

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 VU4-2023 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

WHEREAS, Garrett Kuntz with CapRock Partners, applicant on behalf of CRP III 4200 W. Valley Blvd. LLC, landowner, has submitted a request to the Public Works Department for 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 a new industrial development at the aforementioned address; and

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8333(c) of the Streets and Highways Code provides authority for the City to summarily vacate an "easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement;" and

WHEREAS, the sewer system for which the easement was created has been relocated within the boundary of property and a new sewer easement has been granted to the City of Pomona; and

WHEREAS, the storm drain system for which the easement was created has been relocated within the boundary of property and a new storm drain easement has been granted to the City of Pomona; and

WHEREAS, to ensure clear title to the property, the owner has requested City approval of the Quitclaim Deeds associated with the vacated easements, as shown in the attached EXHIBITS 1 and 2; and

WHEREAS, there are no other utilities within the easements proposed for summary vacations, as described in the attached EXHIBIT "A1" and EXHIBIT "A2" and shown on EXHIBIT "B1" and EXHIBIT "B2", for alignment or rights of existence; and

WHEREAS, the sewer and the storm drain easements proposed to be summarily vacated are no longer required by the City and have been determined excess; and

WHEREAS, the proposed summary vacations of the sewer and storm drain easements will allow the developer to complete the project implementation.

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

SECTION 1. Pursuant to California Streets and Highways Code Section 8333(c), the City Council hereby determines that the described sewer and storm drain easements within the boundary of the industrial lot located at 4200 Valley Boulevard, Pomona, CA, Assessor Parcel Number 8709-026-060, shall be summarily vacated because (i) the sewer and storm drain lines for which the easements were created have been relocated within property boundaries, (ii) the City has determined that the easements are excess and no longer required, and (iii) there are no other utilities utilizing the described easements.

SECTION 2. Pursuant to California Streets and Highways Code Section 8333(c), the City Council hereby summarily vacates the sewer easement described in EXHIBIT “A1” and shown on EXHIBIT “B1,” and the storm drain easement described in EXHIBIT “A2” and shown on EXHIBIT “B2”, attached hereto and by reference made a part hereof.

SECTION 3. The City Council finds that the summary vacation of these easements is minor in nature and therefore not subject to the provisions of the Government Code Section 65402 and further determines without report from the Planting Commission that the summary vacation of these easements is consistent with the General Plan.

SECTION 4. The City Council finds that the proposed summary vacations are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (Existing Facilities) inasmuch as they constitute minor alterations of streets easements and similar facilities, and will not involve the removal of scenic resources including a stand of trees, rock outcropping, or a historic building.

SECTION 5. The Quitclaim Deeds for the portions of the sewer and storm drain easements vacated by VU3-2023 and VU4-2023, respectively, are hereby approved in substantially the form submitted and attached hereto as EXHIBITS 1 and 2.

SECTION 6. The City Manager is authorized to execute the Quitclaim Deeds on behalf of the City.

SECTION 7. The City Clerk shall attest and certify to the passage and adoption of this resolution and it shall become effective immediately upon its approval.

SECTION 8. The City Clerk is ordered to record in the Office of the Los Angeles County Recorder a certified copy of the Resolution of Summary Vacations VU3-2023 and VU4-2023 attested by the Clerk under the seal of the City and to give notice of the recordation required by law. From and after the date the Resolution is recorded, the herein described sewer and storm drain easements shall no longer constitute public

easements.

PASSED, APPROVED AND ADOPTED THIS 3RD DAY OF JUNE 2024.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

ATTEST:

Sonia Carvalho
City Attorney

Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on the 3rd day of June 2024, by the following vote of the Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

Rosalia Butler, MMC
City Clerk