



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: December 7, 2022

To: Honorable Mayor and City Council Members

From: Robert D. Field, City Manager;
Daniel Hernandez, Agency Director of Public Works,
Operations, and Maintenance

Department: Public Works

Subject: **Resolution Declaring Intent to Conduct Public Hearing to Order Street 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 (Ward 3)**

Recommendation:

Adopt Resolution No. 2022-265 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.

Background

Streets and Highways Code (SHC) section 8312, gives a city legislative body the power to vacate all or part of an alley and sets forth the procedures by which the power to vacate may be executed. The requested street vacation would be conducted under the General Vacation Procedures outlined in SHC sections 8320 through 8325. First, a legislative body may initiate proceedings either on its own initiative or upon a petition or request of an interested person or persons. The initiation of proceedings starts with fixing the date, hour, and place of the hearing, followed by publishing and posting of notices prior to the hearing. After the hearing, if the legislative body finds that the street described in the notice of hearing or petition is unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street. The street vacation is then recorded with the County Recorder's office.

A petition to vacate a portion of E Drake Drive was received on June 16, 2022, from Plehn Family, LLC. The stated reason for the petition to vacate this portion of E Drake Drive is to accommodate a new commercial development.

On September 21, 2022, the Mayor and City Council authorized staff to proceed with an investigation and analysis, as required by SHC, to vacate the street. 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 of the property informing them of the proposed street vacation. Staff has received a request from Frontier Communications to reserve easements. No additional responses from utilities or residential stakeholders were received.

Discussion

The Resolution will set the date, time, and place of the public hearing as January 18, 2023, at 7:00PM at 555 West 6th Street, San Bernardino, California, 92410, in the Council Chambers. At that time, interested parties may present comments or evidence to the Mayor and City Council regarding the proposed street vacation. The Resolution of Intention will also direct staff to publish notices of the public hearing in the newspaper, as well as posting notices along the proposed street vacation as required by the SHC sections 8322 and 8323.

Following the public hearing, staff will present, for the Mayor and City Council's consideration, a Resolution Ordering the Real Property Street Vacation 15-30-438, with reservation of utility easements therein, adopting a Categorical Exemption for the street vacation, and make a final order of vacation for the street as described in the Real Property Street Vacation.

The property vacation proceedings are not completed until the Resolution making the final order for Real Property Street Vacation 15.30-438 has been recorded with the San Bernardino County Recorder's office pursuant to SHC section 8325. Pursuant to SHC section 8324, the resolution of vacation may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation is not recorded until the conditions have been satisfied.

2021-2025 Strategic Targets and Goals

This project is consistent with Key Target No. 2d: Develop and implement a community engagement plan. Public hearings conducted in response to requests for street vacations provide an opportunity for surrounding property owners and members of the public to engage with the Mayor and City Council, provide input through public comments, and share in the discussion regarding vacating the public right of way.

Fiscal Impact

There is no fiscal impact associated with this action. The applicant has paid \$1,020.00 in fees.

Conclusion

Adopt Resolution No. 2022-265 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.

Attachments

Attachment 1 Resolution No. 2022-265
Attachment 2 Exhibit A – Legal Description
Attachment 3 Exhibit B – Plat Map
Attachment 4 Aerial Map

Ward:

Third Ward

Synopsis of Previous Council Actions:

September 21, 2022 The Mayor and City Council authorized staff to proceed with an investigation and analysis to vacate 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.