

DOC # 2008-0181505

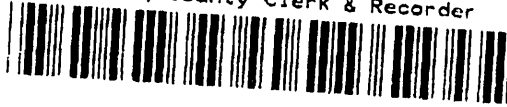
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Page 1 of 8

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

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
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NCL-600									513

SPACE ABOVE FOR RECORDERS USE ONLY

D - 16200



RESOLUTION NO. 21589

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)

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RESOLUTION NO. 21589

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, PROVIDING FOR THE SUMMARY VACATION (CASE NO. P07-1359) OF APPROXIMATELY 285 FEET OF UNUSED RIGHT-OF-WAY LOCATED ALONG MARLBOROUGH STREET BETWEEN RUSTIN AVENUE AND THE SOUTHERN PACIFIC RAILROAD, IN THE CITY OF RIVERSIDE, CALIFORNIA.

WHEREAS, the City of Riverside proposes to vacate approximately 285 square feet of unused right-of-way located along Marlborough Street between Rustin Avenue and the Southern Pacific Railroad, as described and depicted in Exhibit "A", attached hereto and incorporated by reference (hereinafter "the Property"); and

WHEREAS, the Property is excess right-of-way and is not required for street or highway purposes; and

WHEREAS, the adjoining properties and public service easements will not be affected by the vacation of the Property; and

WHEREAS, the Property has been closed and impassable as a public road and no funds have been expended on its maintenance for the last five years; and;

WHEREAS, Section 8334 of the Streets and Highways Code provides that the legislative body of a local agency may summarily vacate the excess right-of-way of a street or highway not required for street or highway purposes; and

WHEREAS, the City Council wishes to proceed under the provisions of Section 8330, et seq. of the Street and Highways Code to summarily vacate the Property.

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

Section 1: The vacation of the Property is undertaken pursuant to the provisions of Chapter 4 (commencing with Section 8330) of Part 3 of the Streets and Highways Code of the State of California.

Section 2: The City Council finds and determines as follows:

1 (a) The Property is excess right-of-way and is not required for street or  
2 highway purposes.

3 (b) The vacation of the Property will not cut off all access of any parcel of  
4 property and will not affect any public service easement.

5 (c) The Property has been closed and impassable as a public road and no  
6 public funds have been expended on its maintenance for the last five years.

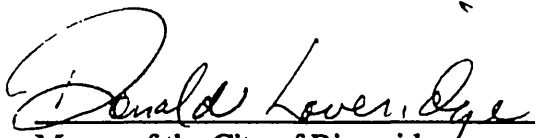
7 Section 3: The proposed summary street vacation project is exempt from the provisions  
8 of the California Environmental Quality Act pursuant to Section 15061 (b) (3) of the Guidelines  
9 for Implementation of the California Environmental Quality Act (Title 15, California Code of  
10 Regulations, commencing with Section 15000) as it can be seen with certainty that there is no  
11 possibility that the activity will have a significant effect on the environment.

12 Section 4: The City Council hereby orders the Summary Vacation approximately 285  
13 square feet of unused right-of-way located along Marlborough Street between Rustin Avenue  
14 and the Southern Pacific Railroad, particularly described and depicted in Exhibit "A", attached  
15 hereto and incorporated herein by this reference, subject to the Recommended Conditions  
16 contained in the Council Report, and further, reserving and excepting the following easements  
17 and rights-of-way from the vacation herein above ordered: an easement for, and right to  
18 construct, maintain, operate, inspect, replace, remove, renew, repair and enlarge lines of pipe,  
19 conduits, cables, wires, poles, vaults, manholes, markers, equipment, fixtures and other  
20 convenient and appurtenant structures, for the distribution and/or transmission of electrical  
21 energy, water pipelines, gas lines, storm drains, sanitary sewers, telephone, telegraph, cable  
22 television and other communication facilities, as may from time to time be required.

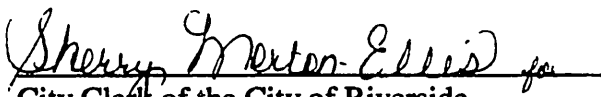
23 Section 5: The City Clerk of the City of Riverside shall assign a deed number hereto and  
24 cause a certified copy of this resolution to be recorded in the Office of the County Recorder of  
25 Riverside County, California, portion of a public alley described and depicted in Exhibit "A"  
26 shall be and is hereby terminated as of the date of said recordation and shall no longer constitute  
27 a public street or right-of-way from and after said date of recordation.

28 ///

1 ADOPTED by the City Council and signed by the Mayor this 26th day of  
2 February, 2008.

  
Mayor of the City of Riverside

4 ATTEST:

5  
6   
7 City Clerk of the City of Riverside

8 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
9 foregoing resolution was duly and regularly introduced at a meeting of the City Council on the  
10 26th day of February, 2008, by the following vote, to wit:

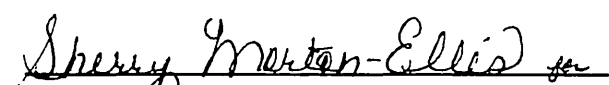
11 Ayes: Councilmembers Gardner, Melendrez, Bailey, Schiavone, Mac Arthur, Hart,  
12 and Adams

13 Noes: None

14 Abstain: None

15 Absent: None

16 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of  
17 the City of Riverside, California, this 28th day of February, 2008.

18  
19   
20 City Clerk of the City of Riverside

21  
22  
23 O:\Cyc\com\WPDocs\D008\0006\00002570.doc  
24 CA: 08-0338  
25 02/08/07

**EXHIBIT A**  
Vacation – P07-1359

In the City of Riverside, County of Riverside, State of California, being that certain real property described as follows:

That portion of Marlborough Avenue accepted for public street purposes by Resolution No. 9603, adopted by the City Council of the City of Riverside and recorded January 17, 1963 as Instrument No. 5828, in Book 3303 page 225, Official Records of said County.

Excepting therefrom that portion lying northerly of a line that is parallel and 35 feet southerly as measured at right angles from the centerline of Marlborough Avenue as said centerline is shown on a Record of Survey on file in Record of Survey Book 38 page 7 thereof, records of Riverside County, California;

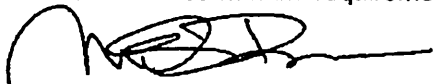
Also excepting therefrom that portion lying westerly and northwesterly of the following described line:

Beginning at the intersection of the easterly right of way line of Rustin Ave (33 foot half-width) with the northwesterly line of that certain 100.00 foot right of way of the Southern Pacific Railroad as shown on Record of Survey on file in Record of Survey Book 38 page 7 thereof, records of Riverside County California;

Thence North 00°05'54" West along said easterly line of Rustin Avenue a distance of 177.64 feet;

Thence North 45°16'34" East to a point on said line that is parallel and 35 feet southerly as measured at right angles from the centerline of Marlborough Avenue and the end of this line description.;

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

  
\_\_\_\_\_  
Mark S. Brown, L.S. 5655      2/12/08      Date      Prep. \_\_\_\_\_  
License Expires 9/30/09







LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

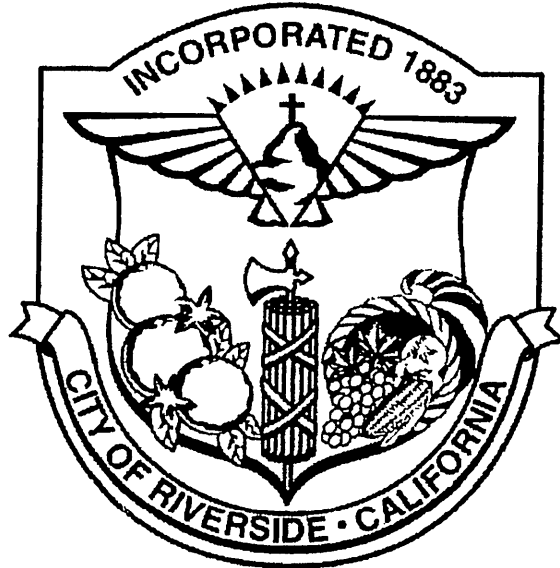
Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

[www.riversideacr.com](http://www.riversideacr.com)

### CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):



Date: 4/11/08

Signature: Eva Miramontes

Print: Eva Miramontes



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