

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.

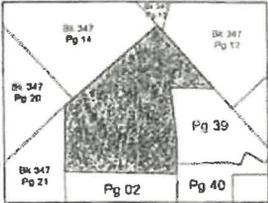
Attachments

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

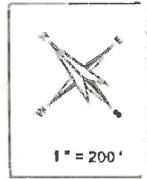
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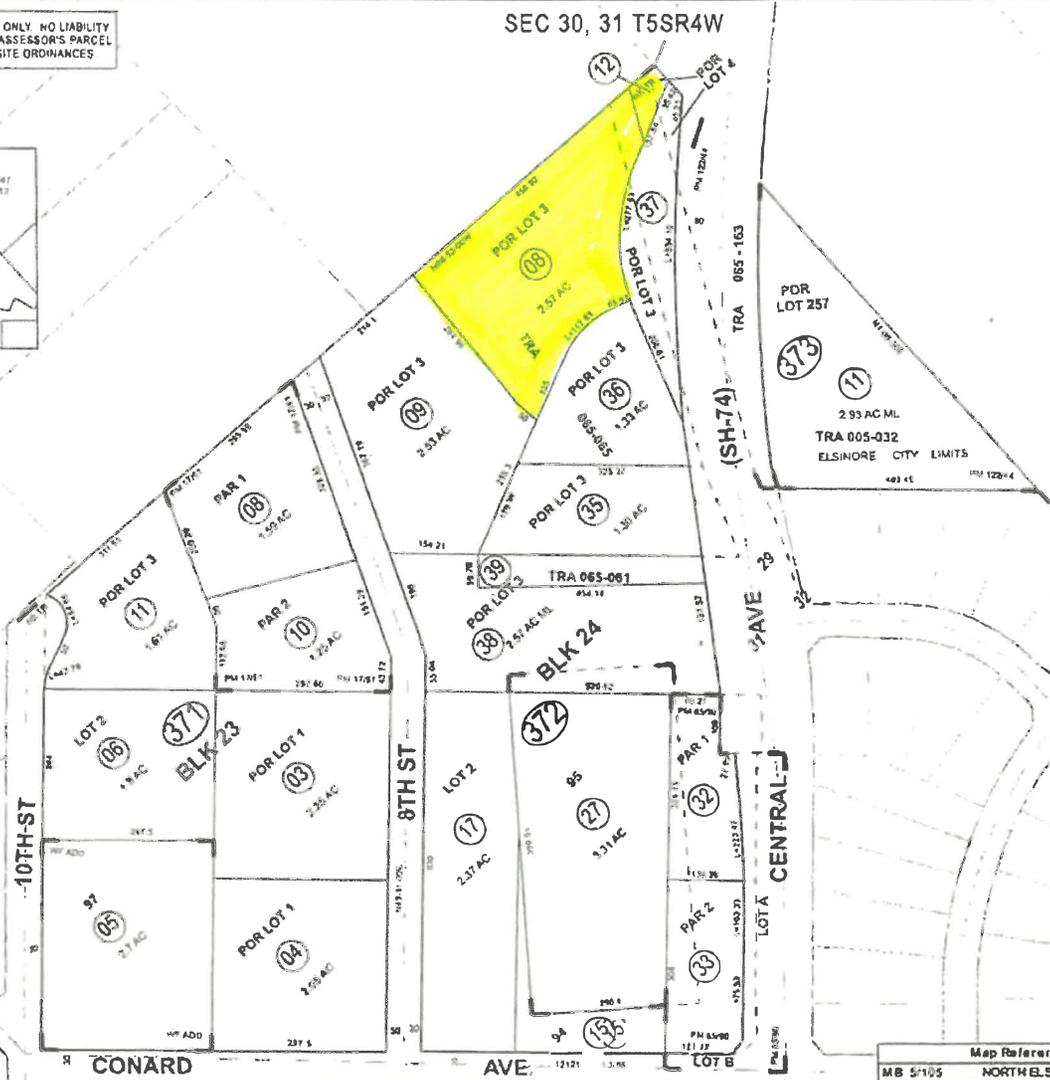
SEC 30, 31 T5SR4W

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

377-37
18-21



- Legend**
- Lot Lines
 - Right-Of-Way
 - - - Old Lot Lines
 - - - Redevelop R.O.W
 - - - Other Easements
 - ... Lease Areas
 - Boundary To Map



Area	Old Number	New Number
065001	065001	065001
065002	065002	065002
065003	065003	065003
065004	065004	065004
065005	065005	065005
065006	065006	065006
065007	065007	065007
065008	065008	065008
065009	065009	065009
065010	065010	065010
065011	065011	065011
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065013	065013	065013
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065099	065099	065099
065100	065100	065100

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

DB13
RS 8/96, RS 23/89, RS 61/93
RS 73/84, RS 108/34-37



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

MILLIG

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)

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

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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)