

DATE SUBMITTED August 27, 2025  
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR  
 DATE ACTION REQUIRED September 3, 2025

COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION ( )  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS ( )

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: ACCEPTANCE OF EASEMENT "O" STREET FROM 12 <sup>TH</sup> TO 13 <sup>TH</sup> STREET 1. <b>ACCEPTANCE OF GRANT OF EASEMENT FOR APN 063-121-006</b>	
DEPARTMENT COMMUNITY DEVELOPMENT INVOLVED:	
BACKGROUND/SUMMARY:  On February 1, 2023, the City Council approved the abandonment of "O" Street between 12th Street and 13th Street, associated with APN: 063-121-006, through Resolution No. 2023-02 (attached as "Exhibit A"). The abandonment documents were recorded with the Imperial County Clerk Recorder's Office on May 16, 2024 ("Exhibit B"); however, while the recorded document describes a reservation, it did not specifically depict the existing City water line within the portion of right-of-way that was abandoned. To avoid any confusion or ambiguity, we are requesting the City accept this new document.  Since the City retains a utility easement over this area, the purpose of this report is to document and depict the location of the water line as described and illustrated in the Grant of Easement (attached as "Exhibit C"). The parcel owners, Quintero Josh and Castro Brigit, are prepared to grant, convey, and dedicate to the City of Imperial the land described in the referenced "Exhibit C."	
FISCAL IMPACT: NO FISCAL IMPACT	ADMIN SERVICES SIGN INITIALS <u>NMS</u>
STAFF RECOMMENDATION:  1. Staff recommends approval of the certificate of acceptance for the easement for APN 063-121-006 as described and illustrated in <i>Exhibit C</i>	DEPT. INITIALS <u>DM</u>
MANAGER'S RECOMMENDATION:  <i>approve staff recommendation</i>	CITY MANAGER'S INITIALS <u>JHM</u>
MOTION:  SECONDED: APPROVED ( ) REJECTED ( ) AYES: DISAPPROVED ( ) DEFERRED ( ) NAYES: ABSENT: REFERRED TO:	

# EXHIBIT A

COPY

**RESOLUTION NO. 2023-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,  
APPROVING THE VACATION OF A PUBLIC RIGHT-OF-WAY PORTION OF O STREET  
BETWEEN 12<sup>TH</sup> STREET AND 13<sup>TH</sup> STREET WITHIN THE CITY OF IMPERIAL**

**WHEREAS**, the owner of properties adjoining a City street has petitioned the City to vacate a portion of O Street between 12<sup>th</sup> Street and 13<sup>th</sup> Street, which constitutes a public street pursuant to the provisions of the Streets and Highways Code Section 8308 thereof and has further agreed to pay any costs associated therewith; and

**WHEREAS**, The City of Imperial's Planning Commission adopted Resolution PC2022-08 and concluded the right-of-way vacation of O Street between 12<sup>th</sup> Street and 13<sup>th</sup> Street in conformance with the City's adopted Circulation Element of the General Plan; and

**WHEREAS**, the finding of conformance with the General Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061 (b)(3); and

**WHEREAS**, pursuant to the provisions of the California Streets and Highway Code, Section 8320 et seq., the City Clerk of the City of Imperial has administratively set a hearing for the City Council to consider ordering the vacation of O Street between 12<sup>th</sup> Street and 13<sup>th</sup> Street; and

**WHEREAS**, the City Council of the City of Imperial hereby declares its intention to vacate a portion of O Street along 12<sup>th</sup> Street and 13<sup>th</sup> Street, approximately three hundred feet in length and eighty feet in width, further legally described as follows and in Exhibit A with location depicted in the map attached hereto as Exhibit B:

A PORTION OF "O" STREET BOUND TO THE NORTH BY A LINE CONNECTING THE NORTHEAST CORNER OF BLOCK 24 AND THE NORTHWEST CORNER OF BLOCK 23 AND BOUND TO THE SOUTH BY A LINE CONNECTING THE SOUTHEAST CORNER OF BLOCK 24 AND THE SOUTHWEST CORNER OF BLOCK 23, TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NUMBER 883 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

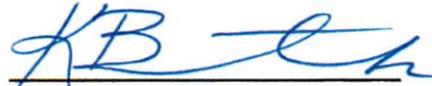
CONTAINING .55 ACRES, MORE OR LESS; and

**WHEREAS**, upon hearing and considering all testimony and arguments, examining and analyzing the information submitted by staff and considering any written and oral comments received, the City Council considered all facts relating to the project; and

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

- A) The City Council proposes to vacate the portion of the right-of-way described herein; and
- B) A public hearing was duly noticed in accordance with the Streets and Highway Code Section 8322 and 8323 and held at the City Council Chambers located at 200 West 9<sup>th</sup> Street, Imperial, California on February 1, 2023 at 7:00 P.M., or as soon thereafter; and
- C) The City Council finds, from all the evidence submitted, that the vacation of said portion of O Street between 12<sup>th</sup> Street and 13<sup>th</sup> Street is consistent with the City's adopted General Plan and is unnecessary for present or prospective public use.
- D) That based on the evidence presented, the City Council hereby **APPROVES** the **vacation of the portion of O Street between 12<sup>th</sup> Street and 13<sup>th</sup> Street**, subject to the Conditions of Approval outlined in Exhibit C.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Imperial, this 1<sup>st</sup> day of February, 2023.



Katie Burnworth  
Mayor

ATTEST:



Kristina Shields  
City Clerk

## EXHIBIT "A"

### STREET ABANDONMENT LEGAL DESCRIPTION

A PORTION OF "O" STREET IN THE TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NUMBER 883 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF "O" STREET BOUND TO THE NORTH BY A LINE CONNECTING THE NORTHEAST CORNER OF BLOCK 24 AND THE NORTHWEST CORNER OF BLOCK 23 AND BOUND TO THE SOUTH BY A LINE CONNECTING THE SOUTHEAST CORNER OF BLOCK 24 AND THE SOUTHWEST CORNER OF BLOCK 23, TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NUMBER 883 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

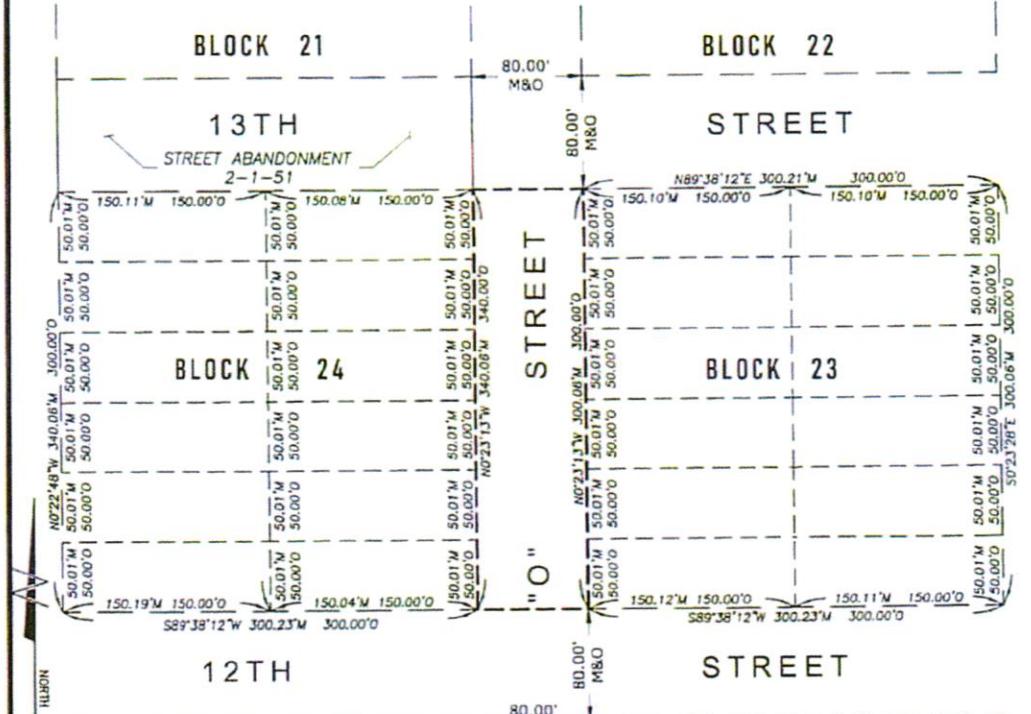
CONTAINING 0.55 ACRES MORE OR LESS.

THE ABOVE DESCRIBED PROPERTY IS SUBJECT TO ALL COVENANTS, EASEMENTS, AND AGREEMENTS OF RECORD.

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



# EXHIBIT "B"



**LEGEND:**  
 - - - - - AREA TO BE ABANDONED  
 - - - - - BLOCK LINES  
 - - - - - LOT LINES  
 M MEASURED DATA PER RECORD OF SURVEY ICSRN  
 O RECORD DATA PER OM 1-6

PORTION OF "O" STREET TO BE ABANDONED MEASURES 0.55 ACRES ±

*[Signature]*  
 TAYLOR PREECE, PLS 9436



**Precision Engineering & Surveying, Inc.**  
 P.O. Box 2216 Telephone: (760) 353-2684  
 El Centro, CA 92244  
 799 E. Holl Avenue Fax: (760) 353-2686  
 El Centro, CA 92243

ABANDONMENT OF A PORTION OF "O" STREET FROM 12TH TO 13TH STREET		SHEET 1
DRAWN BY: A.D.	CHECKED BY: T.P.	OF 1
CLIENT: JOSH QUINTERO	JOB No. 21-157	Date: May 11, 2022

5-11-22  
 DATE

**EXHIBIT C**

**CONDITIONS OF APPROVAL  
O Street Vacation between 12<sup>th</sup> Street and 13<sup>th</sup> Street**

**Josh Quintero  
306 S. N Street  
Imperial, CA 92251**

1. The Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
2. The Applicant shall pay all applicable impact and capacity fees.
3. The right-of-way vacation shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
4. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the right-of-way vacation. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the public right-of-way vacation, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
5. All conditions of approval for this right-of-way vacation shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
6. Department Comments  
Public Services
  - a. Applicant shall provide access to repair underground utilities, such as storm water and potable water, on O Street between 12<sup>th</sup> Street and 13<sup>th</sup> Street, running North and South, if needed.

- b. City of Imperial Shop South entrance gate located on O Street and northern portion of 13<sup>th</sup> Street may be used as an additional access point, if needed.
- c. All paving material shall be asphalt and shall maintain line of site to existing O Street City of Imperial Shop entrance.

**Fire Department**

- d. Abandonment of public streets are of concern as they could lead to operational challenges in emergency situations that could cause unforeseen issues. As presented, this private enterprise project does not currently present an issue.
- e. Right-of-Way vacation procedures are to be executed according to City of Imperial specifications.

**Community Development**

- f. A Site Plan Review is required prior to the construction of any building or structure on any Industrial Zone property pursuant to Section 24.19.500 of the City of Imperial Zoning Ordinance.
- g. Industrial Zone property development and performance standards shall apply to all land and buildings authorized within this zone.

7. The provisions of the permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
8. If the Community Development Department finds and determines that the Applicant or successor-in-interest has not complied or cannot comply with the terms and conditions listed herein, or the Planning/Building Department determines that the activities constitute a nuisance, the City shall provide Applicant with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1), Applicant fails to comply, and/or (2) Applicant cannot comply with the conditions set forth herein, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority for termination of the right-of-way abandonment of the portion of O Street, between 12<sup>th</sup> and 13<sup>th</sup> Street.
9. As between the City and the Applicant, any violation of these Conditions of Approval may be a "nuisance per se". The City may enforce the terms and conditions of these conditions in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
10. Applicant shall not be permitted to maintain a "nuisance", which is anything which (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the re-located business.

# EXHIBIT B

COPY

**RECORDING REQUESTED BY:**

**City of Imperial**  
420 South Imperial Avenue  
Imperial, CA 92251

**When Recorded Mail to:**

**City of Imperial**  
Attn: City Clerk  
420 South Imperial Avenue  
Imperial, CA 92251

Recorded in Official Records, IMPERIAL COUNTY

05/16/2024  
03:59 PM  
AL

**CHUCK STOREY**  
COUNTY CLERK-RECORDER  
P PUBLIC

Doc#: **2024007731**

Titles: 1 Pages: 4  
Fees NO FEE



RECEIVED  
JUL 0 2 2024

**VACATION OF A PORTION OF RIGHT-OF- WAY OF O STREET.....  
BETWEEN 12<sup>TH</sup> STREET AND 13<sup>TH</sup> STREET**

*\* Josh Quintero*  
The City of Imperial does hereby grant the owner(s) of the properties adjoining the portion of the right-of-way of O Street between 12<sup>th</sup> Street and 13<sup>th</sup> Street. Said portion of the right-of-way, dedicated to public use according to Map No. 883, on file in Book 1, Page 6 of the Official Maps in the office of the County Recorder of Imperial County.

Subject to the terms and conditions set forth in this document, and per Resolution 2023-02 approved by the City Council of the City of Imperial on February 1, 2023, permission is granted to the City of Imperial to vacate said portion of right-of-way described and identified by size, dimensions, quantity, type and location on attached Exhibits "A" and "B", prepared by Taylor Preece, PLS No. 9436, a Licensed Land Surveyor registered in the State of California.

The Grantor(s) for himself (themselves), his (their) successors and assigns hereby waive(s) any claim for any and all damages to grantor's remaining property contiguous to said portion of right-of-way hereby conveyed by reason of the location, construction, landscaping or maintenance of said street.

IN WITNESS WHEREOF, said Grantor has caused his name to be hereunto subscribed this 16th day of May, 2024.

By: Othon Mora  
Title: Community Development Director  
*City of Imperial*

**ATTACH APPROPRIATE ACKNOWLEDGMENT**

**ACKNOWLEDGMENT**

A notary public or other officer competing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

**STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL )**

(Gov't Code 40814 & Civil Code 1181)

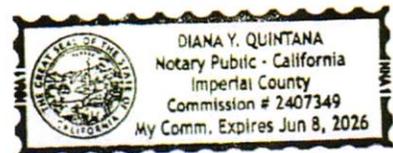
On May 16, 2024, 2024, before me, Diana Y. Quintana, Notary Public, personally appeared Othron Mora, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or 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

  
\_\_\_\_\_

Notary Public



(SEAL)

# EXHIBIT "A"

## STREET ABANDONMENT LEGAL DESCRIPTION

A PORTION OF "O" STREET IN THE TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NUMBER 883 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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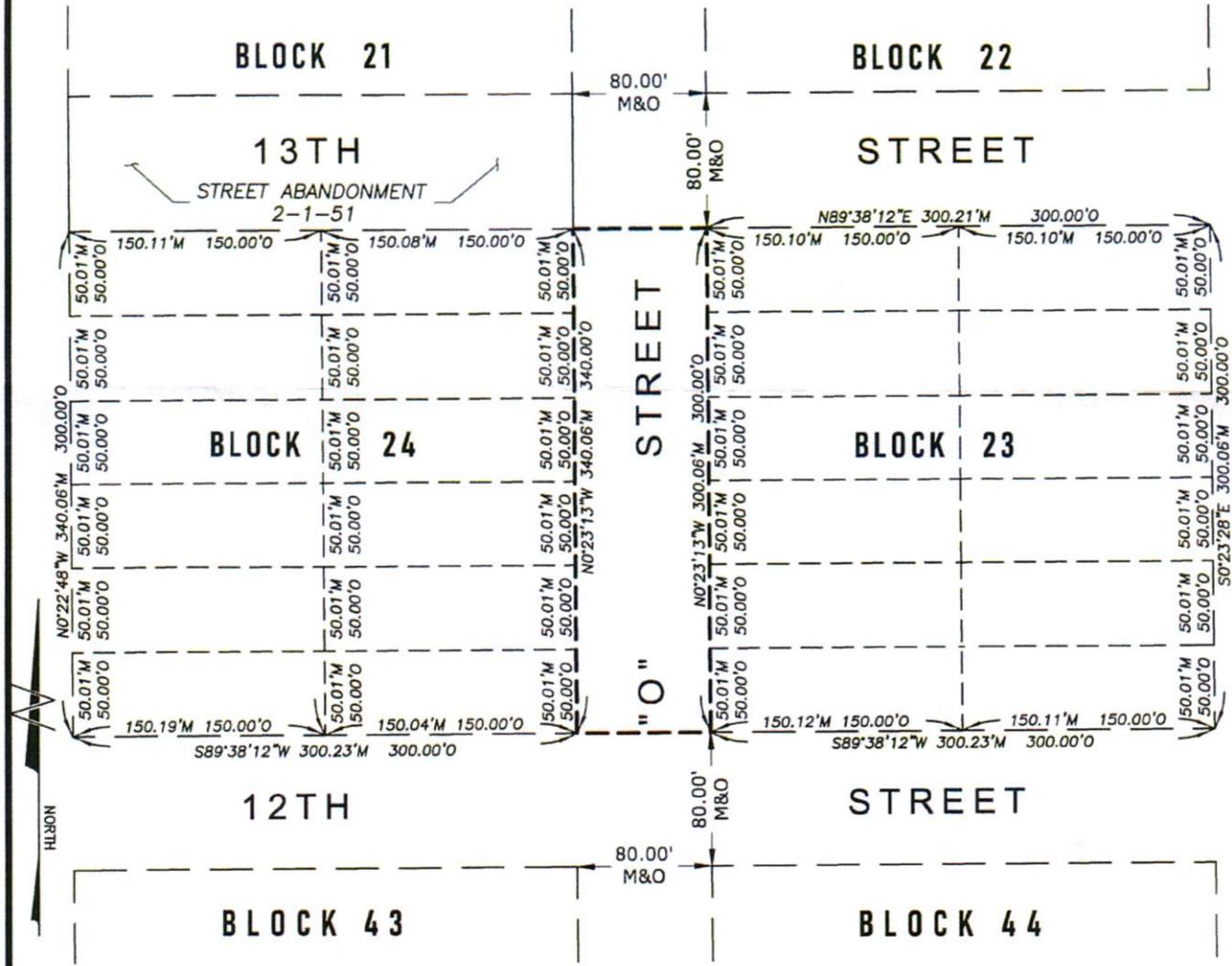
CONTAINING 0.55 ACRES MORE OR LESS.

THE ABOVE DESCRIBED PROPERTY IS SUBJECT TO ALL COVENANTS, EASEMENTS, AND AGREEMENTS OF RECORD.

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



# EXHIBIT "B"



**LEGEND:**

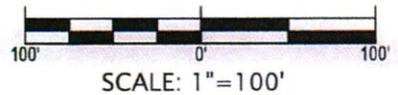
- AREA TO BE ABANDONED
- BLOCK LINES
- - - LOT LINES

- M MEASURED DATA PER RECORD OF SURVEY ICSRN \_\_\_\_\_
- O RECORD DATA PER OM 1-6

PORTION OF "O" STREET TO BE ABANDONED MEASURES 0.55 ACRES ±

*[Signature]*  
TAYLOR PREECE, PLS 9436

5-11-22  
DATE



**Precision Engineering & Surveying, Inc.**

 P.O. Box 2216 Telephone: (760) 353-2684  
El Centro, CA 92244  
799 E. Hell Avenue Fax: (760) 353-2686  
El Centro, CA 92243

ABANDONMENT OF A PORTION OF "O" STREET FROM 12TH TO 13TH STREET		SHEET
		1
DRAWN BY: A.D.	CHECKED BY: T.P.	OF 1
CLIENT: JOSH QUINTERO		JOB No. 21-157
		Date: May 11, 2022

# EXHIBIT C

Recording Requested By:  
Planning & Development Department

City of Imperial  
Imperial, CA 92251

WHEN RECORDED MAIL TO:

City Clerk  
City of Imperial  
420 South Imperial Ave  
Imperial, CA 92251

SPACE ABOVE THIS LINE FOR RECORDER'S USE  
Exempt from Documentary Transfer Tax per R.T.C § 11922

Recording Fee Exempt per G.C. §6103

**GRANT OF EASEMENT**

**CITY OF IMPERIAL**

The owners of the real property described below is:

**Quintero Joshua & Castro Brigette as Joint Tenants**

does (do) hereby grant, convey and dedicate to the City of Imperial, a municipal corporation, an easement for Sewer and Water for the purposes of installing, laying, constructing, maintaining, inspecting, repairing, removing, replacing, renewing, using and operating the infrastructure for sanitary sewer, water, and appurtenances, together with all rights of ingress and egress, over, across, that certain real property in the County of Imperial, State of California, described as:

SEE EXHIBIT "A" LEGAL DESCRIPTION AND EXHIBIT "B" SKETCH  
ATTACHED HERETO AND MADE A PART OF HEREOF

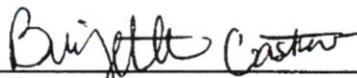
**A.P.N.: 063-121-006**

In witness whereof, said Grantor(s) has(have) caused his(her)(their) name(s) to be hereunto

subscribed this 13 day of August, 2025 at El Centro, CA

**Quintero Joshua & Castro Brigette as Joint Tenants**

  
By Quintero Joshua

  
Castro Brigette

**ACKNOWLEDGEMENT**

A Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

STATE OF CALIFORNIA )

COUNTY OF Imperial ) S.S.

On August 13, 2025 before me, Marisol Escareno, Notary Public

personally appeared, Joshua Anthony Quintero and Brigitte Silva Castro 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 Marisol Escareno



(Notary Seal)

**CERTIFICATE OF ACCEPTANCE  
GOVERNMENT CODE SECTION 27281**

This is to certify that the interest in real property conveyed by the document dated August 13, 2025 from **Quintero Joshua & Castro Brigette**, Property Owner(s), to the City of Imperial, a Municipal Corporation and Governmental Agency is hereby accepted by order of the City of Imperial on February 1, 2023 per Resolution No. 2023-02. This acceptance is made for the purpose of confirming and documenting the reservation of easements for public services as set forth in said instrument, and the City consents to the recordation thereof by its duly authorized officer.

**Dated: September 3, 2025**

---

**Kristina Shields, City Clerk  
City of Imperial**

**SEAL**

**EXHIBIT "A"**  
**WATER EASEMENT**  
**LEGAL DESCRIPTION**

A PORTION OF "O" STREET IN TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP No. 833 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF "O" STREET BOUND TO THE NORTH BY A LINE CONNECTING THE SOUTHEAST CORNER OF BLOCK 21 AND THE SOUTHWEST CORNER OF BLOCK 22 AND BOUND TO THE SOUTH BY A LINE CONNECTING THE SOUTHEAST CORNER OF BLOCK 24 AND THE SOUTHWEST CORNER OF BLOCK 23, TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA ACCORDING TO SAID MAP No. 883.

THE ABOVE DESCRIBED PARCEL CONTAINS 0.70 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED PROPERTY IS SUBJECT TO ALL COVENANTS, EASEMENTS, AND AGREEMENTS OF RECORD.

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

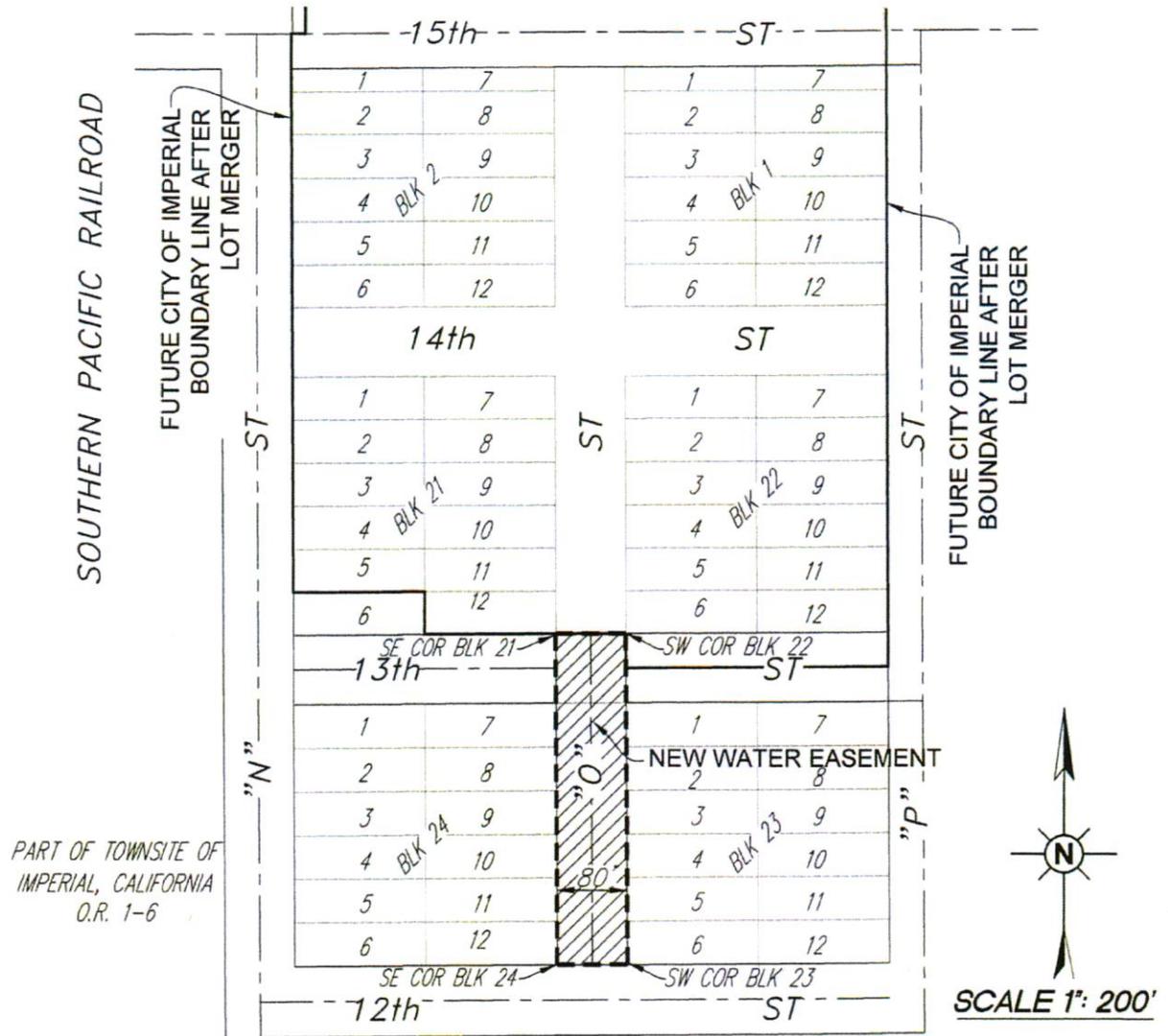
  
\_\_\_\_\_  
DAVID BELTRAN, PLS 8482  
DYNAMIC CONSULTING ENGINEERS, INC.

7/17/25  
\_\_\_\_\_  
DATE



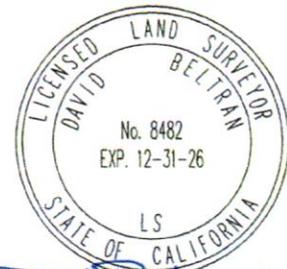
# EXHIBIT "B"

WATER EASEMENT OF A PORTION OF 'O' STREET FROM 12th TO 13th STREET;



**LEGEND:**

- CENTERLINE
- LOT LINE
- FUTURE CITY BOUNDARY AFTER LOT MERGER
-  NEW WATER EASEMENT  
AREA 0.70 ACRES



*David Beltran* 7/17/25

Dynamic Consulting Engineers, Inc.  
2415 Imperial Business Park Drive, Suite B  
Imperial, CA 92251

JULY 17, 2025

SHEET 1 OF 1