

RESOLUTION NO. 2019-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA ORDERING THE SUMMARILY VACATION VU1-2017 OF THE CITY'S UNUSED PORTION OF THE WATER EASEMENT WITHIN LOTS 1, 2, AND 3 OF PARCEL MAP NO. 73002, WITHIN THE PRIVATE PROPERTY LOCATED AT 1110-1258 S. RESERVOIR STREET, POMONA, CA, ASSESSOR PARCEL NUMBERS 8327-018-31, -033, -034 AND -037

WHEREAS, the City of Pomona Public Works Department has received a request for Summarily Vacation VU1-2017 of an unused water easement located within Lots 1, 2, and 3 of Parcel Map No. 73002, within the private property associated with Assessor Parcel Numbers 8327-018-031, -033, -034 and -037 and related to the Reservoir-Industrial Development located at 1110-1258 S. Reservoir Street, Pomona, CA; and

WHEREAS, Richard M. Snedaker with Snedaker Land Surveying, applicant, on behalf of Realterm Logistics REIT, LLC, owner of Lot 1 (1110 S. Reservoir Street), and Argent, LLC, owner of Lots 2 and 3 (1258 S. Reservoir Street) of Parcel Map No. 73002, has requested that the City summarily vacate its rights to a an unused water easement located within Lots 1, 2 and 3 of Parcel Map No. 73002; and

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of the Streets and Highways Code provides authority for the City to summarily vacate an "easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement"; and

WHEREAS, the water main for which the easement was created, has been relocated outside the Parcel Map boundaries and within the public right-of-way; and

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

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

WHEREAS, the proposed summarily vacation of the water easement will allow the developer to complete the project implementation.

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 water easement within Parcel Map No. 73002 should be summarily vacated because (i) the water line for which the easement was created has been relocated within the public right-of-way, (ii) the City has determined that the easements are excess and no longer required and (iii) there are no other utilities utilizing the described easement.

SECTION 2. Pursuant to California Streets and Highways Code Section 8333(c) the City Council hereby summarily vacates the water 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 summarily vacation of this 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 Planting Commission that the summarily vacation of this easement is consistent with the General Plan.

SECTION 4. The City Council finds that the proposed summarily 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 Summarily 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 water easement shall no longer constitute a public easement.

APPROVED AND ADOPTED THIS 17TH DAY OF JUNE 2019.

ATTEST:

CITY OF POMONA:

Rosalia Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Christi Hogin, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA BUTLER, 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 17th day of June 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 17th day of June 2019.

Rosalia Butler, City Clerk