

452461

1 RECORDING REQUESTED BY  
2 AND WHEN RECORDED MAIL TO:

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

5 FREE RECORDING  
6 Exempt Pursuant to  
Government Code §6103

7 Case No. VC-001-978

RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

DEC 10 1997

Recorded in Official Records  
of Riverside County, California

Recorder

Fees \$ 0

8 FOR RECORDER'S OFFICE USE ONLY  
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RESOLUTION NO. 19199

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
RIVERSIDE, CALIFORNIA, MAKING ITS FINDINGS AND  
DETERMINATIONS IN THE MATTER OF RESOLUTION OF  
INTENTION NO. 19190; RESERVING PERMANENT EASEMENTS AND  
RIGHTS-OF-WAY FOR ELECTRICAL ENERGY DISTRIBUTION  
FACILITIES, FOR SANITARY SEWER FACILITIES, FOR GAS  
LINE FACILITIES, AND FOR AERIAL AND UNDERGROUND  
TELEPHONE, TELEGRAPH AND COMMUNICATION FACILITIES  
INCLUDING CABLE TELEVISION FACILITIES, AND FOR ANY  
OTHER IN-PLACE PUBLIC UTILITY FACILITIES THAT ARE IN  
USE AND DETERMINING THAT THE PUBLIC CONVENIENCE AND  
NECESSITY REQUIRE THE RESERVATION OF SUCH EASEMENTS;  
AND MAKING ITS ORDER VACATING THE APPROXIMATELY 66-  
FOOT WIDE BY 150-FOOT LONG PORTION OF GILBERTO AVENUE  
SITUATED BETWEEN INDIANA AVENUE AND THE RIVERSIDE (91)  
FREEWAY.

VC-001-978

## RESOLUTION NO. 19199

1  
2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
3 OF RIVERSIDE, CALIFORNIA, MAKING ITS FINDINGS  
4 AND DETERMINATIONS IN THE MATTER OF RESOLUTION  
5 OF INTENTION NO. 19190; RESERVING PERMANENT  
6 EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRICAL  
7 ENERGY DISTRIBUTION FACILITIES, FOR SANITARY  
8 SEWER FACILITIES, FOR GAS LINE FACILITIES, AND  
9 FOR AERIAL AND UNDERGROUND TELEPHONE,  
10 TELEGRAPH AND COMMUNICATION FACILITIES  
11 INCLUDING CABLE TELEVISION FACILITIES, AND FOR  
12 ANY OTHER IN-PLACE PUBLIC UTILITY FACILITIES  
13 THAT ARE IN USE AND DETERMINING THAT THE  
14 PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE  
15 RESERVATION OF SUCH EASEMENTS; AND MAKING ITS  
16 ORDER VACATING THE APPROXIMATELY 66-FOOT WIDE  
17 BY 150-FOOT LONG PORTION OF GILBERTO AVENUE  
18 SITUATED BETWEEN INDIANA AVENUE AND THE  
19 RIVERSIDE (91) FREEWAY.

20 WHEREAS, on November 12, 1997, the City Council of the  
21 City of Riverside in Vacation Case No. VC-001-978 adopted  
22 Resolution No. 19190 declaring its intention to order the vacation  
23 of the approximately 66-foot wide by 150-foot long portion of  
24 Gilberto Avenue right-of-way situated between Indiana Avenue and  
25 the Riverside (91) Freeway within the City of Riverside,  
26 California, and fixing the time and place of hearing all persons  
27 interested in the proposed vacation pursuant to the provisions of  
the Public Streets, Highways and Service Easements Vacation Law,  
being Sections 8300 et seq. of Part 3, Division 9 of the Streets  
and Highways Code of the State of California; and

WHEREAS, said proposed vacation had been previously  
submitted to and considered by the Planning Commission of the City  
of Riverside at a duly noticed public hearing; and

WHEREAS, following the close of the public hearing before  
the Planning Commission, the Planning Commission determined that

1 the proposed project would not have a significant adverse affect  
2 on the environment and that the City Council should adopt a  
3 Negative Declaration, and that Vacation Case VC-001-978 should be  
4 approved subject to all staff conditions; and

5 WHEREAS, notice of hearing before the City Council on  
6 said resolution of intention was duly given as provided by said  
7 Public Streets, Highways, and Service Easements Vacation Law; and

8 WHEREAS the recommendations of the Planning Commission  
9 were submitted to the City Council for consideration together with  
10 the testimony, whether oral or in writing, presented at the public  
11 hearing before said City Council; and

12 WHEREAS the City Council heard and found and determined  
13 from all of the evidence submitted to said Council on the day  
14 fixed for the hearing that the approximately 66-foot wide by 150-  
15 foot long portion of Gilberto Avenue extending from Indiana Avenue  
16 to the Riverside (91) Freeway was unnecessary for present or  
17 prospective public use;

18 NOW, THEREFORE, BE IT RESOLVED, FOUND AND DETERMINED by  
19 the City Council of the City of Riverside, California, as follows:

20 Section 1: That the vacation of the approximately 66-  
21 foot wide by 150-foot wide portion of Gilberto Avenue extending  
22 from Indiana Avenue to the Riverside (91) Freeway in the City of  
23 Riverside in Vacation Case VC-001-978 is undertaken pursuant to  
24 the provisions of and in accordance with the procedures set forth  
25 in the Public Streets, Highways, and Service Easements Vacation  
26 Law and that all notices required thereby have been duly given.

27 Section 2: That from all of the evidence submitted to

1 the City Council at the public hearing before it on Vacation  
2 Case VC-001-978, whether such evidence was oral or in writing,  
3 together with the recommendations from the Planning Commission,  
4 the approximately 66-foot wide by 150-foot long portion of  
5 Gilberto Avenue between Indiana Avenue and the Riverside (91)  
6 Freeway within the City of Riverside as hereinafter described and  
7 ordered vacated is unnecessary for present or prospective public  
8 use as a public street.

9 Section 3: That the proposed project will not have a  
10 significant adverse effect on the environment and adopts a  
11 Negative Declaration.

12 Section 4: That the approximately 66-foot wide by 150-  
13 foot long portion of Gilberto Avenue situated between Indiana  
14 Avenue and the Riverside (91) Freeway within the City of  
15 Riverside, California and described in the document attached  
16 hereto, marked Exhibit A, and by this reference made a part  
17 hereof, be and the same is hereby ordered vacated subject to the  
18 reservation of easements as hereinafter set forth.

19 Section 5: That the public convenience and necessity  
20 requires the exception from the vacation hereinabove ordered of  
21 those easements and rights-of-way as more particularly described  
22 in Exhibit A over, along and across said portion of Gilberto  
23 Avenue ordered to be vacated necessary for electrical energy  
24 distribution facilities, sanitary sewer facilities, gas line  
25 facilities, and aerial and underground telephone, telegraph and  
26 communication facilities including cable television facilities,  
27 and the reservation of the following: (a) an easement for and the

1 right to construct, maintain, operate, replace, remove, renew, and  
2 enlarge lines of pipe, conduits, cables, wires, poles and other  
3 convenient structures, equipment and fixtures for the distribution  
4 of electric energy; (b) an easement for and the right to  
5 construct, maintain, operate, replace, remove and renew sanitary  
6 sewer and appurtenant structures; (c) an easement for and the  
7 right to construct, maintain, operate, replace, remove, renew and  
8 enlarge lines of pipe, conduits, cables, wires, poles, and other  
9 convenient structures, equipment and fixtures for the operation of  
10 gas line facilities; and (d) an easement for and the right to  
11 construct, place, operate, inspect, maintain, repair, replace and  
12 remove aerial and underground telephone, telegraph and  
13 communication structures including cable television facilities as  
14 may from time to time be required consisting of poles, anchors,  
15 wires, cables, conduits, manholes, markers and necessary fixtures  
16 and appurtenances. That the public convenience and necessity  
17 require the exception and reservation from the vacation of those  
18 easements and rights-of-way over, along and across the public  
19 street right-of-way ordered to be vacated necessary to maintain,  
20 operate replace, remove or renew any in-place public utility  
21 facilities that are in use and not otherwise excepted and reserved  
22 hereinabove.

23           Section 6:       That the vacation, termination and  
24 abandonment of that portion of Gilberto Avenue described in  
25 Exhibit A shall occur only after the applicable conditions  
26 contained in the Planning Department's report to the legislative  
27 body and on file with the City Clerk as approved or amended by the

1 City Council have been satisfied, and the City Clerk is hereby  
2 directed not to record this resolution of vacation until the  
3 applicable conditions have been satisfied.

4 Section 7: That the City Clerk of the City of Riverside  
5 shall cause a certified copy of this resolution to be recorded in  
6 the Office of the County Recorder of Riverside County, California,  
7 upon the satisfaction of the applicable conditions, and the  
8 portion of Gilberto Avenue described in Exhibit A shall no longer  
9 constitute a public street from and after said date of  
10 recordation.

11 ADOPTED by the City Council and signed by the Mayor and  
12 attested by the City Clerk this 2nd day of December, 1997.

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15 Mayor of the City of Riverside

16 Attest:

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19 City Clerk of the City of Riverside  
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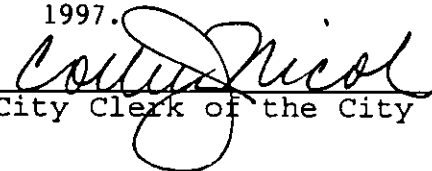
1 I, Colleen J. Nicol, City Clerk of the City of Riverside,  
2 California, hereby certify that the foregoing resolution was duly  
3 and regularly introduced and adopted at a meeting of the City  
4 Council of said City at its meeting held on the 2nd day of  
5 December, 1997, by the following vote, to wit:

6 Ayes: Councilmembers Beaty, Moore, Defenbaugh, Kane, Clifford,  
7 Thompson and Pearson.

8 Noes: None.

9 Absent: None.

10 IN WITNESS WHEREOF I have hereunto set my hand and  
11 affixed the official seal of the City of Riverside, California,  
12 this 2nd day of December, 1997.

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14 City Clerk of the City of Riverside  
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BP/bp  
11/24/97

EXHIBIT A  
GILBERTO AVENUE VACATION  
VC-001-978

THAT PORTION OF GILBERTO AVENUE AS SHOWN ON A MAP OF CROWELL GARDENS ON FILE IN MAP BOOK 22, PAGE 59 THEREOF, RECORDS OF RIVERSIDE COUNTY CALIFORNIA, LYING BETWEEN A LINE PARALLEL AND 44.00 FEET NORTHWESTERLY AS MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF INDIANA AVENUE AS SHOWN ON SAID MAP AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE RIVERSIDE FREEWAY, STATE HIGHWAY ROUTE 91;



RESERVING THEREFROM AN EASEMENT AND RIGHT-OF-WAY FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION, OF ELECTRICAL ENERGY DISTRIBUTION FACILITIES;

ALSO RESERVING THEREFROM AN EASEMENT AND RIGHT-OF-WAY FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF NATURAL GAS DISTRIBUTION FACILITIES;

ALSO RESERVING THEREFROM AN EASEMENT TO CONSTRUCT, PLACE, OPERATE, INSPECT, MAINTAIN, REPAIR, REPLACE, AND REMOVE SUCH AERIAL, TELEGRAPH, AND COMMUNICATION STRUCTURES AS THE PACIFIC BELL COMPANY MAY FROM TIME TO TIME REQUIRE, CONSISTING OF POLES, ANCHORS, WIRES, CABLES, AND NECESSARY FIXTURES AND APPURTENANCES OVER THE NORTHWESTERLY SIX FEET OF SAID VACATED AREA;

ALSO RESERVING THEREFROM AN EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF SANITARY SEWER FACILITIES, 15.00 FEET IN WIDTH, LYING BETWEEN A LINE PARALLEL AND 12.50 FEET NORTHEASTERLY AS MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF SAID GILBERTO AVENUE AND A LINE PARALLEL AND 2.50 FEET SOUTHWESTERLY FROM SAID CENTERLINE OF GILBERTO AVENUE.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 11/15/97 Prep.   
Mark S. Brown, L.S. 5655 Date  
License Expires 9/30/99





**THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.**

**Sheet 1 of 1**



Scale: 1" = 100'

*Drawn by: bmark*

**Date:** 11/06/97

**Subject: VC-001-978**

1074

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

City Clerk of the City of Riverside, California  
 Executed on December 10, 1997  
 Riverside, California

14196