

**RESOLUTION NO. CSD 2020-**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
TEMECULA COMMUNITY SERVICES DISTRICT OF THE  
CITY OF TEMECULA TERMINATING THE EASEMENT  
FOR MAINTENANCE OF LANDSCAPING ON PROPERTY  
WITHIN TRACT 21764 AND TEMECULA COMMUNITY  
SERVICES DISTRICT , SERVICE LEVEL “C”, ZONE 7**

WHEREAS, Warmington Homes and Gateway-Meadowview Associates, LTD, Developer of Tract 21764, granted an Easement for Landscape Maintenance purposes to the Temecula Community Services District referred to as Easement Note D of Tract 21764 in 1990 which was recorded on July 27, 1990 as Document No. 278084 in the Official Records of the County of Riverside (“Easement Deed”).

WHEREAS, The Easement Deed includes the following language:

“If Grantee [City of Temecula Community Services District] or its governmental entity, successors, or assigns, determines it is unable, incapable, or unwilling to maintain said Easement Area, maintenance shall, after notice, become the responsibility of Grantor [Developer of Tract 21764], with all covenants and agreements of this easement extending to and becoming obligations of all heirs, executors, administrators, successors, and assigns of the Grantor [owners of underlying property of Easement Area].”

WHEREAS, the Temecula Community Services District, through Service Level C, Zone 7; has provided landscape maintenance services for parcels located in Tract 21764 since 1990 but the available funds generated by Service Level C, Zone 7, are not sufficient to maintain the Easement Area.

WHEREAS, the Board of Directors of the Temecula Community Services District does hereby find, determine and declare that it is unable, incapable, and unwilling to maintain said Easement Area pursuant to the Easement Deed.

NOW, THEREFORE, the Temecula Community Services District of the City of Temecula does resolve as follows:

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

SECTION 2. Termination of Easement and Maintenance Responsibilities. The Board of Directors hereby terminates the easement for landscape maintenance purposes described in the Easement Deed and shall discontinue providing landscape maintenance services within the Easement Area, upon written notice to the underlying property owners of the Easement Area.

SECTION 3. City Manager Authority. The City Manager is authorized to take all actions necessary to implement the terms of this Resolution including, but not limited to, providing

required notice, recording applicable documents, approving implementing agreements, or approving necessary certifications.

SECTION 3. CEQA Findings. The City Council hereby finds that in accordance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines the adoption of this Resolution is exempt from CEQA pursuant to Section 15061(b)(3) because the actions relate to responsibility for maintenance of existing properties and do not alter the properties.

**PASSED, APPROVED, AND ADOPTED** by the Board of Directors of the Temecula Community Services District of the City of Temecula this 26<sup>th</sup> day of May, 2020.

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Zak Schwank, President

ATTEST:

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Randi Johl, Secretary

[SEAL]

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

I, Randi Johl, Secretary of the Temecula Community Services District of the City of Temecula, do hereby certify that the foregoing Resolution No. CSD 2020-        was duly and regularly adopted by the Board of Directors of the Temecula Community Services District of the City of Temecula at a meeting thereof held on the 26<sup>th</sup> day of May, 2020, by the following vote:

AYES:                   BOARD MEMBERS:

NOES:                   BOARD MEMBERS:

ABSTAIN:               BOARD MEMBERS:

ABSENT:                BOARD MEMBERS:

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Randi Johl, Secretary