

**14. Resolution Declaring Intent to Conduct Public Hearing to Order Street Vacation (15.30-437) of a Portion of Harrist Street Between North I Street and J Street and South of West 9th Street, and Reservation of Utilities Therein (Ward 1)**

**Recommendation:**

Adopt Resolution No. 2024-008 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 Harris Street between North I Street and J Street and south of West 9th Street, and reservation of utilities therein.



## CONSENT CALENDAR

### City of San Bernardino Request for Council Action

**Date:** January 17, 2024

**To:** Honorable Mayor and City Council Members

**From:** Charles A. Montoya, City Manager;  
Mary E. Lanier, Interim Director of Community Development and Housing

**Department:** Community Development and Housing

**Subject:** **Resolution Declaring Intent to Conduct Public Hearing to Order Street Vacation (15.30-437) of a Portion of Harrist Street Between North I Street and J Street and South of West 9th Street, and Reservation of Utilities Therein (Ward 1)**

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#### **Executive Summary**

The recommended action will establish a Public Hearing date that is statutorily required to complete the street vacation process for a portion of Harris Street. The proposed street vacation will terminate this portion of public right of way and transfer ownership to the underlying property owner.

#### **Background**

Streets and Highways Code (SHC) Section 8312, gives a city legislative body the power to vacate all or part of an alley or street 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 Harris Street was received on June 7, 2021, from O&A Development, LLC, the owner of five parcels located at the northern termination of Harris Street, west of the 215 Freeway and south W 9th Street. (APNs: 0139-261-21, 0139-262-16, 0139-262-21, 0139-262-18, and 0139-262-22). The stated reason for the petition to vacate this portion of Harris Street is to complete a Lot Merger to accommodate the future development of the five individual parcels, making them contiguous. Vacating this portion of the unused street will adjoin split parcels, thus maximizing future development.

On September 6, 2023, the Mayor and City Council authorized staff to proceed with an investigation and analysis, as required by SHC, to vacate the street. On September 18, 2023, notices were sent out to City Departments, San Bernardino County Fire, and utility providers, including the Water Department, informing them of the proposed street vacation. Staff has received requests from the SoCal Gas Company, Southern California Edison, and the San Bernardino Municipal Water Department to reserve utility easements.

### **Discussion**

The Resolution will set the date, time, and place of the public hearing as March 6, 2024, at 7:00 p.m. at 555 West 6th Street, San Bernardino, California 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 and distributing notices to area stakeholders and residents located within 1,000 feet of 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 15.30-437, with reservation of utility easements therein, 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 15.30-437 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.

## **Environmental Determination**

The street vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)3, the common sense exemption, where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

## **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 portions of the public right of way

## **Fiscal Impact**

There is no fiscal impact associated with this action. The applicant has paid \$2,040 in fees.

## **Conclusion**

Adopt Resolution No. 2024-008 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 Harris Street between N I Street and J Street and south of W 9th Street, and reservation of utilities therein.

## **Attachments**

Attachment 1 - Resolution No. 2024-008

Attachment 2 - Exhibit A - Legal Description & Plat Map

Attachment 3 - Aerial Map

## **Ward:**

First Ward

## **Synopsis of Previous Council Actions:**

September 6, 2023

The Mayor and City Council authorized staff to proceed with an investigation and analysis for the proposed vacation of Harris Street.

**RESOLUTION NO. 2024-008**

**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  
HARRIS STREET BETWEEN NORTH I STREET AND J  
STREET AND SOUTH OF WEST 9<sup>TH</sup> STREET, AND  
RESERVATION OF UTILITIES THEREIN**

**WHEREAS**, the Public Works Department previously received a petition to vacate a portion of Harris Street between North I Street and J Street and south of W 9<sup>th</sup> Street and the reservation of utilities therein; and

**WHEREAS**, the real property street vacation will allow for future development of an industrial project, the applicant will be merging multiple parcels in a manner that will maximize the utility of the site for future development; and

**WHEREAS**, the existing properties will be merged to form one contiguous site that meets the City's industrial needs while satisfying the Development Code requirements; and

**WHEREAS**, on September 6, 2023, the Mayor and City Council authorized staff to proceed with an investigation and analysis to vacate this portion of Harris Street; and

**WHEREAS**, on September 18, 2023, notices were sent out to City Departments, San Bernardino County Fire, utility providers, including the Water Department, 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 Harris Street between North I Street and J Street and south of West 9<sup>th</sup> 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, March 6, 2024, at 555 West 6<sup>th</sup> 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 find this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)3, the common sense exemption, where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

**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 17<sup>th</sup> day of January 2024.

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Helen Tran, Mayor  
City of San Bernardino

Attest:

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Genoveva Rocha, CMC, City Clerk

Approved as to form:

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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. 2024-008, adopted at a regular meeting held on the 17<sup>th</sup> day of January 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 \_\_\_\_\_ 2024.

\_\_\_\_\_  
Genoveva Rocha, CMC, City Clerk

## Exhibit 'A'

### Harris Street Vacation

THAT PORTION OF LOT 17 AND LOT 18 OF BLOCK 18 OF RANCHO SAN BERNARDINO, IN THE CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 7 PAGE 2 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF LAND GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED MARCH 28, 1957, IN BOOK 4191, PAGE 7, OFFICIAL RECORDS OF SAID COUNTY;

THENCE ALONG THE SOUTH LINE OF SAID LAND GRANTED TO THE STATE OF CALIFORNIA, NORTH 89°41'04" EAST, 66.31 FEET TO A POINT IN THE WEST LINE OF HARRIS STREET, AS SHOWN ON A RECORD OF SURVEY RECORDED IN BOOK 169, PAGES 41 THROUGH 49 ON THE OFFICE OF SAID COUNTY RECORDER TO THE **TRUE POINT OF BEGINNING**;

THENCE ALONG SAID LAST MENTIONED WEST LINE, NORTH 0°24'48" WEST, 236.16 FEET TO A POINT IN THE SOUTH LINE OF 9<sup>TH</sup> STREET AS SHOWN ON SAID LAST MENTIONED RECORD OF SURVEY;

THENCE ALONG SAID LAST MENTIONED LINE, SOUTH 80°08'35" EAST, 20.33 FEET TO A POINT BEING PARALLEL WITH AND 20.00 FEET EAST OF THE WEST LINE OF SAID LAST MENTIONED HARRIS STREET;

THENCE ALONG SAID LAST MENTIONED LINE, SOUTH 0°24'48" EAST, 107.27 FEET;

THENCE LEAVING SAID LAST MENTIONED LINE, NORTH 89°41'04" EAST, 67.93 FEET;

THENCE SOUTH 0°24'48" EAST, 75.29 FEET;

THENCE SOUTH 89°41'17" WEST, 47.93 FEET TO A POINT LYING ON A LINE PARALLEL WITH AND 40.00 FEET EAST OF SAID LAST MENTIONED WEST LINE OF HARRIS STREET;

THENCE ALONG SAID LAST MENTIONED LINE, SOUTH 0°24'48" EAST 50.00 FEET TO A POINT IN THE EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LAND GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED MARCH 28, 1957, IN BOOK 4191, PAGE 7, OFFICIAL RECORDS,

THENCE ALONG SAID LAST MENTIONED EASTERLY PROLONGATION OF THE SOUTH LINE, SOUTH 89°41'04" WEST, 40.00 FEET TO THE **POINT OF BEGINNING**

PREPARED BY:

L.E.H. & ASSOCIATES



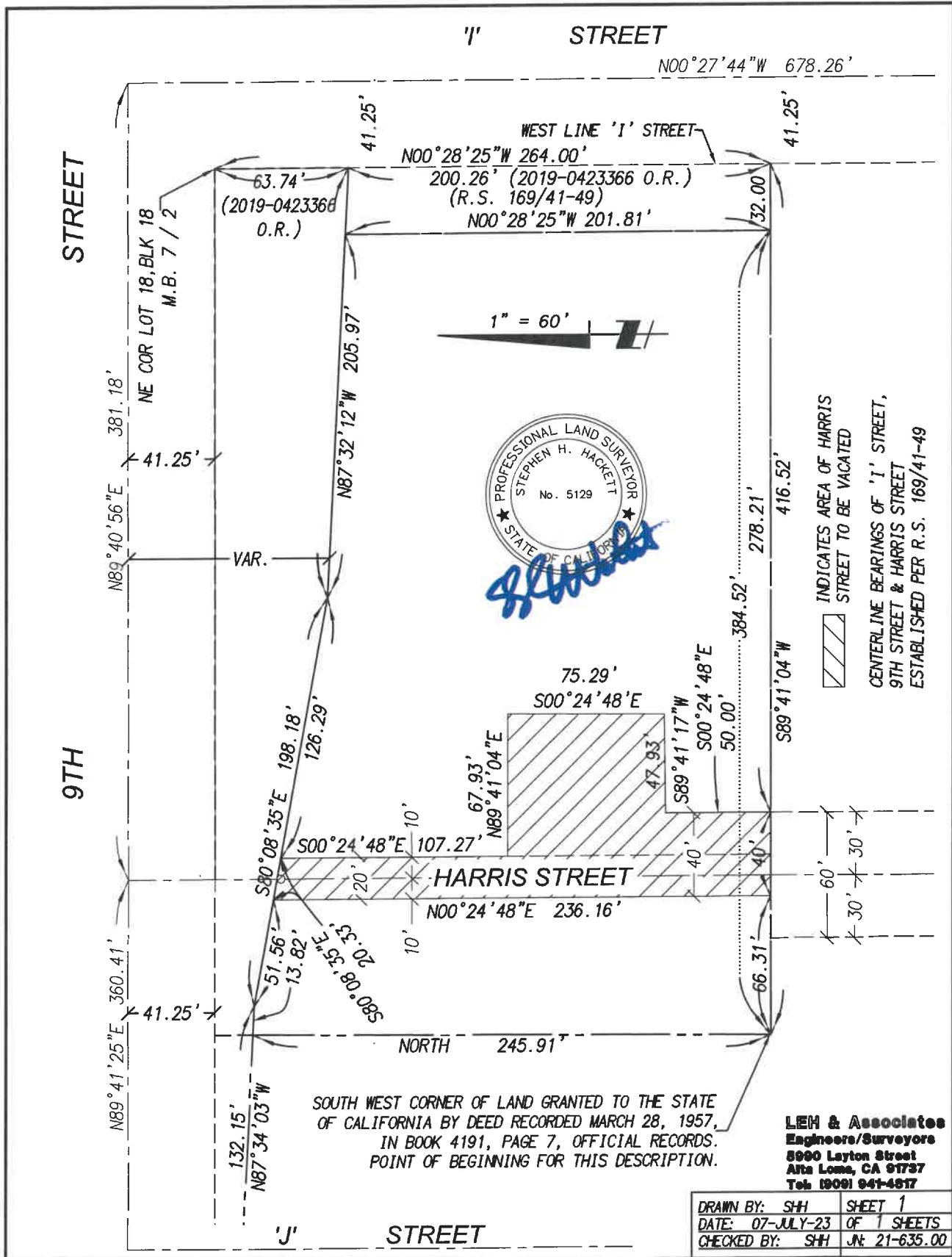
STEPHEN H. HACKETT

7 June 2023





# EXHIBIT 'B'



L.E.H. & Associates  
 Closure Report  
 Date: 07/07/2023 at 9:11 AM  
 Project: 21-635.10  
 Description: HARRIS STREET VACATION  
 Created by: LEH & Associates

Traverse of: Lot 1 - STREET VACATION

Bearing	Distance	Northing	Easting
	Starting at	4786.5257	4461.1216
N 00 23 16 W	236.16' to	5022.6802	4459.5233
S 80 07 08 E	20.33' to	5019.1915	4479.5517
S 00 23 16 E	107.24' to	4911.9540	4480.2775
N 89 43 08 E	67.93' to	4912.2873	4548.2067
S 00 01 27 W	74.77' to	4837.5173	4548.1752
S 89 04 04 W	47.39' to	4836.7463	4500.7915
S 00 23 16 E	50.00' to	4786.7474	4501.1299
S 89 41 04 W	40.00' to	4786.5271	4461.1305

Error of closure      North = 0.00145185      East = 0.00882189  
                                  Bearing      S 80 39 16 W      Distance = 0.0089  
                                  Area = 10,769.12 SF      0.25 AC  
                                  Perimeter = 643.82'      Precision = 1 : 72011

# Real Property Street Vacation No. 15.30-437

