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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING THE SUMMARY VACATION OF EXISTING EXCESS RIGHT-OF-WAY ALONG EASTON STREET IN THE NORTHEAST CORNER OF THE INTERSECTION OF AYALA DRIVE AND RENAISSANCE PARKWAY IN THE FREEWAY INCUBATOR (FI) ZONE OF THE RENAISSANCE SPECIFIC PLAN..

WHEREAS, the right-of-way for Easton Street was dedicated to the City on _____ as Document No. _____; and

WHEREAS, pursuant to Chapter 4 [Summary Vacation] of the Streets and Highways Code (Section 8330 *et seq.*), the City may summarily vacate a street if: (i) the street has been superseded by relocation (Sts. & Hy. Code § 8330(a)), (ii) the street is excess right-of-way not required for street or highway purposes (Sts. & Hy. Code § 8334(a)), (iii) the street lies within property under one ownership and does not continue through such ownership or end touching property of another (Sts. & Hy. Code § 8334(b)), or (iv) the street has been impassable for vehicular travel within the last five consecutive years and no public money was expended for maintenance thereof (Sts. & Hy. Code § 8331); and

WHEREAS, summary street vacation is not permitted if the vacation will terminate a public service easement (Sts. & Hy. Code § 8330(b)) or there are in-place utility facilities that are in use and would be affected by the vacation (Sts. & Hy. Code § 8334.5); and

WHEREAS, Ayala and 210 Partners, LLC/Fernando Acosta (“Applicant”), has submitted a request (“Street Vacation”) for the City of Rialto (“City”) to vacate a certain portion of existing excess right-of-way for Easton Street in the northeast corner of the intersection of Ayala Drive and Renaissance Parkway in the Freeway Incubator (FI) Zone of the Renaissance Specific Plan Area, as described herein and depicted in Exhibit A to this Resolution (“Excess Street-Right-Of-Way”), which is located within the Renaissance Specific Plan; and

WHEREAS, the Excess Street-Right-Of-Way has been superseded by relocation, is no longer required for street or highway purposes, lies within property under one ownership and which does not continue through such ownership or end touching property of another, and has been impassible for vehicular travel within the last five consecutive years and no public money has been spent to maintain it; and

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

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

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

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

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

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

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

24 **SECTION 5.** The City Council declares that should any provision, section, paragraph, sentence,
25 or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by
26 reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words
27 of this Resolution shall remain in full force and effect.
28

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 _____, 2017.

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 the City
6 of Rialto held on the ____ day of _____, 2017.

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 of
15 Rialto this ____ day of _____, 2017.

16
17 _____
18 BARBARA McGEE, CITY CLERK
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