



CITY OF POMONA COUNCIL REPORT

September 9, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Rene Guerrero, Interim Public Works Director

SUBJECT: APPROVAL OF 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 APPROVAL OF QUITCLAIM DEEDS FOR THE VACATED EASEMENTS 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 92 RIO RANCHO ROAD, POMONA, CA (COUNCIL DISTRICT 5)

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Adopt the following Resolution:

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; and

- 2) Authorize the City Manager to execute the Quitclaim Deeds on behalf of the City.

EXECUTIVE SUMMARY: Adoption of Resolution No. 2019-125 (Attachment No. 1) will approve: (i) the summary vacations of portions of two public easements, one for storm drain and one for slope and construction, that became unnecessary to the proposed residential development

located at 92 Rio Rancho Road, and (ii) the Quitclaim Deeds (EXHIBITS 1 and 2 attached to the Resolution) requested by the owner for the vacated easements.

FISCAL IMPACT: None.

PREVIOUS RELATED ACTIONS: On April 19, 2010, the City Council approved Tract Map No. 66138 by Minute Order for the development of fifty-six (56) residential condominium units on a 4.3-acre lot located at 92 Rio Rancho Road.

On March 15, 2010, the City Council overturned the Planning Commission's decision and approved a second one-year Time Extension (TX 09-007) for Conditional Use Permit (CUP) 07-038.

On December 9, 2009, the Planning Commission denied a second one-year Time Extension (TX 09-007) for CUP 07-038.

On August 13, 2008, the Planning Commission approved a one-year Time Extension (TX 08-018) for CUP 07-038.

On August 8, 2007, the Planning Commission adopted Resolution No. 07-066 approving CUP 07-038 and rescinded CUP 06-011, upon determining that the modification of CUP 06-011 proposed by the project applicant would be more effectively accomplished by the adoption of a new CUP.

On August 23, 2006, the Planning Commission adopted Resolution No. 06-062 approving CUP 06-011 for a 56-unit residential condominium development and Tract Map 66138 (TTM 06-003) for one single lot for condominium purposes on a 4.3-acre property located at 92 Rio Rancho Road.

ENVIRONMENTAL IMPACT: None.

DISCUSSION: W&W Land Design Consultants, Inc., representing Lyfestyle Properties LLC, owner of the real property addressed as 92 Rio Rancho Road, Assessor Parcel Numbers (APNs) 8708-026-006 to -018 and -022, has submitted a request to the Public Works Department for the summary vacations of the following two unused easements located within Lot 1 of Tract Map TM 66138, associated with the aforementioned property:

- A portion of the storm drain easement granted to the City of Pomona in a document recorded on February 24, 1975, as Instrument No. 3887, in Book D6566, Page 428 of Official Records. The easement proposed for summary vacation is legally described in EXHIBIT "A1" and depicted on EXHIBIT "B1" attached to the Resolution.
- A portion of the slope and construction easement granted to the City of Pomona in a document recorded on June 16, 1971, as Instrument No. 4221, in book 5091, Page 790 of Official Records. The easement proposed for summary vacation is legally described in EXHIBIT "A2" and depicted on EXHIBIT "B2" attached to the Resolution.

Both easements have been correctly shown on the Parcel Map PM 8528 recorded on March 3, 1978 (Attachment No. 2). The subsequent Parcel Map PM 13472 (Attachment No. 3), recorded on

February 17, 1981, omitted the slope and construction easement and depicted only the storm drain easement. The most recent Tract Map TM 66138 (Attachment No. 4), recorded on September 10, 2010, omitted both easements. The map errors were attributed to the incomplete documentation provided by the respective Title Companies.

The slope and construction easement, granted “between Corona Freeway and Pomona Freeway, for Dudley Street and rights incidental thereto” and the storm drain easement, both as originally recorded in 1971 and 1975 respectively, are no longer needed considering the current residential development of the subject area. Furthermore, additional storm drain easements have been granted to the City of Pomona as part of the aforementioned Parcel Map PM 13472 and Tract Map TM 66138.

As a result of the recordation of Tract Map TM 66138 and extension of Conditional Use Permit CUP 07-038 by the City Council, Lylifestyle Properties, LLC, owner, submitted development plans for the construction of fifty-six (56) residential condominium units on a 4.3-acre property located at 92 Rio Rancho Road, APNs 8708-026-006 to -018 and -022 (Attachment Nos. 5 and 6). Due to the proposed site plan (Attachment No. 7), which depicts a significant number of the residential units being constructed over the subject easements, the property owner is requesting (i) the summary vacations by the City of the unnecessary portions of the initial slope and construction easement and of the initial storm drain easement, as their continued existence would be detrimental to the project implementation, and (ii) the approval of the Quitclaim Deeds associated with the vacated easements.

Prepared by:

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ATTACHMENTS:

Attachment No. 1 - Proposed Resolution No. 2019-125 with VU1-2019 Quitclaim Deed as EXHIBIT 1, Legal Description as EXHIBIT “A1” and Map as EXHIBIT “B1”; VU2-2019 Quitclaim Deed as EXHIBIT 2, Legal Description as EXHIBIT “A2” and Map as EXHIBIT “B2”.

Attachment No. 2 - Parcel Map PM 8528

Attachment No. 3 - Parcel Map PM 13472

Attachment No. 4 - Tract Map TM 66138

Attachment No. 5 - Vicinity Map

Attachment No. 6 - Aerial Map

Attachment No. 7 - Site Plan