

RESOLUTION NO. 24-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA,
ORDERING THE SUMMARY VACATION OF PUBLIC ROAD RIGHT OF WAY,
TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, AS ORIGINALLY
DEDICATED FOR PUBLIC ROAD AND UTILITY PURPOSES ON THE TRACT MAP OF
ROMOLA No. 5, IN THE CITY OF MENIFEE, CALIFORNIA**

WHEREAS, The Recorded Romola Map No. 5, located north of highway 74 and east of Meniffee Road in the City of Meniffee (“City”), with Riverside County Recorder’s Office, included dedications of public roadway and utility easements; and

WHEREAS, Riverside County Flood Control and Water Conservation District (“District”) requested a Quitclaim be granted for the previously unaccepted dedicated Right of Way, said quitclaim would relinquish any interests in the remaining portion of Cummings Avenue, not included in the previous summary vacation approved by the County of Riverside by resolution No. 2006-119; and

WHEREAS, the City filed said quitclaim on June 5, 2024, to relinquish any interest in the remaining Right of Way portion of Cummings Avenue previously offered by Romola No. 5 map; and

WHEREAS, the District, to ensure that the City cannot accept the Right of Way dedication in the future, has requested the City vacate the offer of dedication completely; and

WHEREAS, the City has determined that a summary of vacation is warranted for relinquishing public Right of Way, moves to approve the notice of Vacation 24-001; 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8333(c) establishes that a local jurisdiction may summarily vacate a public utility easement if “the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.”

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

Section 1. The City Council, in summarily vacating public Right of Way, elects to proceed in accordance with the provision of the “Public Streets, Highways and Service Easements Vacation Law,” as established in Division 9, Part 3, of the Streets and Highways Code of the State of California.

Section 2. The City Council of the City of Meniffee does hereby summarily vacate those public utility easements, together with the right of ingress and egress originally irrevocably offered by the Map of Romola No. 5, for the portion of Cummings Avenue, located directly south of Varela Lane, as described in the Easement Vacation and exhibits attached hereto and incorporated as Exhibit “A” and depicted on Exhibit “B” attached and incorporated.

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 Meniffee 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 2nd day of October 2024.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney