

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



ITEM
3.35
(ID # 8887)

MEETING DATE:

Tuesday, February 26, 2019

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adoption of Resolution No. 2019-034 Summarily Vacating a Portion of Restricted
Abutters' Rights of Access along De Portola Road in the Rancho California area,
CEQA Exempt, District 3. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the Vacation of a Portion of Restricted Abutters' Rights of Access along De Portola Road is categorically exempt from CEQA pursuant to Section 15060 (c) (2), and 15061 (b)(3) of the State CEQA Guidelines;
2. Adopt Resolution No. 2019-034, Summarily Vacating a Portion of Restricted Abutters' Rights of Access along De Portola Road in the Rancho California area;
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; and
4. Direct the Clerk of the Board to cause a certified copy of this resolution to be recorded in the office of the Recorder of the County of Riverside, California.

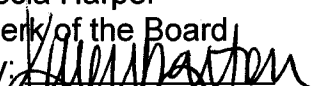
ACTION:Policy


Patricia Romo, Director of Transportation 2/3/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: February 26, 2019
xc: Transp., Recorder

Kecia Harper
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Applicant Fees 100%. No General Fund will be used.			Budget Adjustment: N/A	
			For Fiscal Year: 2018/2019	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

The applicant has requested this vacation to allow access along De Portola Road. The applicant's property has legal access to Calle Angosta, but due to design challenges posed by existing topography the applicant is requesting a 30.00 foot wide access opening along De Portola Road. The Transportation Department has reviewed this vacation and has no objections.

As determined in the attached Notice of Exemption, the vacation is exempt for the provisions of CEQA pursuant to Categorical Exemptions 15060(c) 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.

County Counsel has approved resolution Number 2019-034 as to form.

Impact on Residents and Businesses

The vacation of a Portion of Restricted Abutters' Rights of Access along De Portola Road will not impact residents or businesses.


Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

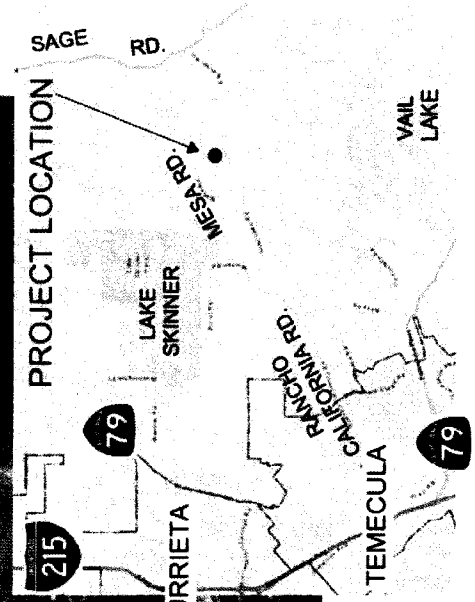
- Resolution No. 2019-034
- Exhibits "A" & "B" (Legal Description & Plat)
- Notice of CEQA Exemption
- Attachment "A" (Vicinity Map)
- Recorder Accounting String

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



Gregory V. Priapfos, Director County Counsel 2/15/2019

ATTACHMENT "A"
SUMMARILY VACATING A PORTION OF RESTRICTED ABUTTERS' RIGHTS
OF ACCESS ALONG DE PORTOLA ROAD



— INDICATES PORTION OF RESTRICTED ACCESS TO BE VACATED



NOTE: TO BE REMOVED PRIOR TO RECORDING

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:

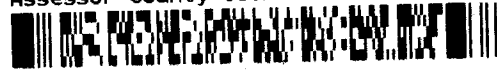
RETURN TO: STOP #1010
RIVERSIDE COUNTY CLERK OF THE BOARD
P. O. BOX 1147 – RIVERSIDE, CA 92502

2019-0067063

02/27/2019 03:09 PM Fee: \$ 0.00

Page 1 of 6

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



THIS SPACE FOR RECORDERS USE ONLY

380

RESOLUTION NO. 2019-034

Title of Document

**SUMMARILY VACATING A PORTION OF RESTRICTED ABUTTERS' RIGHTS
OF ACCESS ALONG DE PORTOLA ROAD
IN THE RANCHO CALIFORNIA AREA
(ABS18003)**

(THIRD SUPERVISORIAL DISTRICT)

(Transportation Department ~ Item 3.35 of 02/26/19)

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE
FOR RECORDING INFORMATION

2
3 **RESOLUTION NO. 2019-034**

4 **SUMMARILY VACATING A PORTION OF RESTRICTED ABUTTERS' RIGHTS**
5 **OF ACCESS ALONG DE PORTOLA ROAD**
6 **IN THE RANCHO CALIFORNIA AREA**
7 **(ABS18003)**
8 **(Third Supervisorial District)**
9

10 **WHEREAS**, the hereinafter-described portion of Restricted Abutters' Rights of
11 Access along De Portola Road was dedicated to the public on Parcel Map 10733 on file in
12 Book 54, Pages 71 and 72, of Parcel Maps, Records of Riverside County, California, and;
13

14 **WHEREAS**, the hereinafter-described portion of Restricted Abutters' Rights of
15 Access along De Portola Road as shown on said Parcel Map is no longer necessary, and;
16

17 **WHEREAS**, applicable procedures pertaining to summary vacations were followed
18 pursuant to the County's adopted "Resolutions for Fixing Procedures to Vacate and
19 Accept County Highways and Property Offered for Dedication," now, therefore;
20

21 **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of
22 Supervisors of the County of Riverside, State of California, in regular session assembled
23 on February 26, 2019, as follows:
24

- 25 1. Pursuant to Division 9, Part 3, Chapter 4, Section 8334(a) of the Streets and
26 Highways Code, the hereinafter-described portion of Restricted Abutters' Rights of
27 Access is determined to be excess, no longer needed, and is hereby summarily
28 vacated.

FORM APPROVED COUNTY COUNSEL
BY: WESLEY W. STANFIELD DATE 2/14/2019

1 **RESOLUTION NO. 2019-034**

2
3 SEE LEGAL DESCRIPTION AND PLAT ATTACHED HERETO
4 AS EXHIBITS "A" AND "B" AND MADE A PART HEREOF
5

6 2. From and after the date this resolution is recorded such portion no longer
7 constitutes Restricted Abutters' Rights of Access.
8

9 3. Pursuant to Section 15060(c) and 15061(b)(3) of the State CEQA Guidelines that
10 the vacation of the hereinafter-described portion of Restricted Abutters' Rights of
11 Access is categorically exempt as explained in the Notice of Exemption.
12

13 **BE IT RESOLVED, DETERMINED AND ORDERED** that the Clerk of the Board is
14 directed to file with the Office of the County Clerk the Notice of Exemption within five (5)
15 working days of the Board hearing date.
16

17 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Clerk of
18 the Board is directed to cause a certified copy of this resolution to be recorded in the office
19 of the Recorder of the County of Riverside, California.
20

21 ROLL CALL:

21 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
22 Nays: None
23 Absent: None

24 The foregoing is certified to be a true copy of a
25 resolution duly adopted by said Board of Super-
26 visors on the date therein set forth.

27 KECIA R. HARPER, Clerk of said Board
By  Deputy

PH W.O. # ABS18003





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

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

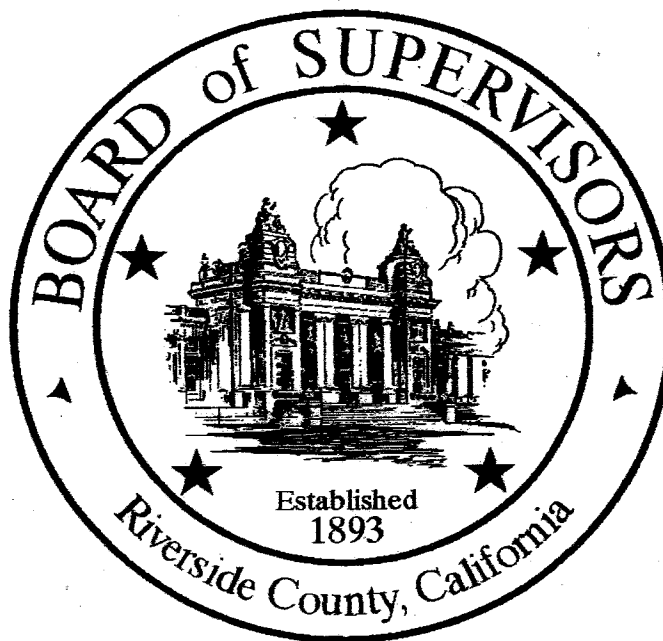
www.riversideacr.com

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 the document)



Date:

2-26-19

Signature:

Karen Barton

Print Name:

Karen Barton, Board Assistant

EXHIBIT "A"
LEGAL DESCRIPTION
VACATION OF A PORTION OF RESTRICTED ABUTTER'S RIGHTS OF ACCESS
ALONG DE PORTOLA ROAD

A 30.00 FOOT WIDE PORTION OF THE ABUTTER'S ACCESS RESTRICTION, LYING WITHIN THE RANCHO PAUBA, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DE PORTOLA ROAD AT PARCEL 4 OF PARCEL MAP 10733, AS SHOWN BY MAP ON FILE IN BOOK 54, PAGES 71 AND 72, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

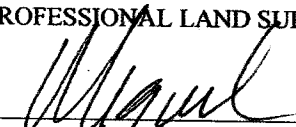
COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL 4, SAID CORNER ALSO BEING A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF DE PORTOLA ROAD, 110.00 FEET WIDE AS SHOWN ON SAID PARCEL MAP 10733;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SAID DE PORTOLA ROAD, SOUTH 39°43'54" WEST, A DISTANCE OF 265.00 FEET, TO A POINT, SAID POINT BEING THE CENTER OF SAID 30.00 FOOT WIDE OPENING, HELD AT RIGHT ANGLES TO THE PREVIOUS CALL.

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

THIS LEGAL DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE _____



DATE _____

12/08/18

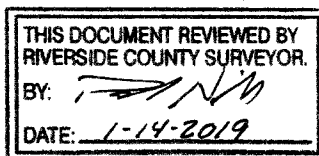





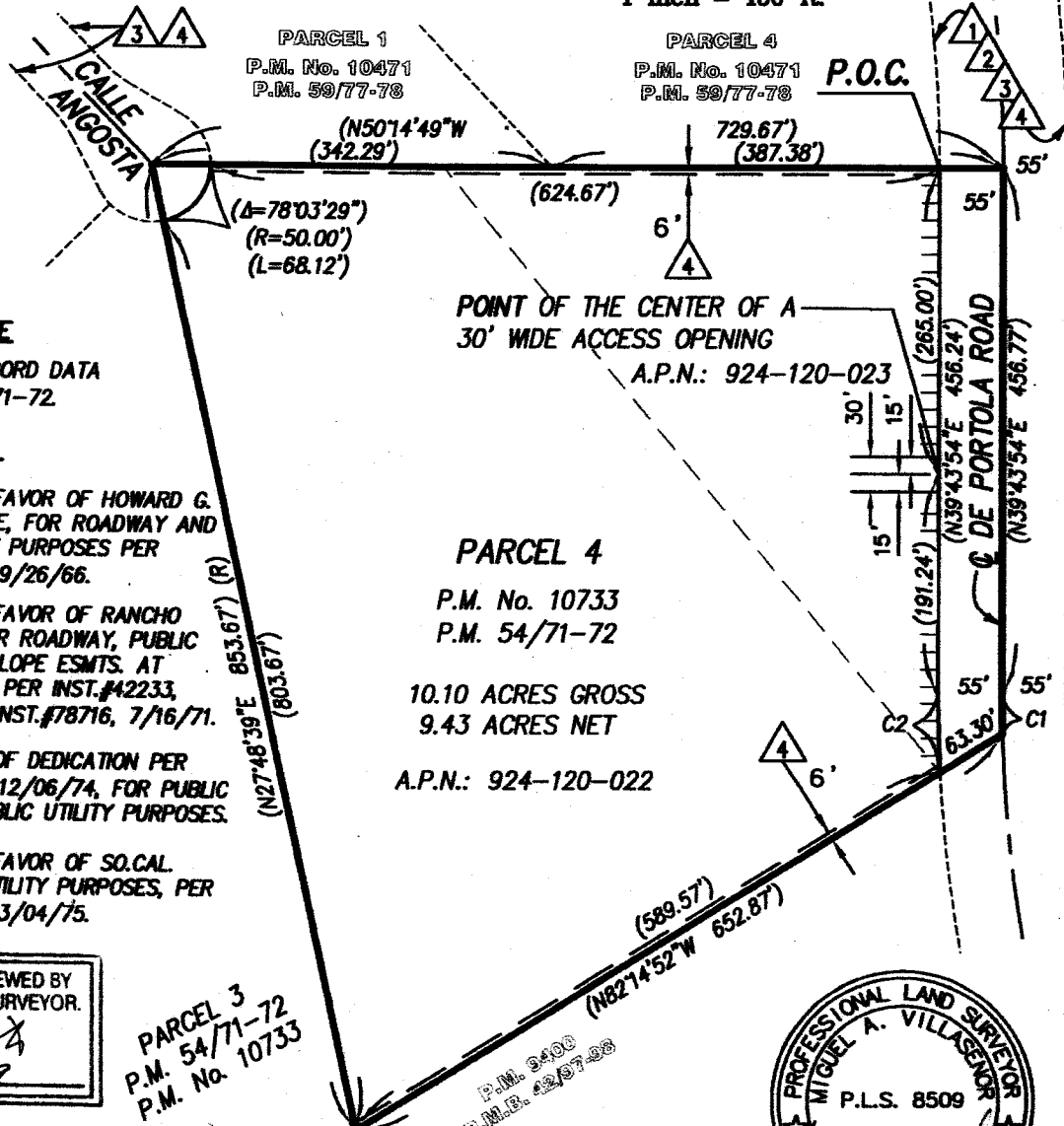
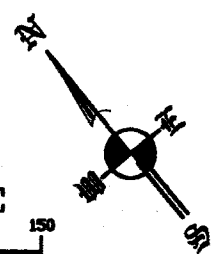
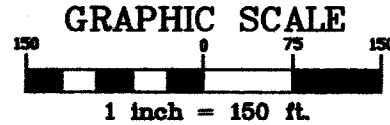


EXHIBIT 'B'

VACATION OF A PORTION OF RESTRICTED ABUTTER'S RIGHTS OF ACCESS

LEGEND

-  INDICATES RESTRICTED ACCESS DEDICATED PER P.M. 54/71-72.
-  PROPERTY BOUNDARY
-  CENTER LINE
-  PROPERTY LINE
-  ASSESSOR'S LINE




SURVEYOR'S NOTE

() INDICATES RECORD DATA PER P.M. 54/71-72.

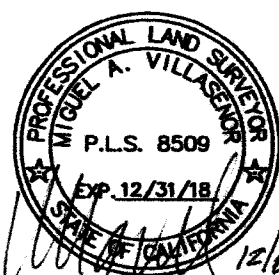
EASEMENT NOTE:

- 1 EASEMENT IN FAVOR OF HOWARD G. SMITS, TRUSTEE, FOR ROADWAY AND PUBLIC UTILITY PURPOSES PER INST. #95318, 09/26/66.
- 2 EASEMENT IN FAVOR OF RANCHO CALIFORNIA FOR ROADWAY, PUBLIC UTILITY, AND SLOPE ESMTS. AT RADIO OF 2:1, PER INST. #42233, 7/16/71 AND INST. #78716, 7/16/71.
- 3 DECLARATION OF DEDICATION PER INST. #155620, 12/06/74, FOR PUBLIC ROAD AND PUBLIC UTILITY PURPOSES.
- 4 EASEMENT IN FAVOR OF SO. CAL. EDISON FOR UTILITY PURPOSES, PER INST. #25641, 03/04/75.

THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: 
DATE: 1-14-2019

PARCEL 3
P.M. 54/71-72
P.M. No. 10733

PARCEL 4
P.M. No. 10733
P.M. 54/71-72
10.10 ACRES GROSS
9.43 ACRES NET
A.P.N.: 924-120-022



DATA TABLE				
NO.	BEARING/DELTA	LENGTH	RADIUS	RADIAL BEARING
C1	($\Delta=01^{\circ}34'32''$)	(33.00')	(1200.00')	(N 51°50'38" W)
C2	($\Delta=03^{\circ}02'17''$)	(66.55')	(1255.00')	(N 53°18'23" W)

THIS PLAT IS SOLEY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

W.O. # 18-074

SCALE: 1" = 150' DRAWN BY MAV DATE 06/01/18

EXHIBIT FOR VACATION OF RESTRICTED ACCESS

SEC. 15 & 16, T.7S., R.1W.

NOTICE OF EXEMPTION

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

2/27/19
Date

KD
Initial

Project Name: Resolution No. 2019-034 Summarily Vacating a Portion of Restricted Abutters' Rights of Access along De Portola Road.

Project Number: ZABSS18003 SU14

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

Description of Project: Resolution No. 2019-034 Summarily Vacating a Portion of Restricted Abutters' Rights of Access along De Portola Road.

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

Name of Person or Agency Carrying Out Project: David L. McMillan, Riverside County Transportation Department, Survey Division, County of Riverside.

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

Reasons Why Project is Exempt: The vacation of a Portion of Restricted Abutters' Rights of Access 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 Portion of Restricted Abutters' Rights of Access 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 this Portion of Restricted Abutters' Rights of Access 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 Portion of Restricted Abutters' Rights of Access will not require any construction activities, change the use or intensity of the existing site to

FEB 26 2019 3.35

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 Portion of Restricted Abutters’ Rights of Access 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 Portion of Restricted Abutters’ Rights of Access 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: 1-14-2019
David L. McMillan, Riverside County Surveyor

EXHIBIT "A"
LEGAL DESCRIPTION
VACATION OF A PORTION OF RESTRICTED ABUTTER'S RIGHTS OF ACCESS
ALONG DE PORTOLA ROAD

A 30.00 FOOT WIDE PORTION OF THE ABUTTER'S ACCESS RESTRICTION, LYING WITHIN THE RANCHO PAUBA, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF DE PORTOLA ROAD AT PARCEL 4 OF PARCEL MAP 10733, AS SHOWN BY MAP ON FILE IN BOOK 54, PAGES 71 AND 72, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL 4, SAID CORNER ALSO BEING A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF DE PORTOLA ROAD, 110.00 FEET WIDE AS SHOWN ON SAID PARCEL MAP 10733;

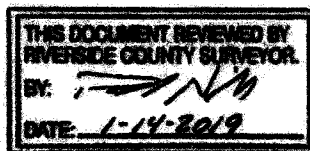
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SAID DE PORTOLA ROAD, SOUTH 39°43'54" WEST, A DISTANCE OF 265.00 FEET, TO A POINT, SAID POINT BEING THE CENTER OF SAID 30.00 FOOT WIDE OPENING, HELD AT RIGHT ANGLES TO THE PREVIOUS CALL.

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

THIS LEGAL DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE _____

DATE 12/08/18

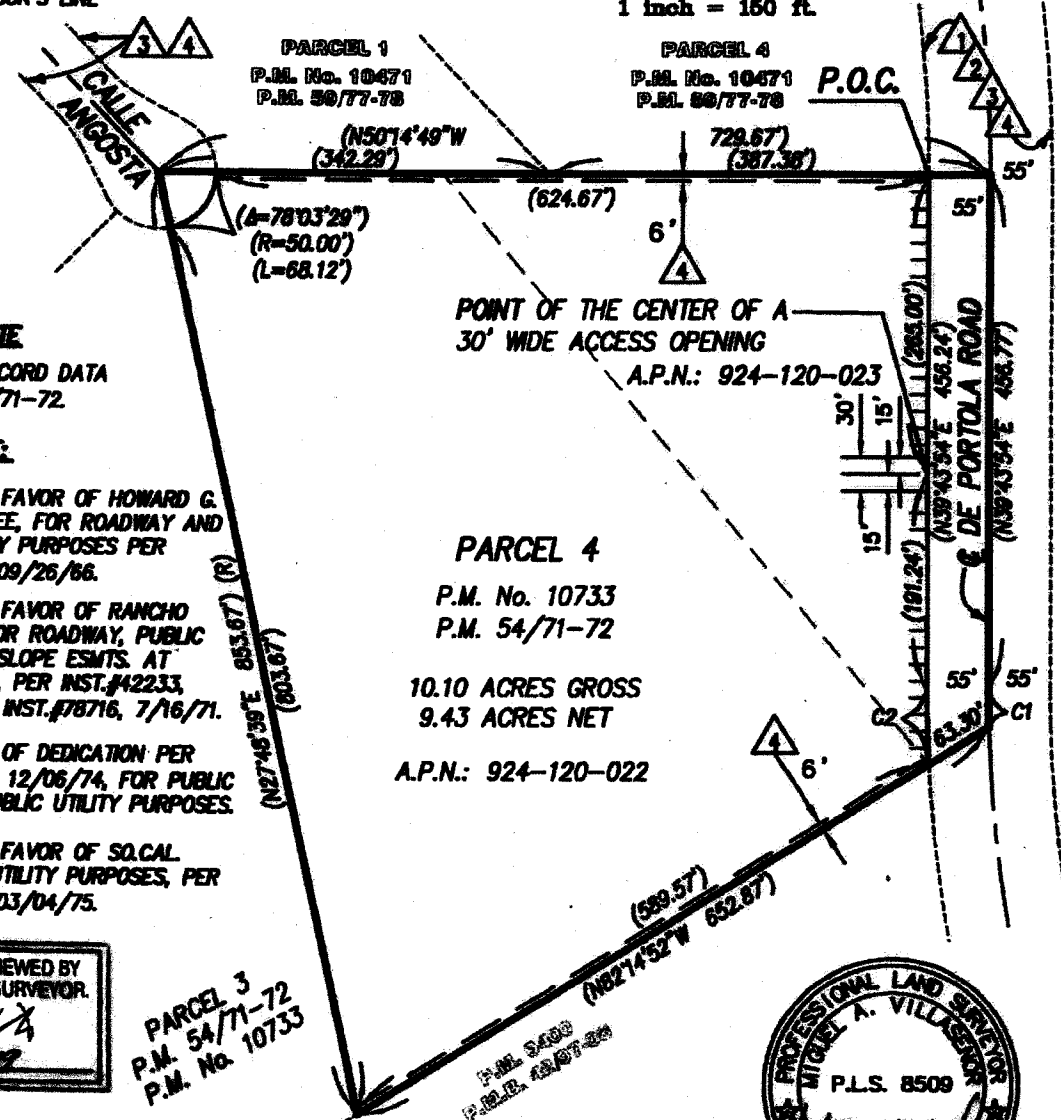
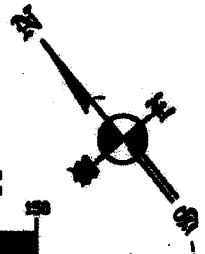
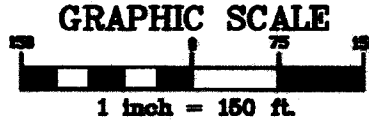


LEGEND

- ////// INDICATES RESTRICTED ACCESS DEDICATED PER P.M. 54/71-72.
- PROPERTY BOUNDARY
- CENTER LINE
- PROPERTY LINE
- ASSESSOR'S LINE

EXHIBIT 'B'

VACATION OF A PORTION OF RESTRICTED ABUTTER'S RIGHTS OF ACCESS



SURVEYOR'S NOTE

() INDICATES RECORD DATA PER P.M. 54/71-72.

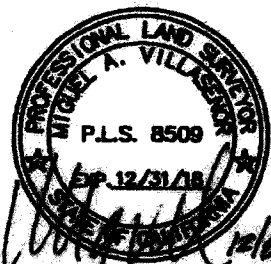
EASEMENT NOTE:

- ① EASEMENT IN FAVOR OF HOWARD G. SMITS, TRUSTEE, FOR ROADWAY AND PUBLIC UTILITY PURPOSES PER INST. #95318, 09/26/66.
- ② EASEMENT IN FAVOR OF RANCHO CALIFORNIA FOR ROADWAY, PUBLIC UTILITY, AND SLOPE ESMTS. AT RADIO OF 2:1, PER INST. #42233, 7/16/71 AND INST. #78716, 7/16/71.
- ③ DECLARATION OF DEDICATION PER INST. #155820, 12/06/74, FOR PUBLIC ROAD AND PUBLIC UTILITY PURPOSES.
- ④ EASEMENT IN FAVOR OF S.O. CAL. EDISON FOR UTILITY PURPOSES, PER INST. #25641, 03/04/75.

THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
 BY: *[Signature]*
 DATE: 1-14-2009

PARCEL 3
 P.M. 54/71-72
 P.M. No. 10733

P.M. 5400
 P.M. No. 10671-78



DATA TABLE				
NO.	BEARING/Delta	LENGTH	RADIUS	RADIAL BEARING
C1	(A-01°34'32")	(33.00')	(1200.00')	(N 51°20'38" W)
C2	(A-03°02'17")	(68.55')	(1255.00')	(N 53°18'23" W)

SEC. 15 & 16, T.7S., R.1W.

THIS PLAT IS SOLEY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

W.O. # 18-074

SCALE: 1" = 150' DRAWN BY MAV DATE 08/01/18 EXHIBIT FOR VACATION OF RESTRICTED ACCESS

