



## Agenda Report

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**File #:** 19-0589

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### **AGENDA REPORT REQUEST FOR CITY COUNCIL ACTION**

**DATE:** 06/19/2019

**TO:** Honorable Mayor and City Council Members

**FROM:** Public Works Department

**SUBJECT:**

City Council consideration of Resolution No. 2019-046, ordering the summary vacation of a portion of the west side of Lincoln Avenue, south of Rincon Street and rescinding Resolution No. 2018-104.

**RECOMMENDED ACTION:**

That the City Council adopt Resolution No. 2019-046, ordering the summary vacation of a portion of the west side of Lincoln Avenue, south of Rincon Street and rescinding Resolution No. 2018-104.

**ANALYSIS:**

Corona Industrial Park, LLC, proposes to construct three (3) industrial buildings totaling 727,316 square-feet at 1138 West Rincon Street. The project is located at the former site of the Golden Cheese Company of California plant located on the southwest corner of West Rincon Street and North Lincoln Avenue in the M-2 (General Manufacturing) Zone, as shown on Exhibit "A."

The applicant has requested that a portion of the existing right-of-way along the westerly side of North Lincoln Avenue between West Rincon Street and the Burlington Northern Santa Fe (BNSF) Railway, as described in Exhibit "B," and shown on Exhibit "C," be vacated to permit the optimization of the project site and reduce maintenance costs for the City of Corona. The right-of-way was dedicated to the City for street and public utility purposes as part of Parcel Map 16719 recorded on November 6, 1980, in anticipation of the future Lincoln Avenue grade separation. During the design and construction of the grade separation, in which Lincoln Avenue was elevated over the existing BNSF facilities, the alignment of the road was shifted towards the east which resulted in the centerline of the street not being centered with the dedicated right-of-way. Because of this alignment shift, the westerly portion of the right-of-way consist primarily of a landscaped downslope. In connection with the City's approval of the project, the developer is required to process a Street Vacation Application.

Staff has reviewed the vacation request and has determined the vacation of the portion of right-of-way along the westerly side of North Lincoln Avenue between West Rincon Street and the BNSF

Railway is a necessary step in the development of the project. The proposed vacated right-of-way consists of vegetated down slope that is not part of the pedestrian or vehicular travel way. The existing road section currently consists of an 88-foot right-of-way which is consistent with the secondary arterial road classification as specified in the General Plan. Due to the existing roadway alignment not matching with the right-of-way, the City will reserve the easterly down slope as public right-of-way by executing a Quitclaim Deed.

Because of the vacation, the existing street section will include the parkway, and the sidewalks will remain as is, only the vegetated down slope located behind the sidewalk will be vacated. The applicant will provide to the City a separate easement through their property for access to the North Lincoln Avenue Bridge abutments. Staff has also determined there are no other public facilities located within the easement area to be vacated.

California Streets and Highways Code Section 8333(c) authorizes the summary vacation of public service easements determined to be excess, so long as there are no other public facilities located within the area to be vacated. Adoption of the attached resolution would order the summary vacation of the portion of right-of-way along the westerly side of North Lincoln Avenue, south of West Rincon Street deemed excess as described in Exhibit "B," and shown on Exhibit "C."

On September 19th, 2018, City Council authorized the adoption of Resolution No. 2018-104, ordering the summary vacation of Lincoln Avenue, south of Rincon Street. The resolution that was recorded as Instrument No. 2018-0379787, contained an error in the legal description for the property to be vacated and therefore must be rescinded.

**COMMITTEE ACTION:**

Not applicable.

**STRATEGIC PLAN:**

Not applicable.

**FISCAL IMPACT:**

All costs associated with this action have been paid for by the applicant.

**ENVIRONMENTAL ANALYSIS:**

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action merely approves the vacation of right-of-way where such right-of-way is no longer needed, and there is no possibility that approving this vacation will have a significant effect on the environment. Therefore, no environmental analysis is required.

**PREPARED BY:** TOM KOPER, P.E., ASSISTANT PUBLIC WORKS DIRECTOR

**REVIEWED BY:** NELSON D. NELSON, P.E., PUBLIC WORKS DIRECTOR

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**File #:** 19-0589

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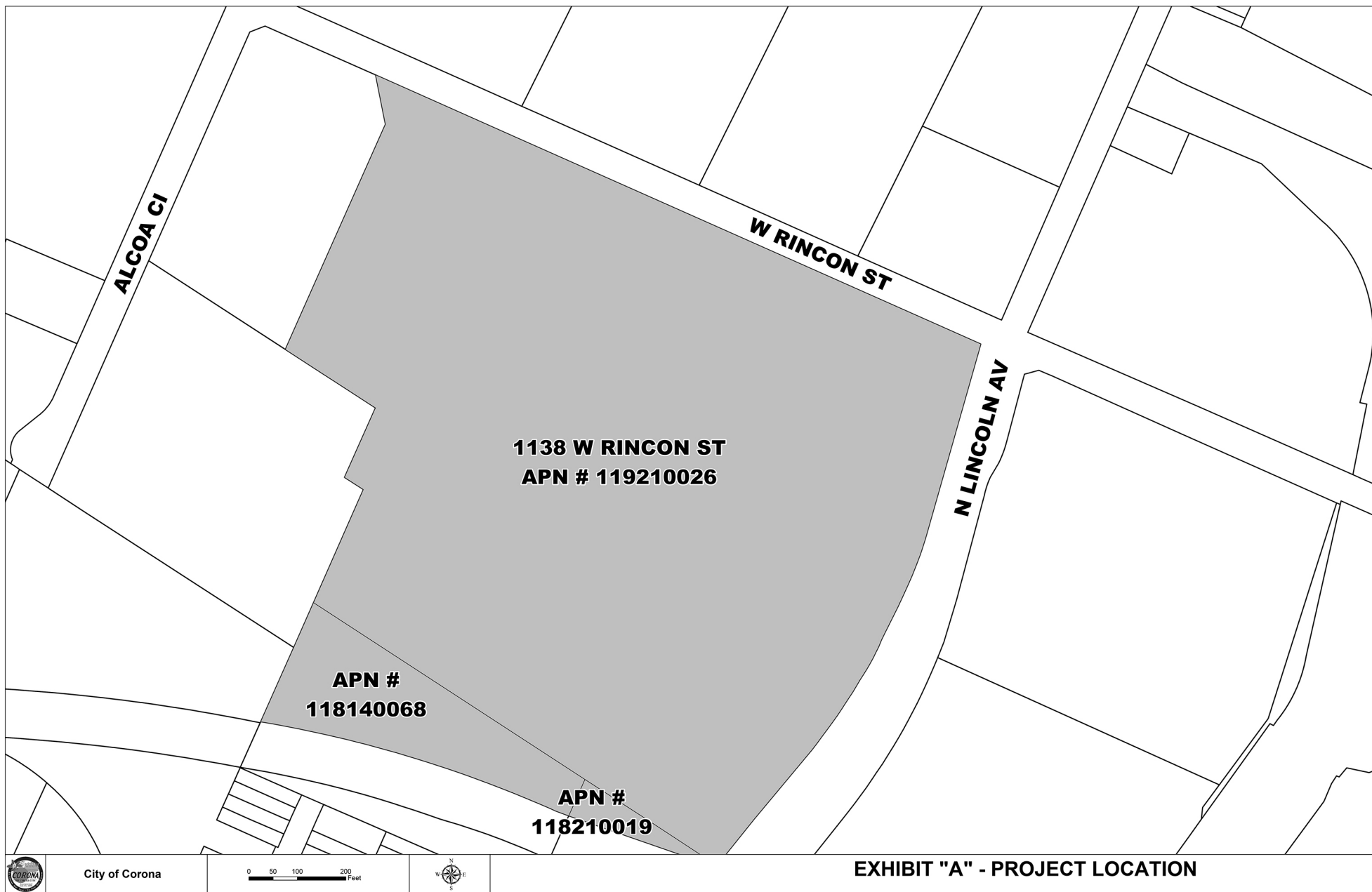
**REVIEWED BY:** KERRY D. EDEN, ASSISTANT CITY MANAGER/ADMINISTRATIVE SERVICES DIRECTOR

**REVIEWED BY:** MICHELE NISSEN, ASSISTANT CITY MANAGER

**SUBMITTED BY:** MITCHELL LANSDELL, ACTING CITY MANAGER

**Attachments:**

1. Exhibit "A" - Project Location
2. Exhibit "B" - Legal Description
3. Exhibit "C" - Plat Map
4. Resolution No. 2018-104
5. Resolution No. 2019-046
6. Rescission and release of Recorded Instrument



City of Corona

0 50 100 200 Feet



EXHIBIT "A" - PROJECT LOCATION

1 **EXHIBIT "B"**

2  
3 **LEGAL DESCRIPTION**

4  
5 **CITY OF CORONA**

6  
7 **VACATION OF A PORTION OF LINCOLN AVENUE**

8  
9  
10 That portion of Lot "B" of Parcel Map No. 16719, in the City of Corona, County of Riverside,  
11 State of California, as shown on a map filed in Book 84, Pages 59 and 60 of Parcel Maps, in the  
12 Office of the County Recorder of said county, lying northwesterly of the following described line:  
13

14 **COMMENCING** at the westerly corner of said Lot "B"; thence along the southwesterly line of  
15 said Lot "B", South 56°58'14" East 21.38 feet to the **TRUE POINT OF BEGINNING**; thence  
16 North 40°58'42" East 216.76 feet to the beginning of a tangent curve concave northwesterly and  
17 having a radius of 1163.00 feet; thence along said curve northeasterly 526.37 feet through a central  
18 angle of 25°55'55"; thence tangent from said curve North 15°02'47" East 35.87 feet to the  
19 beginning of a tangent curve concave northwesterly and having a radius of 5270.00 feet; thence  
20 along said curve northeasterly 162.14 feet through a central angle of 01°45'46" to a point of reverse  
21 curvature with a curve concave southeasterly and having a radius of 5290.00 feet, a radial line of  
22 said curves from said point bears North 76°42'59" West; thence along said curve northeasterly  
23 156.21 feet through a central angle of 01°41'31"; thence tangent from said curve North 14°58'32"  
24 East 135.23 feet to the northerly corner of said Lot "B".  
25

26 **CONTAINING:** 33,839 Square Feet, more or less.

27  
28 **SUBJECT TO** all Covenants, Rights, Rights-of-Way and Easements of Record.  
29

30 **EXHIBIT "B"** attached and by this reference made a part hereof.  
31  
32  
33

34 

35  
36 Kevin D. MacDonald, L.S. 8431

12-5-17

Date

37  
38 Michael Baker International  
39 5 Hutton Centre, Suite 500  
40 Santa Ana, California 92707  
41 JN 154204

42 H:\pdata\154204\CADD\Mapping\Exhibits\Lincoln\154204-LGL-01.docm





PARCEL 2  
PARCEL MAP NO. 16719  
P.M.B. 84/59-60

PARCEL A OF CORPORATION  
GRANT DEED TO CITY OF  
CORONA REC. 7/24/1987 AS  
INSTRUMENT NO. 213097, O.R.

**P.O.C.**

W'LY CORNER LOT "B"  
PER R1

SEE SHEET 2

PARCEL 1

PARCEL B OF  
CORPORATION GRANT DEED  
TO CITY OF CORONA REC.  
7/24/1987 AS INSTRUMENT  
NO. 213097, O.R.

CA LINCOLN AVENUE

A.T. & S.F. RAILWAY RIGHT-OF-WAY

**LEGEND**

PRC POINT OF REVERSE CURVATURE  
R1 PARCEL MAP NO. 16719, P.M.B. 84/59-60

**EXHIBIT "C"**

SKETCH TO ACCOMPANY A  
LEGAL DESCRIPTION FOR

CITY OF CORONA  
VACATION OF A PORTION OF  
LINCOLN AVENUE

CONTAINING: 33,839 S.F.+/-

SHEET 1 OF 2 SHEETS

**Michael Baker**

**INTERNATIONAL**

5 Hutton Centre Drive, Suite 500

Santa Ana, CA 92707

(949) 472-3505 · MBAKERINTL.COM

NOVEMBER 28, 2017

154204



### LEGEND

PRC POINT OF REVERSE CURVATURE  
R1 PARCEL MAP NO. 16719, P.M.B. 84/59-60

PARCEL 2  
PARCEL MAP NO. 16719  
P.M.B. 84/59-60

PARCEL A OF CORPORATION  
GRANT DEED TO CITY OF  
CORONA REC. 7/24/1987 AS  
INSTRUMENT NO. 213097, O.R.

PARCEL B OF CORPORATION  
GRANT DEED TO CITY OF  
CORONA REC. 7/24/1987 AS  
INSTRUMENT NO. 213097, O.R.

PARCEL 1

## EXHIBIT "C"

SKETCH TO ACCOMPANY A  
LEGAL DESCRIPTION FOR

CITY OF CORONA  
VACATION OF A PORTION OF  
LINCOLN AVENUE

CONTAINING: 33,839 S.F.+/-

SEE SHEET 1

SHEET 2 OF 2 SHEETS

**Michael Baker**

**INTERNATIONAL**

5 Hutton Centre Drive, Suite 500  
Santa Ana, CA 92707

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NOVEMBER 28, 2017

154204

**DOC # 2018-0379787**

09/21/2018 03:58 PM Fees: \$0.00

Page 1 of 8

Recorded in Official Records

County of Riverside

Peter Aldana

Assessor-County Clerk-Recorder

PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY:

City of Corona

AND WHEN RECORDED MAIL TO:

AND MAIL TAX STATEMENTS TO:

City of Corona

ATTN: City Clerk

400 S Vicentia Ave Suite 155

Corona, CA 92882

\*\*This document was electronically submitted  
to the County of Riverside for recording\*\*  
Receipted by: MARIA VICTORIA #411

Space above this line for recorder's use only

*Resolution No. 2018-104*

Title of Document

TRA: n/a

DTT: n/a

**Exemption reason declared pursuant to Government Code 27388.1**

☐

This document is a transfer that is subject to the imposition of documentary transfer tax.

☐

This is a document recorded in connection with a transfer that is subject to the imposition of documentary transfer tax.

Document reference: \_\_\_\_\_

☐

This document is a transfer of real property that is a residential dwelling to an owner-occupier.

☐

This is a document recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.

Document reference: \_\_\_\_\_

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3.00 Additional Recording Fee Applies)

9/21/18

Date

Signature

City Clerk Services Specialist  
Title

**RESOLUTION NO. 2018-104**

CERTIFIED COPY

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PORTION OF THE WEST SIDE OF LINCOLN AVENUE, SOUTH OF RINCON STREET**

**WHEREAS**, on or about November 3, 1980, through the approval of Parcel Map 16719, the City of Corona ("City") accepted that portion of Lincoln Avenue located between Rincon Street and Railroad Street and adjacent to the property identified as 1138 Rincon Street, which is identified as Lot "B" on Parcel Map 16719; and

**WHEREAS**, Industrial Park, LLC, a Delaware Limited Liability Company, the owner of the property identified as 1138 Rincon Street, has requested the summary street vacation of a portion of the west side of Lincoln Avenue south of Rincon Street, constituting approximately 33,839 square feet of land area, as more particularly described and depicted in Exhibit "A" attached hereto and incorporated herein by reference ("Excess ROW"); and

**WHEREAS**, on or about July 21, 1987, the City accepted fee title to certain real property immediately adjacent to the east side of Lincoln Avenue south of Rincon Street and north of the railroad tracks for the purpose of completing the realignment of Lincoln Avenue, which was required for a railroad grade separation project ("New ROW"); and

**WHEREAS**, in connection with this Resolution, the City Council is considering approving a quitclaim deed to formally restrict the New ROW, which ranges from 32 feet to 12 feet in width, for public right-of-way purposes; and

**WHEREAS**, the General Plan designates Lincoln Avenue as a secondary 4-lane street, which has a full street width requirement of 88 feet. If the New ROW is formally restricted for public right-of-way purposes, Lincoln Avenue will have a full street width that ranges from 88 feet to 120 feet, not including the Excess ROW; and

**WHEREAS**, if the New ROW is formally restricted for public right-of-way purposes, the Excess ROW would not be needed or required for street purposes, would be in excess of the right-of-way designated by the General Plan and the current City standards, and would not be an integral component of the City's circulation system; and

**WHEREAS**, these summary vacation proceedings are being conducted pursuant to the requirements of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, which authorizes the City Council to summarily vacate excess right-of-way of a street or highway that is not required for street or highway purposes and to summarily vacate a street or highway that has been superseded by relocation; and

**WHEREAS**, pursuant to Section 8313 of the California Streets and Highways Code, on or about September 11, 2018, the City's Community Development Director determined that the vacation of the Excess ROW is consistent with the City of Corona General Plan because it is consistent with General Plan Policy 1.19.3 to promote the consolidation of small, underutilized lots into larger parcels to support viable and cohesive development projects.

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

**SECTION 1. Incorporation of Recitals.** The above Recitals are true and correct and are incorporated herein by reference.

**SECTION 2. Findings.** The City Council finds that if the New ROW is formally restricted for public right-of-way purposes: (i) the Excess ROW would be considered excess right-of-way because it is not needed to satisfy the full street width requirement for the street; (ii) the Excess ROW would not be needed for street and highway purposes because the existing width of Lincoln Avenue satisfies all current City standards and is adequate to serve the residents and businesses in the City; (iii) the vacation of the Excess ROW would not cut off access to an adjoining property because no access is provided from Lincoln Avenue; (iv) there are no public service easements within the Excess ROW; and (v) there are no public utility facilities in use or that would be affected by the vacation of the Excess ROW.

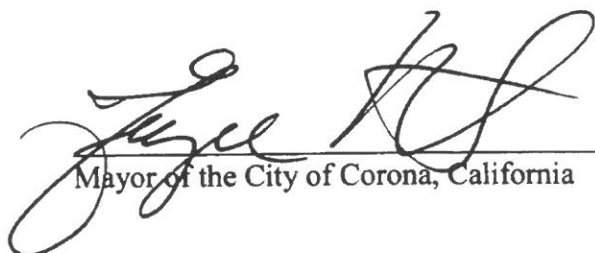
**SECTION 3. Contingent Upon Approval of Accompanying Quitclaim Deed.** The adoption of this Resolution and the vacation of the Excess ROW is expressly contingent upon the City Council's approval of a quitclaim deed to formally restrict the New ROW for public right-of-way purposes. If the City Council does not approve a quitclaim deed to formally restrict the New ROW for public right-of-way purposes, this Resolution shall be of no further force or effect.

**SECTION 4. Vacation of the Existing Right-of Way.** The City Council hereby summarily vacates the Excess ROW in accordance with Sections 8330(a) and 8334(a) of the California Streets and Highways Code contingent upon the City Council's concurrent approval of the quitclaim deed described in Section 3 of this Resolution.

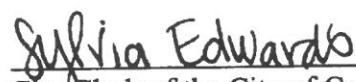
**SECTION 5. Effective Date.** This Resolution shall be effective immediately upon recordation of a quitclaim deed to formally restrict the New ROW for public right-of-way purposes.

**SECTION 6. Recordation.** The City Clerk shall cause a certified copy of this Resolution to be recorded in the Riverside County Recorder's Office after recordation of a quitclaim deed to formally restrict the New ROW for public right-of-way purposes. From and after the date this Resolution is recorded, the Excess ROW shall no longer constitute a street, highway or public right-of way.

**PASSED, APPROVED, AND ADOPTED** this 19<sup>th</sup> day of September 2018.

  
\_\_\_\_\_  
Mayor of the City of Corona, California

**ATTEST:**

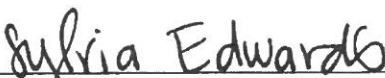
  
\_\_\_\_\_  
City Clerk of the City of Corona, California

**CERTIFICATION**

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly passed and adopted by the City Council of the City of Corona, California, at a regular meeting thereof held on the 19<sup>th</sup> day of September 2018, by the following vote:

**AYES:        FOX, HALEY, MONTANEZ, SCOTT**  
**NOES:        NONE**  
**ABSENT:      SPIEGEL**  
**ABSTAINED:  NONE**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 19<sup>th</sup> day of September 2018.

  
\_\_\_\_\_  
City Clerk of the City of Corona, California

(SEAL)

**EXHIBIT "A"**

**LEGAL DESCRIPTION AND DEPICTION OF EXCESS ROW**

**EXHIBIT A**

The property located in the City of Corona, County of Riverside, State of California, and described as follows:

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 16719, AS SHOWN BY MAP ON FILE IN BOOK 84, PAGES 59 AND 60 OF PARCEL MAPS, RIVERSIDE COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF THAT PORTION OF SAID PARCEL 2 LYING SOUTHEASTERLY OF LOT "B" OF PARCEL MAP NO. 16719;  
 THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 2, NORTH 66° 09' 54" WEST 18.03 FEET TO THE MOST EASTERLY CORNER OF SAID LOT "B";  
 THENCE SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5056.00 FEET, FROM A RADIAL LINE WHICH BEARS NORTH 69° 33' 21" WEST, THROUGH A CENTRAL ANGLE OF 02° 23' 17" AN ARC DISTANCE OF 210.73 FEET;  
 THENCE TANGENT TO SAID CURVE, SOUTH 18° 03' 22" WEST 317.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1444.00 FEET;  
 THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20° 56' 38" AN ARC DISTANCE OF 527.84 FEET;  
 THENCE TANGENT TO SAID CURVE, SOUTH 39° 00' 00" WEST 178.25 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT "B";

THE PREVIOUS FOUR (4) COURSES AND DISTANCES BEING ALONG THE BOUNDARY LINE OF SAID PORTION OF PARCEL 2 LYING SOUTHEASTERLY OF SAID LOT "B"

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 2, SOUTH 57° 08' 45" EAST 60.98 FEET TO THE MOST SOUTHERLY CORNER OF SAID PORTION OF PARCEL 2 LYING SOUTHEASTERLY OF SAID LOT "B";  
 THENCE NORTH 39° 00' 00" EAST 185.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1080.00 FEET;  
 THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25° 17' 17" AND DISTANCE OF 476.67 FEET;  
 THENCE TANGENT TO SAID CURVE, NORTH 13° 42' 43" EAST 215.22 FEET;  
 THENCE NORTH 18° 03' 22" EAST 160.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5038.00 FEET;  
 THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02° 22' 33" AN ARC DISTANCE OF 208.91 FEET TO THE POINT OF BEGINNING.

THE PREVIOUS FIVE (5) COURSES AND DISTANCES BEING ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID PORTION OF PARCEL 2 LYING SOUTHEASTERLY OF SAID LOT "B"

EXCEPTING THEREFROM AN UNDIVIDED  $\frac{1}{2}$  INTEREST IN ALL MINERALS, GAS OR OIL OF WHATSOEVER CHARACTER THAT MAY BE FOUND IN, UNDER OR UPON SAID LAND, AS CONVEYED TO P.J. WHITTEN, BY DEED RECORDED AUGUST 25, 1924 IN BOOK 613, PAGE 379 OF DEED, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM AN UNDIVIDED 25% INTEREST IN ALL MINERALS, GAS OR OIL OF WHATSOEVER CHARACTER THAT MAY BE FOUND IN, UNDER OR UPON THE HEREIN DESCRIBED PROPERTY, AS RESERVED TO WILLIAM L. ROBINSON, AN UNMARRIED MAN, BY DEED DATED DECEMBER 7, 1959 AND RECORDED JANUARY 12, 1960 AND A 25% INTEREST RESERVED TO LUCILLE BALL ARNEZ, A MARRIED WOMAN, BY QUITCLAIM DEED DATED JANUARY 4, 1960 AND RECORDED JANUARY 12, 1960 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

**RESOLUTION NO. 2019-046**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CORONA, CALIFORNIA, ORDERING THE SUMMARY  
VACATION OF A PORTION OF THE WEST SIDE OF  
LINCOLN AVENUE, SOUTH OF RINCON STREET AND  
RESCINDING RESOLUTION NO. 2018-104**

**WHEREAS**, on or about November 3, 1980, through the approval of Parcel Map 16719, the City of Corona (“City”) accepted that portion of Lincoln Avenue located between Rincon Street and Railroad Street and adjacent to the property identified as 1138 Rincon Street, which is identified as Lot “B” on Parcel Map 16719; and

**WHEREAS**, Industrial Park, LLC, a Delaware limited liability company, the owner of the property identified as 1138 Rincon Street, has requested the summary street vacation of a portion of the west side of Lincoln Avenue south of Rincon Street, constituting approximately 33,839 square feet of land area, as more particularly described and depicted in Exhibit “A” attached hereto and incorporated herein by reference (“Excess ROW”); and

**WHEREAS**, on or about July 21, 1987, the City accepted fee title to certain real property immediately adjacent to the east side of Lincoln Avenue south of Rincon Street and north of the railroad tracks for the purpose of completing the realignment of Lincoln Avenue, which was required for a railroad grade separation project (“New ROW”); and

**WHEREAS**, on September 19, 2018, the City Council approved a quitclaim deed to formally restrict the New ROW, which ranges from 32 feet to 12 feet in width, for public right-of-way purposes and such quitclaim deed was recorded in the Official Records of the County of Riverside on October 18, 2018 as Document No. 2018-0412930; and

**WHEREAS**, the General Plan designates Lincoln Avenue as a secondary 4-lane street, which has a full street width requirement of 88 feet. With the formal restriction of the New ROW for public right-of-way purposes, Lincoln Avenue has a full street width that ranges from 88 feet to 120 feet, not including the Excess ROW; and

**WHEREAS**, with the restriction of the New ROW for public right-of-way purposes, the Excess ROW is not needed or required for street purposes, is in excess of the right-of-way designated by the General Plan and the current City standards, and is not an integral component of the City’s circulation system; and

**WHEREAS**, these summary vacation proceedings are being conducted pursuant to the requirements of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, which authorizes the City Council to summarily vacate excess right-of-way

of a street or highway that is not required for street or highway purposes and to summarily vacate a street or highway that has been superseded by relocation; and

**WHEREAS**, pursuant to Section 8313 of the California Streets and Highways Code, on or about September 11, 2018, the City's Community Development Director determined that the vacation of the Excess ROW is consistent with the City of Corona General Plan because it is consistent with General Plan Policy 1.19.3 to promote the consolidation of small, underutilized lots into larger parcels to support viable and cohesive development projects; and

**WHEREAS**, on or about September 19, 2018, the City Council adopted Resolution No. 2018-104 ordering the summary vacation of the Excess ROW and Resolution No. 2018-104 was recorded in the Official Records of the County of Riverside on September 21, 2018 as Document No. 2018-0379787;

**WHEREAS**, it was subsequently discovered that the legal descriptions that were attached to Resolution No. 2018-104 were inaccurate and did not describe the Excess ROW;

**WHEREAS**, the City Council wishes to therefore rescind Resolution No. 2018-104.

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

**SECTION 1. Incorporation of Recitals.** The above Recitals are true and correct and are incorporated herein by reference.

**SECTION 2. Findings.** The City Council finds that: (i) the Excess ROW is considered excess right-of-way because it is not needed to satisfy the full street width requirement for the street; (ii) the Excess ROW is not be needed for street and highway purposes because the existing width of Lincoln Avenue satisfies all current City standards and is adequate to serve the residents and businesses in the City; (iii) the vacation of the Excess ROW would not cut off access to an adjoining property because no access is provided from Lincoln Avenue; (iv) there are no public service easements within the Excess ROW; and (v) there are no public utility facilities in use or that would be affected by the vacation of the Excess ROW.

**SECTION 3. Vacation of the Existing Right-of Way.** The City Council hereby summarily vacates the Excess ROW in accordance with Sections 8330(a) and 8334(a) of the California Streets and Highways Code.

**SECTION 4. Rescission of Resolution No. 2018-104.** The City Council hereby rescinds, repeals, vacates and sets aside Resolution No. 2018-104 in its entirety.

**SECTION 5. Effective Date.** This Resolution shall be effective immediately.

**SECTION 6. Recordation.** The City Clerk shall cause a certified copy of this Resolution to be recorded in the Riverside County Recorder's Office. From and after the date this Resolution is recorded, the Excess ROW shall no longer constitute a street, highway or public right-of way.

**PASSED, APPROVED AND ADOPTED** this 19<sup>th</sup> day of June 2019.

---

Mayor of the City of Corona, California

**ATTEST:**

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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 at an adjourned meeting of the City Council of the City of Corona, California, thereof held on the 19<sup>th</sup> day of June 2019, 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 of the City of Corona, California, this 19<sup>th</sup> day of June 2019.

---

City Clerk of the City of Corona, California

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION AND DEPICTION OF EXCESS ROW**

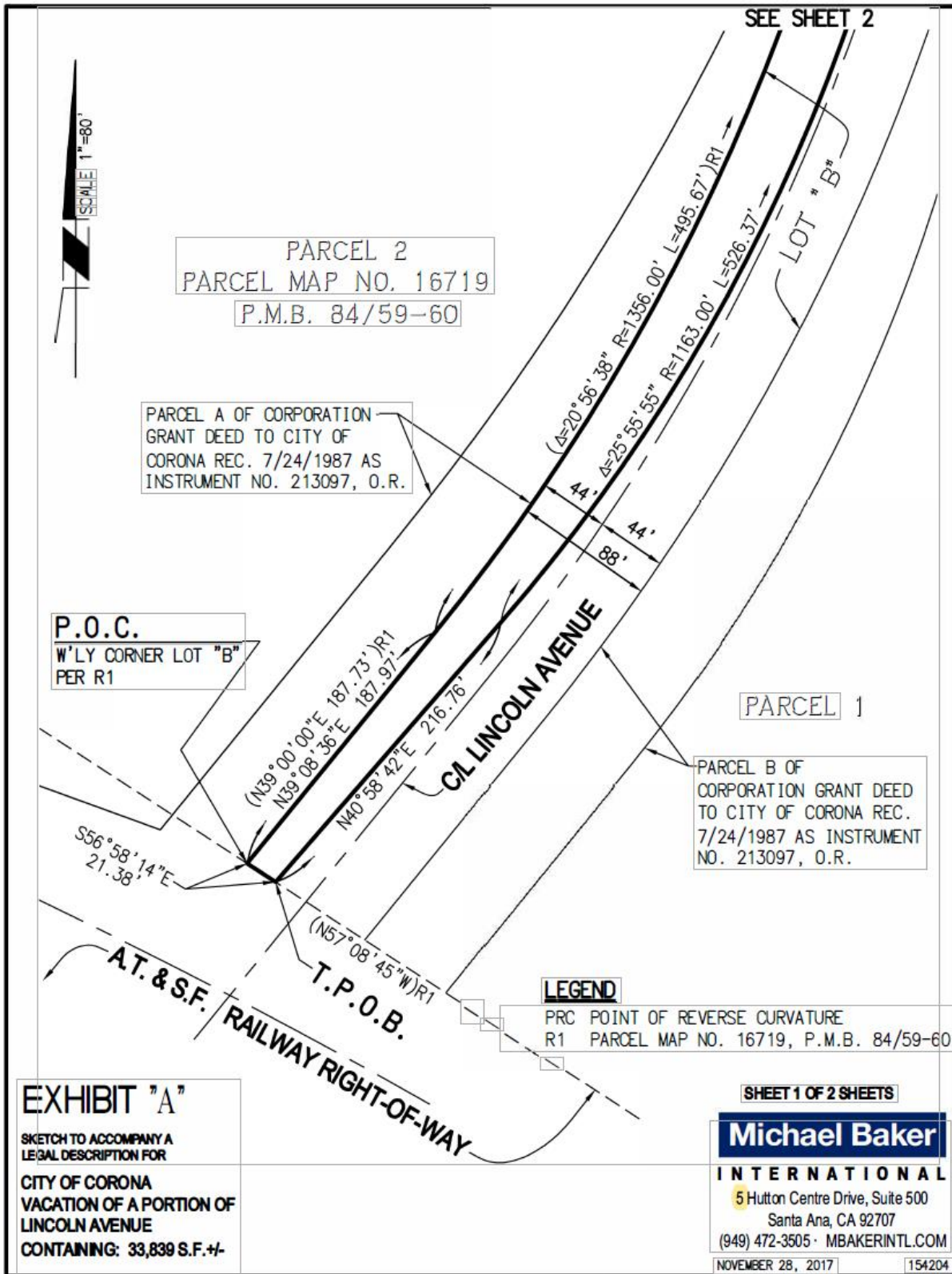
That portion of Lot "B" of Parcel Map No. 16719, in the City of Corona, County of Riverside, State of California, as shown on a map filed in Book 84, Pages 59 and 60 of Parcel Maps, in the Office of the County Recorder of said county, lying northwesterly of the following described line:

**COMMENCING** at the westerly corner of said Lot "B"; thence along the southwesterly line of said Lot "B", South  $56^{\circ}58'14''$  East 21.38 feet to the **TRUE POINT OF BEGINNING**; thence North  $40^{\circ}58'42''$  East 216.76 feet to the beginning of a tangent curve concave northwesterly and having a radius of 1163.00 feet; thence along said curve northeasterly 526.37 feet through a central angle of  $25^{\circ}55'55''$ ; thence tangent from said curve North  $15^{\circ}02'47''$  East 35.87 feet to the beginning of a tangent curve concave northwesterly and having a radius of 5270.00 feet; thence along said curve northeasterly 162.14 feet through a central angle of  $01^{\circ}45'46''$  to a point of reverse curvature with a curve concave southeasterly and having a radius of 5290.00 feet, a radial line of said curves from said point bears North  $76^{\circ}42'59''$  West; thence along said curve northeasterly 156.21 feet through a central angle of  $01^{\circ}41'31''$ ; thence tangent from said curve North  $14^{\circ}58'32''$  East 135.23 feet to the northerly corner of said Lot "B".

**CONTAINING:** 33,839 Square Feet, more or less.

**SUBJECT TO** all Covenants, Rights, Rights-of-Way and Easements of Record.

**EXHIBIT "B"** attached and by this reference made a part hereof.





RECORDED AT REQUEST OF  
AND WHEN RECORDED RETURN TO:

City of Corona  
400 S. Vicentia Ave.  
Corona, California 92882  
Attn: City Clerk

FEE EXEMPT – GOVERNMENT CODE §27383

(SPACE ABOVE FOR RECORDER'S USE)

### **RESCISSION AND RELEASE OF RECORDED INSTRUMENT**

**TO ALL INTERESTED PERSONS PLEASE TAKE NOTICE** that the City of Corona, a California municipal corporation does hereby certify and declare that certain Resolution No. 2018-104, Resolution of the City Council of the City of Corona, California, Ordering the Summary Vacation of a Portion of the West Side of Lincoln Avenue, South of Rincon Street, a copy of which is attached hereto as Exhibit “A” and incorporated herein by this reference, which was recorded in the Office of the County Recorder of Riverside, State of California on September 21, 2018 as Instrument No. 2018-0379787, Official Records, was recorded in error and inadvertence and is hereby rescinded, released, and is declared to be of no effect.

**IN WITNESS WHEREOF**, the City of Corona has caused its name to be affixed hereto and this instrument to be executed by its duly authorized officer

**CITY OF CORONA**  
**a California municipal corporation**

By: \_\_\_\_\_

Mitch Lansdell  
Acting City Manager

Date: \_\_\_\_\_

Attest:

Approved as to Form:

\_\_\_\_\_  
Sylvia Edwards  
City Clerk

\_\_\_\_\_  
Dean Derleth  
City Attorney

**EXHIBIT “A”**  
**RESOLUTION NO. 2018-104**

**DOC # 2018-0379787**

09/21/2018 03:58 PM Fees: \$0.00

Page 1 of 8

Recorded in Official Records

County of Riverside

Peter Aldana

Assessor-County Clerk-Recorder

PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY:

City of Corona

AND WHEN RECORDED MAIL TO:

AND MAIL TAX STATEMENTS TO:

City of Corona

ATTN: City Clerk

400 S Vicentia Ave Suite 155

Corona, CA 92882

\*\*This document was electronically submitted  
to the County of Riverside for recording\*\*  
Receipted by: MARIA VICTORIA #411

Space above this line for recorder's use only

*Resolution No. 2018-104*

Title of Document

TRA: n/a

DTT: n/a

**Exemption reason declared pursuant to Government Code 27388.1**

☐

This document is a transfer that is subject to the imposition of documentary transfer tax.

☐

This is a document recorded in connection with a transfer that is subject to the imposition of documentary transfer tax.

Document reference: \_\_\_\_\_

☐

This document is a transfer of real property that is a residential dwelling to an owner-occupier.

☐

This is a document recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.

Document reference: \_\_\_\_\_

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3.00 Additional Recording Fee Applies)

9/21/18  
Date  
[Signature]  
Signature  
City Clerk Services Specialist  
Title

**RESOLUTION NO. 2018-104**

CERTIFIED COPY

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PORTION OF THE WEST SIDE OF LINCOLN AVENUE, SOUTH OF RINCON STREET**

**WHEREAS**, on or about November 3, 1980, through the approval of Parcel Map 16719, the City of Corona ("City") accepted that portion of Lincoln Avenue located between Rincon Street and Railroad Street and adjacent to the property identified as 1138 Rincon Street, which is identified as Lot "B" on Parcel Map 16719; and

**WHEREAS**, Industrial Park, LLC, a Delaware Limited Liability Company, the owner of the property identified as 1138 Rincon Street, has requested the summary street vacation of a portion of the west side of Lincoln Avenue south of Rincon Street, constituting approximately 33,839 square feet of land area, as more particularly described and depicted in Exhibit "A" attached hereto and incorporated herein by reference ("Excess ROW"); and

**WHEREAS**, on or about July 21, 1987, the City accepted fee title to certain real property immediately adjacent to the east side of Lincoln Avenue south of Rincon Street and north of the railroad tracks for the purpose of completing the realignment of Lincoln Avenue, which was required for a railroad grade separation project ("New ROW"); and

**WHEREAS**, in connection with this Resolution, the City Council is considering approving a quitclaim deed to formally restrict the New ROW, which ranges from 32 feet to 12 feet in width, for public right-of-way purposes; and

**WHEREAS**, the General Plan designates Lincoln Avenue as a secondary 4-lane street, which has a full street width requirement of 88 feet. If the New ROW is formally restricted for public right-of-way purposes, Lincoln Avenue will have a full street width that ranges from 88 feet to 120 feet, not including the Excess ROW; and

**WHEREAS**, if the New ROW is formally restricted for public right-of-way purposes, the Excess ROW would not be needed or required for street purposes, would be in excess of the right-of-way designated by the General Plan and the current City standards, and would not be an integral component of the City's circulation system; and

**WHEREAS**, these summary vacation proceedings are being conducted pursuant to the requirements of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, which authorizes the City Council to summarily vacate excess right-of-way of a street or highway that is not required for street or highway purposes and to summarily vacate a street or highway that has been superseded by relocation; and

**WHEREAS**, pursuant to Section 8313 of the California Streets and Highways Code, on or about September 11, 2018, the City's Community Development Director determined that the vacation of the Excess ROW is consistent with the City of Corona General Plan because it is consistent with General Plan Policy 1.19.3 to promote the consolidation of small, underutilized lots into larger parcels to support viable and cohesive development projects.

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

**SECTION 1. Incorporation of Recitals.** The above Recitals are true and correct and are incorporated herein by reference.

**SECTION 2. Findings.** The City Council finds that if the New ROW is formally restricted for public right-of-way purposes: (i) the Excess ROW would be considered excess right-of-way because it is not needed to satisfy the full street width requirement for the street; (ii) the Excess ROW would not be needed for street and highway purposes because the existing width of Lincoln Avenue satisfies all current City standards and is adequate to serve the residents and businesses in the City; (iii) the vacation of the Excess ROW would not cut off access to an adjoining property because no access is provided from Lincoln Avenue; (iv) there are no public service easements within the Excess ROW; and (v) there are no public utility facilities in use or that would be affected by the vacation of the Excess ROW.

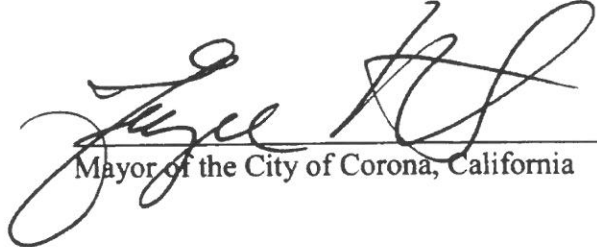
**SECTION 3. Contingent Upon Approval of Accompanying Quitclaim Deed.** The adoption of this Resolution and the vacation of the Excess ROW is expressly contingent upon the City Council's approval of a quitclaim deed to formally restrict the New ROW for public right-of-way purposes. If the City Council does not approve a quitclaim deed to formally restrict the New ROW for public right-of-way purposes, this Resolution shall be of no further force or effect.

**SECTION 4. Vacation of the Existing Right-of Way.** The City Council hereby summarily vacates the Excess ROW in accordance with Sections 8330(a) and 8334(a) of the California Streets and Highways Code contingent upon the City Council's concurrent approval of the quitclaim deed described in Section 3 of this Resolution.

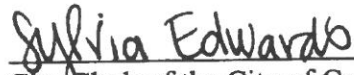
**SECTION 5. Effective Date.** This Resolution shall be effective immediately upon recordation of a quitclaim deed to formally restrict the New ROW for public right-of-way purposes.

**SECTION 6. Recordation.** The City Clerk shall cause a certified copy of this Resolution to be recorded in the Riverside County Recorder's Office after recordation of a quitclaim deed to formally restrict the New ROW for public right-of-way purposes. From and after the date this Resolution is recorded, the Excess ROW shall no longer constitute a street, highway or public right-of way.

**PASSED, APPROVED, AND ADOPTED** this 19<sup>th</sup> day of September 2018.

  
\_\_\_\_\_  
Mayor of the City of Corona, California

**ATTEST:**

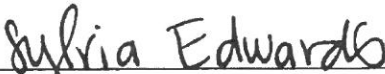
  
\_\_\_\_\_  
City Clerk of the City of Corona, California

**CERTIFICATION**

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly passed and adopted by the City Council of the City of Corona, California, at a regular meeting thereof held on the 19<sup>th</sup> day of September 2018, by the following vote:

**AYES:        FOX, HALEY, MONTANEZ, SCOTT**  
**NOES:        NONE**  
**ABSENT:      SPIEGEL**  
**ABSTAINED:  NONE**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 19<sup>th</sup> day of September 2018.

  
\_\_\_\_\_  
City Clerk of the City of Corona, California

(SEAL)

**EXHIBIT "A"**

**LEGAL DESCRIPTION AND DEPICTION OF EXCESS ROW**

**EXHIBIT A**

The property located in the City of Corona, County of Riverside, State of California, and described as follows:

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 16719, AS SHOWN BY MAP ON FILE IN BOOK 84, PAGES 59 AND 60 OF PARCEL MAPS, RIVERSIDE COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF THAT PORTION OF SAID PARCEL 2 LYING SOUTHEASTERLY OF LOT "B" OF PARCEL MAP NO. 16719;  
 THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 2, NORTH 66° 09' 54" WEST 18.03 FEET TO THE MOST EASTERLY CORNER OF SAID LOT "B";  
 THENCE SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5056.00 FEET, FROM A RADIAL LINE WHICH BEARS NORTH 69° 33' 21" WEST, THROUGH A CENTRAL ANGLE OF 02° 23' 17" AN ARC DISTANCE OF 210.73 FEET;  
 THENCE TANGENT TO SAID CURVE, SOUTH 18° 03' 22" WEST 317.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1444.00 FEET;  
 THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20° 56' 38" AN ARC DISTANCE OF 527.84 FEET;  
 THENCE TANGENT TO SAID CURVE, SOUTH 39° 00' 00" WEST 178.25 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT "B";

THE PREVIOUS FOUR (4) COURSES AND DISTANCES BEING ALONG THE BOUNDARY LINE OF SAID PORTION OF PARCEL 2 LYING SOUTHEASTERLY OF SAID LOT "B"

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 2, SOUTH 57° 08' 45" EAST 60.98 FEET TO THE MOST SOUTHERLY CORNER OF SAID PORTION OF PARCEL 2 LYING SOUTHEASTERLY OF SAID LOT "B";  
 THENCE NORTH 39° 00' 00" EAST 185.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1080.00 FEET;  
 THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25° 17' 17" AND DISTANCE OF 476.67 FEET;  
 THENCE TANGENT TO SAID CURVE, NORTH 13° 42' 43" EAST 215.22 FEET;  
 THENCE NORTH 18° 03' 22" EAST 160.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5038.00 FEET;  
 THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02° 22' 33" AN ARC DISTANCE OF 208.91 FEET TO THE POINT OF BEGINNING.

THE PREVIOUS FIVE (5) COURSES AND DISTANCES BEING ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID PORTION OF PARCEL 2 LYING SOUTHEASTERLY OF SAID LOT "B"

EXCEPTING THEREFROM AN UNDIVIDED  $\frac{1}{2}$  INTEREST IN ALL MINERALS, GAS OR OIL OF WHATSOEVER CHARACTER THAT MAY BE FOUND IN, UNDER OR UPON SAID LAND, AS CONVEYED TO P.J. WHITTEN, BY DEED RECORDED AUGUST 25, 1924 IN BOOK 613, PAGE 379 OF DEED, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM AN UNDIVIDED 25% INTEREST IN ALL MINERALS, GAS OR OIL OF WHATSOEVER CHARACTER THAT MAY BE FOUND IN, UNDER OR UPON THE HEREIN DESCRIBED PROPERTY, AS RESERVED TO WILLIAM L. ROBINSON, AN UNMARRIED MAN, BY DEED DATED DECEMBER 7, 1959 AND RECORDED JANUARY 12, 1960 AND A 25% INTEREST RESERVED TO LUCILLE BALL ARNEZ, A MARRIED WOMAN, BY QUITCLAIM DEED DATED JANUARY 4, 1960 AND RECORDED JANUARY 12, 1960 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

**NOTARY ACKNOWLEDGEMENT**  
(California All-Purpose Acknowledgment)

State of California  
County of Riverside

On \_\_\_\_\_, 2019 before me, \_\_\_\_\_, notary public,  
personally appeared \_\_\_\_\_, 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 of Notary Public

(Place Notary Seal above)