

**RESOLUTION NO. 2017-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA,  
CALIFORNIA, ORDERING THE VACATION OF A PUBLIC ALLEY  
LOCATED NORTH OF COMMERCIAL STREET, BETWEEN  
GORDON AND MAIN STREETS (VACATION NO. V-314)**

**WHEREAS**, Stephen Escalante, applicant, on behalf of the property owners of all real property within Block 9 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, has submitted a request to the Public Works Department to initiate proceedings for the vacation of the public alley located north of Commercial Street, between Gordon and Main Streets;

**WHEREAS**, pursuant to the California Streets and Highways Code Section 8324, the following evidence is presented to allow the vacation of the public alley located north of Commercial Street, between Gordon and Main Streets;

**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 17 and March 24, 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 alley closure will promote public safety and eliminate dumping of trash and criminal activities that are negatively impacting the property owners within this downtown City block;

**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 January 25, 2017, made findings and determined that the proposed street vacation was in conformity with the Noise/Safety Plan Component of the General Plan: Promote the integration of Crime Prevention Through Environmental Design (CPTED) principles into new development and public spaces.

**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 public alley located north of Commercial Street, between Gordon and Main Streets, is 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 proposed public alley 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 public alley 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 alley being vacated. EXHIBITS “A” and “B” are attached hereto and by reference made a part hereof.

**SECTION 6.** This alley 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 Southern California 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 3<sup>RD</sup> DAY OF APRIL 2017.**

**ATTEST:**

**CITY OF POMONA:**

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

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

**APPROVED AS TO FORM:**

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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 3<sup>rd</sup> day of April 2017 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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