



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Barbara Leibold, City Attorney

Date: November 12, 2024

Subject: Request by Property Owner That City Quitclaim Any Interest in Real Property Within Previous Alignment of Highway 74

Recommendation

Authorize the City Manager to execute Quitclaim Deeds concerning the Subject Properties in favor of the Property Owner and take such other actions necessary to effectuate the dismissal of the City from the quiet title action concerning the Subject Properties, including executing a settlement agreement, in such forms as approved by the City Attorney.

Background

On February 27, 2024, Ronald Burek and Louisa Heather Burek, as the Trustors and Trustees of the Ron and Heather Burek Living Trust ("Property Owner") filed an action to quiet title on two parcels of land lying adjacent to the old State Route 74 alignment. (Riverside Superior Court Case No. CVRI 2401006.)

A depiction of the parcels comprising the Subject Properties and their location are attached.

In addition to naming the City as a defendant with a potential interest in the Subject Properties, CalTrans, the County of Riverside, and a host of other parties (many of which are no longer in business) were named as defendants.

Discussion

Upon receiving the complaint, the City Attorney's Office conferred with the City Engineer and determined that: (1) the Subject Properties are not located within the City's boundaries, (2) the City has no interest in the Subject Properties, and (3) the Subject Properties are not identified as being within the existing or any future proposed right of way.

Quitclaim Deeds

Upon contacting the Property owner's attorney, it was determined that the most efficient method for the City to extract itself from the litigation was to grant quitclaim deeds to the Property Owner. A quitclaim deed is a legal instrument that makes no warranty that the grantor (in this case, the City) has title to property but, nonetheless, grants any rights that might be held by the City to the grantee (in this case, the property owner). This has the effect of quieting title between the City and the Property Owner as to the Subject Properties.

In addition to requesting authorization for the City Manager to execute the attached Quitclaim Deeds, additional documentation will be prepared evidencing the obligation of the Property Owner to dismiss the City from the pending litigation following the recordation of the Quitclaim Deeds.

Fiscal Impact

None.

Attachments

Attachment 1- Property Depiction/Location
Attachment 2 - Quitclaim Deeds

City Attorney