

11) **Request by Property Owner That City Quitclaim Any Interest in Real Property Within Previous Alignment of Highway 74**

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.



## 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.

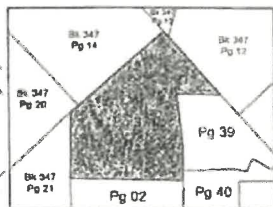
### **Attachments**

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

City Attorney

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES

DEC 02 2009



SEC 30, 31 T5SR4W

TRA 005-032  
065-061  
065-055  
065-163

377-37

18-21



- Legend**
- Lot Lines
  - Right-Of-Way
  - Old Lot Lines
  - Redemption R.O.W.
  - Other Easements
  - Label Area
  - Boundary To Map

Area	Old Number	New Number
001001	001001	001001
001002	001002	001002
001003	001003	001003
001004	001004	001004
001005	001005	001005
001006	001006	001006
001007	001007	001007
001008	001008	001008
001009	001009	001009
001010	001010	001010
001011	001011	001011
001012	001012	001012
001013	001013	001013
001014	001014	001014
001015	001015	001015
001016	001016	001016
001017	001017	001017
001018	001018	001018
001019	001019	001019
001020	001020	001020
001021	001021	001021
001022	001022	001022
001023	001023	001023
001024	001024	001024
001025	001025	001025
001026	001026	001026
001027	001027	001027
001028	001028	001028
001029	001029	001029
001030	001030	001030
001031	001031	001031
001032	001032	001032
001033	001033	001033
001034	001034	001034
001035	001035	001035
001036	001036	001036
001037	001037	001037
001038	001038	001038
001039	001039	001039
001040	001040	001040
001041	001041	001041
001042	001042	001042
001043	001043	001043
001044	001044	001044
001045	001045	001045
001046	001046	001046
001047	001047	001047
001048	001048	001048
001049	001049	001049
001050	001050	001050
001051	001051	001051
001052	001052	001052
001053	001053	001053
001054	001054	001054
001055	001055	001055
001056	001056	001056
001057	001057	001057
001058	001058	001058
001059	001059	001059
001060	001060	001060
001061	001061	001061
001062	001062	001062
001063	001063	001063
001064	001064	001064
001065	001065	001065
001066	001066	001066
001067	001067	001067
001068	001068	001068
001069	001069	001069
001070	001070	001070
001071	001071	001071
001072	001072	001072
001073	001073	001073
001074	001074	001074
001075	001075	001075
001076	001076	001076
001077	001077	001077
001078	001078	001078
001079	001079	001079
001080	001080	001080
001081	001081	001081
001082	001082	001082
001083	001083	001083
001084	001084	001084
001085	001085	001085
001086	001086	001086
001087	001087	001087
001088	001088	001088
001089	001089	001089
001090	001090	001090
001091	001091	001091
001092	001092	001092
001093	001093	001093
001094	001094	001094
001095	001095	001095
001096	001096	001096
001097	001097	001097
001098	001098	001098
001099	001099	001099
001100	001100	001100



ASSESSOR'S MAP 8X377 PG.37  
Riverside County, Calif.

MILLIG

0813  
RS 8/96, RS 23/99, RS 61/93  
RS 73/84, RS 108/34-37

**Map Reference**

MB 51105	NORTH ELSINORE TRACT
MB 13420	S.D. WALLS FIRST ADD
PM 17461	PARCEL MAP 5915
PM 65780	PARCEL MAP 11210
PM 122144 - 48	PARCEL MAP 18924

October 2009

RECORDING REQUESTED BY  
RONALD BUREK and LOUISA HEATHER BUREK

AND WHEN RECORDED MAIL DOCUMENT AND  
TAX STATEMENT TO:

LOUISA HEATHER BUREK, TRUSTEE  
NAME

STREET ADDRESS 20 OLD RANCH ROAD

CITY, STATE & ZIP CODE LAGUNA NIGUEL, CA 92677

TITLE ORDER NO. \_\_\_\_\_

ESCROW NO. \_\_\_\_\_

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

## QUITCLAIM DEED

TRA: \_\_\_\_\_

APN: 377-372-008

**The undersigned grantor(s) declare(s)**

DOCUMENTARY TRANSFER TAX \$ 0.00

- ☐ computed on full value of property conveyed, or  
☐ computed on full value less liens and encumbrances remaining at time of sale.  
☒ Unincorporated Area City of \_\_\_\_\_

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, I (We) \_\_\_\_\_

**CITY OF LAKE ELSINORE**

(NAME OF GRANTOR(S))

hereby remise, release and quitclaim to **RONALD BUREK and LOUISA HEATHER BUREK, as the Trustors**  
**and the Trustees of the Ronand Heather Burek Living Trust,**

(NAME OF GRANTEE(S))

the following described real property in the City of **Lake Elsinore**, County of **Riverside**,  
State of **California**.

(Insert Legal Description)

**SEE EXHIBIT A FOR LEGAL DESCRIPTION**

DATED: \_\_\_\_\_

Name \_\_\_\_\_

A notary public or other officer completing this certificate  
verifies only the identity of the individual who signed the  
document to which this certificate is attached, and not  
the truthfulness, accuracy, or validity of that document.

Name \_\_\_\_\_

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared  
(here insert name and title of the officer)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument  
and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (SEAL)

MAIL TAX STATEMENT AS DIRECTED ABOVE

**EXHIBIT A**

**Order No.:** 112208644

**For APN/Parcel ID** 377-372-008

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL A: APN: 377-372-008

ALL THAT PORTION OF LOT(S) 3, BLOCK 24 OF NORTH ELSINORE TRACT, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AS SHOWN BY MAP ON FILE IN BOOK 5 PAGE(S) 105, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 3;  
 THENCE NORTH 43°11'00" EAST, A DISTANCE OF 13.77 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 3;  
 THENCE NORTH 27°29'00" EAST, A DISTANCE OF 720.48 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 3 TO THE TRUE POINT OF BEGINNING;  
 THENCE NORTH 69°15'35" WEST, A DISTANCE OF 85.91 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, THE RADIUS OF 150.00 FEET;  
 THENCE WESTERLY, 117.81 FEET, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 45°00'00";  
 THENCE TANGENT TO SAID CURVE SOUTH 65°44'25" WEST, A DISTANCE OF 135.00 FEET;  
 THENCE NORTH 07°59'58" WEST, A DISTANCE OF 50 FEET;  
 THENCE NORTH 03°59'20" EAST, A DISTANCE OF 284.96 FEET TO THE NORTHERLY LINE OF SAID LOT 3;  
 THENCE SOUTH 88°47'20" EAST, A DISTANCE OF 458.92 FEET ALONG SAID NORTHERLY LINE OF LOT 3;  
 THENCE SOUTH 27°29'00" WEST, A DISTANCE OF 332.68 FEET, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 3 TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM A RIGHT(S) OF WAY FOR HIGHWAY PURPOSES LYING 30.00 FEET NORTHWESTERLY OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT WHICH LIES SOUTH 43°11'00" WEST, A DISTANCE OF 57.85 FEET AND SOUTH 46°49'00" EAST, A DISTANCE OF 40.00 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT 3, SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, THE RADIUS BEING 955.37 FEET;  
 THENCE NORTHEASTERLY 396.94 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°49'00";  
 THENCE TANGENT TO SAID CURVE NORTH 19°22'00" EAST, A DISTANCE OF 372.52 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, THE RADIUS BEING 319.62 FEET;  
 THENCE NORTHEASTERLY 253.01 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 45°32'30".

ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE LINES OF PARCEL "C" HEREINAFTER DESCRIBED.

RECORDING REQUESTED BY  
RONALD BUREK and LOUISA HEATHER BUREK

AND WHEN RECORDED MAIL DOCUMENT AND  
TAX STATEMENT TO:

LOUISA HEATHER BUREK, TRUSTEE  
NAME

STREET ADDRESS 20 OLD RANCH ROAD

CITY, STATE & ZIP CODE LAGUNA NIGUEL, CA 92677

TITLE ORDER NO. \_\_\_\_\_

ESCROW NO. \_\_\_\_\_

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

## QUITCLAIM DEED

TRA: \_\_\_\_\_

APN: 377-372-012

**The undersigned grantor(s) declare(s)**

DOCUMENTARY TRANSFER TAX \$ 0.00

- ☐ computed on full value of property conveyed, or  
☐ computed on full value less liens and encumbrances remaining at time of sale.  
☒ Unincorporated Area City of \_\_\_\_\_

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, I (We) \_\_\_\_\_

**THE CITY OF LAKE ELSINORE**

(NAME OF GRANTOR(S))

hereby remise, release and quitclaim to **RONALD BUREK and LOUISA HEATHER BUREK, as the Trustors**  
**and the Trustees of the Ronand Heather Burek Living Trust,**

(NAME OF GRANTEE(S))

the following described real property in the City of **Lake Elsinore**, County of **Riverside**,  
State of **California**.

(Insert Legal Description)

**.15 acres M/L IN POR LOT 4 BLK 25 MB 005/105 NORTH ELSINORE TR**

DATED: \_\_\_\_\_

Name \_\_\_\_\_

A notary public or other officer completing this certificate  
verifies only the identity of the individual who signed the  
document to which this certificate is attached, and not  
the truthfulness, accuracy, or validity of that document.

Name \_\_\_\_\_

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, personally appeared  
(here insert name and title of the officer)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument  
and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (SEAL)

MAIL TAX STATEMENT AS DIRECTED ABOVE