

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

**WHEREAS**, On April 1, 1963, the City of Council accepted an interest in real property conveyed by the (Easement) from Louis W. Hades, Delbert B. Williams, Fred W. Gutekumss, & Nathan Goodman, William J. Sanborn trustees for Max Goodman, Decedent. The easement is for water purposes with the right to install, repair and maintain the easement over and across the real property in the City of Rialto, County of San Bernardino, and State of California, as further described in the Quitclaim Deed attached hereto as Attachment 1 and incorporated herein ("Easement"), and specifically described in the legal description and depiction on Exhibits "A" and "B," respectively, attached thereto (the "Easement Area"); and

**WHEREAS**, the Easement Area is located within Annexation 92; and

**WHEREAS**, pursuant to Government Code Section 57325, the Offer automatically transferred to the City upon the annexation of the Easement Area in Resolution No. 1258;

and

**WHEREAS**, pursuant to Government Code Section 7050, the City may quitclaim the Easement, making the right to accept such offer abandoned, in the same manner as is prescribed for the summary vacation of streets or highways pursuant to Streets & Highway

1 Code Section 8300, *et seq.*; and

2 **WHEREAS**, the City Council now desires to quitclaim Easement No. 444.

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

5 **Section 1.** That the City Council does hereby approve the Quitclaim Deed  
6 abandoning Easement No. 444 (a copy of which Quitclaim Deed is attached hereto and  
7 incorporated herein as Attachment 1, which describes the Easement Area, per the legal  
8 description and depiction on Exhibits "A" and "B," respectively, attached thereto and  
9 incorporated therein. The City Council further directs and authorizes the City Administrator to  
10 execute such Quitclaim Deed and take all actions necessary to accomplish the action approved  
11 by the City Council herein.

12 **Section 2.** That the City Clerk is hereby directed to cause a certified copy of this  
13 Resolution, attested by the City Clerk under the seal of the City, to be recorded in the Official  
14 Records of San Bernardino County and from and after the date of the resolution is recorded, the  
15 public service easement for water drainage and flowage purposes (as set forth in the Quitclaim  
16 Deed) is vacated and no longer constitutes a public easement.

17 **Section 3.** If any section, subsection, sentence, clause, phrase or portion of this  
18 Resolution is held invalid or unconstitutional by any court of competent jurisdiction, such  
19 determination shall not affect the validity of the remaining portions of this resolution. The City  
20 Council declares that it would have enacted this resolution and each section, subsection,  
21 sentence, clause, or phrase hereof irrespective of any determination of invalidity.

22 **Section 4.** This Resolution shall become effective immediately upon adoption.

23 **PASSED, APPROVED AND ADOPTED** this 12<sup>th</sup> of June, 2018.

24  
25  
26  
27  
28 **DEBORAH ROBERTSON, MAYOR**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTEST:**

\_\_\_\_\_  
BARBARA MCGEE, CITY CLERK

**APPROVED AS TO FORM:**

\_\_\_\_\_  
FRED GALANTE, ESQ., 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 \_\_\_\_\_, 2018.

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  
15 City of Rialto this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

16  
17 \_\_\_\_\_  
18 **BARBARA MCGEE, CITY CLERK**  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28