

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



ITEM: 3.41
(ID # 21944)

MEETING DATE:
Tuesday, October 31, 2023

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adoption of Resolution No. 2023-127, Summarily Vacating a portion of an easement for public utilities, in the Cabazon Area, Not a Project under CEQA per State CEQA Guidelines Section 15060(c) and CEQA Exempt per Section 15061(b)(3), District 5. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that vacating an easement for construction and maintenance of public utilities is categorically exempt from CEQA pursuant to Section 15061(b)(3) and not a project pursuant to 15060 (c) of the State CEQA Guidelines;
2. Adopt Resolution No. 2023-127, Summarily Vacating a portion of an easement for construction and maintenance of public utilities, in the Cabazon 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


Mark Lancaster, Director of Transportation 10/4/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington and Gutierrez
Nays: None
Absent: Perez
Date: October 31, 2023
xc: Trans., Recorder

Kimberly A. Rector
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: 2023/2024	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

The 15.00-foot-wide easement for construction and maintenance of public utilities was dedicated and accepted as shown in Block 1 on Map titled "Desert Hills Number One", on file in Book 23, pages 26 and 27 of Tract Maps, records of the Recorder of the County of Riverside, California.

The applicant for Plot Plan 200018 is requesting this vacation to facilitate the development of their property. Plot Plan 200018 proposes to construct a restaurant and all necessary improvements on the 1.8-acre site. The applicant owns all property affected by this vacation and has merged, by Certificate of Parcel Merger 200021, all affected parcels into one lot.

This vacation will not eliminate access to any parcel. The applicant has provided Vacation/Abandonment Approval letters from the local utility companies. The Transportation Department has reviewed this vacation and has no objections.

Pursuant to Division 9, Part 3, Chapter 4, Section 8333 (c) of the Streets and Highway Code, the Board of Supervisors (BOARD) must determine whether the easement is excess right-of-way and is not required for public purposes, prior to vacation. If the BOARD finds, from all the evidence submitted, that the easement is in fact excess right-of-way, the BOARD may adopt the resolution to summarily vacate said easement.

Pursuant to Division 9, Part 3, Chapter 4, Section 8335 (b)(5) of the Streets and Highway Code, all entities having any right, title, or interest in the described easement for public road, utility, and public services have been notified of this action.

As determined in the attached Notice of Exemption, the vacation is exempt from the provisions of CEQA pursuant to Section 15061(b)(3) and not a project under Section 15060(c) 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 2023-127 as to form.

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

Impact on Residents and Businesses

The vacation of said easement 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. 2023-127 including Exhibits "A" & "B" (Legal Description and Plat)

Attachment "A" (Vicinity Map)

Notice of Exemption

Authorization to Bill



Jason Farin, Principal Management Analyst 10/24/2023



Aaron Gettis, Deputy County Counsel 10/18/2023

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

Removed: By: Deputy



NOTICE OF EXEMPTION

Project Name: Resolution No. 2023-127, Summarily Vacating an easement for public utilities in the Morongo Area

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

Description of Project: Resolution No. 2023-127, Summarily Vacating an easement for public utilities in the Morongo 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 the public utilities easement 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 public utilities easement 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 the public utilities easement 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 the public utilities easement 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 the public utilities easement 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 the reserved public utility easement 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 the public utilities easement 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: 5/3/2023
David L. McMillan, Riverside County Surveyor

Accounting String: ZABG21004, Task Code: SU14

EXHIBIT "A"
VACATION OF PUBLIC UTILITY EASEMENTS
(LEGAL DESCRIPTION)

THAT PORTION OF A 15-FOOT-WIDE PUBLIC UTILITY EASEMENT ALONG THE EASTERLY PROPERTY LINE OF LOTS 5 THROUGH 10, INCLUSIVE, IN BLOCK 1 OF DESERT HILLS NUMBER ONE, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 23, PAGES 26 AND 27 OF MAPS, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING IN SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 10; THENCE, ALONG THE EASTERLY LINE OF SAID LOTS 5 THROUGH 10, INCLUSIVE AND EASTERLY LINE OF SAID SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST, SAN BERNARDINO MERIDIAN, SOUTH 00°09'00" WEST 548.12 FEET TO THE NORTHEASTERLY LINE OF DECLARATION OF DEDICATION RECORDED OCTOBER 13, 1964 AS INSTRUMENT NO. 124242 AND RE-RECORDED OCTOBER 29, 1964 AS INSTRUMENT NO. 131080, BOTH OF OFFICIAL RECORDS;

THENCE, ALONG SAID NORTHEASTERLY LINE, NORTH 68°47'32" WEST 16.07 FEET TO THE WESTERLY LINE OF 15.00-FOOT-WIDE EASEMENT FOR PUBLIC UTILITY PURPOSES AS SHOWN ON SAID DESERT HILLS NUMBER ONE, BLOCK 1;

THENCE, ALONG SAID WESTERLY LINE, NORTH 00°09'00" EAST 542.35 FEET TO THE NORTHERLY LINE OF SAID LOT 10;


THENCE, ALONG SAID NORTHERLY LINE, SOUTH 89°51'00" EAST 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF APPROXIMATELY 8,178 SQUARE FEET OR 0.188 ACRE.

AS SHOWN ON THE ATTACHED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

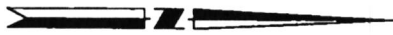
SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD, IF ANY.

LEGAL DESCRIPTION PREPARED UNDER THE SUPERVISION OF:


3/24/22
MICHAEL P. HERNANDEZ, P.L.S. 9281



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *Joseph Martinez*
DATE: 4/20/2022



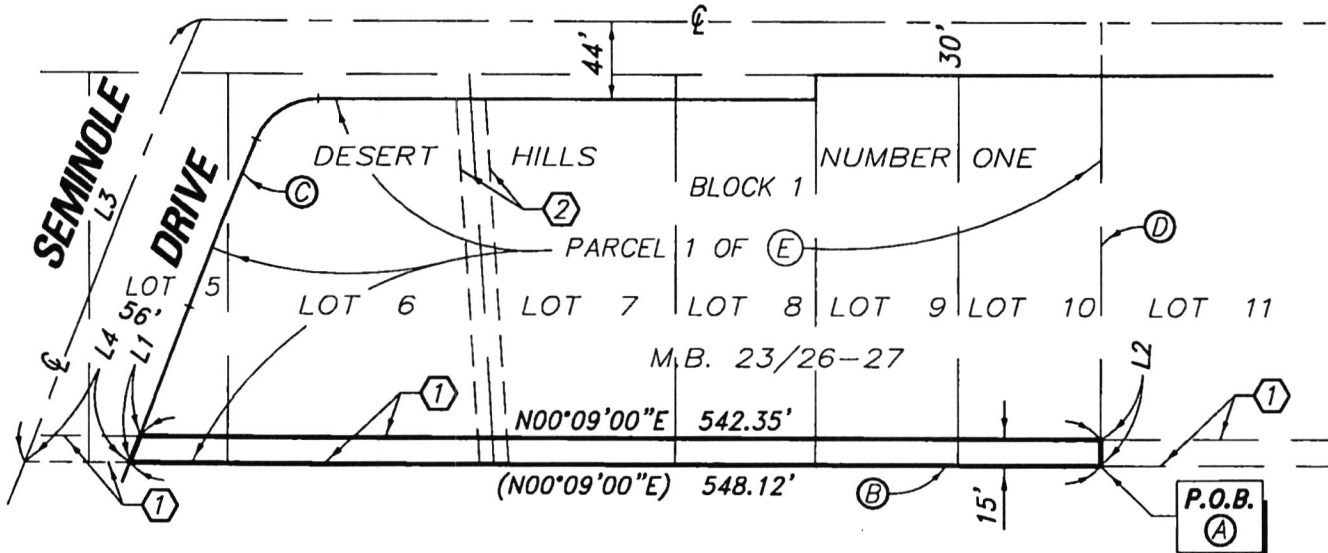
SCALE: 1" = 100'

EXHIBIT "B"

SHEET 1 OF 1

VACATION OF PUBLIC UTILITY EASEMENTS

APACHE TRAIL



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *Joseph Martinez*
DATE: 4/20/2022

Signed 3/24/22

LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	N68°47'32"W	16.07'
L2	N89°51'00"W	15.00'
L3	N68°11'50"W	269.02'
L4	N00°09'00"E	36.22'

RECORD REFERENCE NOTE:

(R) DENOTES DESERT HILLS NUMBER ONE, BLOCK 1, IN BOOK 23, PAGES 26 AND 27 OF MAPS.

BASIS OF BEARINGS:

THE BEARING OF N00°09'00"E FOR THE EASTERLY LINE OF SECTION 7, T3S., R2E, S.B.M. PER MAP OF DESERT HILLS NUMBER ONE IN BOOK 23, PAGES 26 AND 27 OF MAPS, RECORDS OF RIVERSIDE COUNTY, WAS USED AS THE BASIS OF BEARINGS FOR THIS EXHIBIT.

NOTE:

AS DESCRIBED ON THE ATTACHED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART THEREOF.

NOTES:

- (A) NORTHEAST CORNER OF LOT 10 PER (R).
- (B) EASTERLY LINE OF (R) AND EASTERLY LINE OF SECTION 7, TOWNSHIP 3, SOUTH, RANGE 2 EAST, SAN BERNARDINO MERIDIAN.
- (C) NORTHEASTERLY LINE OF DECLARATION OF DEDICATION TO IRREVOCABLY DEDICATE IN PERPETUITY FOR PUBLIC ROAD PURPOSES, PUBLIC UTILITY AND PUBLIC SERVICES IN DOCUMENT RECORDED OCTOBER 13, 1964 AS INSTRUMENT NO. 124242 AND RE-RECORDED OCTOBER 29, 1964 AS INSTRUMENT NO. 131080, BOTH OF OFFICIAL RECORDS.
- (D) NORTHERLY LINE OF LOT 10 PER (R).
- (E) GRANT DEED RECORDED JUNE 18, 2021 AS INSTRUMENT NO. 2021-0370265, O.R.

EASEMENT NOTES:

- ① 15.00 FOOT WIDE EASEMENT TO THE PUBLIC FOR PUBLIC UTILITY PURPOSES AS DEDICATED AND SHOWN ON (R).
- ② 16.50 FOOT WIDE EASEMENT TO SOUTHERN COUNTIES GAS COMPANY PER (R).

INDICATES AREA VACATION

AREA OF VACATION = 8,178 SQUARE FEET

Prepared by:
Joseph C. Truxaw and Associates, Inc.
Civil Engineers and Land Surveyors
1915 W. Orangewood Avenue, Suite 101
Orange, CA 92868 (714) 935-0265

VACATION OF PUBLIC UTILITY EASEMENTS
IN THE COUNTY OF RIVERSIDE

DRAWN: CL	CHKD: MPH	CFA19072
DATE: 3-24-22	DATE: 3-24-22	

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KIMBERLY R. RECTOR, 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

2023-0322911

10/31/2023 03:27 PM Fee: \$ 0.00

Page 1 of 7

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



8778

THIS SPACE FOR RECORDERS USE ONLY

RESOLUTION NO. 2023-127

SUMMARILY VACATING A PORTION OF AN EASEMENT FOR PUBLIC UTILITIES,
IN THE CABAZON AREA.

(ABG21004)

(FIFTH SUPERVISORIAL DISTRICTS)

(TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION ~ Item 3.41 of
10/31/2023)

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE
FOR RECORDING INFORMATION

BOARD OF SUPERVISORS

COUNTY OF RIVERSIDE

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RESOLUTION NO. 2023-127

SUMMARILY VACATING A PORTION OF AN EASEMENT FOR PUBLIC UTILITIES, IN THE CABAZON AREA.

(ABG21004)

(Fifth Supervisorial District)

WHEREAS, the hereinafter-described easement for the construction and maintenance of all public utilities, was dedicated and accepted as shown on Map titled "Desert Hills Number One," on file in Book 23, pages 26 and 27, records of the Recorder of the County of Riverside, California, and;

WHEREAS, the hereinafter-described easement for construction and maintenance of public utilities is excess right-of-way, and is not required for public utility purposes, and;

WHEREAS, applicable procedures pertaining to 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 October 31, _____, 2023, as follows:

10.31.2023 3.41

FORM APPROVED COUNTY COUNSEL
BY: *Stephanie Nelson*
STEPHANIE K. NELSON
DATE: 10/31/23

1 **RESOLUTION NO. 2023-127**

2
3 1. The vacation of the hereinafter described easement for construction and
4 maintenance of all public utilities is categorically exempt from CEQA
5 pursuant to Section 15060(c) and Section 15061(b)(3) of the State CEQA
6 Guidelines.

7
8 2. Pursuant to Division 9, Part 3, Chapter 4, Section 8333(c) of the Streets and
9 Highways Code, the hereinafter-described easement for construction and
10 maintenance of all public utilities is determined to be excess by the
11 easement holders, and there are no other public facilities located within this
12 easement, and is hereby summarily vacated.

13
14 SEE LEGAL DESCRIPTION AND PLAT ATTACHED HERETO
15 AS EXHIBITS "A" & "B" AND MADE A PART HEREOF

16
17 3. Pursuant to Division 9, Part 3, Chapter 4, Section 8335 (b)(5) of the Streets
18 and Highway Code, all entities having any right, title, or interest in the
19 described easement for construction and maintenance of all public utilities
20 have been notified of this action.

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22 4. From and after the date this resolution is recorded the hereinafter-described
23 easement for construction and maintenance of all public utilities is hereby
24 vacated and no longer constitutes a public utility easement.
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RESOLUTION NO. 2023-127

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

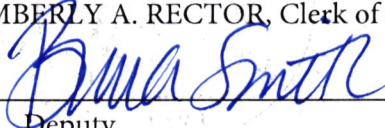
BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Clerk of the Board is directed to cause a certified copy of this resolution to be recorded in the office of the Recorder of the County of Riverside, California.

BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Clerk of the Board/Recorder's office is directed to cause a record copy of this resolution to be delivered to the Riverside County Surveyor's Office [Mail Stop 1080].

ROLL CALL:

Ayes: Jeffries, Washington, Spiegel, and Gutierrez
Nays: None
Absent: Perez

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

KIMBERLY A. RECTOR, Clerk of said Board
By: 
Deputy

10.31.2023 3.41
CT W.O. # ABG21004

**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 FOR SEAL for the Riverside County Board of Supervisors
(EMBOSSSED ON DOCUMENT)



Date: 10/31/2023

Signature: *Breanna Smith*

Print Name: Breanna Smith, Clerk of the Board Assistant

EXHIBIT "A"
VACATION OF PUBLIC UTILITY EASEMENTS
(LEGAL DESCRIPTION)

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SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, RIGHTS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD, IF ANY.

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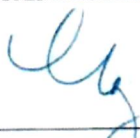

3/24/22
MICHAEL P. HERNANDEZ, P.L.S. 9281

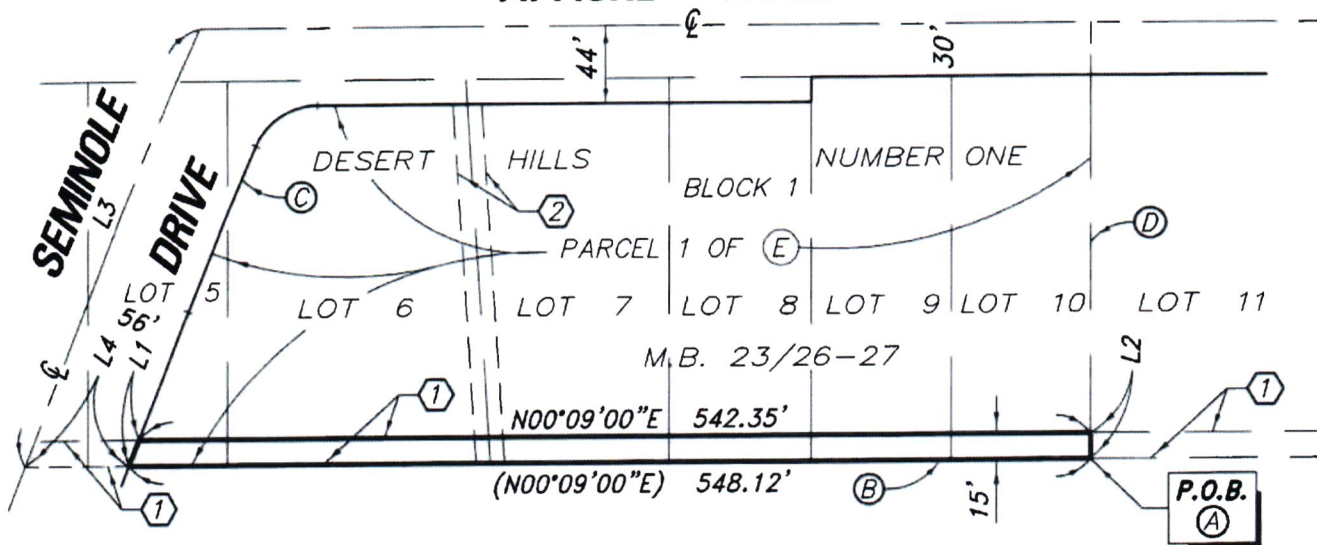


EXHIBIT "B"

VACATION OF PUBLIC UTILITY EASEMENTS

APACHE TRAIL

SCALE: 1" = 100'



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *Joseph Martinez*
DATE: 4/20/2022

Signed 3/24/22

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NOTE:

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AREA OF VACATION = 8,178 SQUARE FEET

Prepared by:
Joseph C. Truxaw and Associates, Inc.
Civil Engineers and Land Surveyors
1915 W. Orangewood Avenue, Suite 101
Orange, CA 92868 (714) 935-0265

VACATION OF PUBLIC UTILITY EASEMENTS IN THE COUNTY OF RIVERSIDE			
DRAWN: CL	CHKD: MPH	CFA19072	
DATE: 3-24-22	DATE: 3-24-22		

ATTACHMENT "A"

Resolution No. 2023-127, Summarily Vacating a portion of an easement for construction and maintenance of public utilities, in the Cabazon Area.



 INDICATES AREA TO BE VACATED

NOTE: TO BE REMOVED PRIOR TO RECORDING