

RESOLUTION NO. 24-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA,
APPROVING THE FILING OF PARCEL MAP NO. 38627 AND AUTHORIZING THE
DISCHARGE OF A SUBDIVISION LIEN AGREEMENT ASSOCIATED WITH FORMER
TRACT MAP 32101**

WHEREAS, on August 5, 2015, the City Council approved tract map 32101 (TM32101), a subdivision of residential land into 197 residential lots, located south of Domenigoni Parkway and west of Briggs Road; and

WHEREAS, the City Council previously entered into a Lien Agreement with Diamond Brothers Five Partnership, LP (“Developer”) dated August 5, 2015, and recorded on September 3, 2015, with the County of Riverside Clerk Recorder as Document No. 2015-0396585, to provide securities for the completion of public improvements conditioned for the property and associated with TM32101; and

WHEREAS, on December 14, 2022, the City received an application from the property owner, Diamond Brothers Five Partnership, LP, requesting reversion to acreage of TM32101 via acceptance of Parcel Map No. 36827 (PM36827); and

WHEREAS, On October 4, 2023, the City Council approved Resolution 23-1361 approving a reversion to acreage as per PM36827 and authorized the discharge of a Lien Agreement associated with TM32101 dated August 5, 2015, and recorded on September 3, 2015, with the County of Riverside Clerk Recorder as Document No. 2015-0396585; and

WHEREAS, the City and the Developer no longer wish to move forward with the reversion to acreage; and

WHEREAS, the Developer has submitted a revised PM36827 for financing purposes that would merge all non-public lots into a single parcel and the City has reviewed the revised PM36827 for lot merger purposes and determined that no improvements have been constructed on the property.

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

Section 1. The City Council, in filing Parcel Map No. 38627 for financing purposes for that residential property located south of Domenigoni Parkway and east of Briggs Road as specified in Parcel Map No. 38627, elects to proceed in accordance with the provision of the provisions of California Government Code (Subdivision Map Act) §§66426 “Necessity of Tentative and Final Maps” and the City of Menifee Municipal Code §7.30 “Finance Maps”.

Section 2. The City Council of the City of Menifee does hereby merge all lots on the residential property previously subdivided via tract map 32101 into a single parcel with the exception of all park and open space lots previously dedicated to the City, located south of Domenigoni Parkway and west of Briggs Road, and as depicted in Parcel Map No. 38627 attached hereto and incorporated as Exhibit “A”.

Section 3. The City Council does hereby discharge the existing Lien Agreement dated August 5, 2015, and recorded on September 3, 2015, with the County of Riverside Clerk Recorder as Document No. 2015-0396585, attached hereto and incorporated as Exhibit “B”.

Section 4. The City Council does hereby declare Resolution No. 23-1361 to be invalid and no longer in force or effect in relation to Parcel Map No. 38627 or Tract Map No. 32101.

Section 5. 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 this reversion to acreage proceeding. Reservations of any easements are made in accordance with the provisions of Division 9, Part 3, Chapter 5, Article 1, of the Streets and Highways Code of the State of California.

Section 6. 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 7. 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 8. Effective Date. This Resolution shall become effective immediately.

PASSED, APPROVED AND ADOPTED this 21st day of February 2024.

Bill Zimmerman, Mayor

Attest:

Sarah Manwaring, City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney