

RESOLUTION NO. 2022-183

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE SUMMARY VACATION VU1-2022 OF THE CITY'S UNUSED ADA PATH OF TRAVEL EASEMENT LOCATED WITHIN THE PROPERTY ASSOCIATED WITH ASSESSOR PARCEL NUMBERS 8326-006-010 & -011 AND RELATED TO THE COMMERCIAL FACILITY AT 1131 E. SECOND STREET, POMONA, CA, AND APPROVAL OF QUITCLAIM DEED FOR THE VACATED EASEMENT

WHEREAS, John Wang with Tritech Engineering Associates, applicant on behalf of Miguel and Sylvia Sanchez, owners of the property located at 1131 E. Second Street, has submitted a request to the Public Works Department for the summary vacation VU1-2022 of the City's unused street easement located within the property associated with Assessor Parcel Numbers (APNs) 8326-006-010 & -011 and related to the commercial facility at 1131 E. Second Street; and

WHEREAS, Section 8333(c) of the California Streets and Highways Code provides authority for the City of Pomona (City) to summarily vacate an "easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement"; and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 driveway approaches for which the easement was created have been relocated along the First Street frontage of APNs 8326-006-010 & -011, and reconstructed within the public right-of-way; and

WHEREAS, a new easement has been dedicated, accepted by the City, and is in the process of being recorded; and

WHEREAS, to ensure clear title to the property, the owner has requested the City's approval of the Quitclaim Deed associated with the vacated easement, as shown in the attached EXHIBIT 1; and

WHEREAS, there are no other utilities within the easement proposed for summary vacation, as described in the attached EXHIBIT "A" and shown on EXHIBIT "B", for alignment or rights of existence; and

WHEREAS, the street easement proposed to be summarily vacated is no longer required by the City and has been determined excess; and

WHEREAS, the proposed summary vacation of the street easement will allow the developer to complete the project implementation in accordance with the approved plans.

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 street easement within the property associated with APNs 8326-006-010 & -011 and related to the commercial facility at 1131 E. Second Street shall be summarily vacated because (i) the driveway approaches for which the easement was created have been relocated along the First Street frontage of APNs 8326-006-010 & -011 and reconstructed within the public right-of-way, (ii) the City has determined that the easement is excess and no longer required, (iii) there are no other utilities utilizing the described easement, and (iv) a new easement has been dedicated, accepted by the City, and is in the process of being recorded.

SECTION 2. Pursuant to California Streets and Highways Code Section 8333(c), the City Council hereby summarily vacates the street easement described in EXHIBIT “A” and shown on EXHIBIT “B,” attached hereto and by reference made a part hereof.

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

SECTION 4. The City Council finds that the proposed summary vacation is categorically exempted from the California Environmental Quality Act CEQA pursuant to Section 15301 Class 1 (Existing Facilities) since 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 Deed for the street easement vacated by VU1-2022 is hereby approved in substantially the form submitted and attached hereto as EXHIBIT 1.

SECTION 6. The City Manager is authorized to execute the Quitclaim Deed 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 VU1-2022 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

street easement shall no longer constitute public easements.

PASSED, APPROVED AND ADOPTED THIS 21ST DAY OF NOVEMBER 2022.

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 21st day of November 2022, by the following vote of the Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

Rosalia A. Butler, MMC
City Clerk