

RESOLUTION NO. 2019-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ORDERING THE SUMMARY VACATIONS VU1-2019 OF THE CITY'S UNUSED STORM DRAIN EASEMENT AND VU2-2019 OF THE CITY'S UNUSED SLOPE AND CONSTRUCTION EASEMENT AND APPROVING QUITCLAIM DEEDS FOR THE VACATED EASEMENTS WITHIN LOT 1 OF TRACT MAP TM 66138 FOR THE PROPERTY LOCATED AT 92 RIO RANCHO ROAD, ASSESSOR PARCEL NUMBERS 8708-026-006 TO -018 AND -022

WHEREAS, W&W Land Design Consultants, Inc., representing Lyfestyle Properties, LLC, owner of the real property located at 92 Rio Rancho Road, has submitted a request to the Public Works Department for the summary vacations VU1-2019 of the City's unused storm drain easement and VU2-2019 of the City's unused slope and construction easement located within Lot 1 of Tract Map TM 66138, Assessor Parcel Numbers 8708-026-006 to -018 and -022, related to the residential development at the aforementioned address; 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8333(c) of the Streets and Highways Code provides authority for the City to summarily vacate an "easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement"; and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 storm drain system for which the easement was created, has been relocated within the Tract Map TM 66138 boundaries and within the public right-of-way; and

WHEREAS, the slope and construction easement granted "between Corona Freeway and Pomona Freeway, for Dudley Street and rights incidental thereto" is obsolete considering the current development of the subject site in the Pomona Phillips Ranch area; and

WHEREAS, to ensure clear title to the property, the owner has requested the City approval of the Quitclaim Deeds associated with the vacated easements, as shown in the attached EXHIBITS 1 and 2; and

WHEREAS, there are no other utilities within the easements proposed for summary vacations, as described in the attached EXHIBIT "A1" and EXHIBIT "A2" and shown on EXHIBIT "B1" and EXHIBIT "B2", for alignment or rights of existence;

WHEREAS, the storm drain easement and the slope and construction easement proposed to be summarily vacated are no longer required by the City and have been determined excess; and

WHEREAS, the proposed summary vacations of the storm drain easement and of the slope and construction 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 storm drain easement and slope and construction easement within Lot 1 of Tract Map TM 66138 shall be summarily vacated because (i) the storm drain line for which the easement was created has been relocated within the tract map TM 66138 boundaries and 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 easements.

SECTION 2. Pursuant to California Streets and Highways Code Section 8333(c), the City Council hereby summarily vacates the storm drain easement described in EXHIBIT “A1” and shown on EXHIBIT “B1,” and the slope and construction easement described in EXHIBIT “A2” and shown on EXHIBIT “B2”, attached hereto and by reference made a part hereof.

SECTION 3. The City Council finds that the summary vacation of these easements 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 summary vacation of these easements is consistent with the General Plan.

SECTION 4. The City Council finds that the proposed summary vacations are categorically exempted from the California Environmental Quality Act CEQA pursuant to Section 15301 Class 1 (Existing Facilities) inasmuch as they constitute minor alterations 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 Quitclaim Deeds for the portions of the stormdrain easement and of the slope and construction easement vacated by VU1-2019 and VU2-2019 respectively are hereby approved in substantially the form submitted and attached hereto as EXHIBITS 1 and 2.

SECTION 6. The City Manager is authorized to execute the Quitclaim Deeds on behalf of the City.

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 is ordered to record in the Office of the Los Angeles

County Recorder a certified copy of the Resolution of Summary Vacations VU1-2019 and VU2-2019 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 stormdrain easement and slope and construction easement shall no longer constitute public easements.

APPROVED AND ADOPTED THIS 9TH DAY OF SEPTEMBER 2019.

ATTEST:

CITY OF POMONA:

Rosalia Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Sonia Carvalho, 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 9th day of September 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 9th day of September 2019.

Rosalia Butler, City Clerk