

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

609B



**FROM:** TLMA – Transportation Department

**SUBMITTAL DATE:**  
December 3, 2014

**SUBJECT:** Resolution No. 2015-021, Summarily Vacating Wescott Court in the Winchester Area; California Environmental Quality Act Exempt. 3<sup>rd</sup> District; [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Find that the vacation of Wescott Court is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15061(b)(3) of the State CEQA Guidelines; and
2. Adopt Resolution No. 2015-021, Summarily Vacating Wescott Court in the Winchester Area; and
3. Direct the Clerk of the Board to deliver the Notice of Exemption to the Office of the County Clerk for filing within five (5) working days of this Board hearing.

**BACKGROUND:**

**Summary**

The applicant has requested the vacation of Wescott Court as shown on Parcel Map 19772, filed in Book 130, Pages 62 and 63, Records of the Recorder, Riverside County, California, to prevent trespassing and illegal dumping. The applicant wishes to install a gate and has the approval from Riverside County Fire Department. The applicant owns all four (4) parcels, making up said Parcel Map and abutting Wescott Court. There are no other property owners using Wescott Court for access. The Riverside County Transportation Department, Riverside County Fire Department, and Riverside County Flood Control

Patricia Romo  
Assistant Director of Transportation  
for Juan C. Perez  
Director of Transportation and Land Management

WJH  
Attachments: Resolution No. 2015-021,  
Exhibit "A", and Notice of Exemption

APPROVE

BY: *Rohini Dasika*  
Rohini Dasika

Departmental Concurrence

FORM APPROVED COUNTY COUNSEL

BY: *Anita C. Willis*  
ANITA C. WILLIS

DATE 12-18-14

Dep't Recomm.:  Consent  Policy

Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.

District: 3

Agenda Number:

2-35

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11:** Resolution No. 2015-021, Summarily Vacating Wescott Court in the Winchester Area, California  
Environmental Quality Act Exempt. 3<sup>rd</sup> District; [\$0]

**DATE:** December 3, 2014

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

and Water Conservation District have reviewed this vacation and have no objections.

As determined in the attached Notice of Exemption, the vacation is exempt from the provisions of CEQA pursuant to Categorical Exemptions 15061(b)(3) and 15060(c)(2) of the State CEQA Guidelines. The vacation will not result in any specific or general exceptions to the use of the categorical exemption and will not cause any direct or indirect physical environmental impacts.

2  
3 **RESOLUTION NO. 2015-021**

4  
5 **SUMMARILY VACATING WESCOTT COURT**  
6 **IN THE WINCHESTER AREA**  
7 **(AB06021)**  
8 **(Third Supervisorial District)**  
9

10 **WHEREAS**, Wescott Court was dedicated and accepted for public use as Lots "C,"  
11 "D," "E," and "F" on Parcel Map 19772, filed in Book 130, Pages 62 and 63, Records of  
12 the Recorder, Riverside County, California; and

13 **WHEREAS**, said Wescott Court is not necessary and is excess right-of-way and is  
14 not required for public street or highway purposes; and

15 **WHEREAS**, applicable procedures pertaining to summary vacations were followed  
16 pursuant to the County's adopted "Resolutions for Fixing Procedures to Vacate and  
17 Accept County Highways and Property Offered for Dedication": Now, therefore,

18 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of  
19 Supervisors of the County of Riverside, State of California, in regular session assembled  
20 on \_\_\_\_\_, 2015, as follows:

- 21 1. Pursuant to Section 8334(a) and (b) of the Streets and Highways Code that said  
22 Wescott Court is excess and is no longer required for public street or highway  
23 purposes, and said Wescott Court lies within property under one ownership and  
24 does not end touching property of another, is hereby summarily vacated.
- 25 2. Pursuant to Section 8335(a) a private easement is retained for ingress and egress  
26 to said Lots "D" and "E."

FORM APPROVED COUNTY COUNSEL

BY:  DATE: 12/14/15  
PATRICIA MUNROE

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3. That said Wescott Court is unnecessary for present of prospective public use, including use as a non-motorized transportation facility.

SEE PLAT ATTACHED HERETO  
AS EXHIBIT "A" AND MADE A PART HEREOF.

**EXCEPTING AND RESERVING** from the vacation an easement for any existing public utilities and public service facilities, together with the right to maintain, operate, replace, remove, or renew such facilities, pursuant to Section 8340 of the Streets and Highways Code.

**BE IT FURTHER RESOLVED, DETERMINED, AND ORDERED** that the Clerk of the Board is directed to cause a certified copy of this resolution to be recorded in the Office of the Recorder of the County of Riverside, California.

## NOTICE OF EXEMPTION

**Project Name:** Summarily vacating Wescott Court in the Winchester Area.

**Project Number:** AB06021 SU14

**Project Location:** See attached Exhibit "A".

**Description of Project:** Summarily vacating Wescott Court in the Winchester Area.

**Name of Public Agency Approving Project:** Riverside County Transportation Department,

**Name of Person or Agency Carrying Out Project:** Wesley Hohenberger, Riverside County Transportation Department, Survey Division.

**Exempt Status:** California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), General Rule "Common Sense" Exemption. Not a "project" as defined under State CEQA Guidelines, Section 15060(c)(2).

**Reasons Why Project is Exempt:** The vacation of a street has been determined to not be a "project" as defined under State CEQA Guidelines section 15060(c)(2). However, even if it was determined to be a project under CEQA for analysis purposes, the project is exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The vacation of the existing roadway will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause any impacts to scenic resources, historic resources, or unique sensitive environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact. The vacation of a portion of this street will not have an effect on the environment; thus, the County has deemed this does not meet the definition of a "project" under CEQA and no environmental impacts are anticipated to occur.

- Section 15061(b)(3) - General Rule "Common Sense" Exemption. With certainty, there is no possibility that the proposed project may have a significant effect on the environment. The vacation of a street will not require any construction activities, change the use or intensity of the existing site to create a physical environmental impact, and would not lead to any direct or reasonably foreseeable indirect physical environmental impacts. Therefore, in no way would the project as proposed have the potential to cause a significant environmental impact and the project is exempt from further CEQA analysis.
- Section 15060(c)(2) – for purposes of analysis under CEQA, the vacation of the roadway is not a "project" under CEQA pursuant to Section 15060(c)(2). An action by a public

agency is only a "project" subject to CEQA if the action might result in a physical change in the environment. Based upon a review of the whole action undertaken, supported, or authorized by the County, in no way will the vacation of the roadway increase the use of the site, result in increased development or construction impacts, or lead to any direct, indirect, or cumulative physical environmental impacts.

Based upon the identified exemptions above, the County of Riverside hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

11-26-14

**Richard G. Lantis, PLS 7611  
Riverside County Surveyor**



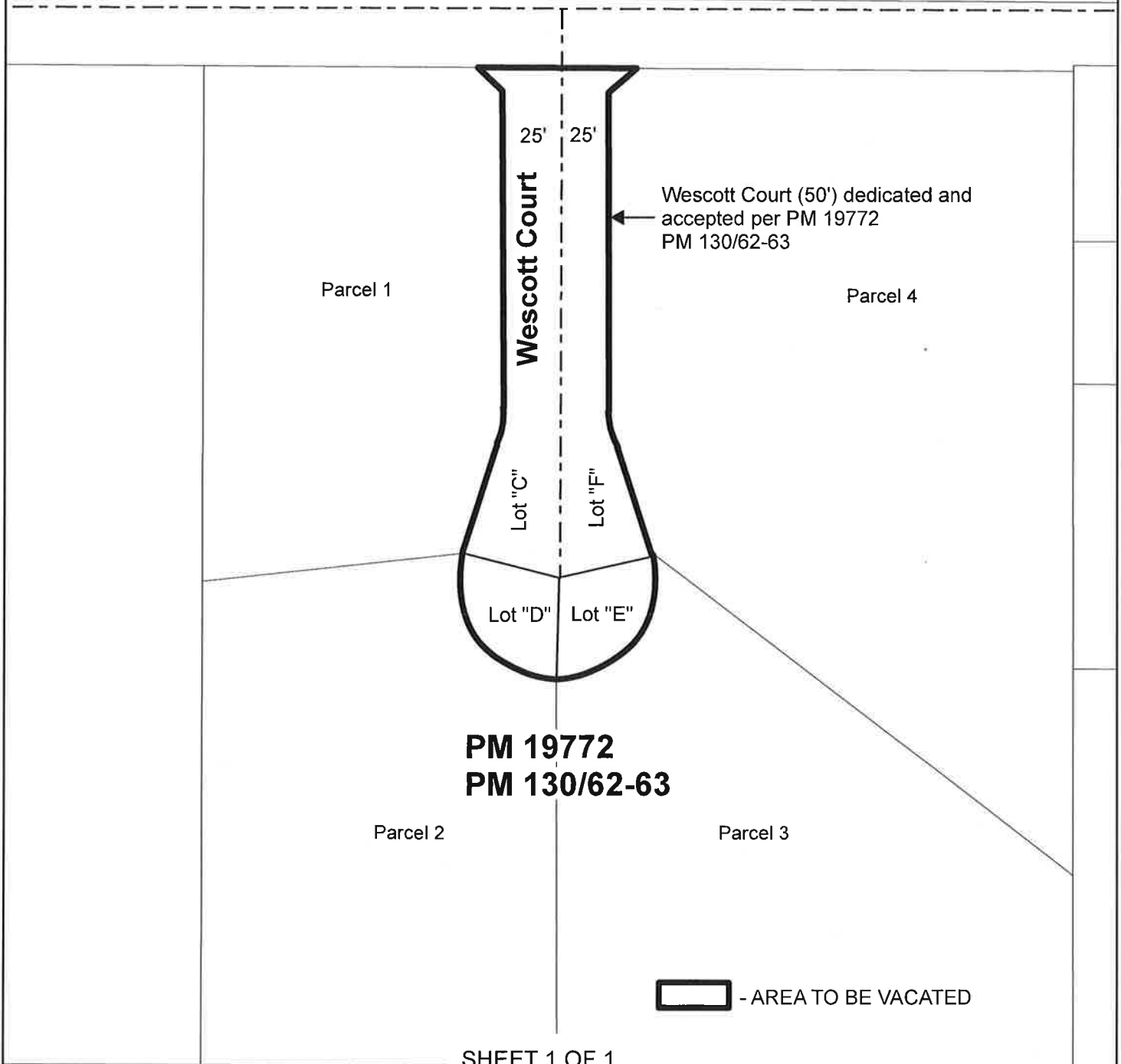
N.T.S.

SECTION 28  
T. 5S, R. 2W  
S.B.M.

# EXHIBIT "A"

VACATION OF WESCOTT COURT

9TH Street

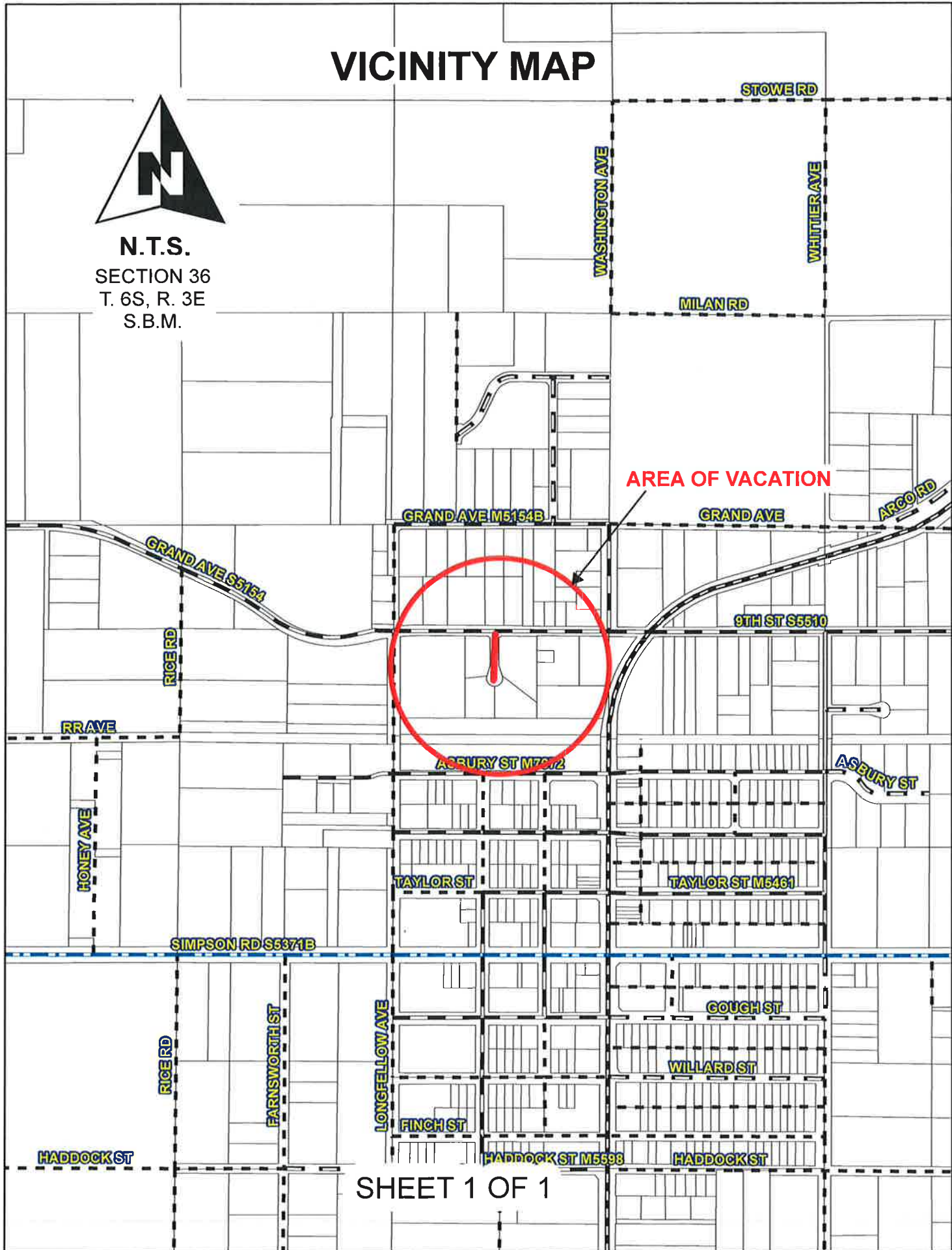


TO BE REMOVED BEFORE RECORDING

# VICINITY MAP



N.T.S.  
SECTION 36  
T. 6S, R. 3E  
S.B.M.



SHEET 1 OF 1

TO BE REMOVED BEFORE RECORDING



## NOTICE OF EXEMPTION

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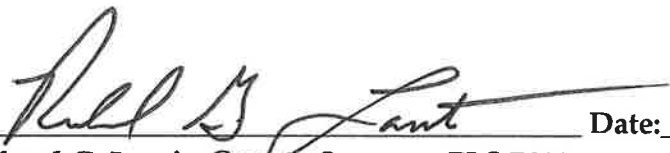
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Based upon the identified exemptions above, the County of Riverside hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed:  Date: 10-21-14  
Richard G. Lantis, County Surveyor PLS 7611



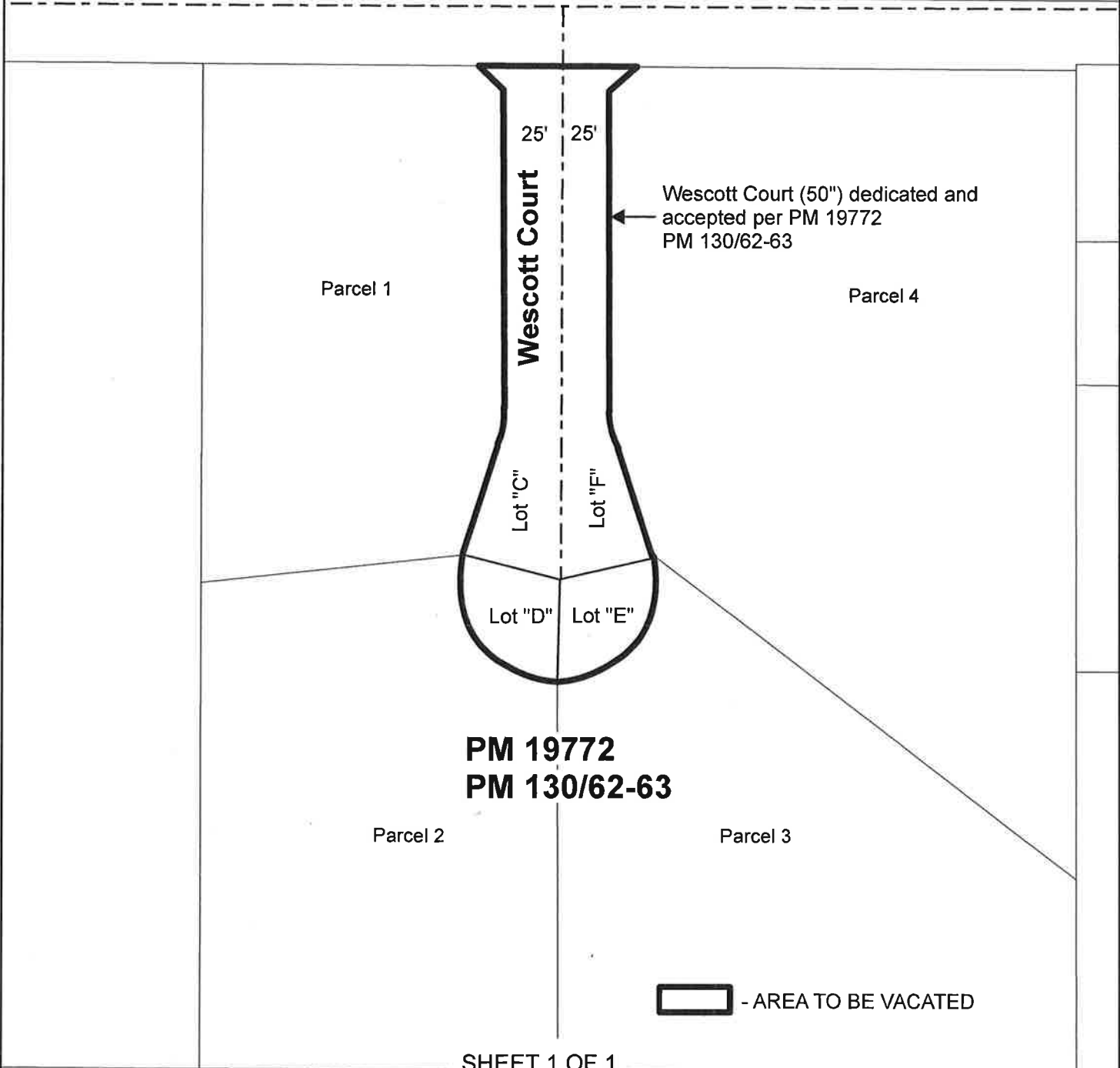
N.T.S.

SECTION 28  
T. 5S, R. 2W  
S.B.M.

# EXHIBIT "A"

## VACATION OF WESCOTT COURT

9TH Street

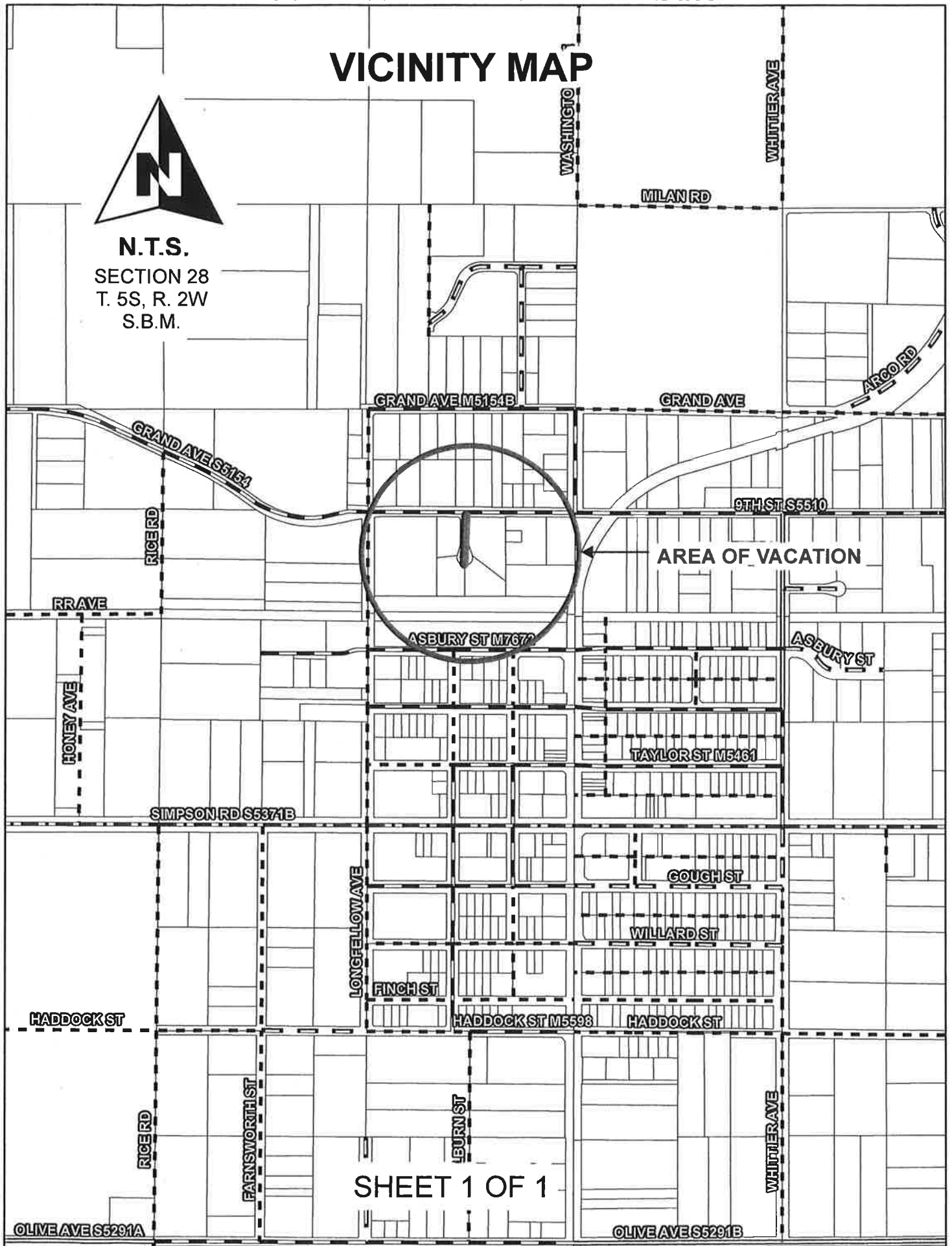


TO BE REMOVED BEFORE RECORDING

# VICINITY MAP



**N.T.S.**  
SECTION 28  
T. 5S, R. 2W  
S.B.M.



SHEET 1 OF 1

TO BE REMOVED BEFORE RECORDING

**DBF Case Inquiry**

Run Control ID: wh [Report Manager](#) [Process Monitor](#) Run

Report Request Parameters

\*Business Unit: RIVCO \*Case #: ZAB06021 Net Balance: \$514,780  
 WESCOTT EVA Get Transaction Data

Customize | Find | View All | | First 1-9 of 35 Last

Date	Type	Task Code	Emplid	Description	Quantity	Amount
1 09/25/2006	PAY	Z4630	115629	Vac/Abandonment-Sum	4.00	-512.000
2 10/02/2006	PAY	Z4630	115629	Vac/Abandonment-Sum	0.60	-76.800
3 12/27/2006	PAY	Z4630	115629	Vac/Abandonment-Sum	0.40	-51.200
4 03/05/2007	PAY	Z4630	115629	Vac/Abandonment-Sum	1.00	-128.000
5 03/06/2007	PAY	Z4630	115629	Vac/Abandonment-Sum	2.50	-320.000
6 03/19/2007	PAY	Z4630	115629	Vac/Abandonment-Sum	0.20	-25.600
7 06/13/2007	PAY	Z4630	126315	Vac/Abandonment-Sum	0.50	-64.000
8 06/20/2007	PAY	Z4630	126315	Vac/Abandonment-Sum	0.50	-64.000
9 07/19/2007	PAY	Z4630	126315	Vac/Abandonment-Sum	0.50	-64.000

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8334. The legislative body of a local agency may summarily vacate any of the following:

(a) An excess right-of-way of a street or highway not required for street or highway purposes.

(b) A portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

8334.5. Notwithstanding any other provision of this article, a street, highway, or public service easement may not be summarily vacated if there are in-place public utility facilities that are in use and would be affected by the vacation.

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## STREETS AND HIGHWAYS CODE

### SECTION 8350-8353

8350. Except as provided in Chapter 5 (commencing with Section 8340), the vacation of a street, highway, or public service easement extinguishes all public easements therein.

8351. Except as otherwise provided in Chapter 5 (commencing with Section 8340) or in this chapter, upon the vacation of a street, highway, or public service easement:

(a) If the public entity owns only an easement for the street, highway, or public service purpose, title to the property previously subject to the easement is thereafter free from the easement for use for street, highway, or public service purposes, but not from any easement for vehicular or nonvehicular trail use that the public entity has previously granted to any other state or local public agency. If the easement is abandoned by resolution of the state or local public agency that was granted an easement for vehicular or nonvehicular trail use, the title to the property previously subject to the vehicular or nonvehicular easement is thereafter clear of the easement.

(b) If the public entity owns the title, the legislative body may dispose of the property as provided in this chapter.

8352. (a) Except as provided in Section 8353, vacation of a street, highway, or public service easement pursuant to this part does not affect a private easement or other right of a person (including, but not limited to, a public utility, the state, a public corporation, or a political subdivision, other than the local agency adopting the resolution of vacation) in, to, or over the lands subject to the street, highway, or public service easement, regardless of the manner in which the private easement or other right was acquired.

(b) A private easement or other right described in subdivision (a) is subject to extinguishment under the laws governing abandonment, adverse possession, waiver, and estoppel.

8353. (a) Except as provided in subdivision (b), the vacation of a street or highway extinguishes all private easements therein claimed by reason of the purchase of a lot by reference to a map or plat upon which the street or highway is shown, ~~other than a private easement of ingress and egress to the lot from or to the street or highway.~~

(b) A private easement claimed by reason of the purchase of a lot by reference to a map or plat upon which the street or highway is shown is not extinguished pursuant to subdivision (a) if, within two years after the date the vacation is complete, the claimant records a verified notice that particularly describes the private easement that is claimed in the office of the recorder of the county in which the vacated street or highway is located.

(c) Nothing in this section shall be construed to create a private easement, nor to extend a private easement now recognized by law,