



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Nate Smith, Public Works Deputy Director

MEETING DATE: December 12, 2023

SUBJECT: Consideration of Resolution 2023-185 to Initiate the Roadway Vacation Process for Malki Road and Set Date for a Public Hearing

RECOMMENDATION:

Adopt Resolution 2023-185 and set the date for a Public Hearing on January 9, 2024.

BACKGROUND:

On February 10, 2011, Lloyd Fields filed a complaint in the Superior Court of the State of California for the County of Riverside related to access to property that was privately held by Mr. Fields along the west side of Malki Road where access was blocked by the Morongo Band of Mission Indians. This complaint was resolved in a settlement between Mr. Fields and the City of Banning after an act of Congress that permitted for lands held in Trust for the Morongo Band of Mission Indians by the US Government to be traded with Mr. Fields in equal acreages where the private property held by Mr. Fields would be adjacent to City of Banning municipal limits and public right of way. The settlement did agree that at the completion of the land exchange, the City of Banning would vacate the section of Malki Road where lands on both side of the roadway are held by the Morongo Band of Mission Indians between Martin Road to the south and Sullivan Road to the north, generally behind the access gate and guard shack. Said vacation of is the final action in complying with the terms of the settlement agreement.

The Planning Commission reviewed the roadway vacation at a public hearing on September 6, 2023. The Planning Commission found that the roadway vacations are consistent with the City's General Plan, are unnecessary for present or prospective public right-of-way purposes, and approved Planning Commission Resolution 2023-17 adopting these findings. A copy of the Planning Commission Resolution is attached as reference to this staff report.

JUSTIFICATION:

The roadway vacation is stipulated in the settlement agreement between Mr. Fields and the City of Banning. The City does not possess or maintain any public utility within the right of way. The right of way does not provide legal access to privately held property within the municipal limits of the City of Banning. The Morongo Band of Mission Indians has been providing roadway maintenance activities on this section of roadway.

Notice of the hearing was published in the Record Gazette and posted at the guard shack on Malki Road at Martin Street entering the Morongo Band of Mission Indians Reservation.

FISCAL IMPACT:

There is no fiscal impact to the City.

ALTERNATIVES:

Do not approve the resolution and provide direction to City Staff. It should be noted that, if the City does not complete the vacation of the described Malki Road right of way, the City will not meet it's obligations as agreed to in the Settlement Agreement.

ATTACHMENTS:

1. [Resolution 2023-185, Malki Road.docx](#)
1. [Exhibit A - Vacation Plat and Legal.pdf](#)
2. [Att 3 Settlement Agreement.pdf](#)
3. [Att 4 Land Exchange Map Doc #2018-0219575.pdf](#)
4. [Att 5 PC Reso 2023-17.pdf](#)