

**RESOLUTION NO. 2017-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA  
ORDERING THE SUMMARY VACATION OF THE CITY'S UNUSED  
ACCESS EASEMENT OVER THE REAL PROPERTY LOCATED AT 1748  
ALAMEDA STREET, ASSESSOR PARCEL NUMBER 8359-014-011,  
POMONA, CALIFORNIA, VACATION NO. V-315**

**WHEREAS**, Jeff Rowen, applicant, on behalf of Reeves Family Properties, LLC, has requested that the City vacate its rights to an unused access easement over the real property located at 1748 Alameda Street;

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of the Streets and Highways Code provides authority for the City to summarily vacate an "easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement";

**WHEREAS**, In compliance with Section 15301 Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) the proposed vacation is categorically exempted 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;

**WHEREAS**, the Major Wireless Communication Facility project for which the easement was created, has been cancelled by AT&T Mobility; and

**WHEREAS**, the access easement proposed to be vacated, as described in the attached EXHIBIT "A", is no longer required by the City and has been determined excess.

**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 access easement over the real property located at 1748 Alameda Street should be summarily vacated because the City has determined that the easement is excess and no longer required.

**SECTION 2.** Pursuant to California Streets and Highways Code Section 8333(c) the City Council hereby summarily vacates the easement described in EXHIBIT "A" attached hereto and by reference made a part hereof.

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

**SECTION 4.** The City Council finds that the proposed vacation is categorically exempted from the California Environmental Quality Act CEQA pursuant to Section 15301 Class 1 (Existing Facilities) 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.

**SECTION 5.** 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 6.** The City Clerk is ordered to record in the Office of the Los Angeles County Recorder a certified copy of the Resolution of Vacation 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 access easement shall no longer constitute a public easement.

**APPROVED AND ADOPTED THIS 6TH DAY OF MARCH 2017.**

**ATTEST:**

**CITY OF POMONA:**

\_\_\_\_\_  
Eva M. Buice, MMC, City Clerk

\_\_\_\_\_  
Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, EVA M. BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 6th day of March 2017 by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
Eva M. Buice, MMC, City Clerk

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Reeves Family Properties, LLC  
c/o Jeffrey W. Rowan, Manager  
3340 Club Heights Drive  
Colorado Springs, CO 80906

### GRANT OF EASEMENT

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct:

Documentary transfer tax is \$0. This is a conveyance of an easement and the consideration and value is less than \$100.00. R & T 11911.

APN: 8359-014-011

For valuable consideration, the receipt of which is hereby acknowledged, Reeves Family Properties, LLC, a California Limited Liability Company, hereby grants to the CITY OF POMONA, an easement over the following described real property for access for rehabilitation purposes only in the event the wireless communication facility being installed at the real property by AT&T Mobility is abandoned. The real property is located at 1748 Alameda Street, in the city of Pomona, County of Los Angeles, State of California described as:

Situated in the City of Pomona, County of Los Angeles and State of California: Northeasterly 60 feet of lot No. 5, Block "F" of the Palomares Tract, in the City of Pomona, County of Los Angeles, as per map recorded in Book 15 Page 50 of miscellaneous records, in the office of the county recorder of said county.

Dated: ~~December~~, 2014.

*FEBRUARY 26, 2015*

Reeves Family Properties, LLC,  
a California Limited Liability Company

By *Jeffrey W. Rowan*  
Jeffrey W. Rowan, Manager

State of Colorado )  
County of *El Paso* )

On *FEB 26, 2015* before me, *Destyne Painter*, a Notary Public in and for said state, personally appeared *Jeffrey W. Rowan*, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of ~~California~~ <sup>*Colorado*</sup> that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

*Destyne Painter*  
Notary Public

(Seal)

DESTYNE N PAINTER  
Notary Public  
State of Colorado