



CITY OF MENIFEE

SUBJECT: Reversion to Acreage and Discharge of Lien Agreement for Banner Park South by Diamond Brothers Five Partnership, LP, Parcel Map No. 38627 of Tract Map No. 32101

MEETING DATE: October 4, 2023

TO: Mayor and City Council

PREPARED BY: Steve Strapac, Principal Engineer

REVIEWED BY: Nick Fidler, Public Works Director

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Adopt a resolution approving reversion to acreage as per Parcel Map No. 38627 and authorizing the discharge of a Subdivision Lien Agreement associated with former Tract Map No. 32101; and
2. Authorize the City Clerk to file the adopted resolution with the Riverside County Recorder's Office, discharging the existing Subdivision Lien Agreement; and
3. Authorize the City Manager to execute all other documents necessary to facilitate the discharge of the existing Subdivision Lien Agreement associated with Tract Map No. 32101.

DISCUSSION

Background

On March 29, 2005, prior to City incorporation, the Riverside County Board of Supervisors approved Tentative Tract Map No. 32101 for the residential development of property located south of Domenigoni Parkway and west of Briggs Road. On August 5, 2015, the City Council approved Final Tract Map No. 32101 (TM 32101), also known as Banner Park South ("Project"); a subdivision of approximately 58 acres of land into 197 single family residential units with additional lettered lots "A" through "M". TM 32101 was recorded on August 18, 2015. No development has occurred on the Project as of the date of this report.

Reversion to Acreage

On December 14, 2022, the Project owner, Diamond Brothers Five Partnership, LP ("Developer"), submitted Parcel Map No. 38627 (PM 38627) to the City along with an application to request the reversion to acreage of TM 32101.

A reversion to acreage is the action taken to void a previous subdivision in order to revert the platted lots within the subdivision to the original parcel(s) which existed prior to the subdivision. Pursuant to the provisions of California Government Code (CA Gov't Code) §§66499.11 *et seq.* as well as the City of Menifee Municipal Code §7.60 "Reversion to Acreage", a request for reversion to acreage may be initiated by the City, or by petition from the owners of a property, and requires the filing of a "final or parcel map" specifically designated for the purpose of a reversion to acreage.

The purpose for the Developer's reversion to acreage request is to remove the previously recorded parcel and lot designations associated with TM 32101 to allow the Developer to establish a new tentative tract map for the Project. If approved, and following the recordation of PM 38627, the Developer would submit a new tentative tract map that would remain substantially consistent with the general configuration of TM 32101. The new tentative tract map would incorporate changes to increase the distance of planned development away from existing high-power electric lines that currently run parallel to the extension of Briggs Road along the eastern perimeter of the Project.

While the Developer could have opted to file a new tract map on top of TM 32101 with a new layout, reverting the property to acreage provides a clean starting point for reestablishing a new tract map and would help prevent underlying title issues in the future that may result if both the "old" map and new tract map remained on record simultaneously.

Lien Agreement

At the time TM 32101 was approved, the City Council also approved entering into the attached Lien Agreement to provide securities for the Developer's obligation to complete public improvements conditioned for the Project. As a result of the reversion to acreage request, a discharge of this Lien Agreement should be recorded with the Riverside County Recorder's Office to release the lien associated with the older map. New securities would be established through a future subdivision improvement agreement, performance bonds, and/or lien documents when a future tract map for the Project is accepted.

Staff has reviewed the attached reversion to acreage application, evaluated PM 38627 for the purpose of reversion, and confirmed that all documentation has been provided by the Developer as required by the reversion to acreage process. The Developer remains the sole owner of the underlying parcels except for land previously dedicated to the City for park purposes. The portion of land previously dedicated to the City would remain as established with all easements for utilities. PM 38627 meets all requirements of the CA Gov't Code and Municipal Code for reversion to acreage.

Notice of Public Hearing

The attached Notice of Public Hearing ("Notice") was published in the Press Enterprise on August 24, 2023, and mailed to all property owners within 300' of the Project's property boundaries, as required by CA Gov't Code. The Notice was also mailed electronically and via standard mail to local public and private utilities agencies, communication agencies, public safety agencies, and other City departments on August 22, 2023.

STRATEGIC PLAN OBJECTIVE

Safe and Vibrant Community

FISCAL IMPACT

There is no fiscal impact associated with the proposed reversion to acreage. Developer has submitted all fees associated with the reversion of acreage application processing.

ATTACHMENTS

1. Resolution
2. Tract Map 32101
3. Notice of Public Hearing