

1 been impassible for vehicular travel within the last five consecutive years and no public money
2 has been spent to maintain it; and

3 **WHEREAS**, the Excess Street-Right-Of-Way does not currently contain any existing
4 water, sewer, electric, gas, and telephone utilities or any other public service easements; and

5 **WHEREAS**, the City desires that the Excess Street-Right-Of-Way be summarily vacated.

6 **NOW, THEREFORE**, it is hereby resolved by the City Council of the City of Rialto as
7 follows:

8 **SECTION 1.** The City Council specifically finds that all of the facts set forth in the recitals
9 above of this Resolution are true and correct and incorporated herein.

10 **SECTION 2.** The City Council finds and determines that the Excess Street-Right-Of-Way:
11 (i) is excess right-of-way not required for street or highway purposes, (ii) lies within property under
12 one ownership of the Applicant and does not continue through such ownership or end touching
13 property of another, and (iii) has been impassible for vehicular travel within the last five
14 consecutive years and no public money has been spent to maintain it. The City Council further
15 finds that the Excess Street-Right-Of-Way does not contain any public utility or public service
16 easements.

17 **SECTION 3.** The City Council directs the City Clerk to record a certified copy of this
18 Resolution with the County of San Bernardino Recorder's office. From and after the date this
19 Resolution is recorded, the Excess Street-Right-Of-Way shall no longer constitute a street,
20 highway, or public service easement.

21 **SECTION 4.** The City Council determines that the summary street vacation is exempt
22 from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section
23 15060(c)(2), because the activity will not result in a direct or reasonably foreseeable indirect
24 physical change in the environment, and Section 15061(b)(3) in that it can be seen with certainty
25 that there is no possibility that the vacation can have an impact on the environment for the reasons
26 noted herein. Accordingly, the City Council directs that a Notice of Exemption be filed with the
27 San Bernardino County Clerk pursuant to CEQA Guidelines Section 15062.

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SECTION 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

SECTION 6. The Mayor shall sign the passage of this Resolution, which thereupon it shall take effect and be in force, and the City Clerk shall certify to the adoption of this Resolution.

PASSED APPROVED AND ADOPTED this _____ day of _____, 2019.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA McGEE, City Clerk

APPROVED AS TO FORM:

Fred Galante, City Attorney

1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF RIALTO**)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No. ____ was duly passed and adopted at a regular meeting of the City Council of
6 the City of Rialto held on the ____ day of _____, 2019.

7 Upon motion of Council Member _____, seconded by Council Member
8 _____, the foregoing Resolution No. ____ was duly passed and adopted.

9 Vote on the motion:

10 AYES:

11 NOES:

12 ABSENT:

13
14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
15 of Rialto this ____ day of _____, 2019.

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17
18 BARBARA McGEE, CITY CLERK