

RESOLUTION NO. 2023-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, VACATING A DRAINAGE EASEMENT.

Whereas, Tract Map No. 18719-4, recorded in the Official Records of Riverside County on February 24, 1987, in Book 166 of Maps at Pages 61 through 63, provided an Owner's Certificate stating that "we also hereby dedicate to public use the drainage easements as shown hereon, for construction and maintenance of drainage facilities"; and

Whereas, said Tract Map No. 18719-4 further provided a City Clerk's Certificate as follows: "The City of Lake Elsinore, Riverside County, State of California, by and through its duly authorized officers hereby approves a said final map and accepts the aforesaid offers of dedication"; and

Whereas, page 3 of said Tract Map No. 18719-4 includes a notation stating "30' drainage easement to Riverside County Flood Control District"; and

Whereas, the City has failed to locate any records or other evidence that such offer of dedication was accepted by the Riverside County Flood Control District which is more properly known at the Riverside County Flood Control and Water Conservation District; and

Whereas, the City Council (Council) of the City of Lake Elsinore (City) has determined that the drainage easement is no longer necessary to be utilized as a public drainage easement, said drainage easement being more particularly described in Exhibit "A" attached hereto and incorporated herein (the "Drainage Easement"); and

Whereas, the Council of the City desires to vacate the Drainage Easement pursuant to the procedures set forth in Streets and Highways Code section 8320 et seq.; and

Whereas, the vacation is permitted by law pursuant to the conditions set forth in Streets and Highways Code section 8324; and

Whereas, that from and after the effective date of this Resolution, the Drainage Easement vacated no longer constitutes a public service easement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the foregoing recitals are true and correct.

Section 2. That the Drainage Easement legally described in Exhibit "A" and as shown on Tract Map 18719-4, is unnecessary for present and prospective public use.

Section 3. That the Drainage Easement legally described in Exhibit "A" and as shown on Tract Map 18719-4 is hereby ordered to be vacated as provided herein.

Section 4. Nothing contained in this Resolution is intended to affect any private property rights regarding the Drainage Easement.

Section 5. This Resolution shall take effect upon recordation of this Resolution in the official records of the County of Riverside and from such date the vacation will be complete and the Drainage Easement shall no longer constitute a public service easement. The City Clerk shall

certify to the adoption of this Resolution and enter it into the book of original Resolutions and thereafter shall cause a certified copy of this Resolution, attested by the Clerk under seal, to be recorded in the Office of the County Recorder as provided herein.

Passed and Adopted on this ____ day of September, 2023.

Natasha Johnson, Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2023-____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of September __, 2023, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Candice Alvarez, MMC
City Clerk