

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

703B



FORM APPROVED COUNTY COUNSEL
BY: GREGORY P. PRIAMOS DATE: 7/30/15

FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
July 6, 2015

SUBJECT: Resolution No. 2015-095, Summarily Vacating the Right to Accept a Portion of an Unnamed Roadway on Behalf of the United States of America in the Pinyon Pines Area. This Vacation is Exempt Pursuant to CEQA. 4th District; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that Vacating the Right to Accept a Portion of an Unnamed Roadway Reserved by the United States of America 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. 2015-095, Summarily Vacating the Right to Accept a Portion of an Unnamed Roadway Reserved by the United States of America in the Pinyon Pines 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.

REVIEWED BY EXECUTIVE OFFICE
DATE: Alex Garin
Alex Garin

Patricia Romo

Patricia Romo
Assistant Director of Transportation

Juan C. Perez

Juan C. Perez
Director of Transportation and Land Management

WJH
Attachments: Bureau of Land Management Letter, Vicinity Map, CEQA Notice of Exemption, Resolution No. 2015-095, Exhibits "A" and "B"

Departmental Concurrence

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Washington and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington and Benoit
Nays: None
Absent: Ashley
Date: August 18, 2015
xc: TLMA-Transp., Recorder

Kecia Harper-Ihem
Clerk of the Board
By: Kecia Harper-Ihem
Deputy

2-47

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.

District: 4

Agenda Number:

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Resolution No. 2015-095, Summarily Vacating the Right to Accept a Portion of an Unnamed Roadway Reserved on Behalf of United States of America in the Pinyon Pines Area. This vacation is exempt pursuant to CEQA. 4th District [50

DATE: July 6, 2015

PAGE: 2 of 2

BACKGROUND:

Summary

The applicant has requested the vacation of the right to accept a portion of an unnamed roadway reserved by the United States of America in patents recorded in 1953 and 1957. Said unnamed roadway was never constructed or accepted and is excess right-of-way. The County of Riverside is vacating the right to accept this unnamed roadway on behalf of the Federal Government. The Bureau of Land Management, via the attached letter, has indicated that the jurisdiction on vacation of the road no longer lies with the Federal Government and has to be disposed of by the local authority, which in this case is the County. This vacation will not eliminate access to the adjacent properties. The Transportation Department has reviewed this vacation and has no objections. As determined in the attached Notice of Exemption, the vacation is exempt from the provisions of CEQA pursuant to Categorical Exemptions 15060 and 15061 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.



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

Palm Springs-South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262-8001
(760) 833-7100 Fax (760) 833-7199



JAN 16 2014

In Reply Refer to:
1781

Mr. Ken Wood
71656 Cholla Way
Palm Desert, CA 92260

Dear Mr. Wood:

Thank you for your request involving an easement on lands in the Cahuilla Hills area of Palm Desert, California.

This land patent, #1176608, was issued under the authority of the Act of Congress, June 1, 1938, and commonly referred to as the Small Tract Act. Although the easement wording was not always the same in each document, land patents approved under the authority of the Small Tract Act were commonly issued subject to easements for roadways.

Based on well-established legal guidance, the Bureau of Land Management has no authority to vacate these easements. Upon issuance of a land patent, the Secretary of the Interior had no further jurisdiction over the lands that were conveyed except with respect to rights that were specifically reserved to the United States (U.S.). In this case, the lands were conveyed subject to an easement for a roadway; however, the easement was not reserved to the U.S.

Under certain conditions, easements for roadways may become dedicated public rights of way and can be abandoned only by a proper authority under due course of law. In most cases, the proper authority is the county or city government. We recommend that you contact the local government regarding abandoning this easement.

Please contact me if you have any questions regarding this matter.

Sincerely,

John R. Kalish
Field Manager

Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

NOTICE OF CEQA EXEMPTION

8/20/15 VPD
Date Initial

Project Name: Summarily Vacating the Right to Accept a Portion of an Unnamed Roadway Reserved by the United States of America in the Pinyon Pines Area.

Project Number: AB14007, SU14

Project Location- See Exhibits "A" and "B"

Description of Project: Summarily Vacating the Right to Accept a Portion of an Unnamed Roadway Reserved by the United States of America in the Pinyon Pines Area.

Name of Public Agency Approving Project: Riverside County Transportation Department, Survey Division, County of Riverside.

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

AUG 18 2015 247

- 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: Edward D. Hunt DEPUTY Date: 6-2-2015
Richard G. Lantis, Riverside County Surveyor

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KECIA HARPER-IHEM, CLERK OF THE BOARD
RIVERSIDE CO. CLERK OF THE BOARD
4080 LEMON STREET, 1ST FLOOR CAC
P O BOX 1147 - RIVERSIDE, CA 92502

MAIL STOP # 1010

AND WHEN RECORDED MAIL TO:

RETURN TO: STOP #1010
RIVERSIDE COUNTY CLERK OF THE BOARD
P. O. BOX 1147 - RIVERSIDE, CA 92502

2015-0371149

08/20/2015 08:59 AM

Customer Copy Label

The paper to which this label is affixed
has not been compared with the
filed/recorded document

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

THIS SPACE FOR RECORDERS USE ONLY

RESOLUTION NO. 2015-095

Title of Document

**SUMMARILY VACATING THE RIGHT TO ACCEPT A PORTION OF UNNAMED
ROADWAY RESERVED BY THE UNITED STATES OF AMERICA
IN THE PINYON PINES AREA
(AB14007)**

(FOURTH SUPERVISORIAL DISTRICT)

(Transportation Department ~ Item 2-47 of 08/18/15)

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE
FOR RECORDING INFORMATION

COPY

2
3 **RESOLUTION NO. 2015-095**

4 **SUMMARILY VACATING THE RIGHT TO ACCEPT A PORTION OF AN UNNAMED**
5 **ROADWAY RESERVED BY THE UNITED STATES OF AMERICA**

6 **IN THE PINYON PINES AREA**

7 **(AB14007)**

8 **(Fourth Supervisorial District)**
9

10 **WHEREAS**, This portion of an Unnamed Roadway reserved by the United States of
11 America, in Patents, recorded in Book 2198, Page 488, recorded on December 27, 1957, Official
12 Records of Riverside County California, and in Book 1451, Pages 417 through 419, inclusive,
13 recorded on March 17, 1953, Official Records of Riverside County, California; and,

14 **WHEREAS**, the Bureau of Land Management (BLM) informed the County that
15 BLM had no authority to vacate these rights and upon issuance of a land patent, the
16 Secretary of the Interior had no further jurisdiction over the lands that were conveyed;
17 therefore, the authority becomes under the jurisdiction of the County of Riverside to
18 vacate any rights to accept a reservation over the above described portion of an
19 Unnamed Roadway; and,

20 **WHEREAS**, This portion of an Unnamed Roadway was never constructed, is not
21 necessary, is excess right of way, and is not required for public street or highway
22 purposes; and,

23 **WHEREAS**, applicable procedures pertaining to summary vacations were followed
24 pursuant to the County's adopted "Resolutions for Fixing Procedures to Vacate and
25 Accept County Highways and Property Offered for Dedication," now therefore;

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 7-30-15
SYNTHIA M. GUNZEL DATE

26
27
28

1 **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of
2 Supervisors of the County of Riverside, State of California, in regular session assembled
3 on August 18, 2015, as follows:
4

- 5 1. Pursuant to Section 8334(a) of the Streets and Highways Code that this portion of
6 an Unnamed Roadway is excess and is no longer required for public street or
7 highway purposes, and is hereby summarily vacated.
8 2. That portion of an Unnamed Roadway is unnecessary for present or prospective
9 public use, including use as a non-motorized transportation facility;

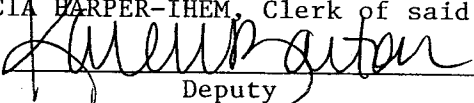
10
11 SEE EXHIBIT "A" and "B" ATTACHED HERETO AND MADE A PART HEREOF;
12

13 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Clerk of
14 the Board is directed to cause a certified copy of this resolution to be recorded in the
15 office of the Recorder of the County of Riverside, California.
16

17 ROLL CALL:

18 Ayes: Jeffries, Tavaglione, Washington and Benoit
19 Nays: None
20 Absent: Ashley

21 The foregoing is certified to be a true copy of a resolution duly
22 adopted by said Board of Supervisors on the date therein set forth.

23 KECIA HARPER-IHEM, Clerk of said Board
24 By 
25 Deputy
26
27
28

WJH W.O. # AB 14007

EXHIBIT "A"

**VACATING THE RIGHT TO ACCEPT ROAD WAYS
RESERVED BY THE UNITED STATES OF AMERICA**

LEGAL DESCRIPTION

THAT PORTION OF CERTAIN ROAD WAY AND PUBLIC UTILITY EASEMENTS RESERVED BY THE UNITED STATES PATENTS, RECORDED MARCH 17, 1953 IN BOOK 1451, PAGES 417 THROUGH 419, INCLUSIVE AND RECORDED DECEMBER 27, 1957 IN BOOK 2198, PAGE 448 BOTH BEING RECORDS OF RIVERSIDE COUNTY, CALIFORNIA LYING WITHIN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 5 EAST, SAN BERNARDINO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 1 OF PARCEL MAP NO 15471, AS SHOWN BY MAP ON FILE IN BOOK 83, AT PAGE 5, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTH 89° 55' 47" EAST, ALONG THE NORTHERLY LINE OF SAID PARCEL 1, A DISTANCE OF 33.00 FEET;

THENCE SOUTH 00° 09' 52" EAST, PARALLEL WITH THE WESTERLY LINES OF PARCELS 1 AND 2 OF SAID PARCEL MAP NO. 15471, A DISTANCE OF 593.65 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 2, SAID LINE ALSO BEING THE NORTH LINE OF JAGUAR ROAD, AS SHOWN ON SAID MAP;

THENCE SOUTH 89° 55' 16" WEST, ALONG THE NORTH LINE OF JAGUAR ROAD A DISTANCE OF 66.00 FEET;

THENCE NORTH 00° 09' 52" WEST, ALONG A LINE PARALLEL WITH THE WEST LINE OF PARCEL 2 OF SAID PARCEL MAP NO. 15471, A DISTANCE OF 267.00 FEET TO A POINT ON THE SOUTH LINE OF PARCEL 1 OF PARCEL MAP NO. 14780 AS SHOWN BY MAP ON FILE IN BOOK 79, AT PAGE 20, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTH 89° 55' 16" EAST, ALONG THE SOUTH LINE OF PARCEL 1 OF SAID PARCEL MAP NO. 14780, A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST LINE OF PARCEL 2 OF SAID PARCEL MAP NO. 15471;

THENCE NORTH 00° 09' 52" WEST, ALONG THE WESTERLY LINES OF PARCELS 2 AND 1 OF SAID PARCEL MAP NO. 15471, A DISTANCE OF 326.66 FEET TO THE **POINT OF BEGINNING**;

EXHIBIT "A"


**VACATING THE RIGHT TO ACCEPT ROADWAYS
RESERVED BY THE UNITED STATES OF AMERICA**

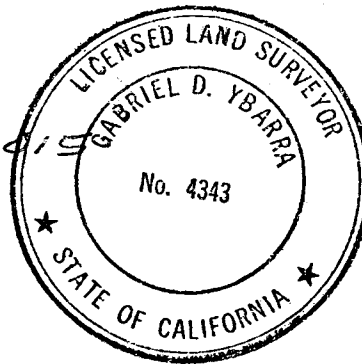
LEGAL DESCRIPTION

PARCEL CONTAINS 0.65 ACRES NET, ALSO BEING 28,402 SQUARE FEET, MORE OR LESS.

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

PREPARED UNDER THE SUPERVISION OF:


GABRIEL D. YBARRA DATE 4-7-2015
L.S. 4343
REG. EXP. 06-30-16



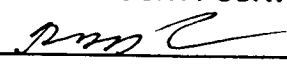
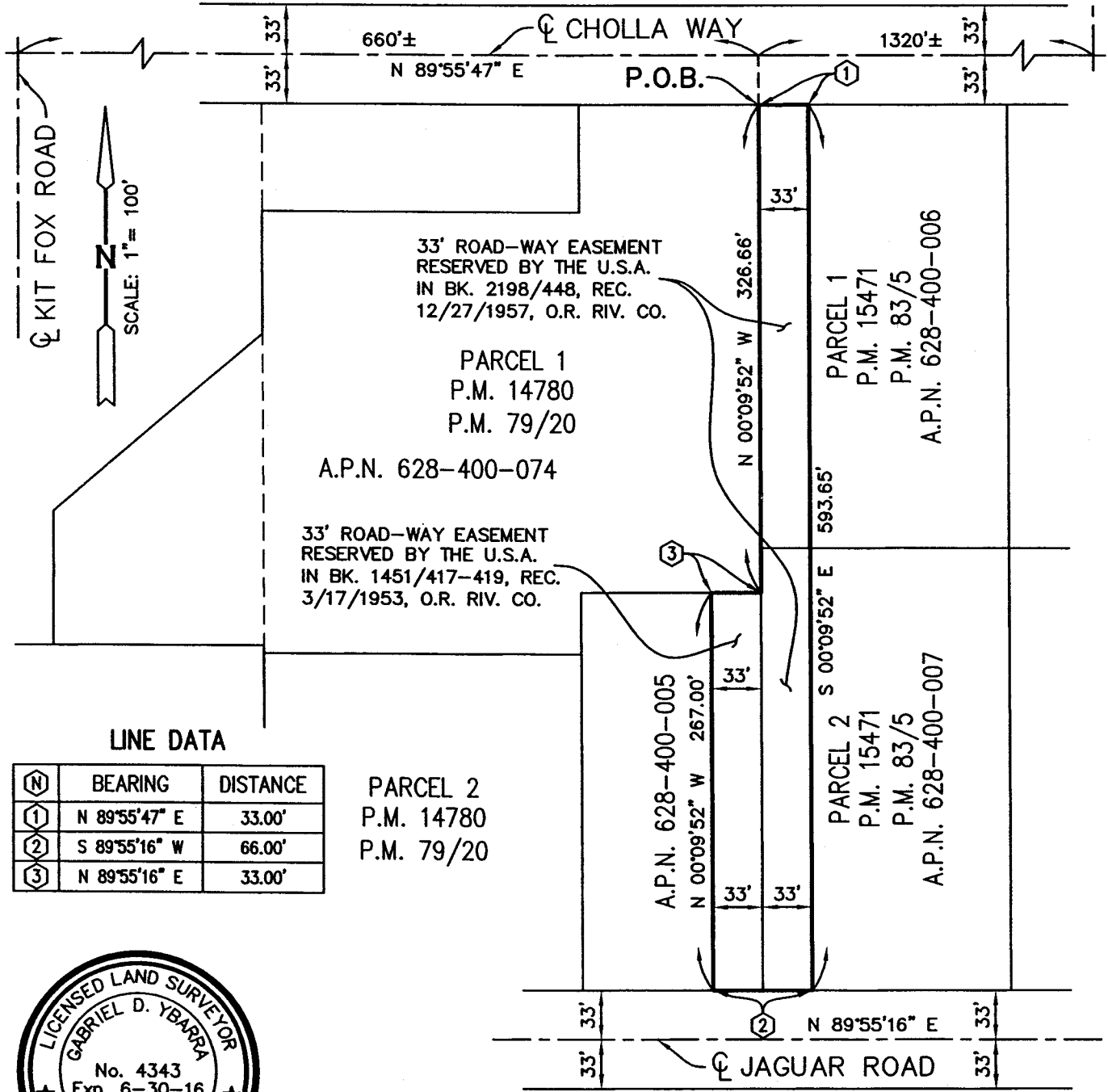
THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: 
DATE: 4-20-15

EXHIBIT "B"

SHEET 1 OF 1 SHEET

VACATION OF ROAD EASEMENTS RESERVED BY THE UNITED STATES OF AMERICA OVER PORTIONS OF A.P.N. 628-400-005, A.P.N. 628-400-006, AND A.P.N. 628-400-007. LYING IN THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 36, T. 5S., R. 5E., S.B.M.

☪ PAISANO ROAD



LINE DATA

MARKER	BEARING	DISTANCE
①	N 89°55'47" E	33.00'
②	S 89°55'16" W	66.00'
③	N 89°55'16" E	33.00'

PARCEL 2
P.M. 14780
P.M. 79/20



PREPARED UNDER THE SUPERVISION OF:

GABRIEL D. YBARRA L.S. 4343 DATE

Gabriel D. Ybarra
4-7-2015

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.

BY: *[Signature]*
DATE: 4-20-15



**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

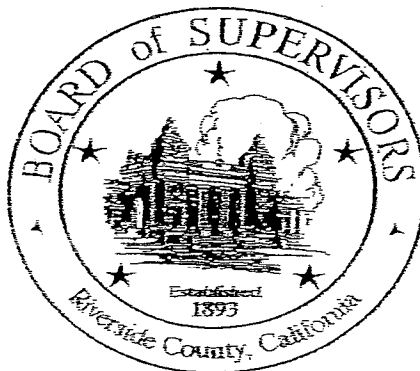
www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors
(embossed on document)



Date:

8-18-15

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board

TO BE REMOVED BEFORE RECORDING



N.T.S.

VICINITY MAP

CITY OF PALM DESERT

SECTION 36
T. 5S, R. 5E
S.B.M.

OASIS TRL

OASIS TRL

PINYON PINES

QUAL TRL

ENA

**JOHN BENOIT
4TH DISTRICT**

COREY LN

CAT CREEK RD

JAGUARWAY

MEVATE PL

CAHUILLA WAY

STATE HIGHWAY 74
PINESTOPALMS HWY

HOMESTEAD RD

STONEEAGLE DR

BAJADA TRL

CAHUILLA FALLS

WIKETMAL PL

WIKIL PL

NETASIDR

TEKIS PL

WANISH PL

WANISH PL

MESQUITE HILLS

KIVA DR

MENIE PL

SHEET 1 OF 1

TO BE REMOVED BEFORE RECORDING