

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

916B



FORM APPROVED COUNTY COUNSEL
BY: GREGORY P. PRIAMOS DATE: 7/19/15

FROM: TLMA – Transportation Department

SUBMITTAL DATE:
July 30, 2015

SUBJECT: Resolution No. 2015-076, Summarily Vacating a Portion of Water Avenue in the Lakeview/ Nuevo Area. This Vacation is Exempt Pursuant to CEQA. 5th District; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the vacation of a portion of Water Avenue 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. 2015-076, Summarily Vacating a Portion of Water Avenue in the Lakeview/Nuevo 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.

Patricia Romo

Patricia Romo
Assistant Director of Transportation

Juan C. Perez

Juan C. Perez
Director of Transportation and Land Management

REVIEWED BY EXECUTIVE OFFICE

DATE: July 24/15
Tina Grande

Departmental Concurrence

WJH, Attachments:
Vicinity Map
Resolution No. 2015-076
Exhibits "A" and "B"
CEQA Notice of Exemption

Dep't Recomm.:	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Policy
Per Exec. Ofc.:	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Policy

Prev. Agn. Ref.

District: 5

Agenda Number:

2-11

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Resolution No. 2015-076, Summarily Vacating a Portion of Water Avenue in the Lakeview/Nuevo Area. This Vacation is Exempt Pursuant to CEQA. 5th District; [\$0]

DATE: July 30, 2015

PAGE: 2 of 2

BACKGROUND:

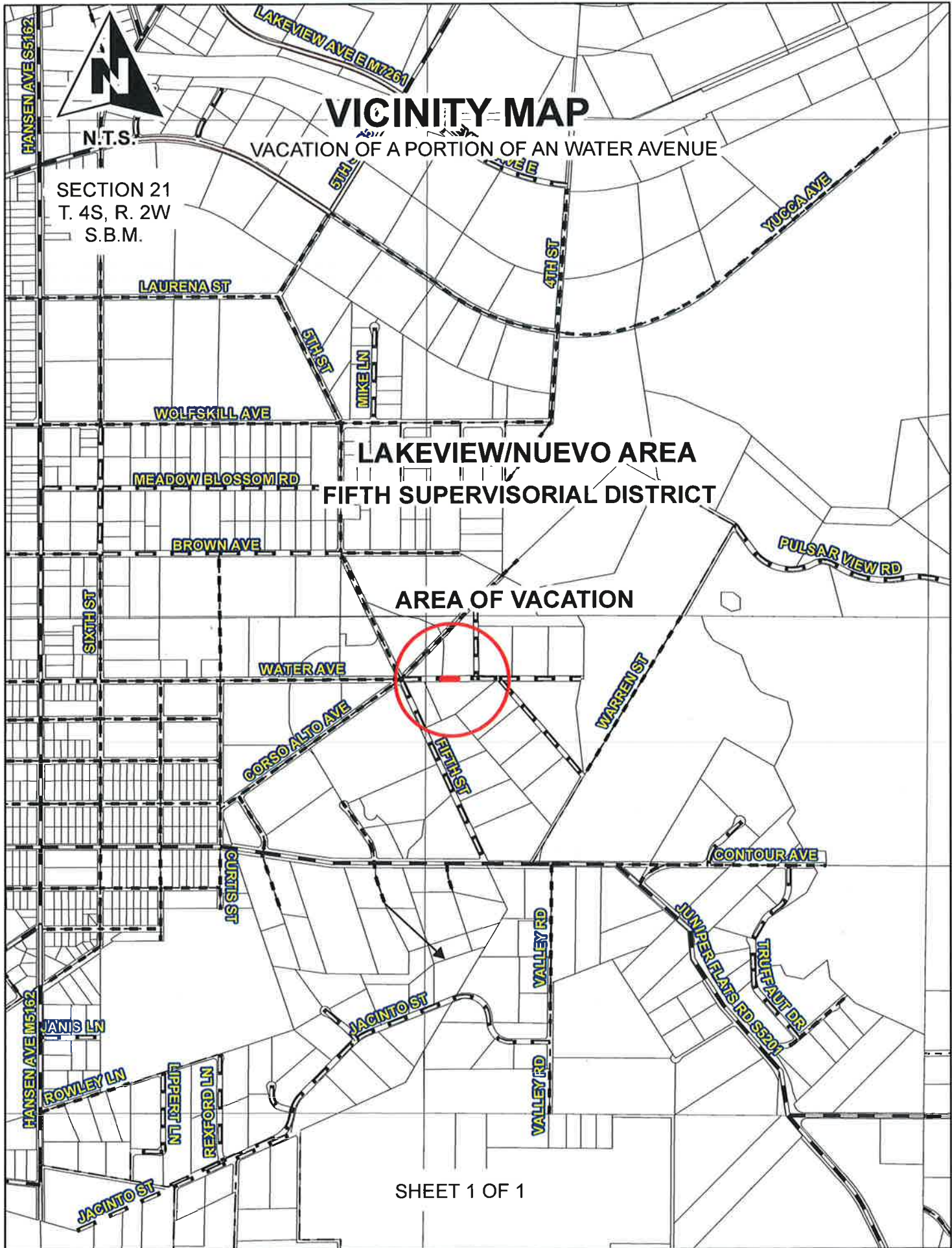
Summary

The applicant has requested the vacation of a portion of Water Avenue in the Lakeview/Nuevo area. The vacation will allow this portion of the road to be access-controlled to eliminate the problem of illegal dumping in the area. Water Avenue is currently a dirt road open for public use, but not maintained by Riverside County (County). This portion of Water Avenue is the termination of the road and is not needed for access to any parcel. The County Flood Control and Water Conservation District (District) has an existing facility (Lakeview Dam) adjacent to and westerly of this vacation, eliminating the need for Water Avenue to extend westerly of this vacation. The Transportation Department and the District have reviewed this vacation and have no objections to this request. As determined in the attached CEQA Notice of Exemption, the vacation is exempt from the provisions of CEQA pursuant to Categorical Exemptions 15060(c)(2) and 15061(b)(3) 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.

Impact on Residents and Businesses

The vacation will allow this portion of the Water Avenue to be access-controlled to eliminate the problem of illegal dumping in the area. This portion of Water Avenue does not physically exist and is not needed for access to any parcel. 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.

TO BE REMOVED BEFORE RECORDING



SHEET 1 OF 1

TO BE REMOVED BEFORE RECORDING

2
3 **RESOLUTION NO. 2015-076**

4 **SUMMARILY VACATING A PORTION OF WATER AVENUE IN THE**
5 **LAKEVIEW / NUEVO AREA**
6 **(AB15002)**
7 **(Fifth Supervisorial District)**
8

9 **WHEREAS**, Water Avenue was accepted for public use by Resolution No. 82-136,
10 recorded on May 5, 1982, as Instrument No. 82919, Official Records of Riverside County,
11 California; and

12 **WHEREAS**, this portion of Water Avenue is not necessary and is excess right-of-
13 way and is not required for public street or highway purposes; and

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

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

- 20 1. Pursuant to Section 8334(a) of the Streets and Highways Code that this portion of
- 21 Water Avenue is excess and is no longer required for public street or highway
- 22 purposes, and is hereby summarily vacated.
- 23 2. That this portion of Water Avenue is unnecessary for present or prospective public
- 24 use, including use as a non-motorized transportation facility.

25 **SEE EXHIBIT "A" AND "B" ATTACHED HERETO AND MADE A PART**
26 **HEREOF**

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel 8/18-15
DATE
SYNTHIA M. GUNZEL

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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.

EXHIBIT "A"
VACATION OF A PORTION OF WATER AVENUE
LEGAL DESCRIPTION

THAT PORTION OF WATER AVENUE AS SHOWN ON RECORD OF SURVEY, FILED IN BOOK 91, PAGES 51 THROUGH 58, INCLUSIVE, OF RECORDS OF SURVEY, COUNTY OF RIVERSIDE, CALIFORNIA, LYING WITHIN SECTION 21, TOWNSHIP 4 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF WATER AVENUE (60.00 FEET WIDE) AND WOSSLICK AVENUE (60.00 FEET WIDE), AS SHOWN ON SAID RECORD OF SURVEY;

THENCE ALONG SAID CENTERLINE OF WATER AVENUE NORTH 89°55'59" WEST, A DISTANCE OF 371.36 FEET TO THE EASTERLY LINE OF RIVERSIDE COUNTY FLOOD CONTROL PARCEL 4320-2B AND THE **TRUE POINT OF BEGINNING**;

THENCE SOUTH 04°29'51" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 30.09 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID WATER AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER AVENUE SOUTH 89°55'59" EAST, A DISTANCE OF 135.00 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE OF WATER AVENUE NORTH 04°01'00" WEST, A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID WATER AVENUE;

THENCE ALONG NORTHERLY RIGHT OF WAY LINE OF SAID WATER AVENUE NORTH 89°55'59" WEST, A DISTANCE OF 130.35 FEET, TO SAID EASTERLY LINE OF RIVERSIDE COUNTY FLOOD CONTROL PARCEL 4320-2B;

THENCE SOUTH 04°29'51" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 30.09 FEET TO THE **TRUE POINT OF BEGINNING**.

EXHIBIT "A"
VACATION OF A PORTION OF WATER AVENUE
LEGAL DESCRIPTION

CONTAINING 7960.62 SQUARE FEET OR 0.18 ACRES, MORE OR LESS.

SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART
HEREOF.

PREPARED UNDER MY SUPERVISION:



Gregory S. Ehe P.L.S. 7912

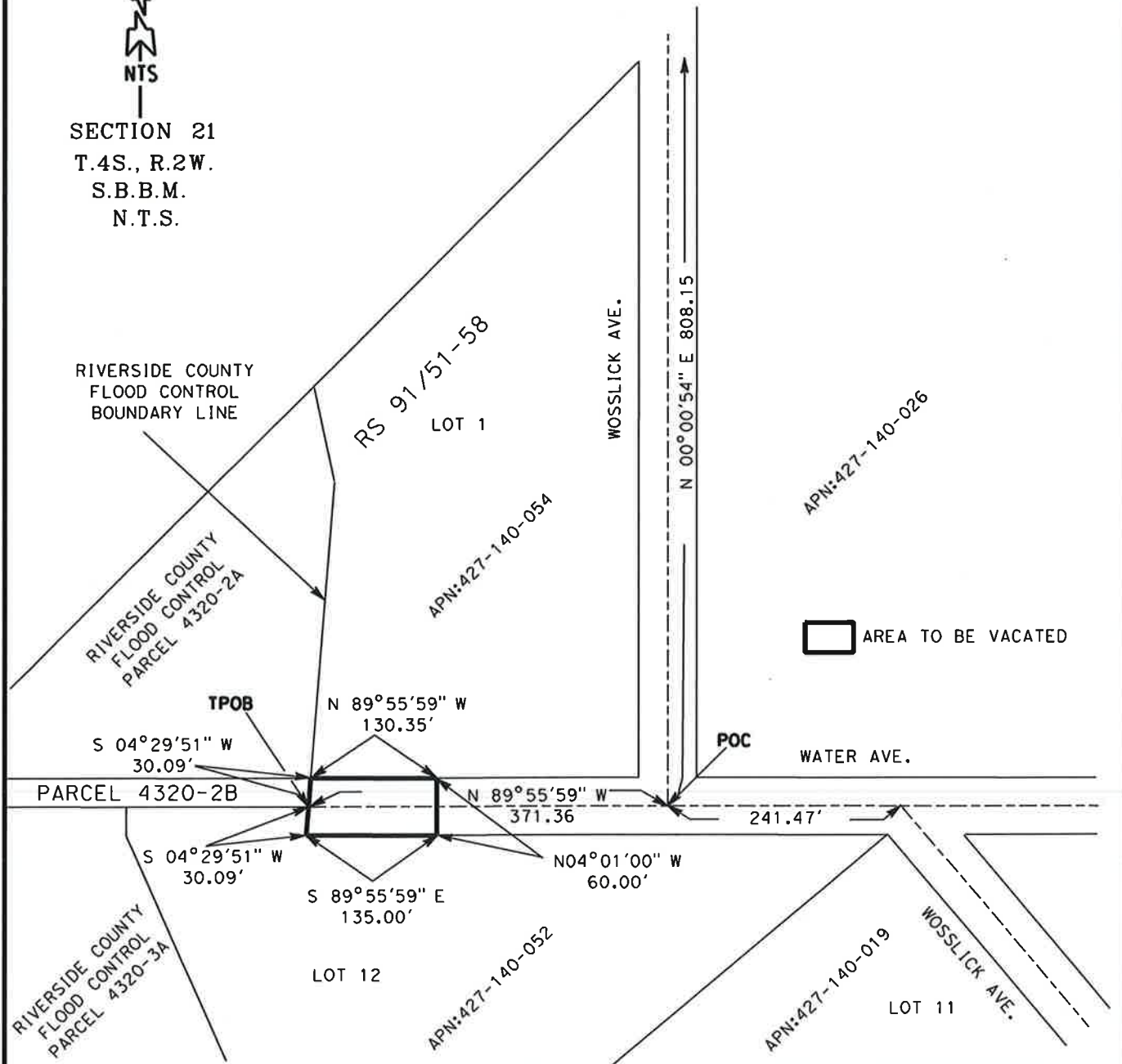


EXHIBIT "B"

VACATING A PORTION OF WATER AVENUE



SECTION 21
T.4S., R.2W.
S.B.B.M.
N.T.S.



AREA TO BE VACATED

PCL No.:	N/A	COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT, SURVEY DIVISION
WO No.:	AB15002	
SCALE:	NTS	PROJECT: WATER AVENUE
PREPARED BY:	WJH	THIS PLAT IS AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE PRECEDING DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.
DATE:	JULY 2015	APPROVED BY:
SHEET 1 OF 1		DATE: 7-29-15



NOTICE OF CEQA EXEMPTION

Project Name: Summarily Vacating Portion of Water Avenue in the Lakeview / Nuevo Area.

Project Number: AB15002, SU14

Project Location– See Exhibit “A”

Description of Project: Summarily Vacating a Portion of Water Avenue in the Lakeview / Nuevo Area.

Name of Public Agency Approving Project: Survey Division, Transportation and Land Management Agency.

Name of Person or Agency Carrying Out Project: Richard G. Lantis, Riverside County Transportation Department, County of Riverside.

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: 7-30-15
Richard G. Lantis, Riverside County Surveyor