# SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE. STATE OF CALIFORNIA



ITEM: 19.1 (ID # 23987) MEETING DATE: Tuesday, February 06, 2024

> Kimberly A. Rector Clerk of the Board

> > Deputy

By: Mamu 1:

**FROM:** TLMA-TRANSPORTATION:

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION: Public hearing regarding the General Vacation of the right to accept a portion of an un-named road and public utility easement, in the Pinyon Pines area; Adoption of Resolution No. 2024-003, General Vacation of the right to accept a portion of an un-named road and public utility easement, in the Pinyon Pines area, CEQA exempt, District 4. [Applicant Fees 100%]

## **RECOMMENDED MOTION:** That the Board of Supervisors:

- Find that the General Vacation of the right to accept a portion of an un-named road and public utility easement, in the Pinyon Pines area is exempt from CEQA pursuant to Section 15061 (b)(3) and not a project pursuant to Section 15060 (c)(2) of the State CEQA Guidelines;
- 2. Adoption of Resolution No. 2024-003, General Vacation of the right to accept a portion of an un-named road and public utility easement, in the Pinyon Pines 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 and the State Clearinghouse.

**ACTION:Policy** 

## MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes:

Jeffries, Spiegel, Washington, Perez and Gutierrez

Nays:

None

Absent: Date:

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February 6, 2024

None

XC:

Trans., Recorder

ID# 23987 **19.1** 

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

FINANCIAL DATA	Current Fiscal	Year:	Next Fiscal Ye	ar:	Total Cost	:	Ongoing	Cost
соѕт	\$	0	\$	0	\$	0	\$	0
NET COUNTY COST	\$	0	\$	0	\$	0	\$	0
SOURCE OF FUNDS: Applicant Fees 10			00% No Gene	d Budg	Budget Adjustment:		N/A	
will be used.					For Fi	For Fiscal Year:		
					2023/2	2024		

C.E.O. RECOMMENDATION: Approve

## **BACKGROUND:**

The applicant, Greg Heggstad, owner of APN 628-360-041 is requesting the vacation of the right to accept a portion of an un-named road and public utility easement lying within APN 628-360-041 to accommodate development of the property. The un-named road and public utility easement was created by U.S. Patent No. 1154139, dated September 6, 1955, which dedicated a right-of-way not exceeding 50 feet in width for roadway and public utilities purposes along the northerly and southerly lines of APN 628-360-041. This vacation is a proposal to vacate the portion along the southerly parcel line, leaving the dedication along the northerly parcel line intact. This vacation will not eliminate access to any parcel and this portion of un-named road and public utility easement is not currently being used by adjacent property owners for access. This dedication has not been accepted by the County of Riverside for public use or maintenance; this action will vacate the County's right to accept this easement for public use.

Four (4) adjacent property owners have been notified of this proposed vacation; one (1) responded in favor of the vacation, two (2) did not responded, and one (1) responded opposed to the vacation. The reason for opposition provided was "This public right of way is beneficial to our property, and we do not want it to be vacated". This vacation was presented to the Planning Commission on 5/21/2023. The Planning Commission approved staff recommendation that the Transportation Department move forward with the process to vacate the un-named road and public utility easement. The Transportation Department, Cal Fire and Riverside County Flood Control have reviewed the proposed vacation and have no objections.

Pursuant to California Streets and Highways Code Section 8320 et seq., the Board of Supervisors (Board) must hold a public hearing to determine whether the vacation of the right to accept a portion of un-named road and public utility easement is unnecessary for present or prospective public use prior to vacation. If the Board finds, from all the evidence submitted at the hearing, that portion of un-named road and public utility easement is unnecessary for present or prospective public use, the Board may adopt the resolution vacating such road.

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 cause any direct or indirect physical environmental impacts.

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

County Counsel has approved resolution Number 2024-003 as to form.

## Impact on Residents and Businesses

Vacating the right to accept a portion of an un-named road and public utility easement, in the Pinyon Pines area, 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. 2024-003 with Exhibits "A" & "B" (Legal Description and Plat) Attachment "A" (Vicinity Map) Notice of Exemption Authorization to Bill

Aaron Gettis, Deputy County Journel 1/25/2024

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

County of Riverside Peter Aldana Assessor-County Clerk-Recorder E-202400137 02/07/2024 11:05 AM Fee: \$ 50.00

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## NOTICE OF EXEMPTION

Project Name: Resolution No. 2024-003, General Vacation of the right to accept a portion of an un-named road and public utility easement, in the Pinyon Pines area.

Project Number: ABG22005, SU14

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

Description of Project: Resolution No. 2024-003, General Vacation of the right to accept a portion of an un-named road and public utility easement, 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: 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 an 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 existing 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 this 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 an 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 an 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 an 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 an 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:	12/21/2023
	David L. McMillan, Riverside County S	urveyor	

Accounting String: ZABG2205, Task Code: SU14

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## EXHIBIT "A"

# LEGAL DESCRIPTION RIGHT-OF-WAY VACATION

THE SOUTH 50.00 FEET OF THE WEST 264.00 FEET OF THE EAST 528.00 FEET OF THE NORTH ONE— HALF, OF THE SOUTHEAST ONE—QUARTER, OF THE SOUTHEAST ONE—QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 5 EAST, SAN BERNARDINO MERIDIAN ALSO BEING A PORTION OF U.S. PATENT DEED #1154139, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF SAID NORTH ONE—HALF, OF THE SOUTHEAST ONE—QUARTER, OF THE SOUTHEAST ONE—QUARTER OF SAID SECTION 36;

THENCE WEST 528.88 FEET ALONG THE SOUTHERLY LINE OF SAID NORTH ONE HALF TO **THE TRUE POINT OF BEGINNING**;

**THENCE** NORTH PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE EASTERLY LINE OF THE NORTH ONE—HALF, OF THE SOUTHEAST ONE—QUARTER, OF THE SOUTHEAST ONE—QUARTER, OF THE NORTHEAST ONE—QUARTER 50.00 FEET;

**THENCE** EAST PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE SOUTHERLY LINE OF SAID NORTH ONE—HALF 264.00 FEET;

**THENCE** SOUTH 50.00 FEET PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE EASTERLY LINE OF SAID NORTH ONE—HALF;

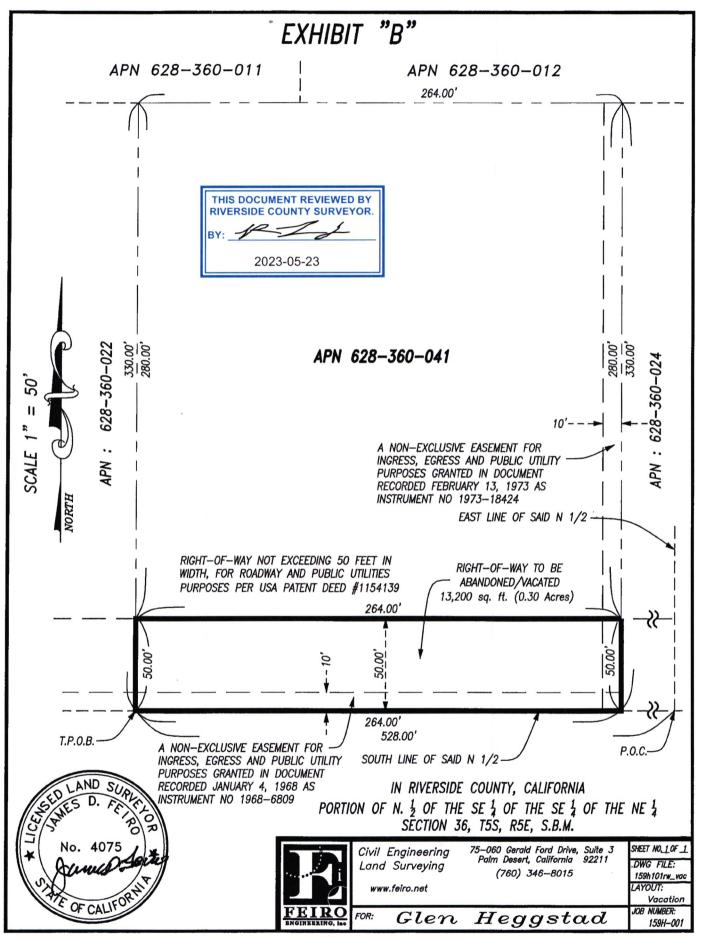
THENCE WEST 264.00 FEET ALONG THE SOUTHERLY LINE OF SAID NORTH ONE—HALF TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 13,200 SQ. FT. MORE OR LESS

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.







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

2024-0035178

02/07/2024 11:09 AM Fee: \$ 0.00

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Recorded in Official Records County of Riverside Peter Aldana

Assessor-County Clerk-Recorder



6080

THIS SPACE FOR RECORDERS USE ONLY

## **RESOLUTION NO. 2024-003**

GENERAL VACATION OF THE RIGHT TO ACCEPT A PORTION OF UN-NAMED ROAD AND PUBLIC UTLILITY EASMENET IN THE PINYON PINES AREA (ABG22005) (Fourth Supervisorial District)

(TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION ~ Item 19.1 of 08/29/2024)

## **BOARD OF SUPERVISORS**

## **COUNTY OF RIVERSIDE**

## **RESOLUTION NO. 2024-003**

# GENERAL VACATION OF THE RIGHT TO ACCEPT A PORTION OF UN-NAMED ROAD AND PUBLIC UTILITY EASEMENT IN THE PINYON PINES AREA

(ABG22005)

(Fourth Supervisorial District)

WHEREAS, the hereinafter-described portion of un-named road and public utility easement was created by U.S. Patent No. 1154139, dated September 6, 1955; and,

WHEREAS, pursuant to Division 9, Part 3, Chapter 3, Section 8320 of the Streets and Highways Code, a petition has been filed with the Board of Supervisors of the County of Riverside, State of California, requesting the general vacation of the right to accept a portion of un-named road and public utility easement in the Pinyon Pines area of the County of Riverside; and,

WHEREAS, Resolution No. 2024-002 has been duly published, posted and mailed pursuant to the provisions of the Streets and Highways Code; and,

## 1 RESOLUTION NO. 2024-003 2 3 WHEREAS, a public hearing has been conducted and the Board of Supervisors of 4 the County of Riverside have heard all evidence offered by all persons interested in the 5 matter; and, 6 7 WHEREAS, pursuant to Streets and Highways Code Section 8324, the Board of Supervisors of the County of Riverside has found and determined that the hereinafter-8 9 described portion of un-named road and public utility easement is unnecessary for present 10 or prospective public use including use as a non-motorized transportation facility; and, 11 12 WHEREAS, applicable procedures pertaining to vacations were followed pursuant 13 to the County's adopted "Resolutions for Fixing Procedures to Vacate and Accept County 14 Highways and Property Offered for Dedication," now therefore; 15 16 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of 17 Supervisors of the County of Riverside, State of California, in regular session assembled on \_\_\_\_ February 6 , **2024**, as follows: 18 19 20 1. The vacation of the right to accept a portion of un-named road and public 21 utility easement is categorically exempt from CEQA pursuant to Sections 22 15060(c)(2), and 15061(b)(3) of the State CEQA Guidelines. 23 24 25 26

1	RESOLUTION NO. 2024-003
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3	2. Pursuant to Division 9, Part 3, Chapter 3, Section 8324(b) of the Streets and
4	Highways Code, the hereinafter-described portion of un-named road and
5	public utility easement is unnecessary for present or prospective public use
6	including use as a non-motorized transportation facility and is hereby
7	vacated.
8	
9	SEE LEGAL DESCRIPTION AND PLAT ATTACHED HERETO
10	AS EXHIBITS "A" AND "B" AND MADE A PART HEREOF;
11	
12	3. From and after the date this resolution is recorded the hereinafter-described
13	portion of un-named road and public utility easement is hereby vacated and
14	no longer constitutes a public street or County highway.
15	
16	BE IT RESOLVED, DETERMINED AND ORDERED that the Clerk of the Board is
17	directed to file with the Office of the County Clerk the Notice of Exemption within five (5)
18	working days of the Board hearing date.
19	
20	BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Clerk of
21	the Board is directed to cause a certified copy of this resolution to be recorded in the office
22	of the Recorder of the County of Riverside, California.
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28	CT W.O. # ABG22005

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**RESOLUTION NO. 2024-003** 

GENERAL VACATION OF THE RIGHT TO ACCEPT

A PORTION OF UN-NAMED ROAD AND PUBLIC UTILITY EASEMENT

IN THE PINYON PINES AREA

(ABG22005)

(Fourth Supervisorial District)

**ROLL CALL:** 

Ayes:

Jeffries, Washington, Spiegel, Perez, and Gutierrez

Nays:

None

Absent:

None

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: Marry 1. Deputy

02/06/2024 19.1

# 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 (EMBOSSED ON DOCUMENT)



Date:

02/06/2024

Signature:

Maony hi

Print Name: Naomy Sicra, Clerk of the Board Assistant

# EXHIBIT "A"

# LEGAL DESCRIPTION RIGHT-OF-WAY VACATION

THE SOUTH 50.00 FEET OF THE WEST 264.00 FEET OF THE EAST 528.00 FEET OF THE NORTH ONE— HALF, OF THE SOUTHEAST ONE—QUARTER, OF THE SOUTHEAST ONE—QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 5 EAST, SAN BERNARDINO MERIDIAN ALSO BEING A PORTION OF U.S. PATENT DEED #1154139, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE WEST 528.88 FEET ALONG THE SOUTHERLY LINE OF SAID NORTH ONE HALF TO **THE TRUE POINT OF BEGINNING**;

**THENCE** NORTH PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE EASTERLY LINE OF THE NORTH ONE—HALF, OF THE SOUTHEAST ONE—QUARTER, OF THE SOUTHEAST ONE—QUARTER, OF THE NORTHEAST ONE—QUARTER 50.00 FEET;

**THENCE** EAST PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE SOUTHERLY LINE OF SAID NORTH ONE—HALF 264.00 FEET;

**THENCE** SOUTH 50.00 FEET PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE EASTERLY LINE OF SAID NORTH ONE—HALF TO THE SOUTH LINE OF SAID NORTH ONE—HALF;

THENCE WEST 264.00 FEET ALONG THE SOUTHERLY LINE OF SAID NORTH ONE—HALF TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 13,200 SQ. FT. MORE OR LESS



