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



ITEM: 3.42 (ID # 13935)

MEETING DATE:

Tuesday, December 15, 2020

FROM: TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION: Adoption of Resolution No. 2020-192, Summarily Vacating Apple Court in the

Cherry Valley area, CEQA Exempt, District 5. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that Summarily Vacating Apple Court is categorically exempt from CEQA pursuant to Section 15060 (c)(2), and Section 15061 (b)(3) of the State CEQA Guidelines;

2. Adopt Resolution No. 2020-192, Summarily Vacating Apple Court in the Cherry Valley 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

12/2/2020 Patricia Romo, Director of

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes:

Absent:

Jeffries, Spiegel, Washington, Perez and Hewitt

Nays:

None

None

Date:

December 15, 2020

XC:

Transp., Record

Kecia R. Harper Clerk of the Board

Deputy

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

FINANCIAL DATA	Current Fiscal	Year:	Next Fiscal Yea	ar:	Total Cost	:	Ongoing C	ost
COST	\$	0	\$	0	\$	0	\$	0
NET COUNTY COST	\$	0	\$	0	\$	0	\$	0
SOURCE OF FUNDS:	Applicant Fee	Applicant Fees 100% No General Fund will be Budget Adjus			t Adjust	ment: N/A	A	
used.					For Fis	scal Year	: 2020/20	021

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Apple Court is a dedicated and accepted public road. It is a cul-de-sac for the benefit of 2 lots. Both lots also abut High Street and Apple Court is not needed for access. The applicant has requested the vacation of Apple Court to increase the useable area of their lot. The owner of the neighboring lot, abutting Apple Court, is in favor of this vacation. 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(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 2020-192 as to form.

Impact on Residents and Businesses

The vacation of Apple Court 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. 2020-192
Resolution Exhibits "A" and "B" (Legal Description and Plat)
Notice of CEQA Exemption
Attachment "A" (Vicinity Map)
Authorization to Bill

Jason Farin, Principal Management Analyst 12/9/2020 Gregory V. Prianos, Director County Counsel 12/3/2020

Page 2 of 2 ID# 13935 3.42

ATTACHMENT "A"
SUMMARILY VACATING APPLE COURT IN THE CHERRY VALLEY AREA



PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KECIA HARPER, 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

P. O. BOX 1147 – RIVERSIDE, CA 92502

2020-0651354

12/22/2020 11:12 AM Fee: \$ 0.00

Page 1 of 6

Recorded in Official Records County of Riverside Peter Aldana

Peter Aldana Assessor-County Clerk-Recorder



THIS SPACE FOR RECORDERS USE ONLY

6080

RESOLUTION NO. 2020-192

Title of Document

SUMMARILY VACATING APPLE COURT IN THE CHERRY VALLEY AREA

(ABS20011)

(FIFTH SUPERVISORIAL DISTRICT)

(TRANSPORTATION ~ Item 3.42 of 12/15/2020)

COUNTY OF RIVERSIDE

RESOLUTION NO. 2020-192

SUMMARILY VACATING APPLE COURT IN THE CHERRY VALLEY AREA (ABS20011)

(Fifth Supervisorial District)

WHEREAS, hereinafter-described Apple Court was dedicated and accepted for public use by Easement recorded July 14, 2009, as Document Number 2009-0360946, records of the Recorder of Riverside County, California, and;

WHEREAS, hereinafter-described Apple Court is excess right-of-way, and is not required for public street or highway purposes, and;

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

BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on ______, 2020, as follows:

1. The vacation of Apple Court is categorically exempt from CEQA pursuant to Section 15060(c)(2) and Section 15061(b)(3) of the State CEQA Guidelines.

RESOLUTION NO. 2020-192 1 2 2. Pursuant to Division 9, Part 3, Chapter 4, Section 8334(a) of the Streets 3 and Highways Code, hereinafter-described Apple Court is excess right-of-4 way and is not required for public street or highway purposes, and is hereby 5 summarily vacated. 6 7 SEE LEGAL DESCRIPTION AND PLAT ATTACHED HERETO 8 AS EXHIBITS "A" AND "B" AND MADE A PART HEREOF; 10 3. That hereinafter-described Apple Court is unnecessary for present or 11 prospective public use, including use as a non-motorized transportation 12 facility. 13 14 4. From and after the date this resolution is recorded hereinafter-described 15 Apple Court no longer constitutes a public street or County highway. 16 17 **EXCEPTING AND RESERVING** from the vacation an easement for any existing 18 public utilities and public service facilities, together with the right to maintain, operate, 19 20 replace, remove, or renew such facilities, pursuant to Division 9, Part 3, Chapter 5, Section 8340 of the Streets and Highways Code. 21 22 BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Clerk of 23 the Board is directed to file with the Office of the County Clerk the Notice of Exemption 24 within five (5) working days of the Board hearing date. 25 26 27 28

1	RESOLUTION NO. 2020-192	
2		
3	BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Clerk of	
4	the Board is directed to cause a certified copy of this resolution to be recorded in the	
5	office of the Recorder of the County of Riverside, California.	
6		
7	ROLL CALL:	
8 9 10	Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt Nays: None Absent: None	
11 12	The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein storth.	n et
13	Kecia R. Harper, Clerk of said Bo	aro
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16	Deputy	
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27	CT W O # ABS20011	
28	CT W.O. # ABS20011	

EXHIBIT "A" STREET VACATION LEGAL DESCRIPTION APPLE COURT

ALL OF APPLE COURT, AS SHOWN ON INSTRUMENT NO. 2009-0360946, RECORDED ON JULY 14, 2009, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 26, TOWNSHIP 2S, R1W.

SEE EXHIBIT "B"

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 DIVISION 9, PART 3, CHAPTER 5, SECTION 8340 OF THE STREETS AND HIGHWAYS CODE.

CONTAINING AN AREA OF APPROXIMATELY .46+/- ACRES

OF CALIFORNIA

THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.

BY:

DATE: __

11/5/2020

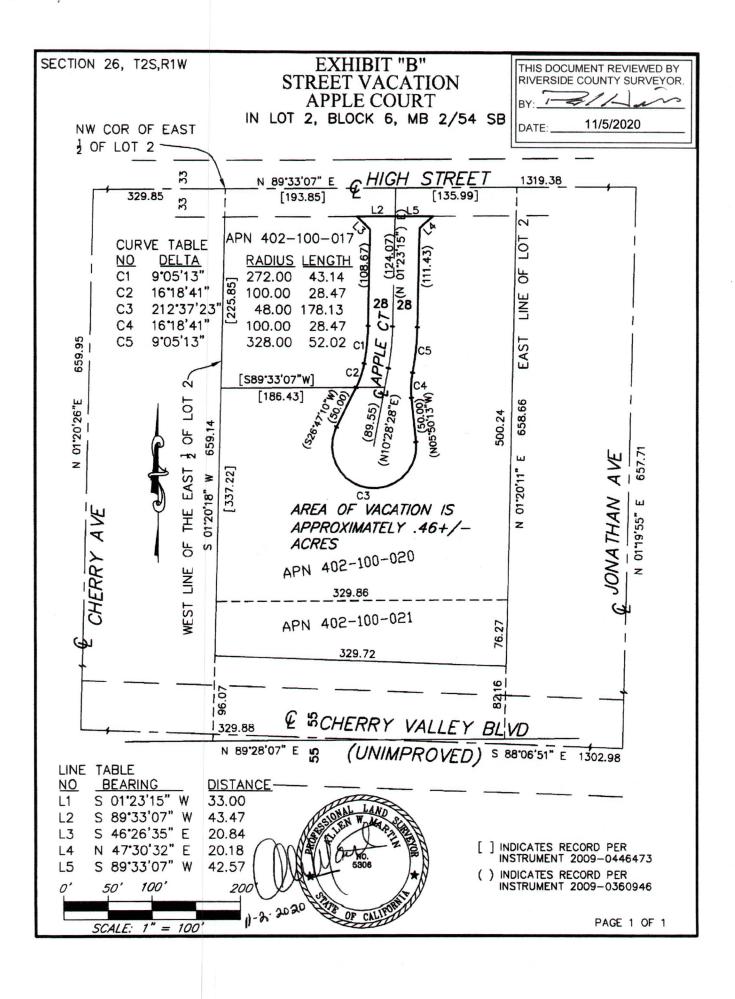
RECORD OWNER: MICHELLE LYN KONING

SURVEYOR: ALLEN W. MARTIN SOUTHLAND ENGINEERING 2200 BUSINESS WAY, SUITE 100

RIVERSIDE, CA 92501

PHONE NUMBER: 951-788-8488

PAGE 1 OF 1



FILING REQUESTED BY AND WHEN FILED RETURN TO: STOP NO. 1080 RIVERSIDE COUNTY SURVEYOR'S OFFICE 4080 LEMON STREET, 8TH FLOOR RIVERSIDE, CA 92501 Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

NOTICE OF EXEMPTION /

Initial

Project Name: Resolution No. 2020-192, Summarily Vacating Apple Court in the Cherry Valley Area.

Project Number: ABS20011, SU14

Project Location– See Exhibits "A" & "B"

Description of Project: Resolution No. 2020-192, Summarily Vacating Apple Court in the Cherry Valley Area.

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.

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).

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). 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 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. Vacating 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 vacating a street have the potential to cause a significant environmental impact and the vacation is exempt from further CEQA analysis.

• Section 15060(c) – for purposes of analysis under CEQA, Vacating a street is not a "project" under CEQA pursuant to Section 15060(c). 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 Vacating a street 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: David L. McMillan, Riverside County Surveyor

Accounting String: ZABS20011, Task Code: ZSU14

EXHIBIT "A" STREET VACATION LEGAL DESCRIPTION APPLE COURT

ALL OF APPLE COURT, AS SHOWN ON INSTRUMENT NO. 2009-0360946, RECORDED ON JULY 14, 2009, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 26, TOWNSHIP 2S, R1W.

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SOUNAL LANDON SOLUTION OF CALIFORNIA

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DATE: __

11/5/2020

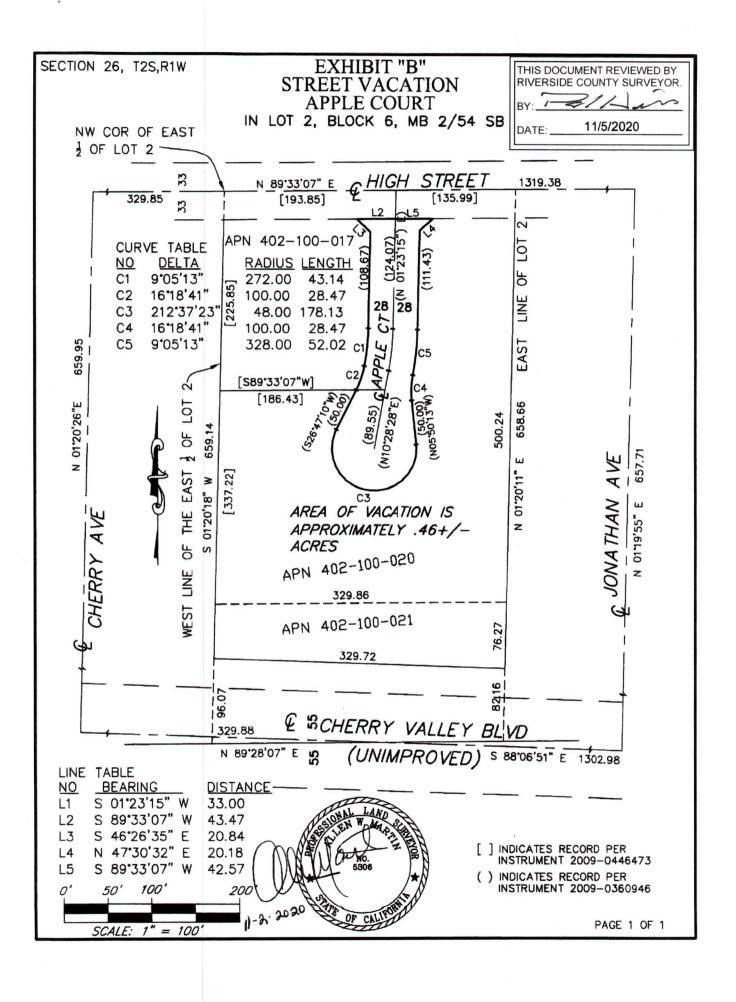
RECORD OWNER: MICHELLE LYN KONING

SURVEYOR: ALLEN W. MARTIN SOUTHLAND ENGINEERING 2200 BUSINESS WAY, SUITE 100

RIVERSIDE, CA 92501

PHONE NUMBER: 951-788-8488

PAGE 1 OF 1



RIVERSIDE COUNTY CLERK & RECORDER

AUTHORIZATION TO BILL BY JOURNAL VOUCHER

-TO BE FILLED IN BY SUBMITTING AGENCY-

AUTHORIZATION	W.O. ABS20011 SU14 Accounting String 537280-20260-3130200000 ZABS20011 ZSU14			
AMOUNT:	<u>\$50.00</u>			
DATE:	11/06/2020			
AGENCY:	Riverside County Transportation Dept-Survey Division			
	S THE COUNTY CLERK & RECORDER TO ISSUE A VOUCHER FOR LL FILING AND HANDLING FEES FOR THE ACCOMPANYING			
NUMBER OF DOC	UMENTS INCLUDED: One (1)			
AUTHORIZED BY:	David L. McMillan County Surveyor			
Signature:				
PRESENTED BY:	Chris Trinidad			
ACCOUNTING CO	NTACT PERSON: Kevin Kincaid 955-6262			
	-TO BE FILLED IN BY COUNTY CLERK-			
ACCEPTED BY:	_			
DATE:	=			
RECEIPT # (S)	-			

FILING REQUESTED BY AND WHEN FILED RETURN TO: STOP NO. 1080 RIVERSIDE COUNTY SURVEYOR'S OFFICE 4080 LEMON STREET, 8TH FLOOR RIVERSIDE, CA 92501

NOTICE OF EXEMPTION

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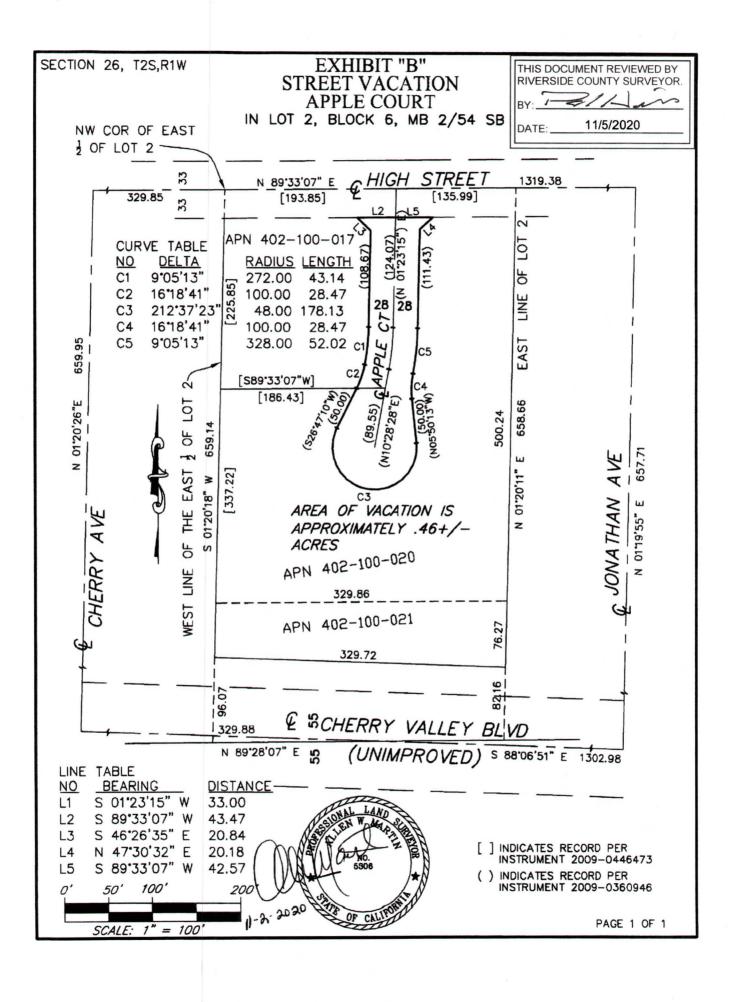
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ACCEPTED BY:				
DATE:	_			
RECEIPT # (S)	=			