

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, SUMMARILY VACATING A 30-FOOT ROAD EASEMENT ON LOT 20 OF TRACT MAP 3598 (530 S. BLOOMINGTON AVENUE) GENERALLY LOCATED ON THE WEST SIDE OF BLOOMINGTON AVENUE SOUTH OF RANDALL AVENUE.**

**WHEREAS**, The City Council of the City of Rialto, California, is authorized by Division 9, Part 3, Chapter 4, of the Streets and Highways Code of the State of California (the “statute”), to summarily vacate a public street or highway, or parts thereof, within the limits of the City; and

**WHEREAS**, Pursuant to Section 8331 of the statute, the City Council may consider summarily vacating right-of-way of a street or highway if for a period of five consecutive years, the street or highway has been impassable for vehicular travel and no public money was expended for maintenance on the street or highway during such period; and

**WHEREAS**, In accordance with California Government Code section 65402, the proposed summary vacation of the 30-foot road easement, was submitted to and reported upon by the Planning Commission of the City of Rialto.; and

**WHEREAS**, On October 26, 2022, the Planning Commission of the City of Rialto determined that the proposed summary vacation of the 30-foot road easement, as shown in Map Book 47, Page 31 in the Office of the San Bernardino County Recorder and depicted in Exhibit A for reference only, was in conformance with the Rialto General Plan; and

**WHEREAS**, The 30-foot wide road easement, as depicted in Exhibit A, has been determined to be impassable for vehicular travel for a period of five consecutive years and no public money was expended for maintenance on the street or highway during such period in accordance with Section 8331 of the statute.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

1       **Section 1:** The findings and determinations reflected above are true and correct and  
2 are incorporated by this reference herein as the cause and foundation for the action taken by  
3 and through this Resolution.

4       **Section 2:** The City Council does hereby find that the 30-foot wide road easement  
5 across Lot 20 of Tract Map 3598, located at 530 S. Bloomington Avenue, in the City of Rialto,  
6 as shown in Map Book 47, Page 31 in the Office of the San Bernardino County Recorder and  
7 depicted in Exhibit A to this Resolution, are unnecessary for present or prospective use as a  
8 public street.

9       **Section 3:** The City Council does hereby declare that this summary vacation is being  
10 made under and pursuant to the California Streets and Highways Code Division 9, Part 3,  
11 Chapter 4, Summary Vacation, Section 8331.

12       **Section 4:** The City Council does hereby summarily vacate all the City's right, title  
13 and interest in the Vacated Area as depicted in Exhibit A, and that from and after the date this  
14 Resolution is recorded in the records of the San Bernardino County Recorder, the 30-foot  
15 road easement shall no longer constitute a public road easement.

16       **Section 5:** That pursuant to the provisions of Sections 831 of Title 3 and 1112 of Title  
17 4, Part 2, Division 2 of the California Civil Code of the State of California, title to the above  
18 described portion of land revert to the owners of the underlying fee thereof, free from use as  
19 an easement for public road purposes.

20       **Section 6:** The City Clerk of the City of Rialto shall cause a certified copy of this  
21 Resolution, attested by the Clerk under seal, to be recorded in the Office of the County  
22 Recorder of the County of San Bernardino.

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1           **WHEREFORE**, this Resolution is passed, approved, and adopted this 13th day of June  
2 2023.

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5 \_\_\_\_\_  
6 DEBORAH ROBERTSON, Mayor

7 **ATTEST:**

8  
9 \_\_\_\_\_  
10 BARBARA McGEE, City Clerk

11  
12 **APPROVED AS TO FORM:**

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16 \_\_\_\_\_  
17 ERIC S. VAIL City Attorney

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF RIALTO )

I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Resolution No.\_\_\_\_ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the 13<sup>th</sup> day of June 2023.

Upon motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted.

Vote on the motion:

**AYES:**

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City  
of Rialto this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BARBARA McGEE, CITY CLERK

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