

477285

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

DEC 19 1996

Recorded in Official Records
of Riverside County, California
Recorder

Fees \$

1 RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

2 CITY CLERK
3 City of Riverside
City Hall, 3900 Main Street
4 Riverside, CA 92522

5 FREE RECORDING
Exempt Pursuant to
6 Government Code §6103

7 Case No. VC-005-956

8 FOR RECORDER'S OFFICE USE ONLY

9
10
11 RESOLUTION NO. 19018

12 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
13 RIVERSIDE, CALIFORNIA, MAKING ITS FINDINGS AND
14 DETERMINATIONS IN THE MATTER OF RESOLUTION OF
15 INTENTION NO. 18959; RESERVING PERMANENT
16 EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRICAL ENERGY
17 DISTRIBUTION FACILITIES, FOR SANITARY SEWER
18 FACILITIES, FOR STORM DRAIN FACILITIES, FOR GAS
19 LINE FACILITIES, FOR AERIAL AND UNDERGROUND
20 TELEPHONE, TELEGRAPH AND COMMUNICATION FACILITIES
21 INCLUDING CABLE TELEVISION FACILITIES, AND FOR
22 WATER DISTRIBUTION FACILITIES AND FOR ANY OTHER
23 IN-PLACE PUBLIC UTILITY FACILITIES THAT ARE IN
24 USE AND DETERMINING THAT THE PUBLIC CONVENIENCE
25 AND NECESSITY REQUIRE THE RESERVATION OF SUCH
26 EASEMENTS; AND MAKING ITS ORDER VACATING THAT
27 PORTION OF MULBERRY STREET EXTENDING
APPROXIMATELY 450 FEET IN A SOUTHERLY DIRECTION
FROM KANE STREET AND SITUATED NORTHERLY OF
PROSPECT AVENUE; AND REPEALING RESOLUTION NO.
18967.

RESOLUTION NO. 19018

1
2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
3 OF RIVERSIDE, CALIFORNIA, MAKING ITS FINDINGS
4 AND DETERMINATIONS IN THE MATTER OF RESOLUTION
5 OF INTENTION NO. 18959; RESERVING PERMANENT
6 EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRICAL
7 ENERGY DISTRIBUTION FACILITIES, FOR SANITARY
8 SEWER FACILITIES, FOR STORM DRAIN FACILITIES,
9 FOR GAS LINE FACILITIES, FOR AERIAL AND
10 UNDERGROUND TELEPHONE, TELEGRAPH AND
11 COMMUNICATION FACILITIES INCLUDING CABLE
12 TELEVISION FACILITIES, AND FOR WATER
13 DISTRIBUTION FACILITIES AND FOR ANY OTHER IN-
14 PLACE PUBLIC UTILITY FACILITIES THAT ARE IN
15 USE AND DETERMINING THAT THE PUBLIC
16 CONVENIENCE AND NECESSITY REQUIRE THE
17 RESERVATION OF SUCH EASEMENTS; AND MAKING ITS
18 ORDER VACATING THAT PORTION OF MULBERRY STREET
19 EXTENDING APPROXIMATELY 450 FEET IN A
20 SOUTHERLY DIRECTION FROM KANE STREET AND
21 SITUATED NORTHERLY OF PROSPECT AVENUE; AND
22 REPEALING RESOLUTION NO. 18967.

23 WHEREAS, on July 23, 1996, the City Council of the City
24 of Riverside in Vacation Case No. VC-005-956 adopted Resolution
25 No. 18959 declaring its intention to order the vacation of the
26 approximately 50 to 70-foot wide portion of Mulberry Street
27 extending approximately 450 feet in a southerly direction from
Kane Street within the City of Riverside, California, and fixing
the time and place of hearing all persons interested in the
proposed vacation pursuant to the provisions of the Public
Streets, Highways and Service Easements Vacation Law, being
Sections 8300 et seq. of Part 3, Division 9 of the Streets and
Highways Code of the State of California; and

WHEREAS, said proposed vacation had been previously
submitted to and considered by the Planning Commission of the City
of Riverside at a duly noticed public hearing; and

WHEREAS, following the close of the public hearing before

1 the Planning Commission, the Planning Commission determined that
2 the proposed project would not have a significant adverse affect
3 on the environment and that the City Council should adopt a
4 Negative Declaration, and that Vacation Case VC-005-956 should be
5 approved subject to all staff conditions; and

6 WHEREAS, notice of hearing before the City Council on
7 said resolution of intention was duly given as provided by said
8 Public Streets, Highways, and Service Easements Vacation Law; and

9 WHEREAS the recommendations of the Planning Commission
10 were submitted to the City Council for consideration together with
11 the testimony, whether oral or in writing, presented at the public
12 hearing before said City Council; and

13 WHEREAS the City heard and found and determined from all
14 of the evidence submitted to said Council on the day fixed for the
15 hearing that the portion of Mulberry Street extending
16 approximately 450 feet in a southerly direction from Kane Street
17 ordered vacated was unnecessary for present or prospective public
18 use; and

19 WHEREAS on August 13, 1996, the City Council adopted
20 Resolution No. 18967, making its findings and determinations in
21 the matter of Resolution of Intention No. 18959 including findings
22 and determinations regarding the reservation of easements and
23 ordering the vacation of the approximately 50 to 70-foot wide
24 portion of Mulberry Street extending approximately 450 feet in a
25 southerly direction from Kane Street, ordering that the vacation
26 occur only after the applicable conditions contained in the
27 Planning Department's report to the legislative body and on file

1 with the City Clerk have been satisfied, and directing the City
2 Clerk not to record the resolution of vacation until the
3 applicable conditions had been satisfied; and

4 WHEREAS the owner of the property adjacent to that
5 portion of Mulberry Street to be vacated in Case VC-005-956 has
6 advised that the development plans for such site have now been
7 changed in that the property will now be developed in two phases;
8 and

9 WHEREAS the City Council has been requested to adopt two
10 resolutions in Vacation Case VC-005-956 to reflect that two phases
11 of the development of the adjacent property and to repeal
12 Resolution No. 18967;

13 NOW, THEREFORE, BE IT RESOLVED, FOUND AND DETERMINED by
14 the City Council of the City of Riverside, California, as follows:

15 Section 1: That the vacation of the hereinafter
16 described portion of Mulberry Street extending southerly from Kane
17 Street and northerly of Prospect Avenue in the City of Riverside
18 is undertaken pursuant to the provisions of and in accordance with
19 the procedures set forth in the Public Streets, Highways, and
20 Service Easements Vacation Law and that all notices required
21 thereby have been duly given.

22 Section 2: That from all of the evidence submitted to
23 the City Council at the public hearing before it on Vacation
24 Case VC-005-956, whether such evidence was oral or in writing,
25 together with the recommendations from the Planning Commission,
26 the portion of Mulberry Street extending southerly from Kane
27 Street and northerly of Prospect Avenue within the City of

1 Riverside as hereinafter described and ordered vacated is
2 unnecessary for present or prospective public use as a public
3 street.

4 Section 3: That the proposed project will not have a
5 significant adverse effect on the environment and adopts a
6 Negative Declaration.

7 Section 4: That the portion of Mulberry Street extending
8 southerly from Kane Street and northerly of Prospect Avenue within
9 the City of Riverside, California and described in the document
10 attached hereto, marked Exhibit A, and by this reference made a
11 part hereof, be and the same is hereby ordered vacated.

12 Section 5: That the public convenience and necessity
13 requires the exception from the vacation hereinabove ordered of
14 those easements and rights-of-way as more particularly described
15 in Exhibit A over, along and across said portion of Mulberry
16 Street ordered to be vacated necessary for electrical energy
17 distribution facilities, sanitary sewer facilities, storm drain
18 facilities, gas line facilities, aerial and underground telephone,
19 telegraph and communication facilities including cable television
20 facilities, and water distribution facilities and the reservation
21 of the following: (a) an easement for and the right to construct,
22 maintain, operate, replace, remove, renew, and enlarge lines of
23 pipe, conduits, cables, wires, poles and other convenient
24 structures, equipment and fixtures for the distribution of
25 electric energy; (b) an easement for and the right to construct,
26 maintain, operate, replace, remove and renew sanitary sewer and
27 appurtenant structures; (c) an easement for and the right to

1 construct, maintain, operate, replace, remove and renew storm
2 drains and appurtenant structures; (d) an easement for and the
3 right to construct, maintain, operate, replace, remove, renew and
4 enlarge lines of pipe, conduits, cables, wires, poles, and other
5 convenient structures, equipment and fixtures for the operation of
6 gas line facilities; (e) an easement for and the right to
7 construct, place, operate, inspect, maintain, repair, replace and
8 remove aerial and underground telephone, telegraph and
9 communication structures including cable television facilities as
10 may from time to time be required consisting of poles, anchors,
11 wires, cables, conduits, manholes, markers and necessary fixtures
12 and appurtenances; and (f) an easement for and the right to
13 construct, place, operate, inspect, maintain, repair, replace and
14 remove water pipelines and appurtenant facilities as may from time
15 to time be required. That the public convenience and necessity
16 require the exception and reservation from the vacation of those
17 easements and rights-of-way over, along and across that portion of
18 Mulberry Street ordered to be vacated necessary to maintain,
19 operate replace, remove or renew any in-place public utility
20 facilities that are in use and not otherwise excepted and reserved
21 hereinabove.

22 Section 6: That the vacation, termination and
23 abandonment of that portion of Mulberry Street described in
24 Exhibit A shall occur only after the applicable conditions
25 contained in the Planning Department's report to the legislative
26 body and on file with the City Clerk as approved or amended by the
27 City Council have been satisfied, and the City Clerk is hereby

1 directed not to record this resolution of vacation until the
2 applicable conditions have been satisfied.

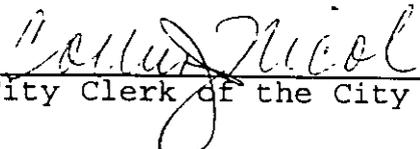
3 Section 7: That the City Clerk of the City of Riverside
4 shall cause a certified copy of this resolution to be recorded in
5 the Office of the County Recorder of Riverside County, California,
6 upon the satisfaction of the applicable conditions, and the
7 portion of Mulberry Street described in Exhibit A shall no longer
8 constitute a portion of a public street from and after said date
9 of recordation.

10 Section 8: Resolution No. 18967 is hereby repealed.

11 ADOPTED by the City Council and signed by the Mayor and
12 attested by the City Clerk this 3rd day of December, 1996.

13
14 
15 Mayor of the City of Riverside

16 Attest:

17
18 
19 City Clerk of the City of Riverside

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council of said City at its meeting held on the 3rd day of December, 1996, by the following vote, to wit:

Ayes Councilmembers Beaty, Moore, Defenbaugh, Kane, Clifford, Thompson and Pearson.

Noes: None.

Absent: None.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 3rd day of December, 1996.

Colleen J. Nicol
City Clerk of the City of Riverside

Legal Description
VC-005-956 Phase I
portion of Mulberry Street located
between Kane Street and Prospect Avenue

That portion of Mulberry Street as shown by map of D.C. Twogood's Orange Grove Tract on file in Book 7 of Maps, at page 42 thereof, records of San Bernardino County, California, and as said street is shown by map of Harrington's Tract on file in Book 11 of Maps, at page 19 thereof, records of Riverside County, California, and as said Mulberry Street is shown on Assessor's Map No. 19 on file in Book 1 of Assessor's Maps at page 23 thereof, records of Riverside County, California together with portion of Lots 1 through 4, inclusive, of said Harrington's Tract, more particularly described as follows:

BEGINNING at the most easterly corner of Lot 14 in Block 4 of said D.C. Twogood's Orange Grove Tract;

THENCE North 29°43'30" East, along the westerly line of said Mulberry Street as shown on said Assessor's Map No. 19, a distance of 235.55 feet to the most southerly corner of that certain parcel of land conveyed to the City of Riverside by deed recorded April 9, 1990 as Instrument No. 127020 of Official Records of Riverside County, California;

THENCE South 31°39'52" East, 42.68 feet;

THENCE South 03°13'35" West, 39.35 feet to a line which is parallel with and distant 5.00 feet southeasterly, as measured at right angle, from the southeasterly line of Mulberry Street and shown by said map of Harrington's Tract;

THENCE South 29°43'30" West, along said parallel line, 87.41 feet;

THENCE South 19°55'47" West, 93.87 feet to the northeasterly line of 15th Street as shown by said map of Harrington's Tract;

THENCE North 60°15'46" West, 71.00 feet to said **POINT OF BEGINNING**; the preceding two courses also being along the northwesterly right of way line of State Highway 91 as shown by State Freeway Right-of-Way Map VIII-RIV-43-RIV sheets 2 and 3 of 11 sheets, said map being on file with the Riverside County Surveyor as of September 1, 1960;

RESERVING therefrom blanket permanent easements and rights of way for **waterline, gas line, sanitary sewer, storm drain, cable television and electrical energy distribution facilities**;

ALSO RESERVING THEREFROM a permanent easement and right-of-way to construct, place, operate, inspect, maintain, repair, replace and remove such **aerial and underground telephone, telegraph and communication structures** as the company may from time to time require, consisting of poles, anchors, wires, cables, conduits, manholes, markers and necessary fixtures and appurtenances.

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

for W.L. Minorby 8/29/96 Prep. WF
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/99

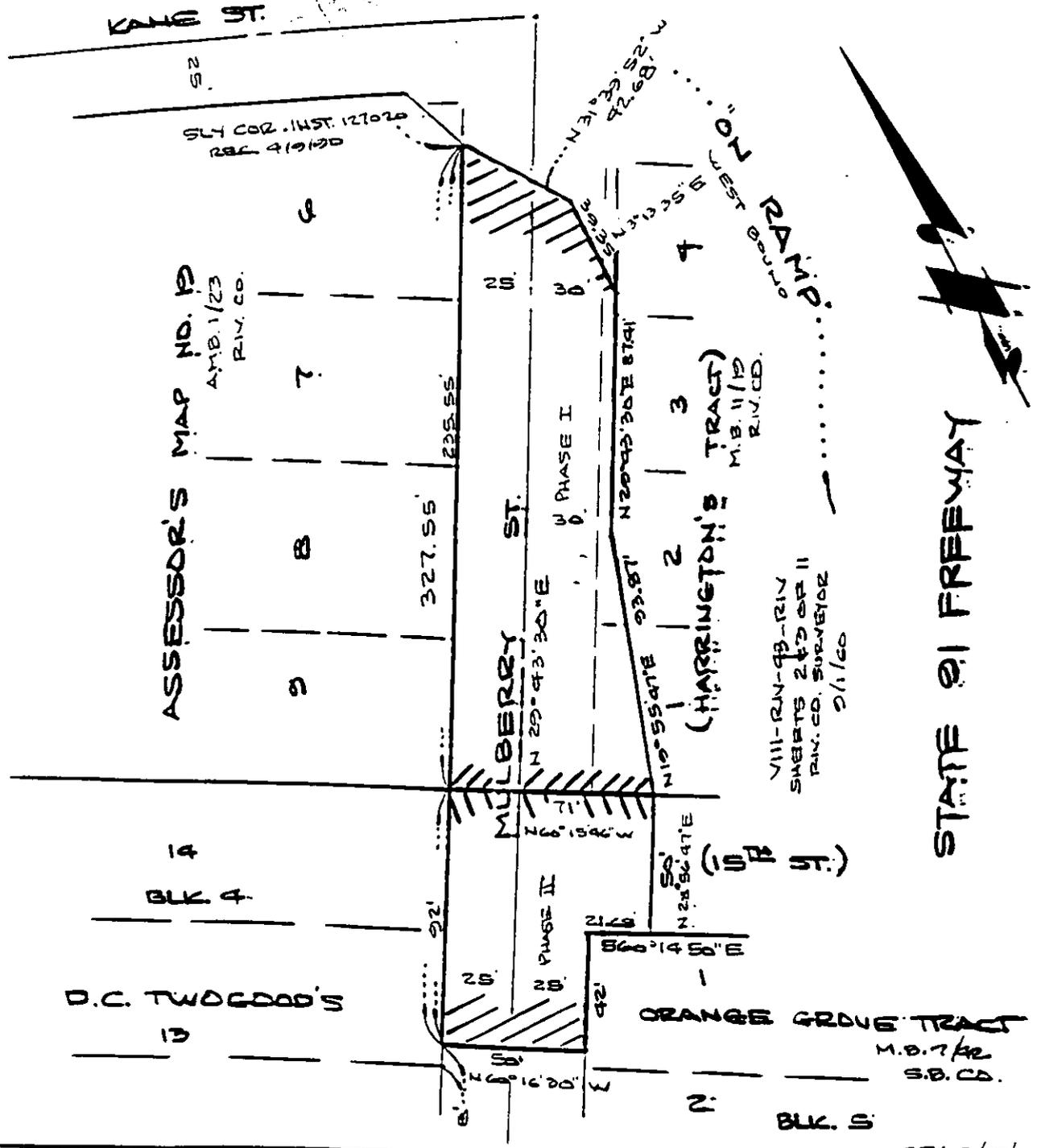


vc005956.mbl

THE FOREGOING INSTRUMENT IS CERTIFIED UNDER PENALTY OF PERJURY TO BE A CORRECT COPY OF THE INSTRUMENT ON FILE IN THIS OFFICE.



Conrad Nicol
City Clerk of the City of Riverside, California
Executed on December 19, 1996, at
Riverside, California



• 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

14067

39-4

SCALE: 1" = N/A | DRAWN BY WF DATE 7-22-96 | SUBJECT VC-005-956 MULBERRY ST.