



CITY OF POMONA COUNCIL REPORT

June 3, 2024

To: Honorable Mayor and Members of the City Council

From: Anita D. Gutierrez, City Manager

Submitted By: Rene Guerrero, Public Works Director

SUBJECT: APPROVAL OF SUMMARY VACATIONS VU3-2023 OF THE CITY'S UNUSED SEWER EASEMENT AND VU4-2023 OF THE CITY'S UNUSED STORM DRAIN EASEMENT LOCATED WITHIN THE BOUNDARY OF THE INDUSTRIAL LOT LOCATED AT 4200 VALLEY BOULEVARD, POMONA, CA, ASSESSOR PARCEL NUMBER 8709-026-060, RELATED TO THE CURRENT REDEVELOPMENT OF THE PROPERTY; APPROVAL OF THE QUITCLAIM DEEDS FOR THE VACATED EASEMENTS (COUNCIL DISTRICT 5)

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Adopt the following resolution:

RESOLUTION NO. 2024-80 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE SUMMARY VACATIONS VU3-2023 OF THE CITY'S UNUSED SEWER EASEMENT AND VU4-2024 OF THE CITY'S UNUSED STORM DRAIN EASEMENT WITHIN THE BOUNDARY OF THE INDUSTRIAL LOT LOCATED AT 4200 VALLEY BOULEVARD, POMONA, CA, ASSESSOR PARCEL NUMBER 8709-026-060, AND APPROVING QUITCLAIM DEEDS FOR THE VACATED EASEMENTS; and

- 2) Authorize the City Manager to execute the quitclaim deeds on behalf of the City.

EXECUTIVE SUMMARY:

Adoption of Resolution No. 2024-80 (Attachment No. 1) will approve (i) the summary vacations of the existing sewer and storm drain easements that are no longer used or necessary for the proposed industrial development at 4200 Valley Boulevard, Assessor Parcel Number 8709-026-060, and (ii) the Quitclaim Deeds (EXHIBITS 1 and 2 to the Resolution) for the vacated easements.

SB1439/GOVERNMENT CODE §84308 APPLICABILITY:

When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$250 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$250 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer, 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

FISCAL IMPACT:

No fiscal impact at this time.

PREVIOUS RELATED ACTION:

On March 23, 2022, the Planning Commission adopted Resolution No. 22-012 (Attachment No. 2) approving Conditional Use Permit CUP15196-2020 for the demolition of an existing 230,000-square foot manufacturing facility and the construction of a new 269,780-square foot industrial warehouse/distribution facility with 5,000 square feet of office and mezzanine space, on a 13.84-acre site at 4200 Valley Boulevard, APN 8709-026-060.

DISCUSSION:

Garrett Kuntz with CapRock Partners, applicant on behalf of CRP III 4200 W. Valley Blvd. LLC, landowner (Attachments Nos 3 and 4), has submitted a request to the Public Works Department for the summary vacations of the following two unused utility easements, one for sanitary sewer and one for storm drain, located within the boundary of APN 8709-026-060:

1. Portion of the sewer easement granted to the City of Pomona (City) per the document recorded on January 27, 1972 as Instrument No. 2508 of Official Records (Attachment No. 5) in the Office of the Los Angeles County Recorder. The easement proposed for summary vacation is legally described in EXHIBIT "A1" and depicted on EXHIBIT "B1" attached to the Resolution.
2. Portion of the storm drain easement granted to the City per the document recorded on April 28, 1966 as Instrument No. 3130 of Official Records (Attachment No. 6) in the Office of the Los Angeles County Recorder. The easement proposed for summary vacation is legally described in EXHIBIT "A2" and depicted on EXHIBIT "B2" attached to the Resolution.

The property located at 4200 Valley Boulevard, APN 8709-026-060, is a 13.84-acre industrial lot on the southeast side of Valley Boulevard, approximately half a mile from the westerly City limits. It was developed with a 230,000-square foot industrial manufacturing facility built in 1965 and included various ancillary structures, a street-facing surface parking lot, and limited landscaping.

The Planning Commission approved the demolition of the existing structure and the construction of a new 269,780-square foot industrial warehouse and distribution facility, office space, parking lot, front yard landscaping, private open space break areas, and loading docks at the rear of the site (Attachment No. 7).

In June 2022, the landowner submitted permit applications to the Building and Safety Division for site demolition and the construction of the proposed development. In accordance with the CUP conditions of approval and to facilitate the project implementation as approved by the Planning Commission, the owner requested the summary vacations of the existing sewer and storm drain easements located onsite due to the interference of the easement alignments with the new building footprint. The sewer and storm drain lines have been relocated, and new easements have been granted to the City. Subsequently, the existing easements are no longer necessary.

The proposed easement vacations are in compliance with Section 8333(c) of the Streets and Highways Code, which provides authority for the City to summarily vacate an "easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement."

The approval and adoption of the Resolution, and the approval of the associated sewer easement and storm drain easement Quitclaim Deeds, will facilitate the completion of the project in accordance with the approved project plans and allow the issuance of the Certificate of Occupancy.

Prepared by:

Carmen Barsu
Associate Civil Engineer

ATTACHMENT(S):

Attachment No. 1 - Proposed Resolution No. 2024-80 for VU3-2023 Quitclaim Deed as EXHIBIT 1, Legal Description as EXHIBIT "A1" and Map as EXHIBIT "B1"; VU4-2023 Quitclaim Deed as EXHIBIT 2, Legal Description as EXHIBIT "A2" and Map as EXHIBIT "B2".

Attachment No. 2 - Planning Commission Resolution No. 22-012

Attachment No. 3 - Vicinity Map

Attachment No. 4 - Aerial Map

Attachment No. 5 - Sewer Easement Instrument No. 2508

Attachment No. 6 - Stormdrain Easement Instrument No. 3130

Attachment No. 7 - Proposed Site Plan