



# City of Rialto

## Legislation Text

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For City Council Meeting of [June 12, 2018]

TO: Honorable Mayor and City Council

APPROVAL: Robb R. Steel, Interim City Administrator

FROM: Robert G. Eisenbeisz, P.E., Public Works Director/City Engineer

Request City Council to Adopt **Resolution No. 7342** to Approve a Quitclaim Deed for Easement No. 444 for Water Purposes Located Across Property on the South Side of Renaissance Parkway Between Linden Avenue and Ayala Drive.

### **BACKGROUND:**

On April 1, 1963, the City Council accepted an interest in real property conveyed by the (Easement) from Louis W. Hadjes, 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 facilities over and across the subject real property in the City of Rialto, County of San Bernardino, and State of California. The recorded Easement No. 444 (Book 5882, Page 586) is included as **Attachment 1**.

Construction of Renaissance Marketplace required realignment of Renaissance Parkway along with significant modifications to the water system serving property on the north and south sides of Renaissance Parkway between Linden Avenue and Ayala Drive. The street realignment and water system modifications resulted in the need to record a quitclaim deed for the existing Easement No. 444 that is no longer needed due to the water system relocations/modifications. The water facilities that had previously been located in the subject easement have either been eliminated or relocated within new easements and/or within public street right-of-way.

City staff prepared a quitclaim deed for Easement No. 444 to record at the San Bernardino County Assess-Recorder-Clerk office upon approval and acceptance by the City Council. The proposed Quitclaim Deed is included as **Attachment 2**.

### **ANALYSIS/DISCUSSION:**

Pursuant to California Government Code Section 57325,

*“On and after the effective date of annexation, the territory annexed to a city or district, all inhabitants of that territory, and all person entitled to vote by reason of residing or owning land within that territory shall be subject to the jurisdiction of the city or district and, except as otherwise provided in this chapter, shall have the same rights and duties as if the territory had been a part of the city or district upon its original incorporation or formation.”*

Therefore, the area where the aforementioned Easement No. 444 is located within annexation area number 92, generally the area located north of Base Line Road, east of Cactus Avenue, south of

Walnut Avenue, west of Spruce Avenue, south of Interstate 210, east Locust Avenue, north of Walnut Avenue, which was transferred to the City in 1967. A copy of Resolution No. 1258 detailing such annexation is included as **Attachment 3**.

Additionally, pursuant to California Government § 7050,

*“With the consent of the city, county, or city and county, as the case may be, an irrevocable offer of dedication of real property for any public purpose, including, but not limited to, streets, highways, paths, alleys, including access rights and abutter’s rights, drainage, open space, public utility or other public easements, parks, or other public places, may be made pursuant to this section. Such offer of dedication shall be executed, acknowledged, and recorded in the same manner as conveyance of real property. Such offer of dedication, when recorded in the office of the county recorder, shall be irrevocable and may be accepted at any time by the city council of the city within which such real property is located at the time of acceptance or, if located in unincorporated territory, by the board of supervisors of the county within which such real property is located.”*

*“Such offer of dedication may be terminated and the right to accept such offer abandoned in the same manner as is prescribed for the summary vacation of streets or highways by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code. Such termination and abandonment may be by the city council of the city within which such real property is located or, if located in unincorporated territory, by the board of supervisors of the county within which such real property is located.”*

As such, pursuant to Government Section 7050, the City may quitclaim an 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 Street & Highway Code Section 8300, *et seq.*:

**ENVIRONMENTAL IMPACT:**

This action is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the quitclaim of Easement No. 444 can have an impact on the environment for the reasons noted herein.

**GENERAL PLAN CONSISTENCY:**

This action is consistent with Guiding Principle 3A in the General Plan:

*Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.*

Quitclaim of Easement No. 444 conforms to the General Plan.

**LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report and resolution.

**FINANCIAL IMPACT:**

Operating Budget Impact

The proposed action by City Council will not affect the operating budget.

Capital Improvement Budget Impact

The proposed action will not affect the Capital Improvement budget.

Licensing

No Business License tax is needed for approval of the proposed Quitclaim Deed for Easement No. 444 for water purposes located across Renaissance Parkway between Linden Avenue and Ayala Drive.

**RECOMMENDATION:**

Staff recommends that the City Council Adopt the Resolution approving the proposed Quitclaim Deed for Easement No. 444 for water purposes affecting the property south of Renaissance Parkway between Linden Avenue and Ayala Drive, with the final form of the quitclaim deed subject to the approval of City Attorney and the Public Works Director.