

459065

1 RECORDING REQUESTED BY  
2 AND WHEN RECORDED MAIL TO:

3 CITY CLERK  
4 City of Riverside  
5 City Hall, 3900 Main Street  
6 Riverside, CA 92522

7 FREE RECORDING  
8 Exempt Pursuant to  
9 Government Code §6103

10 Case No. VC-001-967

RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

DEC 16 1997

Recorded in Official Records  
of Riverside County, California

Recorder

Fees \$ 0

11 FOR RECORDER'S OFFICE USE ONLY

12 D-111243

13 RESOLUTION NO. 18994

14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
15 RIVERSIDE, CALIFORNIA, PROVIDING FOR THE SUMMARY  
16 VACATION OF AN APPROXIMATELY 15-FOOT WIDE EXCESS  
17 PORTION OF DUFFERIN AVENUE LOCATED ON THE  
18 SOUTHEASTERLY SIDE THEREOF EXTENDING SOUTHWESTERLY  
19 FROM MONROE STREET APPROXIMATELY 641.09 FEET AND  
20 FINDING THAT THE PUBLIC CONVENIENCE AND NECESSITY  
21 REQUIRE THE RESERVATION THEREFROM OF A PERMANENT  
22 EASEMENT FOR OVERHEAD AND ELECTRICAL ENERGY  
23 DISTRIBUTION FACILITIES; AND FOR THE SUMMARY VACATION  
24 OF AN APPROXIMATELY 66-FOOT WIDE BY 666-FOOT LONG  
25 OFFER OF DEDICATION FOR PUBLIC STREET AND HIGHWAY  
26 PURPOSES EXTENDING SOUTHEASTERLY FROM DUFFERIN AVENUE  
27 AND SOUTHWESTERLY TO AND PARALLEL WITH MONROE STREET  
TOGETHER WITH AN APPROXIMATELY 15-FOOT WIDE BY 125-  
FOOT LONG AREA THAT EXTENDS SOUTHWESTERLY FROM THE  
EASTERLY TERMINUS OF THE 666-FOOT LONG PORTION; ALL OF  
WHICH WERE RELATING TO THE APPROVAL OF PARCEL MAP 222.



VC-001-967

## RESOLUTION NO. 18994

1  
2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 RIVERSIDE, CALIFORNIA, PROVIDING FOR THE SUMMARY  
4 VACATION OF AN APPROXIMATELY 15-FOOT WIDE EXCESS  
5 PORTION OF DUFFERIN AVENUE LOCATED ON THE  
6 SOUTHEASTERLY SIDE THEREOF EXTENDING  
7 SOUTHWESTERLY FROM MONROE STREET APPROXIMATELY  
8 641.09 FEET AND FINDING THAT THE PUBLIC  
9 CONVENIENCE AND NECESSITY REQUIRE THE  
10 RESERVATION THEREFROM OF A PERMANENT EASEMENT  
11 FOR OVERHEAD AND ELECTRICAL ENERGY DISTRIBUTION  
12 FACILITIES; AND FOR THE SUMMARY VACATION OF AN  
13 APPROXIMATELY 66-FOOT WIDE BY 666-FOOT LONG  
14 OFFER OF DEDICATION FOR PUBLIC STREET AND  
15 HIGHWAY PURPOSES EXTENDING SOUTHEASTERLY FROM  
16 DUFFERIN AVENUE AND SOUTHWESTERLY TO AND  
17 PARALLEL WITH MONROE STREET TOGETHER WITH AN  
18 APPROXIMATELY 15-FOOT WIDE BY 125-FOOT LONG AREA  
19 THAT EXTENDS SOUTHWESTERLY FROM THE EASTERLY  
20 TERMINUS OF THE 666-FOOT LONG PORTION; ALL OF  
21 WHICH WERE RELATING TO THE APPROVAL OF PARCEL  
22 MAP 222.

23 WHEREAS as a condition of the approval by the City of  
24 Riverside of Parcel Map 222, a strip of land approximately 15  
25 feet wide located on the southeasterly side of Dufferin Avenue  
26 extending southeasterly from Monroe Street approximately 641.09  
27 feet was required to be dedicated for purposes of the future  
widening Dufferin Avenue to its then planned ultimate width;  
and

WHEREAS by that certain Grant Deed executed by M.  
HEBBARD MacARTHUR, SETH G. MacARTHUR and BARBARA J. MacARTHUR  
on December 18, 1976, and recorded January 14, 1977, in Book  
1977, Page 7828, Official Records of Riverside County,  
California, said strip of land was conveyed to the City of  
Riverside; and

WHEREAS Dufferin Avenue is now shown on the Street and  
Highways Diagram of the Riverside General Plan as an 80-foot

1 Collector Street and the existing right-of-way of Dufferin  
2 Avenue, excluding the 15 feet conveyed to the City of Riverside  
3 by the aforementioned Grant Deed, is now 80 feet; and

4 WHEREAS Dufferin Avenue has not been widened to  
5 incorporate within the public street the 15 feet conveyed by  
6 the Grant Deed dated December 18, 1976, and recorded  
7 January 14, 1977, in Book 1977, Page 7828, Official Records of  
8 Riverside County, California; and

9 WHEREAS the Public Streets, Highways, and Service  
10 Easements Vacation Law, being Sections 8300 et seq. of the  
11 Streets and Highways Code, provides in Sections 8330 et seq.  
12 for the summary vacation of streets, highways and public  
13 service easements under certain conditions; and

14 WHEREAS Section 8334 of the Streets and Highways Code  
15 provides in subsection (a) thereof that the legislative body of  
16 a local agency may summarily vacate the excess right-of-way of  
17 a street or highway not required for street or highway  
18 purposes; and

19 WHEREAS the City Council wishes to proceed under the  
20 provisions of Sections 8330 et seq. of the Streets and Highways  
21 Code to summarily vacate the hereinafter described portion of  
22 Dufferin Avenue;

23 WHEREAS, in order to meet another condition of approval  
24 of Parcel Map 222, by that certain Offer of Dedication dated  
25 December 18, 1976, and recorded January 14, 1977 in Book 1977,  
26 Page 7829, Official Records of Riverside County, California, M.  
27 HEBBARD-MacARTHUR, SETH G. MacARTHUR and BARBARA J. MacARTHUR,

1 irrevocably offered for dedication to the City of Riverside  
2 pursuant to the provisions of California Government Code  
3 Section 7050 certain real property as described therein  
4 extending from Dufferin Avenue for public street and highway  
5 purposes; and

6 WHEREAS said Offer of Dedication was intended to  
7 provide access for potential future re-subdivision of the  
8 parcels of Parcel Map 222 into smaller parcels, but with the  
9 passage of Proposition R in 1979, the area was placed into the  
10 Residential Agricultural Five-Acre ("RA-5") Zone thereby  
11 precluding further subdivision; and

12 WHEREAS the Offer of Dedication is no longer necessary  
13 for present or prospective public use for public street  
14 purposes and the right of the City of Riverside to accept said  
15 Offer of Dedication can be terminated and abandoned as it will  
16 not be accepted by the City of Riverside for public street  
17 purposes ; and

18 WHEREAS Section 7050 of the Government Code provides  
19 that an offer of dedication may be terminated and the right to  
20 accept such offer abandoned in the same manner as is prescribed  
21 for the summary vacation of streets or highways by Part 3  
22 (commencing with Section 8300) of Division 9 of the Streets and  
23 Highways Code; and

24 WHEREAS the City Council wishes to proceed under the  
25 provisions of Sections 8330 et seq. of the Streets and Highways  
26 Code to summarily vacate the aforementioned Offer of  
27 Dedication;

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of  
2 the City of Riverside, California, as follows:

3 Section 1: The vacation of the hereinafter described  
4 portion of Dufferin Avenue and the vacation of the hereinafter  
5 described Offer of Dedication extending easterly from Dufferin  
6 Avenue are both being undertaken pursuant to, and in accordance  
7 with, the provisions of Chapter 4 (commencing with Section  
8 8330) of Part 3 of Division 9 of the Streets and Highways Code  
9 of the State of California.

10 Section 2: The City Council finds and determines that  
11 the strip of land approximately 15 feet wide located on the  
12 southeasterly side of Dufferin Avenue extending southeasterly  
13 from Monroe Street approximately 641.09 feet hereinafter  
14 described is excess right-of-way not required for street or  
15 highway purposes, and hereby orders the summary vacation of  
16 said portion of Dufferin Avenue described as follows:

17 That portion of Lot 31 of the Resubdivision of  
18 Block 32 of ARLINGTON HEIGHTS, as shown by map  
19 on file in Book 1, Page 37 of Maps, records of  
20 Riverside County, California, described as  
21 follows:

22 BEGINNING at the most westerly corner of said  
23 Lot;

24 THENCE North 56° 01' 26" East, along the  
25 northwesterly line of said Lot, a distance of  
26 641.09 feet;

27 THENCE South 33° 59' 28" East, along the  
northeasterly line of said Lot, a distance of  
38.00 feet;

THENCE North 67° 05' 31" West, 27.46 feet to a  
line which is parallel with and distant 15.00  
feet southeasterly, as measured at right angle,  
-- from said northwesterly line of said Lot;

DESCRIPTION APPROVAL 10/3/96  
by [Signature]  
SURVEYOR, CITY OF RIVERSIDE

1           THENCE South 56° 01' 26" West, along said  
2 parallel line, 626.10 feet to the southwesterly  
3 line of said Lot;

4           THENCE North 33° 59' 36" West, along said  
5 southwesterly line, 15.00 feet to said POINT OF  
6 BEGINNING.

7           Section 3: That the public convenience and necessity  
8 require the exception from the vacation of that above-described  
9 strip of land approximately 15 feet wide located on the  
10 southeasterly side of Dufferin Avenue extending southeasterly  
11 from Monroe Street approximately 641.09 feet an easement and  
12 right-of-way over, along and across said strip of land ordered  
13 to be vacated necessary for overhead and/or underground  
14 electrical energy distribution facilities and the reservation  
15 of an easement for and the right to construct, maintain,  
16 operate, replace, remove, renew, and enlarge lines of pipe,  
17 conduits, cables, wires, poles and other convenient structures,  
18 equipment and fixtures for the distribution of electric energy.

19           Section 4: The City Council finds and determines that  
20 the real property offered for dedication by M. HEBBARD  
21 MacARTHUR, SETH G. MacARTHUR and BARBARA J. MacARTHUR in that  
22 certain Offer of Dedication dated December 18, 1976, and  
23 recorded January 14, 1977 in Book 1977, Page 7829, Official  
24 Records of Riverside County, California, is no longer necessary  
25 for present or prospective public use for public street  
26 purposes as the property which it was intended to serve cannot  
27 be further subdivided, and orders the summary vacation of said  
Offer of Dedication and the right of the City of Riverside to  
accept said Offer of Dedication is hereby terminated and

1 abandoned as to the real property described as follows:

2 Parcel 1

3 The northeasterly 66.00 feet of the  
4 southwesterly 191 feet of Lot 31 of the  
5 Resubdivision of Block 32 of ARLINGTON HEIGHTS,  
6 as shown by map on file in Book 1, Page 37 of  
7 Maps, records of Riverside County, California.

8 Parcel 2

9 The southeasterly 33.00 feet of the  
10 southwesterly 125.00 feet of Lot 31 of the  
11 Resubdivision of Block 32 of ARLINGTON HEIGHTS,  
12 as shown by map on file in Book 1, Page 37 of  
13 Maps, records of Riverside County, California.

14 Section 5: That the proposed project is exempt from  
15 the provisions of the California Environmental Quality Act  
16 pursuant to Section 15061(b)(3) of the Guidelines for  
17 Implementation of the California Environmental Quality Act  
18 (Title 15, California Code of Regulations, commencing with  
19 section 15000) as it can be seen with certainty that there is  
20 no possibility that the activity will have a significant effect  
21 on the environment.

22 Section 6: The City Clerk of the City of Riverside  
23 shall cause a certified copy of this resolution to be recorded  
24 in the Office of the County Recorder of Riverside County,  
25 California, and said portion of Dufferin Avenue hereinabove  
26 described shall be and is hereby terminated as of the date of  
27 said recordation and shall no longer constitute a street from  
and after said date of recordation, and the Offer of Dedication  
dated December 18, 1976, and recorded January 14, 1977 in Book  
1977, Page 7829, Official Records of Riverside County,  
California, as hereinabove described shall be and is hereby  
terminated and abandoned as of the date of said recordation.

DESCRIPTION APPROVAL 10/13/86  
by [Signature]  
SURVEYOR, CITY OF RIVERSIDE

1 ADOPTED by the City Council and signed by the Mayor and  
2 attested by the City Clerk this 8th day of October, 1996.

3  
4 *Ronda Lovelace*  
5 Mayor of the City of Riverside

6 Attest:

7 *Colleen Nicol*  
8 City Clerk of the City of Riverside

9  
10  
11  
12  
13 I, Colleen J. Nicol, City Clerk of the City of  
14 Riverside, California, hereby certify that the foregoing  
15 resolution was duly and regularly introduced and adopted at a  
16 meeting of the City Council of said City at its meeting held on  
17 the 8th day of October, 1996, by the following  
18 vote, to wit:

19 Ayes: Councilmembers Beaty, Moore, Kane, Clifford, Thompson  
20 and Pearson

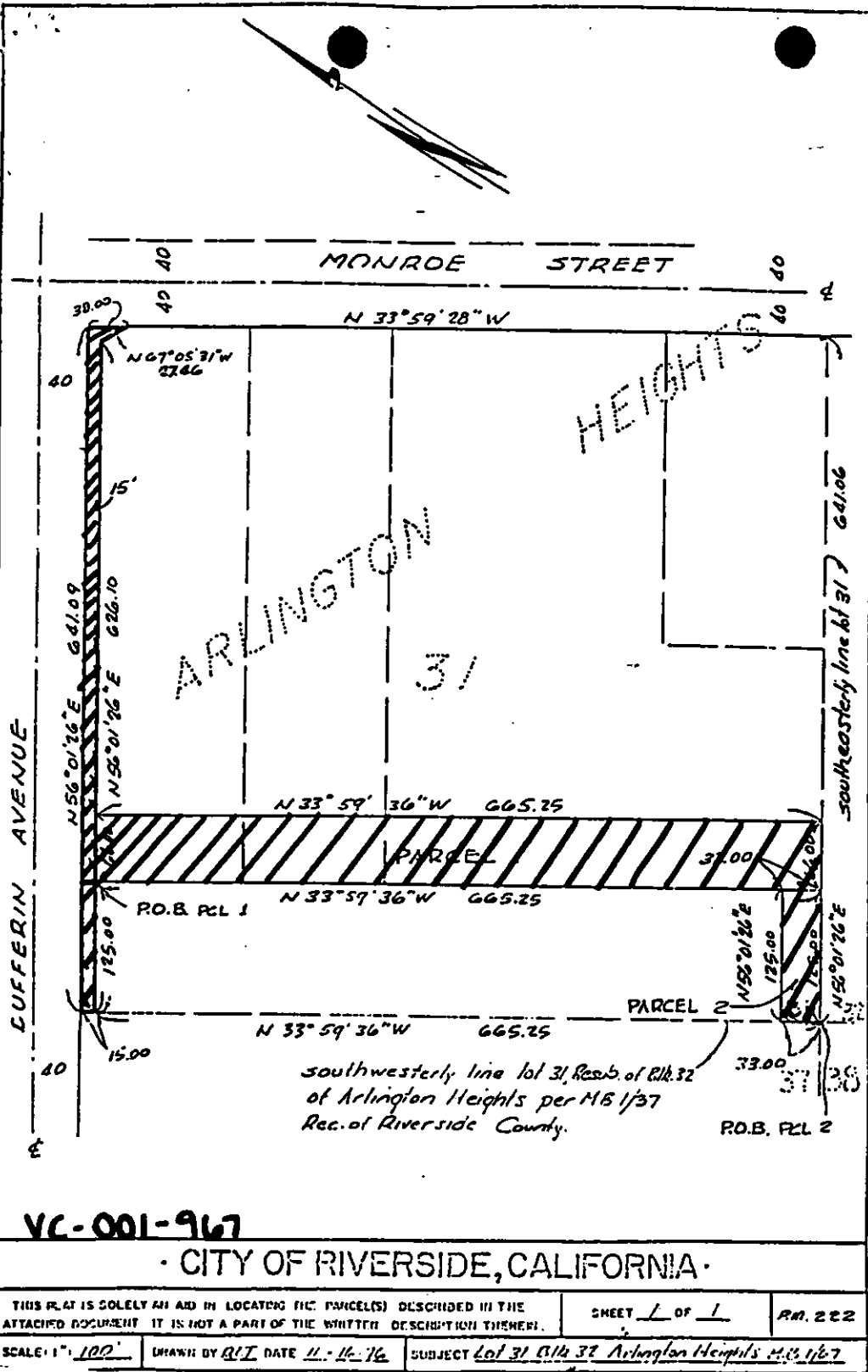
21 Noes: None.

22 Absent: Councilmember Defenbaugh.

23 IN WITNESS WHEREOF I have hereunto set my hand and  
24 affixed the official seal of the City of Riverside, California,  
25 this 8th day of October, 1996.

26  
27 *Colleen Nicol*  
City Clerk of the City of Riverside





THE FOREGOING INSTRUMENT IS CERTIFIED, UNDER PENALTY OF PERJURY, TO BE A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

*Carl Nicol*  
 City Clerk of the City of Riverside, California  
 Executed on December 15, 19 97, at  
 Riverside, California