

RESOLUTION NO. 2024-150

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
ACCEPTING TITLE, CONTROL, AND MAINTENANCE
OBLIGATIONS OF A RECONSTRUCTED PORTION OF
DEMENT STREET UPON RELINQUISHMENT BY THE
STATE OF CALIFORNIA AND RECEIPT OF WRITTEN
NOTICE FROM THE STATE THAT THE WORK THEREON
HAS BEEN COMPLETED**

WHEREAS, pursuant to “Off-Site Street Construction Permit “No. E 1400631” and plans approved by the City on May 19, 2014, the city allowed the State to perform work on a certain portion of Dement Street, from Post Mile 16.19 to Post Mile 17.1; and

WHEREAS, October 23, 2015, the City approved Resolution 2015-232, pursuant to which the City took over the operations and maintenance of Dement Street; and

WHEREAS, the State has requested that the City accept title, control, and maintenance obligations of said portion of Dement Street as shown in Exhibit “A” and Exhibit “B”, attached and incorporated herein, upon relinquishment by the State and receipt of written notice from the State that the work has been completed, except for any portion which is adopted by the State as a part of the freeway proper; and

WHEREAS, the State has requested that the City waive the 90-day notice of “Intention to Relinquish” requirement, set forth in Section 73 of the California Streets and Highways Code; and

WHEREAS, the State has requested that the City acknowledge receipt and review of Initial Site Assessment Document EA 0K710, dated October 16, 2023 (“ISA DOC EA 0K710”), and agrees that no dangerous conditions exist on said portion of Dement Street; and

WHEREAS, the State has requested that the City accept relinquishment of said portion of Dement Street in its current environmental condition and setting, including, but not limited to, the presence of hazardous materials, as described in ISA DOC EA 0K710; and

WHEREAS, the State has requested that the City agree that, within one (1) year of the CTC date of approval of the resolution of relinquishment, the State will conduct a review of the above-referenced ISA DOC EA 0K710, and if the State determines that there is a substantive or potentially substantive adverse change to the environment that did not exist at the time of the above-referenced ISA DOC EA 0K710, the State will immediately notify the City of said changes, and if no substantive or potentially substantive adverse change to the environment is found to exist, then acceptance of this relinquishment in its current environmental condition shall remain in effect; and

WHEREAS, the State has requested to be held harmless from and not responsible for any present or future remediation of said hazardous materials upon recordation of the CTC Resolution of

Relinquishment. Upon said recordation, the City will have all right, title, or interest to said portion of Dement Street shown as proposed Relinquishment No. 498-S on Exhibit “A” and reconstructed Dement Street on Exhibit “B.”

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The Mayor and City Council hereby agree to accept title, control and maintenance of said portion of Dement Street upon both relinquishment by the State and receipt of written notice from the State that the work has been completed; and

SECTION 2. The Mayor and City Council hereby waive the 90-day Notice of Intent to Relinquish a right of way from the State; and

SECTION 3. The Mayor and City Council hereby acknowledge receipt and review of the Initial Site Assessment Document EA 0K710, dated October 16, 2023, and agree that no dangerous conditions exist on said portion of Dement Street; and

SECTION 4. The Mayor and City Council accept relinquishment of said portion of Dement Street in its current environmental condition including, but not limited to, the presence of hazardous materials as described in the above ISA DOC EA 0K710; and

SECTION 5. The Mayor and City Council agree that within one (1) year of the CTC date of approval of the resolution of relinquishment, the State will conduct a review of the above-referenced ISA DOC EA 0K710, and if the State determines that there is a substantive or potentially substantive adverse change to the environment that did not exist at the time of the above-referenced ISA DOC EA 0K710, the State will immediately notify the City of said changes, and if no substantive or potentially substantive adverse change to the environment is found to exist, then acceptance of this relinquishment in its current environmental condition shall remain in effect; and

SECTION 6. The Mayor and City Council agree the State shall be held harmless from and not responsible for any present or future remediation of said hazardous materials upon recordation of the CTC Resolution of Relinquishment. Upon said recordation, City will have all right, title, or interest to the said portion of Dement Street shown as proposed Relinquishment No. 498-S on Exhibit “A” and reconstructed Dement Street on Exhibit “B”.

SECTION 7. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 3rd day of July 2024.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Best Best & Krieger LLP, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-150, adopted at a regular meeting held on the 3rd day of July 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this __ day of July 2024.

Genoveva Rocha, CMC, City Clerk