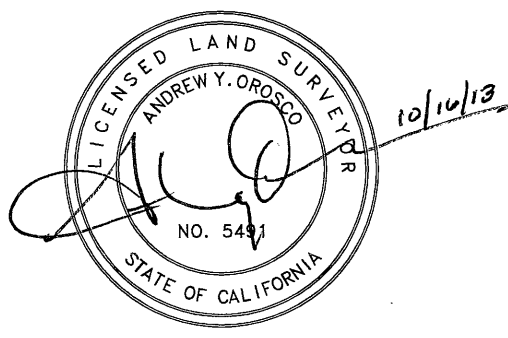
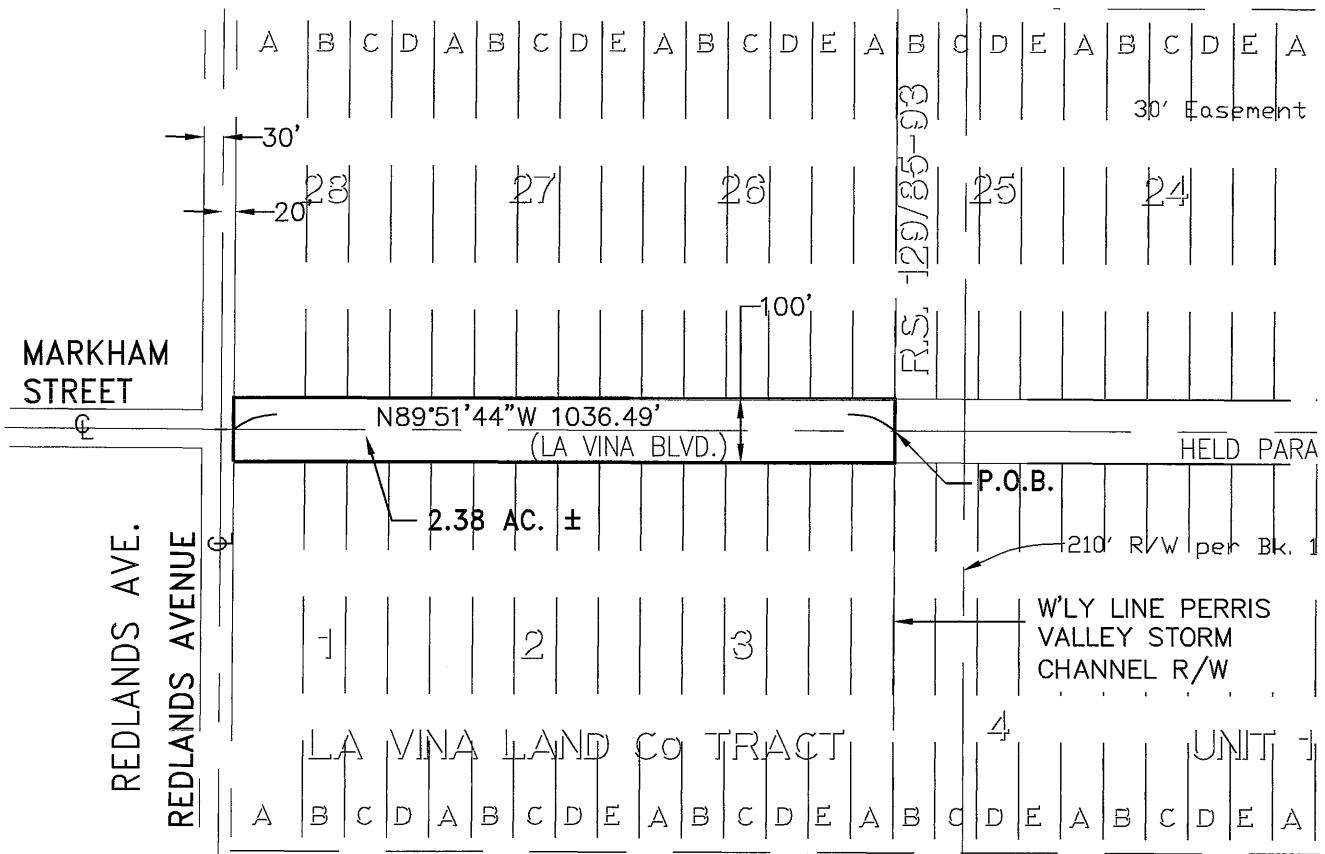
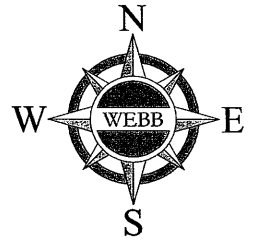

Andrew Y. Oroscio, L.S. 5491

10/16/13
Date

Prepared by: 
Checked by: 



EXHIBIT "B" ROAD VACATION



SEC. 5, T4S, R3W, S.B.M.

ALBERT A.
WEBB
ASSOCIATES

CITY OF PERRIS, CALIFORNIA

G:\2013\13-0239\Parcel Map & Easements\13-0239 Vacations.dwg 12/3/2013

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 1

W.O.
13-0239

SCALE: 1"=300' DRWN BY *AW* DATE *10/16/13* SUBJECT: ROAD VACATION
 CHKD BY *AKO* DATE *10.16.13*