

**RESOLUTION NO. 2017-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF GORDON STREET LOCATED BETWEEN SECOND AND THIRD STREETS AND THE ADJACENT PUBLIC ALLEYS LOCATED NORTH OF THIRD STREET, BETWEEN PARK AVENUE AND MAIN STREET (VACATION NO. V-316)**

**WHEREAS**, The City of Pomona and VEJ Pomona 2, owners of all that property within Block 39 and Block 40 of Map of Pomona, recorded in Book 3, pages 90 and 91 of Miscellaneous Records, in the Office of County Recorder of the Los Angeles County, have submitted a request (Request from VEJ Pomona 2, LP, as EXHIBIT "C") to the Public Works Department related to proceedings for the City's street vacation of a portion of Gordon Street located between Second and Third Streets and the adjacent public alleys located north of Third Street, between Park Avenue and Main Street;

**WHEREAS**, pursuant to the California Streets and Highways Code Sections 8324, the following evidence is presented to allow the vacation of a portion of Gordon Street located between Second and Third Streets and the adjacent public alleys located north of Third Street, between Park Avenue and Main Street;

**WHEREAS**, pursuant to the California Streets and highways Code Sections 8322-8323, notice of the Public Hearing on the proposed vacation was published on March 3 and March 10, 2017, in the Inland Valley Daily Bulletin and notices were posted at least two weeks before the hearing and an affidavit filed as required by law;

**WHEREAS**, there were no protests, oral or written, to such vacation, or any such protests having been heard, have been overruled;

**WHEREAS**, the subject street and alley closure will facilitate the development of a commercial complex consisting of a multiplex theater, retail spaces and a City-owned parking garage structure, pursuant to the Disposition and Development Agreement between the City and Maya Cinemas of North America, Inc;

**WHEREAS**, Pursuant to Article 5, Section 15061(b)(3) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the Planning Commission determined that this project was exempt from further CEQA review and documentation. Section 15061(b)(3) exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

**WHEREAS**, the Planning Commission, on March 8, 2017, made findings and determined that the proposed street vacation was in conformity with the Mobility and Access Element of the General Plan.

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

**SECTION 1.** The City Council hereby finds, based on the evidence submitted, that the portion of Gordon Street located between Second and Third Streets and the adjacent public alleys located north of Third Street, between Park Avenue and Main Street are not useful for any present or prospective public street use.

**SECTION 2.** The City Council finds, pursuant to Streets and Highways Code Section 892, that the proposed vacation of the portion of the street cannot be used as a bikeway or nonmotorized transportation facility.

**SECTION 3.** The City Council finds that the vacation is consistent with the General Plan and that access to individual properties in the area will not be impaired.

**SECTION 4.** Pursuant to Article 5, Section 15061(b)(3) of the Guidelines for CEQA Implementation, the City Council determines that the proposed vacation is exempt from further CEQA review and documentation. Section 15061(b)(3) exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 5.** That the City Council hereby orders the vacation of the street and alleys further described by legal description and map marked as EXHIBIT “A” and EXHIBIT “B,” excepting and reserving to the City of Pomona a general public utility easement to access, construct, operate, maintain and repair, including but not limited to an easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over, and across a street or highway proposed to be vacated and, pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to protect these works from all hazards in, upon, and over the street being vacated. EXHIBITS “A” and “B” are attached hereto and by reference made a part hereof.

**SECTION 6.** This street vacation is subject to the following conditions that the applicants are responsible to comply with:

- I. No buildings and/or permanent structures are allowed to be constructed within the public utility easement described in Section 5 of this Resolution.
- II. Unrestricted access during business hours and after business hours access to any/all proposed gate lock boxes shall be provided to all public utilities that requested easement rights described in Section 5 of this Resolution, including but not limited to: City of Pomona Water/Wastewater Operation Department, Southern California Edison (SCE) and the Gas Company.

**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 shall cause a certified copy of this resolution of vacation to be attested by the Clerk under seal, and to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the Office of the Recorder of the County of Los Angeles.

**APPROVED AND ADOPTED THIS 20TH 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 20th day of March 2017 by the following vote:

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

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

17-303a

**Exhibit "A"**  
**Legal Description**  
**Resolution of Vacation**

All that property within Block 39 and Block 40 of Map of Pomona, in the City of Pomona, County of Los Angeles, State of California, as per Map recorded in Book 3, Pages 90 and 91, of Miscellaneous Records, in the Office of the County Recorder of said County, described as follows:

That area labeled as Gordon Street adjacent to said Block 39 and said Block 40, from the easterly and westerly extensions of the south line of said Block 39 and said Block 40, respectively; to a line 37 feet south and parallel with the easterly and westerly extensions of the north line of said Block 39 and said Block 40 respectively;

Together with the alley within said Block 39 (that area between Lots 1 through 4, and Lots 5 through 8) from the westerly right of way line of Gordon Street to the easterly right of way line of Elien Street (now known as Park Street), excepting therefrom the north 10 feet of the westerly 2.50 feet of said alley;

Also together with the alley within said Block 40 (that area between Lots 1 through 4, and Lots 5 through 8) from the westerly right of way line of Elizabeth Street (now known as Main Street) to the easterly right of way line of Gordon Street.

Area of said property is approximately 25,985 SF.

The plat labeled as *Exhibit B, Resolution of Vacation* is attached and made part of this legal description.

Prepared by:

**RKA**   
**CONSULTING GROUP**  
398 SOUTH LEMON CREEK DRIVE, SUITE E  
WALNUT, CALIFORNIA 91789  
TEL (909) 594-9702 • FAX (909) 594-2658

  
John R. Leveillee, L.S. 8804  
Expires 12/31/2018



# EXHIBIT "B"

## RESOLUTION OF VACATION

### V-316



LEGEND

 AREA TO BE VACATED

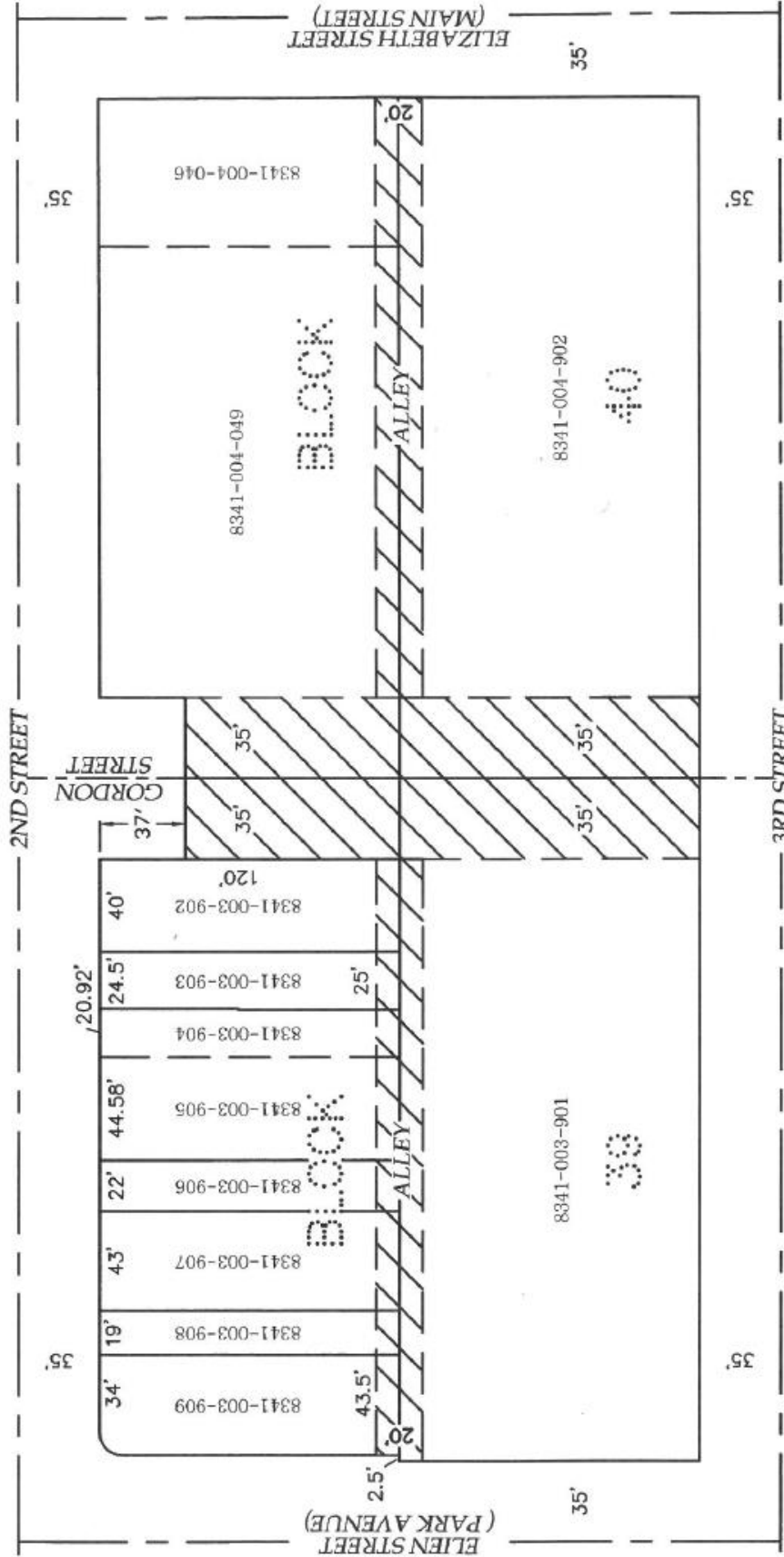


EXHIBIT "C"

Date:

City of Pomona  
Public Works Department  
Engineering Division  
505 S. Garey Avenue  
Pomona, CA 91766

Subject: **Vacation of Street/Alley**

To Whom It May Concern:

I am the owner of the property addressed as **300-354 W. Second St., Pomona, CA**  
and listed on the Los Angeles County Tax Assessor Rolls as  
APN **8341-004-046 and -049**

I hereby give my written consent to vacate the street/alley adjacent to my property. I understand that the portion of the street/alley adjacent to my property will become my property and that I will bear full responsibility for the care and upkeep of that property. I further understand that I may be assessed for tax purposes on my portion. I also understand that the City will retain easements for utility purposes, but have no responsibility whatsoever for maintenance of the proposed vacated street/alley. I will be responsible for the relocation or removal of any and all fences, walls, improvements, gates, curbs, gutters, and the like on the portion of the street/alley that will become my property.

If, at a future date, a majority of property owners should petition for a reversion to the former right-of-way, I understand that any and all costs required by the City of Pomona will be my shared responsibility with all property owners adjacent to the proposed vacated street/alley.

Date signed: 3/2/17

Print name: VES POMONA 2, LP  
Name(s) of Property Owner(s)

Signatures: Cathy J. Jevon

Address: 2815 Thomas St, Ste 504

City, State, Zip: Pomona, Ca 91766

Telephone, Fax, E-Mail: 909 623 0535 cathy@jeved.com