

RESOLUTION NO. 23-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA,
RESCINDING RESOLUTION NO. 23-1363 AND REORDERING THE SUMMARY
VACATION OF PUBLIC UTILITY EASEMENTS, TOGETHER WITH THE RIGHT OF
INGRESS AND EGRESS, ORIGINALLY DEDICATED ON TRACT MAP NO. 32628, IN
THE CITY OF MENIFEE, CALIFORNIA**

WHEREAS, Tract Map No. 32628 (TM32628), known as Adler Ranch (“Project”) and located south of Craig Avenue and east of Antelope Road in the City of Menifee, was recorded on November 13, 2007, with Riverside County Recorder’s Office and included dedications of public utility easements, together with the right of ingress and egress (“Original Easements”) within private roadway easements; and

WHEREAS, on June 08, 2022, FPG Tricon Menifee Property, LLC, (“Developer”) submitted an application to the City requesting to vacate the Original Easements established for the Project; and

WHEREAS, in September 2022, the Developer submitted a lot line adjustment (LLA 22-002) that resulted in the shifting of the parcel lines within TM32628, requiring that new public utility easements and access easements be recorded for the Project; and

WHEREAS, on April 27, 2023, the dedication of new public utility easements (“New Easements”) within the private roadways of TM32628 were recorded with the Riverside County Recorder’s office as DED22-012, Instrument No. 2023-0119544; and

WHEREAS, the City has determined that the Original Easements have been superseded by the dedication of the New Easements, and there are no other public facilities located within the Original Easements; and

WHEREAS, the Streets and Highways Code Section 8333(c) establishes that a local jurisdiction may summarily vacate a public utility easement if “the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement;” and

WHEREAS, on October 18, 2023, the City Council approved Resolution No. 23-1363, ordering the summary of vacation of public utility easements, together with the right of ingress and egress, as previously dedicated on recorded Tract Map No. 32628 for the Adler Ranch development; and

WHEREAS, Resolution No. 23-1363 and the Vacation was not able to be recorded due to information not being clearly legible on the Exhibit for Tract Map No. 32628; and

WHEREAS, the City has removed the exhibit for Tract Map No. 32628 as it was determined that it was not a requirement for recordation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menifee, California:

Section 1. The City Council, in summarily vacating public utility easements, together with right of ingress and egress, elects to proceed in accordance with the provision of the “Public Streets, Highways and Service Easements Vacation Law”, being Division 9, Part 3, of the Streets and Highways Code of the State of California.

Section 2. The City Council of the City of Menifee does hereby summarily vacate those public utility easements, together with the right of ingress and egress originally dedicated within Tract Map 32628, located south of Craig Avenue and east of Antelope Road, as described in the Easement Vacation and exhibits attached hereto and incorporated as Exhibit "A". From and after the date this Resolution is recorded, the public utility easements vacated shall no longer constitute a public service easement.

Section 3. Nothing in this Resolution shall in any way affect or disturb any other existing easements for public utility purposes belonging to either the City of Menifee or public entity that existed prior to these vacation proceedings. Reservations of easements are made in accordance with the provisions or Division 9, Part 3, Chapter 5, Article 1, of the Streets and Highways Code of the State of California.

Section 4. The City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 5. Severability. If any provision of this Resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

Section 6. Effective Date. This Resolution shall become effective immediately.

PASSED, APPROVED AND ADOPTED this 6th day of December 2023.

Bill Zimmerman, Mayor

Attest:

Sarah Manwaring, City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney