

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF RIVERSIDE, CALIFORNIA, MAKING ITS FINDINGS AND DETERMINATIONS IN THE MATTER OF RESOLUTION OF INTENTION NO. 23539 AND MAKING ITS ORDER VACATING AN APPROXIMATELY 2,250-FOOT SEGMENT OF DIANA AVENUE AND THE ENTIRETY OF EMILY COURT.

WHEREAS, on February 4, 2020, the City Council of the City of Riverside in Planning Case No. P19-0461 adopted Resolution No. 23539 declaring its intention to set a public hearing in the vacation of an approximately 2,250-foot long by 50-foot wide segment of Diana Avenue, and the entirety of Emily Court, approximately 130 feet in length and 60 feet in width, both segments totaling approximately 2.83 acres, 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, notice of hearing before the City Council on said resolution of intention was duly given as provided by said Public Streets, Highways, and Services Easements Vacation Law; 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 held on November 14, 2019; and

WHEREAS, following the close of the public hearing before the Planning Commission, the Planning Commission determined that the proposed vacation should be approved; and

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

WHEREAS, the City Council heard and found and determined from all of the evidence submitted to said Council on the day fixed for the hearing, on March 3, 2020, that the vacation of an approximately 2,250-foot long by 50-foot wide segment of Diana Avenue, and the entirety of

1 Emily Court, approximately 130 feet in length and 60 feet in width, both segments totaling
2 approximately 2.83 acres, within the City of Riverside, proposed for vacation is unnecessary for
3 present or prospective public use.

4 NOW, THEREFORE, IT IS RESOLVED, by the City Council of the City of Riverside,
5 California, as follows:

6 Section 1: That the vacation of the approximately 2,250-foot long by 50-foot wide
7 segment of Diana Avenue, and the entirety of Emily Court, approximately 130 feet in length and
8 60 feet in width, both segments totaling approximately 2.83 acres, in Planning Case P19-0461 is
9 undertaken pursuant to the provisions of and in accordance with the procedures set forth in the
10 Public Streets, Highways, and Services Easements Vacation Law being Sections 8300 et seq. of
11 the Streets and Highway Code, and all notices required thereby have been duly given.

12 Section 2: That from all evidence submitted to the City Council at the March 3, 2020,
13 public hearing before it on Planning Case P19-0461, whether such evidence was oral or in
14 writing, together with the recommendations and findings from the Planning Commission, and
15 contained in this Resolution and accompanying staff report, that an approximately 2,250-foot
16 long by 50-foot wide segment of Diana Avenue, and the entirety of Emily Court, approximately
17 130 feet in length and 60 feet in width, both segments totaling approximately 2.83 acres, within
18 the City of Riverside, California, as hereinafter described and ordered vacated is unnecessary for
19 present or prospective public use as a public street based on the following findings:

- 20 • Adequate access will be provided through the surrounding streets, including the
21 remaining portions of Diana Avenue to the east and west, Monroe Street to the
22 west, Adams Street to the east, and Magnolia Avenue to the north.
- 23 • The main use for this segment of Diana Avenue and Emily Court is for access to
24 and from California Baptist University (“CBU”).
- 25 • CBU is the only property owner adjacent to this segment of Diana Avenue and
26 Emily Court being vacated.
- 27 • Access to/from Diana Avenue to/from Adams Street is solely a right turn on to
28 Diana Avenue from Adams Street and right turn from Diana Avenue to Adams

1 Street. Left turns onto or from Diana Avenue are prohibited. This limits the use
2 of Diana Avenue for cut through traffic.

- 3 • There are no other uses, residences or business that would require access to this
4 portion of Diana Avenue or Emily Court as indicated, these properties are all
5 owned by CBU.
- 6 • The residences on Wilma Court have access via Monroe Street to the west and a
7 portion of Diana Avenue, which is excluded from this Vacation.
- 8 • There are other thoroughfares to access public streets, such as Magnolia Avenue
9 to the north, Adams Street to the east, and Monroe Street to the west.
- 10 • There are other City streets that can be utilized to travel between arterial streets.
11 Diana Avenue is not designed as a local street in the General Plan 2025, which
12 provides access to property directly abutting the public right-of-way, not as an
13 arterial street.
- 14 • The CBU Specific Plan contemplates the future vacation of Diana Avenue and
15 Emily Court.
- 16 • The properties to the east and west of the proposed vacation will retain public
17 access from Adams Street, Monroe Street and the remaining segments of Diana
18 Avenue, and as such the area to be vacated will not be necessary for access to any
19 parcels.
- 20 • The proposed vacation will not impact access to any other parcels as all other
21 streets will remain in their current configuration, and the proposed vacation will
22 not impact east-west vehicular or pedestrian circulation.
- 23 • The 91 freeway and Adams Street on/off ramp project contemplates the closing of
24 Diana Avenue at Adams Street.
- 25 • This vacation will allow for traffic calming measures (speed bumps) that are
26 unavailable to the City.

27 Section 3: That the vacation of the approximately 2,250-foot long by 50-foot wide
28 segment of Diana Avenue, and the entirety of Emily Court, approximately 130 feet in length and

1 60 feet in width, both segments totaling approximately 2.83 acres, within the City of Riverside,
2 California, and described and depicted in attached Exhibit "A", and by this reference made a part
3 hereof, be and the same is hereby ordered vacated.

4 Section 4: That the public convenience and necessity requires the exception of the
5 following easements and rights-of-way from the vacation hereinabove ordered: an easement for
6 California Department of Transportation ingress and egress to existing gates for highway
7 maintenance, electrical energy, underground facilities including water pipelines, gas lines, storm
8 drains, sanitary sewers, electrical energy, telephone, telegraph and communications structures,
9 and the right of ingress and egress to construct, place, inspect, operate, maintain, repair, replace
10 and remove such underground facilities unless said facilities are satisfactorily relocated and/or
11 abandoned, further, that the public convenience and necessity require the exception and
12 reservation from the vacation of those easements and rights-of-way in, under, across, upon, over
13 and along that portion of the public streets ordered to be vacated necessary to maintain, operate,
14 remove or renew any in-place public utility facilities that are in use and not otherwise excepted
15 and reserved hereinabove. Further, reserving an easement for right-of-way for the Route 91 and
16 Adams Street on/off ramp project.

17 Section 5: That the vacation, termination and abandonment of the approximately 2,250-
18 foot long by 50-foot wide segment of Diana Avenue, and the entirety of Emily Court,
19 approximately 130 feet in length and 60 feet in width, both segments totaling approximately 2.83
20 acres, described and depicted in Exhibit "A" shall occur only after the applicable conditions
21 contained in the Planning Department's report to the City Council and on file with the City
22 Clerk, as approved or amended by the City Council, have been satisfied, and the City Clerk is
23 hereby directed not to record this resolution of vacation until the applicable conditions have been
24 satisfied.

25 Section 6: That the City Clerk of the City of Riverside shall cause a certified copy of this
26 resolution to be recorded in the Office of the County Recorder of the County of Riverside,
27 California, upon the satisfaction of the applicable conditions, and the approximately 2,250-foot
28 long by 50-foot wide segment of Diana Avenue, and the entirety of Emily Court, approximately

1 130 feet in length and 60 feet in width, both segments totaling approximately 2.83 acres, within
2 the City of Riverside, California, and described and depicted in Exhibit "A" shall no longer
3 constitute a public street from and after the date of recordation.

4 ADOPTED by the City Council this _____ day of _____, 2020.

6 _____
7 WILLIAM R. BAILEY, III
Mayor of the City of Riverside

8 _____
9 COLLEEN J. NICOL
City Clerk of the City of Riverside

10 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
11 foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City
12 at its meeting held on the _____ day of _____, 2020, by the following vote, to
13 wit:

14 Ayes:

15 Noes:

16 Absent:

17 Abstain:

18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of
19 the City of Riverside, California, this _____ day of _____, 2020.

20 _____
21 COLLEEN J. NICOL
City Clerk of the City of Riverside

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CA: 19-1488; 02/06/20