

RESOLUTION NO. 2022-265

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
DECLARING ITS INTENT TO CONDUCT A PUBLIC
HEARING TO ORDER THE VACATION OF A PORTION OF
E DRAKE DRIVE BETWEEN E CENTRAL AVENUE AND E
MILL STREET, AND WEST OF S FOISY STREET AND
RESERVATION OF UTILITIES THEREIN**

WHEREAS, the Public Works Department previously received a petition to vacate a portion of E Drake Drive between E Central Avenue and E Mill Street, and West of S Foisy Street and the reservation of utilities therein; and

WHEREAS, the real property street vacation will allow for future development of a commercial project, the applicant will be revitalizing the subject site in a manner that will enhance the physical and visual qualities of the subject site thereby enhancing the aesthetics of the surrounding commercial area; and

WHEREAS, the existing property will be transformed from vacant site into a development that meets City's commercial needs while satisfying the Development Code requirements; and

WHEREAS, on September 21, 2022, the Mayor and City Council authorized staff to proceed with an investigation and analysis to vacate the alley; and

WHEREAS, on October 27, 2022, notices were sent out to City Departments, San Bernardino County Fire, utility providers, including the Water Department, and residents within 1000 feet informing them of the proposed street vacation.

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

SECTION 1. The Mayor and City Council of San Bernardino, California hereby declare its intention to order the vacation of a portion of E Drake Drive between E Central Avenue and E Mill Street, and West of S Foisy Street and the reservation of utilities therein as described on the legal description attached hereto and incorporated as Exhibit "A" and depicted on the map attached hereto and incorporated herein as Exhibit "B".

SECTION 2. The Mayor and City Council of San Bernardino, California, in vacating the above-described portions of said streets, elects to proceed in accordance with the provisions of the "Public Streets, Highways and Service Easements Vacation Law", being Division 9, Part 3, of the Streets and Highways Code of the State of California.

SECTION 3. The hour of 7:00 p.m., on Wednesday, January 18, 2023, at 555 West 6th Street, San Bernardino, California, 92410, is fixed as the time and place when and where all

persons interested in or objecting to the proposed vacation areas may appear before the Mayor and City Council of San Bernardino, California, and offer evidence in relation hereto.

SECTION 4. The Mayor and City Council hereby direct the City Engineer of the City of San Bernardino to cause a Notice of Street Vacation to be posted as required by said “Public Streets, Highways and Service Easements Vacation Law.”

SECTION 5. The City Clerk shall certify the adoption of this Resolution of Intention and shall cause the same to be published once per week for two successive weeks in The Sun, a newspaper published and circulated in the City of San Bernardino, prior to the above date set forth for the public hearing.

SECTION 6. The Mayor and City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 7. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 8. 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 7th day of December 2022.

John Valdivia, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, 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. 2022-265, adopted at a regular meeting held on the 7th day of December 2022 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 _____ 2022.

Genoveva Rocha, CMC, City Clerk