



## **CITY OF MENIFEE**

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SUBJECT: Public Roadway Vacation No. 24-001, Vacating Dedicated Public Roadway, Portion of Cumming Avenue on the Map of Romola No. 5, Romola Farms

MEETING DATE: October 2, 2024

TO: Mayor and City Council

PREPARED BY: Chet Robinson, Principal Engineer

REVIEWED BY: Nick Fidler, Public Works Director

APPROVED BY: Armando G. Villa, City Manager

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### **RECOMMENDED ACTION**

1. Adopt a resolution ordering the summary vacation of public road right of way dedication, together with the right of ingress and egress, on Cumming Avenue as previously dedicated on the recorded Map of Romola No. 5, located directly south of Varela Lane and Cumming Avenue intersection; and
2. Authorize the City Clerk to record the adopted resolution and Notice of Vacation No. 24-001 (VAC24-001) with the Riverside County Recorder's Office.

### **DISCUSSION**

On June 20, 2006, the County of Riverside ("County") approved Resolution No. 2006-119 ordering the summary vacation of public right-of-way (ROW) for a portion of Cumming Avenue in the Romoland area. The offer of dedication for the ROW was originally established on the Map of Romola No. 5, filed in book 14, pages 44 through 46 inclusive, recorded on April 19, 1926. The offer of dedication, having never been accepted for public use by the County, was deemed not necessary and designated as excess ROW. Resolution No. 2006-119 was recorded by the County with the Riverside County Clerk Recorder's Office. The original summary vacation was recorded, however did not address the entire Cumming Avenue ROW. This resulted in a remnant of Cumming Avenue, south of Varela Lane, remaining as an "offer" of dedicated public ROW in official map records. Following the City's 2008 incorporation, the offer of dedicated public ROW for the Romola No. 5 map transferred rights to the City.

The Riverside County Flood Control and Water Conservation District ("District") is now planning to construct storm drain facilities in the vicinity of the Romola No. 5 map, as shown in the attached Location Map, and is acquiring property needed to construct and maintain the flood control

facilities. The City and the District previously entered into the attached Cooperative Agreement (“Agreement”) on February 6, 2024, which set forth the terms and conditions by which the District would design and construct certain flood control facilities within the Romoland Master Drainage Plan (“MDP”). Cumming Avenue is included in the property needed by the County for construction and maintenance of the MDP.

On June 5, 2024, at the request of the District, the City filed a quitclaim deed to relinquish the unaccepted portion of ROW on Cummings Avenue to the County for the MDP project. The District has now requested that additional action be taken to fully vacate Cummings Avenue to eliminate any latent offers of acceptance associated with Cumming Avenue as shown on the attached Notice of Vacation No. 24-001 (VAC 24-001). The District requested this action to ensure that the City cannot accept the ROW dedication on this portion of the roadway in the future. The portion of Cumming Avenue to be vacated is currently undeveloped, has not been in use as a public roadway or facility, and is considered excess ROW.

Streets and Highways Code (SHC) sections 8330 through 8336 give a legislative body the power to summarily vacate all or part of a street, highway, or public service easement, and set forth the procedures by which the power to vacate may be executed under summary vacation procedures. This process differs from a general vacation procedure as it does not require that public notices of the vacation be published or that a public hearing be administered prior to considering the vacation. A summary vacation may be completed with the approval of a resolution by the legislative body and must be recorded with the County Clerk Recorders Office.

If approved, the proposed resolution and VAC24-001 would be recorded with the Riverside County Clerk Recorders Office, and the summary vacation of the originally dedicated public road ROW, along with any original rights of ingress and egress, would be effective as of the recorded date.

### **STRATEGIC PLAN OBJECTIVE**

Safe and Vibrant Community

### **FISCAL IMPACT**

There is no fiscal impact associated with the proposed summary vacation of Cumming Avenue. All costs incurred in constructing the MDP project would be borne by the District.

### **ATTACHMENTS**

1. Location Map
2. Resolution
3. Notice of Vacation No. VAC24-001
4. County Resolution No. 2006-119
5. Cooperative agreement