

DOC # 2009-0394292

07/29/2009 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Larry W Ward

Assessor, County Clerk & Recorder

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY.

Colleen J. Nicol, MMC

AND WHEN RECORDED MAIL TO:

City Clerk
City of Riverside
3900 Main St.
Riverside, CA 92522
FREE RECORDING-
Exempt Pursuant to
Government Code S6103



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<p>RESOLUTION NO. 21856</p>									513

SPACE ABOVE FOR RECORDERS USE ONLY



RESOLUTION NO. 21856

Title of Document

D 16377

**THIS AREA FOR
RECORDER'S
USE ONLY**

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

16377

1 RESOLUTION NO. 21856

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
3 CALIFORNIA, MAKING ITS FINDINGS AND DETERMINATIONS IN THE
4 MATTER OF PLANNING CASE P09-0205 MODIFYING THE TRAFFIC
5 PATTERN AND VACATING DUFFERIN AVENUE BETWEEN STEWART
6 STREET AND MCALLISTER PARKWAY, IN THE CITY OF RIVERSIDE,
7 CALIFORNIA.

8 WHEREAS, on June 9, 2009, the City Council of the City of Riverside in
9 Planning Case P09-0205 adopted Resolution No. 21836 declaring its intention to modify
10 the traffic pattern on Dufferin Avenue between Stewart Street and McAllister in the City
11 of Riverside, California in order to reduce the amount of cut through traffic through the
12 greenbelt area of the City, to improve roadway circulation to protect the public health,
13 safety and welfare, and to comply with the mandates of Proposition R and Measure C;
14 and

15 WHEREAS, under Resolution No. 21836, the City Council also declared its
16 intention to vacate Dufferin Avenue between Stewart Street and McAllister Parkway in
17 the City of Riverside, California in that said street is no longer necessary for present or
18 prospective use; and

19 WHEREAS, following the close of the public hearing before the Planning
20 Commission, the Planning Commission determined that the proposed traffic pattern
21 modification and street vacation would not have a significant effect on the environment,
22 recommended that the City Council adopt a Negative Declaration, and recommended that
23 Planning Case P09-0205 should be approved subject to all staff conditions; and

24 WHEREAS, notice of the hearing before the City Council on the traffic pattern
25 modification and street vacation was duly given as provided by Public Streets, Highways,
26 and Service Easement law, being section 8300 *et seq.* of Part 3 Division 9, of the Streets
27 and Highways Code of the State of California; and

28 WHEREAS, the areas of the proposed traffic pattern modification and street
vacation were conspicuously posted, which notices set forth the date, hour and place for

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1 hearing by the City Council for all persons interested in or objecting to the proposed
2 traffic pattern modification measure and street vacation; and

3 WHEREAS, the recommendation of the Planning Commission, along with the
4 staff reports and initial study, were submitted to the City Council for consideration
5 together with the testimony, whether oral or in writing, presented at the public hearing
6 before said City Council; and

7 WHEREAS, section 8324(b) of the California Streets and Highways Code
8 provides that if the City Council finds, from all of the evidence submitted, that a street is
9 unnecessary for present or prospective use, it may adopt a resolution vacating the street;
10 and

11 WHEREAS, section 21101(a)(1) of the California Vehicle Code provides that the
12 City Council may adopt a resolution closing any highway (including a street) to vehicular
13 traffic, when in the opinion of the legislative body, the highway is no longer needed for
14 vehicular traffic; and

15 WHEREAS, section 21101(f) of the California Vehicle Code provides that the
16 City Council may prohibit entry to, or exit from, or both, any street by means of islands,
17 curbs, traffic barriers, or other roadway design features to implement the circulation
18 element of the city's general plan; and

19 WHEREAS, the Circulation and Community Mobility Element of the Riverside
20 General Plan provides that the City shall discourage and/or prevent regional traffic
21 through the employment of traffic-calming measures; and

22 WHEREAS, Proposition R and Measure C, the City's growth control initiatives,
23 specifically require the City to take any and all appropriate actions to protect the
24 greenbelt from heavy traffic; and

25 WHEREAS, the overwhelming majority of traffic coming on to Dufferin Avenue
26 is from outside the greenbelt and as a result is creating heavy traffic in the greenbelt; and
27
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1 WHEREAS, the City Council heard and found and determined from all the
2 evidence submitted to said Council on July 14, 2009, the day fixed for the hearing, that
3 the portion of Dufferin Avenue between Stewart Street and McAllister Parkway within
4 the City of Riverside proposed for the traffic pattern modification measures and street
5 vacation was appropriate for modification, and was unnecessary for present or
6 prospective use.

7 NOW, THEREFORE, BE IT IS RESOLVED by the City Council of the City of
8 Riverside, California, as follows:

9 Section 1: The City Council hereby incorporates the above recitals and adopts the
10 staff reports, and the initial study as findings.

11 Section 2: The City Council finds, from all the evidence submitted, that:

12 a. The modification of the traffic pattern of Dufferin Avenue would improve
13 the health and safety of the citizens by limiting the number of vehicles traveling through
14 the neighborhood that are unrelated to the local neighborhood.

15 b. The proposed traffic modification measure will not interfere with the
16 general traffic circulation as vehicles will continue to have access to La Sierra Avenue, as
17 well as other numerous local streets.

18 c. The closing of Dufferin Avenue between Stewart Street and McAllister
19 Parkway will eliminate cut through traffic in the greenbelt, and thereby eliminate heavy
20 traffic in the greenbelt as mandated by Proposition R and Measure C.

21 d. That the traffic pattern modification and street vacation of Dufferin
22 Avenue between Stewart Street and McAllister Parkway, within the City of Riverside, in
23 Planning case P09-0205 is undertaken pursuant to the provisions of and in accordance
24 with the procedures set forth in the California Streets and Highways and Vehicle Codes,
25 and all notices required thereby have been duly given.



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1 Section 3. That the City Council finds, based upon all of the evidence
2 submitted, whether written or oral, including all staff reports and presentations, that that
3 portion of Dufferin Avenue proposed for vacation and modification is unnecessary for
4 present or prospective use in that:

- 5 a. The only current use is for non-local cut through traffic.
- 6 b. There are at least four (4) other adequate routes to and from the area to
7 serve the existing residents.
- 8 c. Emergency vehicle access will not be affected by the closure.
- 9 d. Other local streets will not be impacted since they have more than
10 sufficient capacity to handle traffic from the area.
- 11 e. Consistent with Tract Maps 30295 and 30337 approved by the County of
12 Riverside, the portion of Dufferin Avenue proposed to be vacated was to have been
13 closed prior to recordation of said Tract Maps.

14 Section 4. That from all of the evidence submitted to the City Council at the
15 July 14, 2009, public hearing before it on Planning Case P09-0205, whether such
16 evidence was oral or in writing, together with the staff report and recommendations from
17 the Planning Commission, the traffic pattern on Dufferin Avenue between Stewart Street
18 and McAllister Parkway within the City of Riverside, California, as hereinafter described
19 is hereby modified and said street, as herein after described, is ordered vacated as
20 unnecessary for present or prospective use as a public street.

21 Section 5. That the portion of Dufferin Avenue between Stewart Street and
22 McAllister Parkway, within the City of Riverside, California, described and depicted in
23 attached Exhibit "A", and by this reference made a part hereof, be and the same is hereby
24 ordered vacated.

25 Section 6. That the public convenience and necessity requires the exception of the
26 following easements and rights-of-way from the vacation hereinabove ordered as the same may
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1 exist or reserved: easements for electrical energy distribution facilities, water distribution
2 facilities, gas lines, storm drains, sewers, telephone, telegraph and communications structures,
3 emergency access and for multi purpose-recreational trail for non-motorized use; the right to
4 construct, place, inspect, operate, maintain, repair, replace and remove such facilities unless said
5 facilities are satisfactorily relocated and/or abandoned.

6 Section 7. The traffic pattern modification on Dufferin Avenue between Stewart
7 Street and McAllister Parkway within the City of Riverside is undertaken pursuant to the
8 provision of the California Vehicle Code Section 21101.

9 Section 8. The City Council hereby modifies the traffic pattern on Dufferin Avenue
10 between Stewart Street and McAllister Parkway as depicted in Exhibit "B" attached hereto and
11 incorporated herein by reference.

12 Section 9. That the traffic pattern modification measures and street vacation will not
13 have s significant effect on the environment and the City Council hereby adopts a Negative
14 Declaration.

15 Section 10. That the modification of the of the traffic pattern and vacation of Dufferin
16 as depicted in Exhibits "A" and "B" shall occur only after the applicable conditions contained in
17 the staff reports to the City Council and on file with the City Clerk, as approved or amended by
18 the City Council, have been satisfied.

19 Section 11. That the City Clerk of the City of Riverside shall cause a certified copy of
20 this resolution to be recorded in the Office of the County Recorder of the County of Riverside,
21 California, upon satisfaction of the applicable conditions, and upon such recordation, the portion
22 of Dufferin Avenue depicted in Exhibits "A" and "B" shall be vacated and the traffic pattern
23 modification shall be complete.

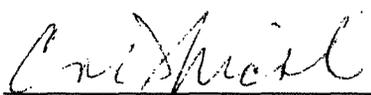
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1 ADOPTED by the City Council and signed by the Mayor Pro-Tempore and attested by
2 the City Clerk this 14th day of July, 2009.

3
4 
5 _____
6 Mayor Pro-Tempore of the City of Riverside

5 
6 _____
7 City Clerk of the City of Riverside

8 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
9 foregoing resolution was duly and regularly introduced at a meeting of the City Council on the
10 14th day of July, 2009, by the following vote, to wit:

- 11 Ayes: Councilmembers Gardner, Melendrez, Bailey, Davis, Mac Arthur, Hart, and
- 12 Adams
- 13 Noes: None
- 14 Abstain: None
- 15 Absent: None

16
17 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of
18 the City of Riverside, California, this 17th day of July, 2009.

19
20 
21 _____
22 City Clerk of the City of Riverside

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24 CA: 09-1115

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26
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EXHIBIT "A"

Dufferin Avenue Closure

All that portion of Dufferin Avenue lying within Lot 3 in Block 3 of Arlington Heights, as shown by map on file in Book 11, Pages 20 and 21 of Maps, records of San Bernardino County, California, bounded on the south by the south line of said Arlington Heights, and bounded on the northeast by the southwest line of Stewart Street, as shown by said map, more particularly described as follows:

All of those certain parcels of land described in Grant Deeds to the City of Riverside by documents recorded October 31, 1928, in Book 722, Page 294, et seq., and in Book 789, Page 84, et seq., both of Deeds, records of Riverside County, California.

RESERVING THEREFROM the following easements and rights of ways within the above described parcel of land:

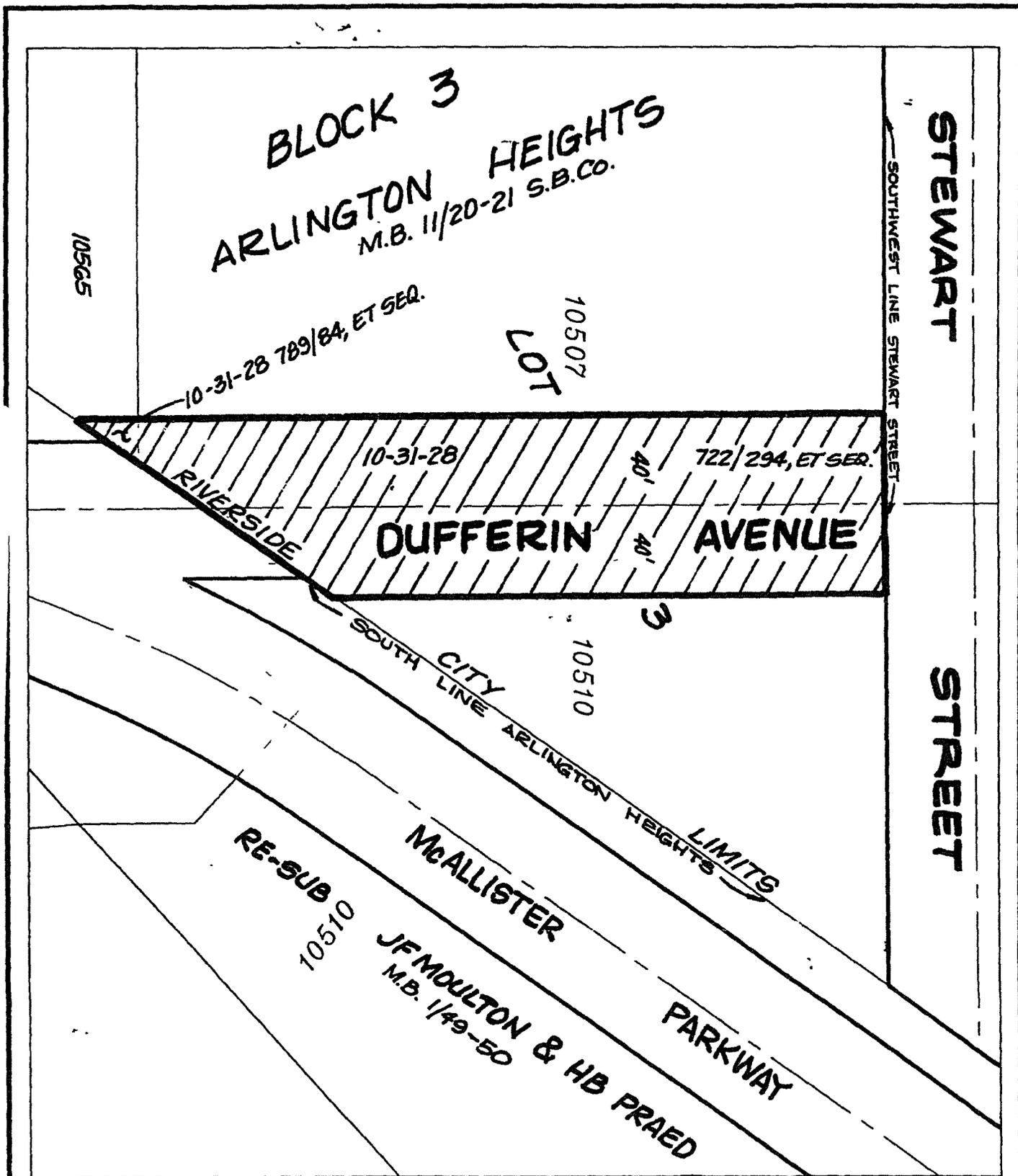
- 1) Multipurpose Recreational Trail for Non-Motorized Use.
An easement for the construction and maintenance of a multipurpose recreational trail for non-motorized use.
- 2) Electric Energy Distribution Facilities
An easement for the construction and maintenance of electric energy distribution and telecommunication facilities.
- 3) Water Distribution Facilities
An easement for the construction and maintenance of waster distribution facilities.
- 4) Emergency Access Easement.
An easement for emergency vehicles and personnel to access and pass through the described property in the course of emergency operations and to conduct training in emergency operations.
- 5) In-Place Public Utilities
An easement for the construction and maintenance of any existing in-place public utility facilities.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 5/14/09 Prep. 
 Mark S. Brown, L.S. 5655 Date
 License Expires 9/30/09



EXHIBIT A



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◆ CITY OF RIVERSIDE, CALIFORNIA ◆

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

Sheet 1 of 1



Scale: 1" = 60'

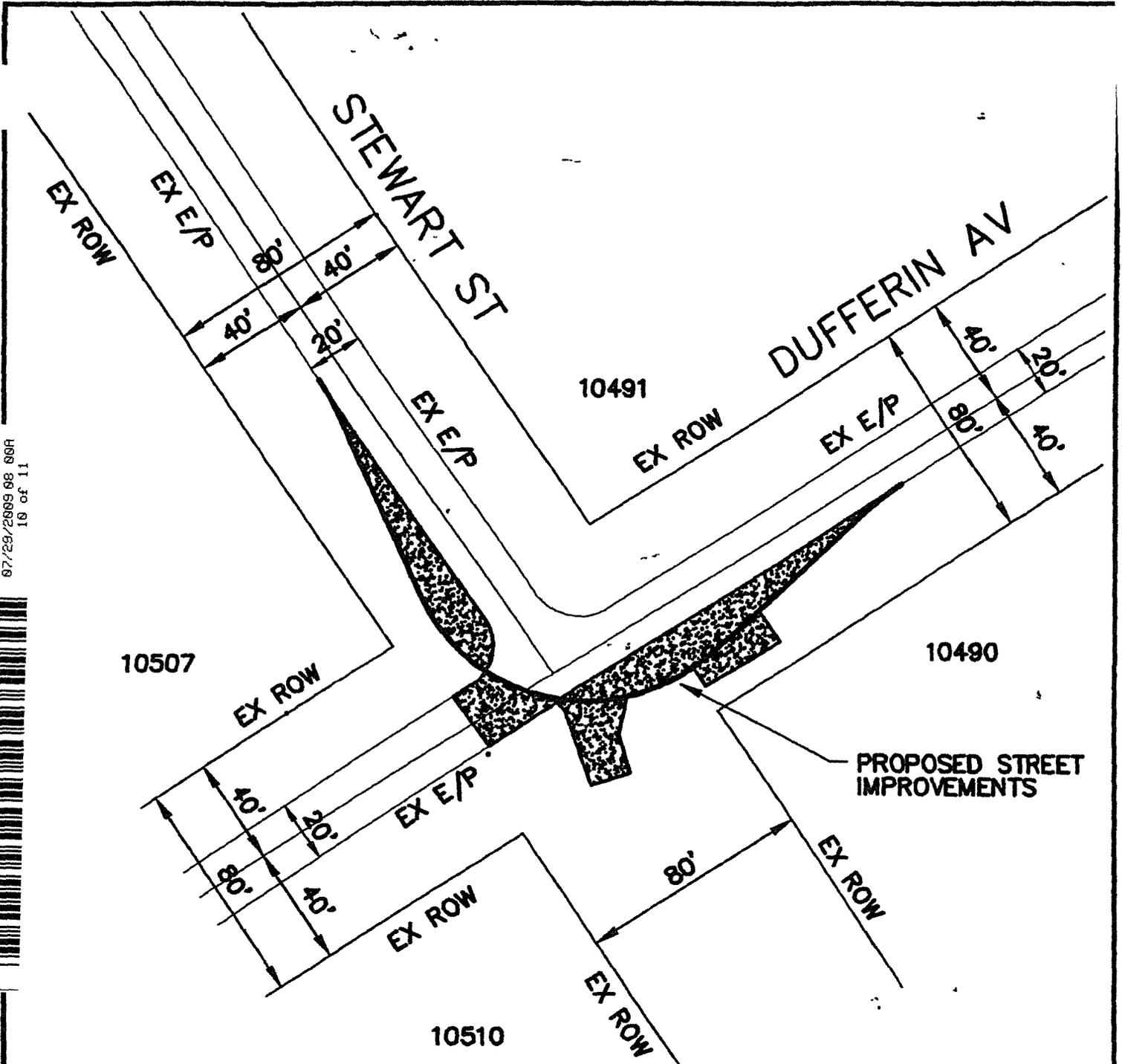
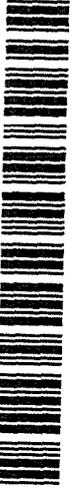
Drawn by: sken

Date: 04/22/09

Subject: DUFFERIN AVENUE CLOSURE

EXHIBIT B

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STANDARD KNUCKLE AT DUFFERIN AVE AT STEWART ST

◆ CITY OF RIVERSIDE, CALIFORNIA ◆

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

The foregoing instrument is certified,
under penalty of perjury, to be a
correct copy of the original on file
in this office.

[Signature]

Colleen J. Nicol, City Clerk
City of Riverside, California.

Executed on June 20, 2009 at
Riverside, California.

Subject: Dufferin - Stewart TPM

Sheet 1 of 1

Scale: 1" = 50'

Drawn by: bmark

Date: 05/15/09



LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

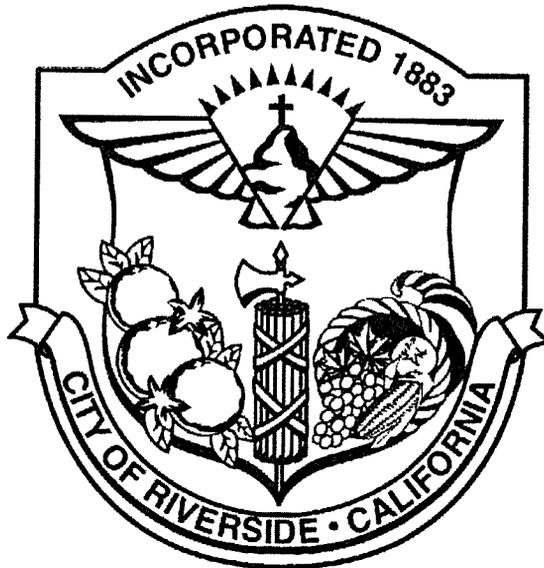
Recorder
P O Box 751
Riverside, CA 92502-0751
(951) 486-7000

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):



Date: 7/29/2009

Signature: Hannah Dustin

Print: Hannah Dustin



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