



# CITY OF POMONA COUNCIL REPORT

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March 6, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Meg McWade, Acting Public Works Director

Subject: **Adoption of a Resolution to Summarily Vacate the City's Unused Access Easement over the Real Property Located at 1748 Alameda Street, Assessor Parcel Number 8359-014-011, Vacation No. V-315 (Council District 6)**

## OVERVIEW

**Recommendation** – That the City Council adopt a Resolution ordering the summary vacation of the City's Access Easement over the real property located at 1748 Alameda Street, Pomona, CA, Assessor Parcel Number (APN) 8359-014-011, Vacation No. V-315, pursuant to Section 8333(c) of the Streets and Highways Code.

**Fiscal Impact** – There is no fiscal impact resulting from this action.

**Previous Planning Commission Actions** - On October 9, 2013, Planning Commission adopted Resolution No.13-028 denying the requested Major Wireless Communication Facility Permit MWCF 12-004 to allow the establishment of a new freestanding wireless communication facility designed as a broadleaf tree within a vacant parcel located at 1748 Alameda Street.

On November 12, 2014, Planning Commission adopted Resolution 14-049 approving Major Wireless Communication Facility Permit MWCF 12-004.

**Previous City Council Action** - On December 2, 2013, City Council considered the applicant's appeal of the Planning Commission denial of the Major Wireless Communication Facility Permit MWCF 12-04 and decided to revert the item back to the Planning Commission.

**Environmental Impact** – In compliance with Section 15301 Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA), the proposed vacation is categorically exempt from further CEQA review inasmuch as it is a minor alteration 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.

## **EXECUTIVE SUMMARY**

The proposed access easement vacation has been requested by Jeff Rowan, applicant, on behalf of Reeves Family Properties, LLC, owners of the vacant property located at 1748 Alameda Street, Pomona, CA. The easement was originally granted to the City of Pomona in compliance with the conditions of approval of the Major Wireless Communication Facility Permit MWCF 12-004 for the establishment of an AT&T Cell Site at the aforementioned location. Pursuant to the termination of the land lease agreement between AT&T Mobility and the property owner, the access easement granted to the City is no longer necessary. Adoption of the resolution will vacate said easement.

## **DISCUSSION**

Smartlink, LLC, on behalf of AT&T Mobility, requested and obtained Planning Commission approval to establish a new, freestanding, 65-foot high wireless communication facility designed as a broadleaf tree with twelve antenna panels and an enclosed equipment shelter. The wireless facility was proposed to be established at the rear of the vacant parcel located at 1748 Alameda Street, owned by Reeves Family Properties, LLC. Pursuant to Planning Commission Resolution 14-049, the property owner granted an access easement over the entire property to the City of Pomona for rehabilitation purposes, in case the wireless facility was abandoned. The easement was accepted by the City and recorded as Instrument No. 20150487345, as depicted in Attachment 3 to this report.

Smartlink, LLC submitted a building permit application (PC-720-14-00) and Site Plans to the Pomona Building & Safety Division at the end of 2014. By September 2015, the project was deemed closed by Building & Safety due to extended inactivity. The November 2015 AT&T Notice of Land Lease Agreement Termination for Site SV0300 Pomona-Alameda, as shown in Attachment 4, has confirmed the project's cancellation. Subsequently, Jeff Rowan, on behalf of Reeves Family Properties, LLC, requested the City vacate the access easement granted over the entire property located at 1748 Alameda Street, as it is no longer necessary. The proposed summary vacation proceedings are in compliance with Section 8333(c) 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".

Attachments: 1. Resolution with Legal Description as EXHIBIT "A"  
2. Planning Commission Resolution 14-049  
3. Recorded Grant of Easement E7-2015  
4. Notice of Land Lease Agreement Termination  
5. Vicinity Map  
6. Aerial Vicinity Map

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