

1 RESOLUTION NO. _____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 RIALTO FOR THE SUMMARY VACATION OF AN UNBUILT
5 STREET RIGHT-OF-WAY AND RESERVING AN EASEMENT
6 FOR PUBLIC UTILITY PURPOSES ON MAPLE AVENUE
7 BETWEEN CASMALIA STREET AND STATE ROUTE 210.

8 **WHEREAS**, On August 29, 2019, CDRE Holdings 14 LLC (“Developer”) submitted a
9 proposed summary vacation for plan checking services to the City with the request to vacate
10 an unbuilt and excess right-of-way on Maple Avenue between Casmalia Street and State
11 Route 210; and

12 **WHEREAS**, pursuant to Streets and Highways Code Section 8330 *et seq.* of the State
13 of California, the City of Rialto is authorized to vacate street rights-of-way; and

14 **WHEREAS**, on March 11, 2020, the Planning Commission of the City of Rialto
15 adopted **Resolution No. PC 2020-10** making certain findings that the summary vacation of
16 the unbuilt and excess street right of way on Maple Avenue between Casmalia and State
17 Route 210 (Vacation Area) is consistent with the City’s General Plan and Renaissance
18 Specific Plan; and

19 **WHEREAS**, the City Engineer/Public Works Director has determined that the
20 summary vacation of the Vacation Area was never built, was never used by the public, and
21 unnecessary for present or prospective public use as a roadway; and

22 **WHEREAS**, the City Council has published and posted a notice prior to consideration
23 of a Resolution authorizing the summary vacation of the Vacation Area described in the legal
24 descriptions as Exhibit “A” and shown on Exhibit “B” pursuant to the provisions of Section
25 8330 *et seq.* of the Streets and Highways Code of the State of California; and

26 **WHEREAS**, this action is not subject to the California Environmental Quality Act
27 (“CEQA”) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably
28 foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not
a project as defined in Section 15378) of the CEQA Guidelines, California Code of

1 Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change
2 to the environment, directly or indirectly.

3 **WHEREAS**, the City Council finds that it is in the public interest to proceed to order
4 the summary vacation of the Vacation Area, subject to the express reservation of any
5 existing or proposed water, sewer, electric, gas, telephone utility or storm drain easements
6 located thereunder and the reservation of the City's right, at any time, to construct, maintain,
7 operate, and replace said utilities, as may be recommended by the City Engineer/Public
8 Works Director.

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

11 **Section 1:** This Resolution shall be prima facia evidence of the facts stated and that
12 the City of Rialto finds the above recitals to be true and correct, and hereby approves the
13 summary vacation of the excess right of way within the Vacation Area, subject to a
14 reservation of rights for utilities, as submitted to the City Council concurrently with its
15 adoption of this Resolution.

16 **Section 2:** That an easement and right for public utility purposes to at any time, or
17 from time to time, construct, maintain, operate, replace, remove, and renew sanitary sewers
18 and storm drains and appurtenant structures and to construct, maintain, operate, replace,
19 remove, renew and enlarge lines of pipe, conduits, cables, wires, poles and other convenient
20 structures, equipment, and fixtures and the operation of gas pipelines, telephone, cable,
21 electric an appurtenant structures over the portion of an easement for public highway or road
22 purposes as described in Exhibit "A" and shown on Exhibit "B" is hereby reserved from this
23 abandonment.

24 **Section 3:** From and after the date that this Resolution is duly recorded, the
25 Vacation Area shall no longer constitute a street.

26 **Section 4:** That the City Clerk of the City of Rialto shall cause a certified copy of
27 this Resolution of Summary Vacation and Reservation and Exhibits "A" and "B" attached
28 hereto, or similar document effecting the action herein as approved by the City Attorney,

1 attested by the Clerk under seal, to be recorded in the Office of the County Recorder of the
2 County of San Bernardino. Vacation shall be complete on the date of such recordation.
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6 **WHEREFORE**, this Resolution is passed, approved and adopted this 28th day of April,
7 2020.
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10 _____
11 DEBORAH ROBERTSON, Mayor
12

13 **ATTEST:**
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16 _____
17 BARBARA A. McGEE, City Clerk
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20 **APPROVED AS TO FORM:**
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23 _____
24 ERIC S. VAIL, City Attorney
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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 28th day of April, 2020.

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 _____, 2020.

BARBARA A. McGEE, CITY CLERK