

DOC # 2006-0189493

03/16/2006 08:00A Fee:NC

Page 1 of 8

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

Colleen J. Nicol, MMC

AND WHEN RECORDED MAIL TO:

City Clerk
City of Riverside
3900 Main St.
Riverside, CA 92522
FREE RECORDING-
Exempt Pursuant to
Government Code S6103



M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC
			8						
A	R	L			COPY	LONG	REFUND	NCHG	EXAM

C
AS

SPACE ABOVE FOR RECORDERS USE ONLY

P04-1320

15668

C
AS

RESOLUTION NO. 21022

Title of Document

**THIS AREA FOR
RECORDER'S
USE ONLY**

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

15668

RESOLUTION NO. 21022

1
2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
3 CALIFORNIA, MAKING ITS FINDINGS AND DETERMINATIONS IN THE
4 MATTER OF RESOLUTION OF INTENTION NO. 21005, AND MAKING ITS
5 ORDER VACATING THE PUBLIC RIGHTS-OF-WAY SITUATED ON THE
6 EASTERLY AND WESTERLY SIDES OF MAGNOLIA AVENUE, BETWEEN
7 FIFTEENTH STREET AND TERRACINA DRIVE, WITHIN THE CITY OF
8 RIVERSIDE, CALIFORNIA.

9 WHEREAS, on July 26, 2005, the City Council of the City of Riverside in Planning Case
10 No. P04-1320 adopted Resolution No. 21005 declaring its intention to order the vacation of public
11 rights-of-way situated on the easterly and westerly sides of Magnolia Avenue, between Fifteenth Street
12 and Terracina Drive, within the City of Riverside, California, and fixing the time and place of hearing
13 all persons interested in the proposed vacation pursuant to the provisions of the Public Streets,
14 Highways and Service Easements Vacation Law, being Sections 8300 et seq. of Part 3, Division 9 of
15 the Streets and Highways Code of the State of California; and

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

18 WHEREAS, said proposed vacation had been previously submitted to and considered by the
19 Planning Commission of the City of Riverside at a duly noticed public hearing held on June 9, 2005;
20 and

21 WHEREAS, following the close of the public hearing before the Planning Commission, the
22 Planning Commission determined that the proposed vacation would not have a significant effect on the
23 environment, recommended that the City Council should adopt a Mitigated Negative Declaration, and
24 recommended that Planning Case No. P04-1320 should be approved subject to all staff conditions; and

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

WHEREAS, the City Council heard and found and determined from all of the evidence
submitted to said Council on the day fixed for the hearing, on September 6, 2005, that the public
rights-of-way situated on the easterly and westerly sides of Magnolia Avenue, between Fifteenth Street

1 and Terracina Drive, within the City of Riverside, proposed for vacation was unnecessary for present
2 or prospective public use;

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

5 Section 1: That the vacation of the public rights-of-way situated on the easterly and westerly
6 sides of Magnolia Avenue, between Fifteenth Street and Terracina Drive, within the City of Riverside,
7 California, in Planning Case P04-1320 is undertaken pursuant to the provisions of and in accordance
8 with the procedures set forth in the Public Streets, Highways, and Services Easements Vacation Law
9 and that all notices required thereby have been duly given.

10 Section 2: That from all the evidence submitted to the City Council at the September 6, 2005,
11 public hearing before it on Planning Case P04-1320, whether such evidence was oral or in writing,
12 together with the recommendations from the Planning Commission, public rights-of-way situated on
13 the easterly and westerly sides of Magnolia Avenue, between Fifteenth Street and Terracina Drive,
14 within the City of Riverside, California, as hereinafter described and ordered vacated is unnecessary for
15 present or prospective public use as a public street.

16 Section 3: That the proposed vacation will not have a significant effect on the environment
17 and adopts a Mitigated Negative Declaration.

18 Section 4: That the portion public rights-of-way situated on the easterly and westerly sides
19 of Magnolia Avenue, between Fifteenth Street and Terracina Drive, within the City of Riverside,
20 California, and described in attached Exhibit "A", and depicted in Exhibit "B" and by this reference
21 made a part hereof, is hereby ordered vacated.

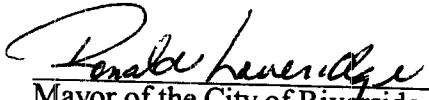
22 Section 5: That the public convenience and necessity requires the exception of the following
23 easements and rights-of-way from the vacation hereinabove ordered: an easement for electric energy,
24 water pipelines, gas lines, storm drains, sanitary sewers, telephone, telegraph, cable television and
25 communication facilities (including any existing SBC-Pacific Bell facilities), and the right to construct,
26 place, inspect, operate, maintain, repair, replace, renew and remove such facilities, as may from time
27 to time be required. Further, that the public convenience and necessity require the exception and

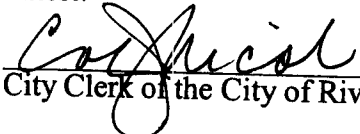
1 reservation from the vacation those easements and rights-of-way in, under, across, upon, over and along
2 that portion of the public street ordered to be vacated necessary to maintain, operate, remove or renew
3 any in-place public utility facilities that are in use and not otherwise excepted and reserved hereinabove.

4 Section 6: That the vacation, termination and abandonment of that portion of the public
5 rights-of-way described in Exhibit "A" and depicted in Exhibit "B" shall occur only after the applicable
6 conditions contained in the Planning Department's report to the City Council and on file with the City
7 Clerk, as approved or amended by the City Council, have been satisfied, and the City Clerk is hereby
8 directed not to record this resolution of vacation until the applicable conditions have been satisfied.

9 Section 7: That the City Clerk of the City of Riverside shall cause a certified copy of this
10 resolution to be recorded in the Office of the County Recorder of the County of Riverside, California,
11 upon the satisfaction of the applicable conditions, the public rights-of-way described in Exhibit "A" and
12 depicted in Exhibit "B" shall no longer constitute public rights-of way from and after the date of
13 recordation.

14 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this
15 6th day of September, 2005.

16
17 
18 Mayor of the City of Riverside

18 Attest:
19 
20 City Clerk of the City of Riverside

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council
3 of said City at its meeting held on the 6th day of September, 2005, by the following vote, to wit:

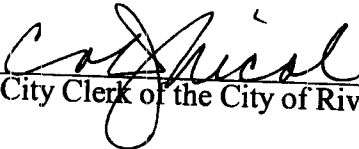
4 Ayes: Councilmembers Betro, Moore, Gage, Schiavone, Adkison, Hart, and Adams

5 Noes: None

6 Absent: None

7 Abstain: None

8 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the
9 City of Riverside, California, this 6th day of September, 2005.

10
11
12 
13 City Clerk of the City of Riverside
14
15
16
17
18
19
20
21
22
23
24
25

26 G:\CLK\COUNCIL\Resolutions\Sep_06\21022.wpd

CA: 05-1569

07/11/05

27

MAGNOLIA AVENUE VACATION

PARCEL 1:

Those portions of Lots 154 and 166 of Southern California Colony Association Lands, as shown in Book 7 of Maps, Page 37 thereof, Records of San Bernardino County, California, located in the City of Riverside, County of Riverside, California, and being more particularly described as follows:

The easterly 40.00 feet of that certain parcel of land described in City of Riverside Resolution No. 3436, recorded October 29, 1940 in Book 481, Page 98, Official Records of Riverside County, California.

The above described parcel of land contains approximately 26,958 square feet, more or less.

PARCEL 2:

That portion of Lot 154 of Southern California Colony Association Lands, as shown in Book 7 of Maps, Page 37 thereof, Records of San Bernardino County, California, located in the City of Riverside, County of Riverside, California, and being more particularly described as follows:

The easterly 40.00 feet of the easterly 100.00 feet of Magnolia Avenue (200.00 feet wide) bounded on the north by the southwesterly line of a Grant Deed recorded March 29, 1960 as Instrument No. 27619, Book 2664, Page 225, Official Records of Riverside County, and bounded on the south by a line parallel with and 40.00 feet northerly of the southerly line of said Lot 154.

The above described parcel of land contains approximately 22,112 square feet, more or less.

PARCEL 3:

Those portions of Lots 154 and 166 of Southern California Colony Association Lands, as shown in Book 7 of Maps, Page 37 thereof, Records of San Bernardino County, California, located in the City of Riverside, County of Riverside, California, and being more particularly described as follows:


The westerly 40.00 feet of the westerly 100.00 feet of Magnolia Avenue (200.00 feet wide) bounded on the north by the southeasterly prolongation of the northeasterly line of Parcel A of Parcel Map Waiver No. 25-845, recorded May 1, 1985 as Instrument No. 92424, Official Records of Riverside County, said northeasterly line bears S.47°03'16"E., as described by said Parcel Map Waiver No. 25-845, and bounded on the south by the southeasterly prolongation of the northeasterly line of Parcel B of Parcel Map Waiver No. 25-845 recorded May 1, 1985 as Instrument No. 92425, Official Records of Riverside County, said northeasterly line bears N.63°10'55"W., as described by said Parcel Map Waiver No. 25-845.

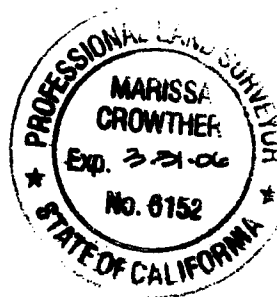
The above described parcel of land contains approximately 31,258 square feet, more or less.

EXCEPTING AND RESERVING from the vacation an easement for any existing public utilities and public service facilities, together with the right to maintain, operate, replace, remove, or renew such facilities, pursuant to Section 8340 of the Streets and Highway Code.

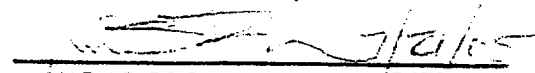
RESERVING THEREFROM a permanent easement and right-of-way for roadway slope and support purposes, for the construction, reconstruction and maintenance of roadway slopes and supports, including the rights of ingress and egress, the temporary deposit of tools, equipment, machinery, vehicles, materials and supplies used in the performance of said work, and for similar and related purposes, excepting therefrom that portion of the vacated right of way lying within and easterly of the Riverside Community College parking structure improvements.

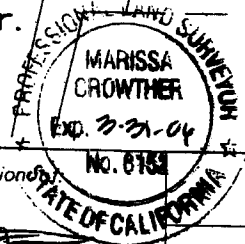
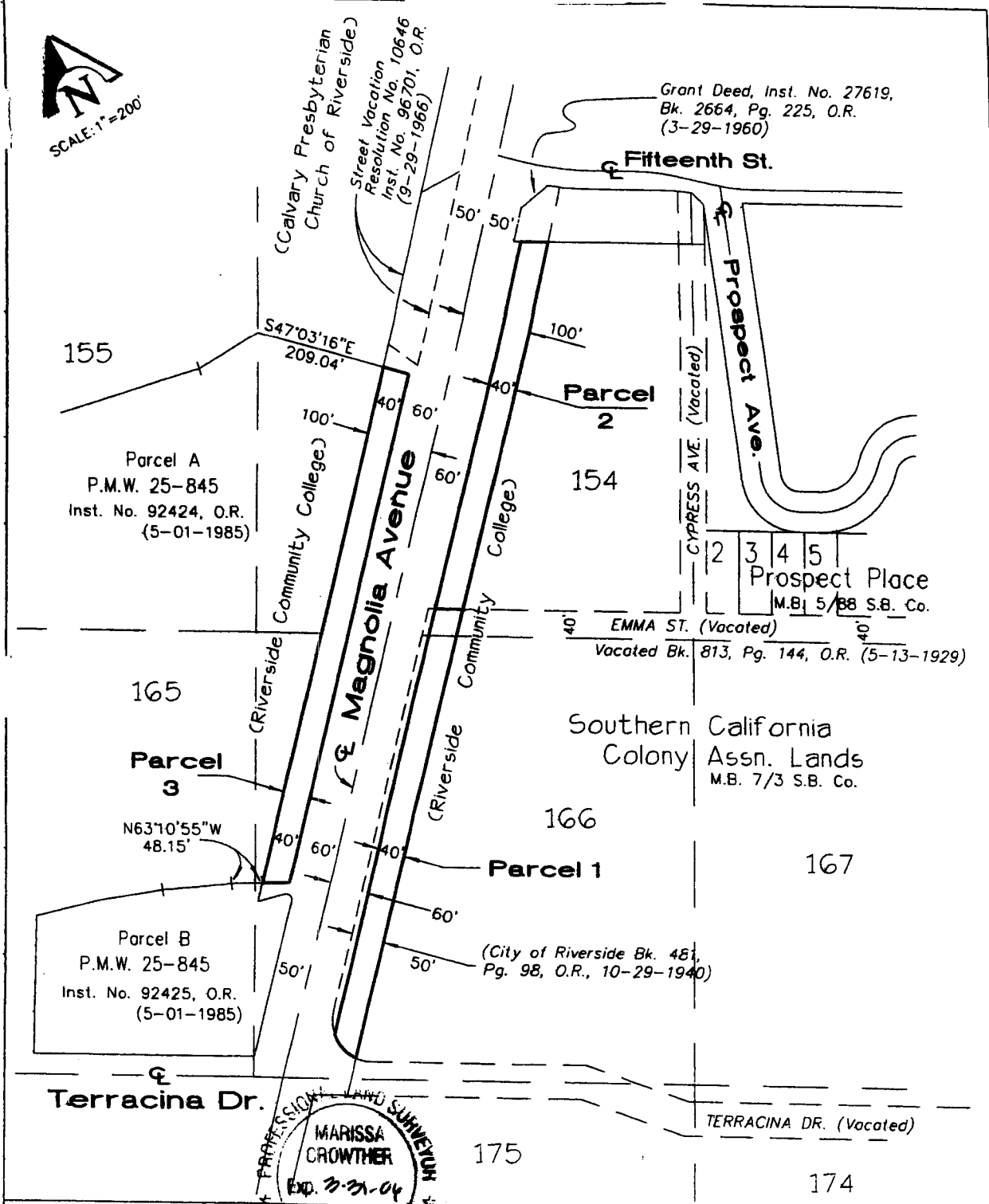
KCT CONSULTANTS, INC.
Prepared under the supervision of:


Marissa Crowther, PLS 6152
Date: July 20th 2005



DESCRIPTION APPROVAL:


MARK S. BROWN
CITY SURVEYOR
DATE 7/21/05



Prepared under the supervision of <i>Marissa Crowther</i>	STREET VACATION Magnolia Avenue	EXHIBIT "B"
MARISSA CROWTHER, PLS 6152	 KCT CONSULTANTS, INC. Civil Engineers - Surveyors - Planners	Sheet <u>1</u> of <u>1</u>
DATE: <u>July 20 2005</u>		Scale: 1"=200'
		January 2005
		WD <u>1038-33</u>

H:\1038\33-RCC-MASTER-PLAN\Survey\St Vac\33-RCC-mag-vac01 rev.dwg
 Plot Date: July 20, 2005 - 11:16am | Marissa

The foregoing instrument is certified, under penalty of perjury, to be a correct copy of the original on file in this office.

Colleen J. Nicol 39/143
 Colleen J. Nicol, City Clerk
 City of Riverside, California
 Executed on Sept. 19 2005 at
 Riverside, California 15668