

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA, ACCEPTING CERTAIN EASEMENTS DEDICATED TO THE PUBLIC PURSUANT TO DECLARATIONS OF DEDICATION RECORDED ON JULY 26, 1989 AS INSTRUMENT NUMBERS 249221, 249222, AND 249223 IN CONNECTION WITH THE LONG VALLEY WASH CHANNEL

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Temecula does find, determine and declare that:

A. The City of Temecula (“City”) is a municipal corporation, located in the County of Riverside, State of California. The City has been working with Riverside County Flood Control and Water Conservation District (“District”) to ensure that the District has the rights necessary to maintain the Long Valley Wash Channel improvements.

B. The Long Valley Wash Channel (Long Valley Wash Channel) is a storm drain facility located just south of Rancho California Road between Meadows Parkway and Butterfield Stage Road. On May 23, 1989 the Riverside County Flood Control and Water Conservation District (District) executed the Long Valley Wash Channel and Camino Marea Storm Drain Project No. 7-0-330 Cooperative Agreement (see attached), requiring the Developer TAYCO, a California general partnership (Developer) to construct certain flood control facilities as a condition of approval for Tentative Tract Map 22716.

C. Paragraph 9 of Section I of the Cooperative Agreement outlined the terms of project completion directing that “Upon completion of construction of the project, but prior to District acceptance of project for operation and maintenance, Developer shall convey or cause to be conveyed to District, flood control easements, including ingress and egress, in a form approved by District.” The District consented to the recordation of the Declarations of Dedication described below to the public made pursuant to Government Code Section 7050 by the respective Developers for certain easements (Subject Easements) for the construction, use, repair, reconstruction, inspection, operation, and maintenance of the Long Valley Wash Channel Storm Drain and all appurtenant works, including ingress and egress, but did not accept the dedications. The storm drain facility was constructed and accepted for maintenance by the District in 1992 but the Subject Easements were never transferred to the District as set forth in the Cooperative Agreement. The Subject Easements are located in the City of Temecula. Accordingly, it is necessary for the City to accept said Subject Easements made pursuant to the Declarations of Dedication so that the City can then transfer its interest in said easements to the District for the improvements and maintenance of the Long Valley Wash. The Subject Easements are described in the following Declarations of Dedication:

1. TAYCO, a California general partnership dedicated to the public in perpetuity pursuant to that certain Declaration of Dedication recorded on July 26, 1989 as Instrument Number 249221 of Official Records of the County of Riverside an easement for the construction, repair, reconstruction, inspection, operation and maintenance of the Long Valley Wash storm drain and all appurtenant works, including ingress and egress thereto, across that certain real property described in Exhibit "A" and "Exhibit "B" to said Declaration of Dedication.

2. TAYCO, a California general partnership, dedicated to the public in perpetuity pursuant to that certain Declaration of Dedication recorded on July 26, 1989 as Instrument Number 249222 of Official Records of the County of Riverside an easement for flood control purposes, including ingress and egress across those certain real property interests described in Exhibit "A" and "Exhibit "B" to said Declaration of Dedication.

3. Bedford Development Company, a California Corporation, formerly known as Kaiser Development Company, a California Corporation, Successor by Merger to Kacor Realty, Inc. a California Corporation dedicated to the public in perpetuity pursuant to that certain Declaration of Dedication recorded on July 26, 1989 as Instrument Number 249223 of Official Records of the County of Riverside an easement for the construction, repair, reconstruction, inspection, operation and maintenance of the Long Valley Wash Storm Drain and all appurtenant works, including ingress and egress thereto, across those certain real property interests described in Exhibit "A" and "Exhibit "B" to said Declaration of Dedication.

D. The Subject Easements are located in the City of Temecula. It is necessary for the City to accept said Subject Easements made pursuant to the Declarations of Dedication so that the City can then transfer to the District its interest in the Subject Easements so that the District can maintain the Long Valley Wash Channel improvements in accordance with the Long Valley Wash Channel and Camino Marea Storm Drain Project No. 7-0-330 Cooperative Agreement.

E. The City of Temecula now desires to accept the Subject Easements so that it can take the action necessary to transfer the interests to the District for the maintenance of the Long Valley Wash Channel improvements.

Section 2. The City of Temecula hereby accepts the Subject Easements.

Section 3. The City Manager (or his designee), is hereby authorized, on behalf of the City, to take all actions necessary and convenient to confirm the acceptance of the Subject Easements. The Director of Public Works is hereby authorized and directed to approve, accept and execute on behalf of the City such documents and instruments as necessary to effectuate the acceptance of the Subject Easements granted pursuant to the subject Declarations of Dedication.

Section 4. Certification. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula
this 24th day of January, 2023.

Zak Schwank, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2023- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 24th day of January, 2023, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk