

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING CERTAIN UNIMPROVED PORTIONS OF PETTIT INTO THE CITY'S' NON-MAINTAINED STREET SYSTEM AND APPROVAL OF THE LICENSE AGREEMENT BY AND BETWEEN THE COUNTY OF RIVERSIDE AND THE CITY REGARDING THE GRADING OF THE SUBJECT PORTIONS OF PETTIT BY THE COUNTY AT NO COST TO THE CITY OF MORENO VALLEY

WHEREAS, the City of Moreno Valley ("City") is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, residents and owners of real property located north of the City's northern boundary at the terminus of Pettit in unincorporated Riverside County ("County") territory have concerned that since certain portions of Pettit within the City located between Locust Avenue and the North City Limits ("Subject Property") are not being maintained, it has impeded easy and convenient ingress and egress related to the parcels located north of the Subject Property in County territory; and

WHEREAS, the City is concerned that if it expends any City tax dollars or other City monies to maintain the Subject Property located within the City, for the specific benefit of non-City residents and non-City property owners, such expenditures may constitute or be perceived to constitute an unconstitutional "gift of public funds" under the California Constitution, Article XVI, Section 6; and

WHEREAS, in response to the City's concerns, the County offered to one-time grade the Subject Property using County funds (and at no cost to the City), for the purpose of facilitating the use of the Subject Property for public road purposes by County residents and owners of real property situated within the unincorporated area located immediately north of the City's northern boundary; and

WHEREAS, in 1976, the County approved Parcel Map No. 7528 (PM 26/13-14), and accepted all the offers of dedication contained therein, except for the offer of dedication of a 60-foot-wide roadway easement designated as Lot B (Pettit) on Parcel Map No. 7528; and

WHEREAS, in 1982, although the County approved Parcel Map No. 18349 (PM 110/91-96) and accepted offers of dedication of certain 60-foot-wide road easements for public road and public utility purposes, the County refused to accept said road easements as a part of the County-Maintained Road System, until accepted by resolution of the Riverside County Board of Supervisors adopted pursuant to Section 941 of the Streets and Highways Code; and

WHEREAS, although the Subject Property is now situated within the corporate boundaries of the City, the City has not formally accepted the Subject Property into the City's Street System which means that the City is not responsible or obligated to maintain the Subject Property until it has been formally accepted by the City into the City's street system; and

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WHEREAS, notwithstanding the above, the City is willing to accept the dedicated roadways encompassed by Parcel Map No. 18349 and the offer of dedication of Lot B (Pettit) in Parcel Map No. 7528 in order to facilitate the use of said roadways for public road purposes; however, the City will defer acceptance of the Subject Property into the City’s “Maintained Road System,” pursuant to Section 1806 (b) of the Streets and Highways Code, until such time all the necessary street improvements have been installed, constructed or developed per the respective parcel maps; and

WHEREAS, the County’s offer to one-time grade the Subject Property (at no cost to the City) is contingent upon the City Council accepting the Subject Property into the City’s “Non-Maintained” street system, and once the necessary street improvements are installed, constructed and developed as required under the respective parcel maps, the City Council should formally accept the Subject Property into the City’s “maintained” street system; and

WHEREAS, until such time the City Council formally accepts, via a resolution, the Subject Property into the City’s “maintained” street system, the City has no obligation to maintain the Subject Property and the City may not be held liable for failure to maintain the Subject Property; and

WHEREAS, in order to memorialize this arrangement between the City and the County, it is necessary that the City Council adopt this Resolution which will accept the Subject Property into the City’s NON-MAINTAINED street system and approve the attached License Agreement that will allow the County to enter onto the subject property solely for one-time grading purposes.

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

Section 1. Recitals

That the Recitals set forth above are true and correct, and are hereby incorporated herein by this reference, and adopted as findings in support of this Resolution.

Section 2. Exhibits

That the Exhibits attached to this Resolution, the related Staff Report, and all documents referenced therein are hereby incorporated herein by this reference.

Section 3. Acceptance into City’s Non-Maintained Street System

That the Subject Property, as more particularly described in Exhibit A attached hereto and incorporated herein by this reference, is hereby incorporated into the City’s non-maintained street system for public access purposes, with no obligation that the City maintain the Subject Property.

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Section 4. Approval of License Agreement

That that attached License Agreement, as attached hereto as Exhibit B, by and between the City of Moreno Valley and the County of Riverside is hereby approved to allow the County to enter the Subject Property to one-time grade the Subject Property consistent with the purposes described in the License Agreement.

Section 7. CEQA

That the City Council hereby finds that the incorporation of the Subject Property into the City's non-maintained street system, the approval of the attached License Agreement, and the minor grading and restoration of Pettit by the County are exempt under CEQA Categorical Exemption Class 4, Section 15304 – Minor Alterations to Land.

Section 8. Severability

That should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Resolution shall remain in full force and effect.

Section 9. Repeal of Conflicting Provisions

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 10. Certification

That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

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APPROVED AND ADOPTED this ____ day of _____, 2024.

Ulises Cabrera, Mayor
City of Moreno Valley

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla, City Attorney

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EXHIBIT "A"

Subject Property

EXHIBIT “B”

License Agreement

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)

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