

RESOLUTION NO. 2024-079

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CORONA, CALIFORNIA, DECLARING ITS
UNDERSTANDING THAT NO PUBLIC EASEMENTS
WERE PRESERVED IN CONNECTION WITH THE
VACATION OF THE NORTH-SOUTH ALLEY IN BLOCK
119 PURSUANT TO INSTRUMENT NO. 51651 RECORDED
IN THE OFFICIAL RECORDS OF RIVERSIDE COUNTY
ON MAY 26, 1969**

WHEREAS, the City of Corona (“City”) and Rest Area, LLC (“Rest Area”) entered into that certain Agreement of Purchase and Sale and Joint Escrow Instructions dated May 9, 2024 (“Purchase Agreement”) for the acquisition by Rest Area of certain real property generally located west of South Ramona Avenue and identified as a portion of Assessor Parcel Number 117-191-019 (“Property”); and

WHEREAS, in connection with the escrow under the Purchase Agreement, Rest Area objected to Title Exception 5 set forth in that certain Preliminary Title Report issued by First American Title Insurance Company dated May 3, 2024 (Order No. NCS-1198737-SA1) (“Title Report”), which exception pertains to vacation of the North-South Alley in Block 119 pursuant to Instrument No. 51651 recorded in the Official Records of the County of Orange on May 26, 1969 (“Title Exception 5”); and

WHEREAS, on or about July 8, 2024, the City, Rest Area and South Side Social Backyard, LLC, as Rest Area’s assignee, entered into that certain First Amendment to Agreement for Purchase and Sale and Joint Escrow Instructions whereby the City agreed to investigate and remove Title Exception 5 to the extent such removal is within the reasonable legal control or power of the City; and

WHEREAS, Instrument No. 51651 recorded in the Official Records of Riverside County on May 26, 1969 consists of Resolution No. 3637, a resolution of the City Council of the City of Corona ordering the vacation of a portion of Seventh Street and the North-South Alley in Block 119 of the South Riverside Townsite in the City of Corona (“Vacation Resolution”); and

WHEREAS, the Vacation Resolution did not reserve, preserve or otherwise reference any public easements as part of the vacation proceedings; and

WHEREAS, the vacation of public streets is governed by Part 3 of Division 9 of the California Streets and Highways Code (commencing with Section 8300); and

WHEREAS, pursuant to Sections 8347 and 8348 of the California Streets and Highways Code, which were formally codified as California Civil Code Section 812.5, a public body or utility that has requested notice of vacation proceedings may determine that a public easement is necessary to be preserved as part of the vacation proceedings for existing utilities or

works installed in the street to be vacated and may file a verified notice of its public easement in the office of the recorder in the county in which the vacated street is located; and

WHEREAS, Section 8348 of the California Streets and Highways Code provides that failure to record the notice of public easement extinguishes the right of the public body or utility to a public easement; and

WHEREAS, the Title Report for the Property does not identify any public easements that were reserved or preserved as part of the vacation proceedings that were the subject of the Vacation Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Corona, California, as follows:

SECTION 1. Findings. The recitals set forth above are hereby adopted as findings in support of this Resolution.

SECTION 2. Termination of Title Exception No. 5. The City Council hereby declares its understanding that the following title exception set forth in the Title Report is terminated by operation of law because there is no record on title for the Property indicating that a public easement was reserved or preserved as part of the vacation proceedings referenced in the title exception:

5. The rights, if any, of a city, public utility or special district to preserve a public easement in North-South Alley in Block 119 as the same was vacated by the document recorded May 26, 1969 as Instrument No. 51651 of Official Records.

SECTION 2. Further Actions. The City Manager is hereby authorized and directed to do any and all things and take any and all actions that are consistent with or in furtherance of the City Council's direction provided herein. The City Clerk is hereby directed to provide a certified copy of this Resolution to Rest Area, LLC and/or South Side Social Backyard, LLC.

SECTION 3. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 7th day of August 2024.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the City Council of the City of Corona, California, at a regular meeting thereof held on the 7th day of August 2024, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal fo the City of Corona, California this 7th day of August 2024.

City Clerk of the City of Corona, California

(SEAL)