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RESOLUTION NO. R-28-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA TO SUMMARILY VACATE A PORTION OF EXCESS RIGHT-OF-WAY ALONG THE WEST SIDE OF OLD VALLEY BOULEVARD AT PEPPER AVENUE PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8330, ET SEQ.

WHEREAS, the California Streets and Highways Code provides that an excess right-of-way of a street or highway may be summarily vacated if certain conditions are met; and

WHEREAS, the City of Colton ("City") holds a right-of-way for street and public utility purposes over, under and upon that portion of Old Valley Boulevard between Pepper Avenue and the new Valley Boulevard which is southwest of the realigned intersection of Valley Boulevard and Pepper Avenue (hereinafter references as "Portion of Valley Boulevard"); and

WHEREAS, the realignment and intersection project for Valley Boulevard and Pepper Avenue, and a later exchange of properties, between the County of San Bernardino and the City, created pieces of island (remnant) parcels; and

WHEREAS, the Portion of Valley Boulevard, west of Pepper Avenue, has not been vacated and is owned by the City in fee title; and

WHEREAS, on August 4, 2015, the City Council approved a Disposition and Development Agreement ("DDA") between the City and a developer for the sale of a Portion of Valley Boulevard to developer for redevelopment and economic development purposes; and

WHEREAS, pursuant to the DDA, the City is required to summarily vacate the Portion of Valley Boulevard in fulfillment of a 1998 Land Exchange Agreement entered into by the City and County of San Bernardino for the Pepper Avenue and Valley Boulevard Realignment Project; and

WHEREAS, the excess right-of-way described herein is not required for street or highway purposes; and

1 **WHEREAS**, this summary vacation is made pursuant to the California Streets and
2 Highways Code, Division 9, Part 3 (sections 8300 et seq.), Chapter 4 – Summary Vacation;
3 and

4 **WHEREAS**, all other legal prerequisites to the adoption of this Resolution have
5 occurred.

6 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON DOES**
7 **HEREBY RESOLVE AS FOLLOWS:**

8 **SECTION 1. Incorporation of Recitals.** The City Council hereby finds and
9 determines that the recitals of this Resolution are true and correct and are hereby
10 incorporated into this Resolution.

11 **SECTION 2. Findings.** The City Council further finds that:

12 (a) The subject excess right-of-way to be vacated is not required for present or
13 prospective public use, either for street or highway purposes or for any other public circulation
14 use such as pedestrian, bikeway, or other non-motorized transportation access.

15 (b) The subject excess right-of-way has not been used for the purpose for which it
16 was acquired.

17 (c) The excess right-of-way to be vacated does not contain active public utility
18 facilities.

19 (d) Those properties adjoining the excess right-of-way to be vacated will continue
20 to have access.

21 (e) This summary vacation is consistent with the City's General Plan since the
22 current General Plan and the proposed amended General Plan do not show a proposed
23 roadway where the excess right-of-way is located.

24 (f) The public street system for which the excess right-of-way was originally
25 acquired will not be detrimentally affected by this vacation.

26 (g) The legal description and plat map are technically correct and in compliance
27 with the aforementioned sections of the California Streets and Highways Code and other
28 applicable State and local laws.

SECTION 3. Order of Vacation. The City Council, under the authority vested in it by
the California Streets and Highways Code, hereby orders the vacation of the excess right-of-
way described herein as that portion of excess right-of-way along the west side of Valley
Boulevard, which is located southwest of the realigned intersection of Valley Boulevard and
Pepper Avenue, referenced herein as the Portion of Valley Boulevard, which location is more
particularly described in Exhibit "A" and which is attached hereto and incorporated herein by
this reference. Describe in Exhibit "B" and attached hereto and incorporated herein by this
reference is reciprocal access easement retained by the City.

SECTION 4. Certification, Recordation and Retention. The City Clerk shall cause
a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded
without acknowledgment, certificate of acknowledgment, or further proof, in the office of the
San Bernardino County Recorder. Pursuant to California Streets and Highways Code section
8336, no fee shall be charged for such recordation. The City Clerk shall permanently maintain
a true and correct copy of this Resolution.

EXHIBIT "A"

**LEGAL DESCRIPTION AND DEPICTION
OF THE PORTION OF VALLEY BOULEVARD**

[ATTACHED BEHIND THIS PAGE]

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**EXHIBIT A-3
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Pepper Plaza)**

**City Parcel Legal Description
(Portion of Old Valley Boulevard Right-of-Way))**

That portion of Lot 216 according to Map of Town of Rialto as per Plat recorded in Book 4 , Page 11, of Maps, records of San Bernardino County, described as follows:

Commencing at the centerline intersection of Valley Boulevard and Pepper Avenue as shown on Record of Survey, Book 50, Page 88, said point being on a curve concave southwesterly having a radius of 6655.27 feet, a radial line through said point bears North 12° 08' 55" East; Thence westerly 147.23 feet along said curve through a central angle of 1° 16' 03" to the **True Point of Beginnig** on a curve concave east having a radius of 1718.42 feet, a radial line through said point bears North 88° 02' 11" West, said curve being concentric and 78.00 feet west from the centerline of Pepper Avenue Improvements as shown on Exhibit "C" of deed to the County of San Bernardino recorded October 22, 1997, as document No. 19970386485, Official Records of said County; Thence south 35.98 feet through a central angle of 1° 11' 59" to a point on the northerly production of a line having a bearing and distance of North 11° 30' 00" east 48.17 feet in a Deed granted to the State of California recorded August 19, 1960 in Book 5237, Page 549, of Official Records of said County; Thence south along said produced line, South 11° 32' 20" West 64.35 feet to the northerly line of said Deed granted to the State of California in Book 5237, Page 549, of Official Records, said point being on a curve concave southwesterly having a radius of 6900.00 feet, a radial line through said point bears North 10° 59' 34" East; Thence westerly 11.60 feet along said curve through a central angle of 0° 05' 47" to a point on a line parallel with and 170 feet west from the centerline of said Pepper Avenue; Thence north along said parallel line, North 0° 26' 30" West 45.69 feet to a point on a curve concave southwesterly having a radius of 6900.27 feet, said curve being concentric and 55.00 feet south from the centerline of said Valley Boulevard, as shown on said Record of Survey. a radial line through said point bears, North 10° 44' 52" East; Thence westerly 173.36 feet along said curve through a central angle of 1° 30' 18" to a point on a line having a bearing of North 0° 25' 38" West as shown on Parcel Map No. 698, Book 7, Page 13, of Parcel maps, records of San Bernardino County; Thence north along the northerly production a said line, North 0° 25' 33" West 55.79 feet to the centerline of said Valley Boulevard, said centerline being a curve concave southwesterly having a radius of 6655.27 feet, a radial line through said point bears North 9° 09' 44" East; Thence westerly 102.23 feet along said curve through a central angle of 0° 52' 48" to a point on a radial line having a bearing of North 8° 16' 56" East; Thence north along said radial line, North 8° 16' 56" East 11.70 feet to a point on a concentric curve and 11.70 feet north from the centerline of said Valley Boulevard; Thence westerly 10.20 feet along said curve through a central angle of 0° 05' 16" to a reverse curve concave northeasterly having a bearing of 22.00 feet; Thence northwesterly 30.52 feet through a central angle of 79° 28' 45' to a non-tangent line; Thence northeasterly along said non-

tangent line, North 61° 46' 52" East 5.01 feet to an angle point; Thence North 18° 10' 37" East 8.05 feet to an angle point; Thence North 26° 19' 43" West 1.88 feet to the cusp of a curve concave northwesterly having a radius of 919.00 feet, a radial line through said point bears South 22° 14' 45" East, said curve being concentric and 69.00 feet south from the centerline of Valley Boulevard Realignment as said centerline is described in deed to the County of San Bernardino, recorded October 22, 1997, in Document No. 19970386485, Official Records of said County; Thence northeasterly 21.86 feet through a central angle of 1° 21' 47" to a non tangent line, a radial line through said point bears South 23° 36' 31" East; Thence North 80° 51' 47" East 5.27 feet to the cusp of a curve concave southwesterly having a radius of 6710.27 feet, said curve being concentric and 55.00 feet north from the centerline of Valley Boulevard as shown on said Record of Survey, a radial line through said point bears North 08° 14' 59" East; Thence easterly 278.58 feet through a central angle of 2° 22' 43" to a reverse curve having a radius of 50.00 feet, said curve being on the south line of that parcel described in Resolution of the Board of Supervisors of said County, recorded October 4, 1966, in Book 6707, page 95, Official Records; Thence northeasterly 22.01 feet through a central angle of 25° 13' 04" to a point on a curve concave east having a radius of 1718.42 feet, said curve being concentric and 78.00 feet west from the centerline of Pepper Avenue Improvements as shown on Exhibit "C" of deed to the County of San Bernardino recorded October 22, 1997, as document No. 19970386485, Official Records of said County, a radial line through said point bears North 86° 01' 24" West; Thence south 60.37 feet along said curve through a central angle of 2° 00' 46" to the **True Point of Beginning**.

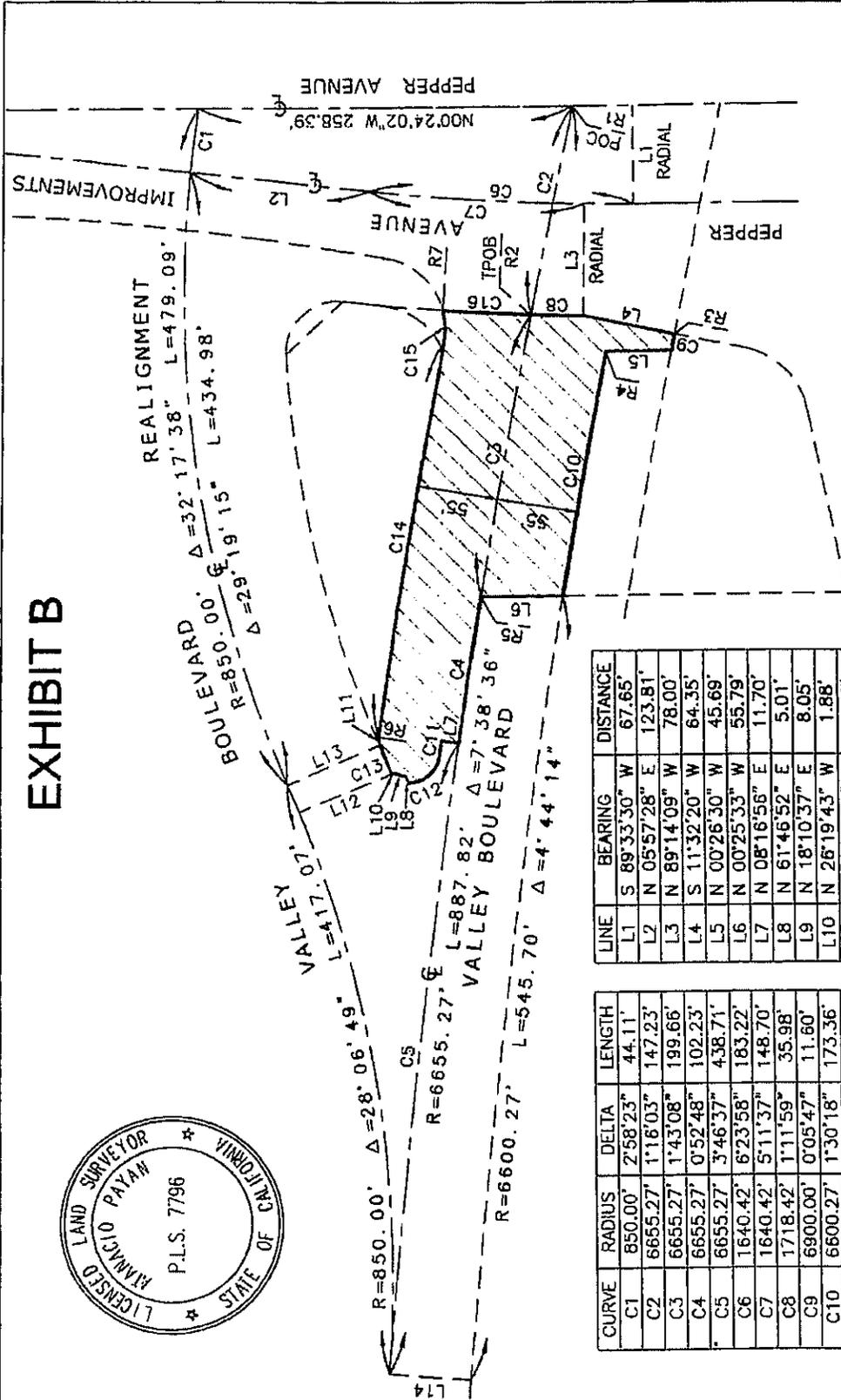
Containing 29,152 Square Feet (0.669 acres), more or less.

Atanacio Payan

Atanacio Payan, PLS 7796
My registration expires 12/31/2015
Date: December 11, 2014



EXHIBIT B



LINE	BEARING	DISTANCE
L1	S 89°33'30" W	67.65'
L2	N 05°57'28" E	123.81'
L3	N 89°14'09" W	78.00'
L4	S 11°32'20" W	64.35'
L5	N 00°26'30" W	45.69'
L6	N 00°25'33" W	55.79'
L7	N 08°16'56" E	11.70'
L8	N 61°46'52" E	5.01'
L9	N 18°10'37" E	8.05'
L10	N 26°19'43" W	1.88'
L11	N 80°51'47" E	5.27'
L12	N 22°14'45" W	69.00'
L13	N 23°36'31" W	69.00'
L14	N 04°30'18" E	55.00'
R1	N 12°08'55" E	
R2	N 88°02'11" W	
R3	N 10°59'34" E	
R4	N 10°44'52" E	
R5	N 09°09'44" E	
R6	N 08°14'59" E	
R7	N 86°01'24" W	

CURVE	RADIUS	DELTA	LENGTH
C1	850.00'	2°58'23"	44.11'
C2	6655.27'	1°16'03"	147.23'
C3	6655.27'	1°43'08"	199.66'
C4	6655.27'	0°52'48"	102.23'
C5	6655.27'	3°46'37"	438.71'
C6	1640.42'	6°23'58"	183.22'
C7	1640.42'	5°11'37"	148.70'
C8	1718.42'	1°11'59"	35.98'
C9	6900.00'	0°05'47"	11.60'
C10	6600.27'	1°30'18"	173.36'
C11	6666.97'	0°05'16"	10.20'
C12	22.00'	79°28'45"	30.52'
C13	919.00'	1°21'47"	21.86'
C14	6710.27'	2°22'45"	278.56'
C15	50.00'	25°13'04"	22.01'
C16	1718.42'	2°00'46"	60.37'

**EXHIBIT A-3
TO
DISPOSITION AND DEVELOPMENT AGREEMENT
(Pepper Plaza)**

**City Parcel Legal Description
(Portion of Old Valley Boulevard & Pepper Avenue Right-of-Way))**

That portion of Lot 216 according to Map of Town of Rialto as per Plat recorded in Book 4, Page 11, of Maps, records of San Bernardino County, described as follows:

Commencing at the centerline intersection of Valley Boulevard and Pepper Avenue as shown on Record of Survey, Book 50, Page 88, said point being on a curve concave southwesterly having a radius of 6655.27 feet, a radial line through said point bears North 12° 08' 55" East; Thence westerly 147.23 feet along said curve through a central angle of 1° 16' 03" to a point on a curve concave east having a radius of 1718.42 feet, a radial line through said point bears North 88° 02' 11" West, said curve being concentric and 78.00 feet west from the centerline of Pepper Avenue Improvements as shown on Exhibit "C" of deed to the County of San Bernardino recorded October 22, 1997, as document No. 19970386485, Official Records of said County; Thence north 60.37 feet through a central angle of 2° 00' 46" to the cusp of a curve concave north having a radius of 50 feet, said curve being on the south line of that parcel described in Resolution of the Board of Supervisors of said County, recorded October 4, 1966, in Book 6707, page 95, Official Records, a radial line through said point bears, North 14° 35' 22" West, and to the **True Point of Beginning** ; Thence westerly 22.01 feet along said curve through a central angle of 25° 13' 04" to a reverse curve having a radius of 6710.27 feet, said curve being concentric and 55.00 feet north from the centerline of Valley Boulevard as shown on said Record of Survey; Thence westerly 5.26 feet through a central angle of 0° 02' 42" to the cusp of a curve concave northwesterly having a radius of 53.62 feet, said curve being on the southeasterly line of that parcel described in deed to the County of San Bernardino recorded November 25, 2003 as document number 2003-0881026, Official Records, a radial line through said point bears South 25° 09' 56" East; Thence northeasterly 55.59 feet along said curve through a central angle of 59° 23' 49" to the cusp of a curve concave east having a radius of 1718.42 feet, a radial line through said point bears North 84° 33' 45" West, said curve being concentric and 78.00 feet west from the centerline of Pepper Avenue Improvements as shown on Exhibit "C" of deed to the County of San Bernardino recorded October 22, 1997, as document No. 19970386485, Official Records of said County; Thence south 43.81 feet through a central angle of 1° 27' 39" to the **True Point of Beginning**.

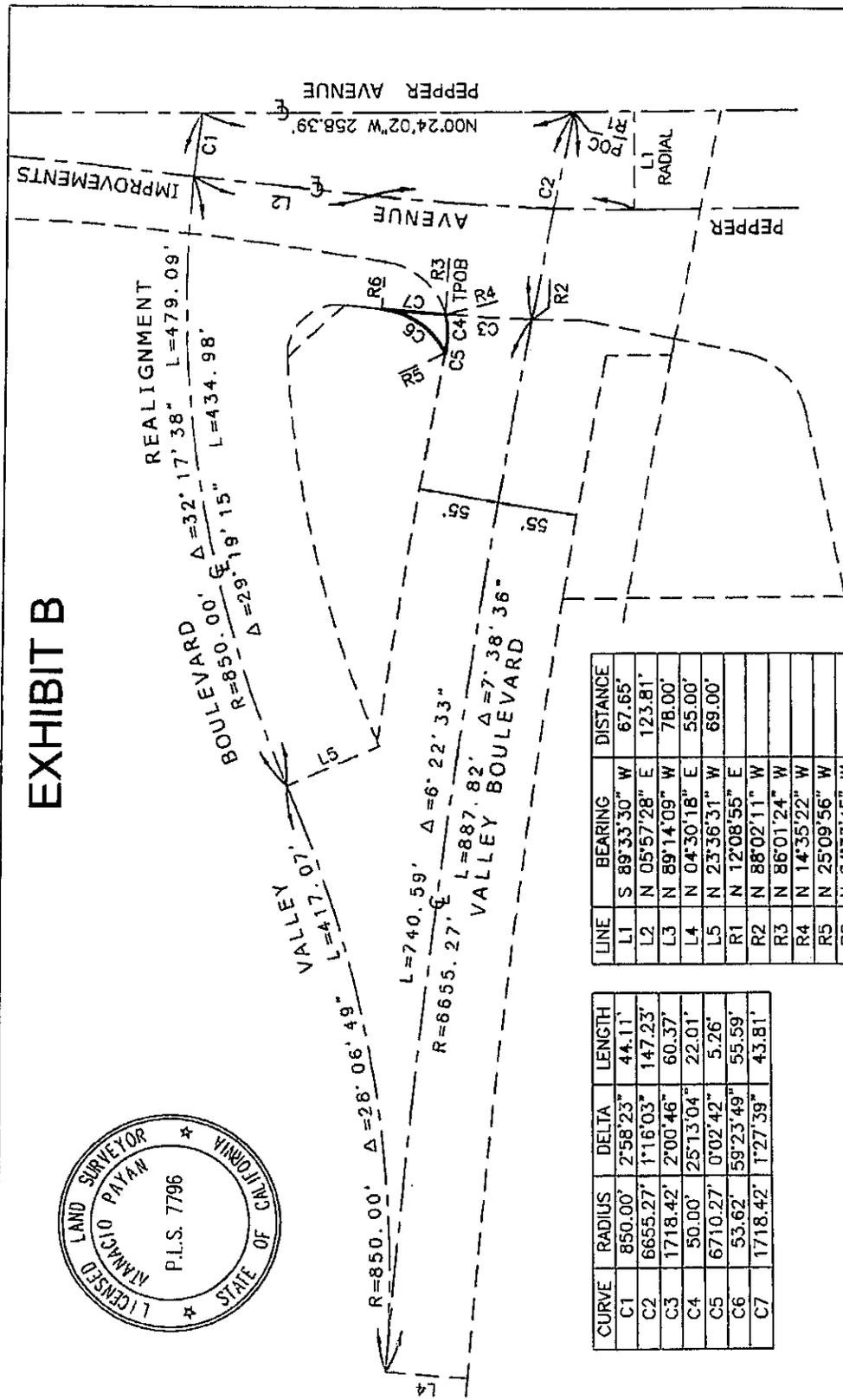
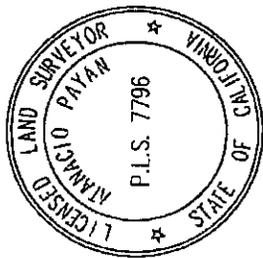
Containing 363 Square Feet (0.008 acres), more or less.

Atanacio Payan

Atanacio Payan, PLS 7796
My registration expires 12/31/2015
Date: December 11, 2014



EXHIBIT B



LINE	BEARING	DISTANCE
L1	S 89°33'30" W	67.65'
L2	N 05°57'28" E	123.81'
L3	N 89°14'09" W	78.00'
L4	N 04°30'18" E	55.00'
L5	N 23°36'31" W	69.00'
R1	N 12°08'55" E	
R2	N 88°02'11" W	
R3	N 86°01'24" W	
R4	N 14°35'22" W	
R5	N 25°09'56" W	
R6	N 84°33'45" W	

CURVE	RADIUS	DELTA	LENGTH
C1	850.00'	2°58'23"	44.11'
C2	6655.27'	1°16'03"	147.23'
C3	1718.42'	2°00'46"	60.37'
C4	50.00'	25°13'04"	22.01'
C5	6710.27'	0°02'42"	5.26'
C6	53.62'	59°23'49"	55.59'
C7	1718.42'	1°27'39"	43.81'

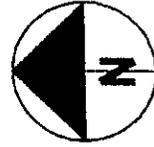


EXHIBIT "B"

**LEGAL DESCRIPTION AND DEPICTION
OF THE ACCESS EASEMENT RETAINED BY THE CITY**

[ATTACHED BEHIND THIS PAGE]

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EXHIBIT "A"

That portion of Lot 216 according to Map of Town of Rialto, in the City of Colton, County of San Bernardino, State of California, as per plat recorded in Book 4, Page 11 of Maps, records of San Bernardino County, described as follows:

Commencing at the centerline intersection of Valley Boulevard and Pepper Avenue as shown on Record of Survey, Book 50, Page 88, said point being on a curve concave Southwesterly having a radius of 6655.27 feet, a radial line through said point bears North $12^{\circ} 08' 55''$ East;

Thence Westerly 147.13 feet along said curve through a central angle of $1^{\circ} 16' 00''$ to a point on a curve concave East having a radius of 1718.42 feet, a radial line through said point bears North $87^{\circ} 48' 05''$ West, said curve being concentric and 78.00 feet West from the centerline of Pepper Avenue Improvements as shown on Exhibit "C" of deed to the County of San Bernardino recorded October 22, 1997 as Instrument No. 19970386485 of Official Records of said County;

Thence northerly 27.98 feet along said curve through a central angle of $0^{\circ} 55' 58''$ to the **TRUE POINT OF BEGINNING**;

Thence on a non-tangent line South $64^{\circ} 53' 18''$ West 25.05 feet to the beginning of a non-tangent curve concave to the north having as radius of 286.96 feet and to which beginning a radial line bears South $27^{\circ} 12' 16''$ East;

Thence southwesterly and westerly 180.27 feet along said curve through a central angle of $35^{\circ} 59' 40''$;

Thence on a non-tangent line North $00^{\circ} 19' 32''$ West 43.35 feet to the beginning of a non-tangent curve concave to the north having a radius of 336.32 feet and to which beginning a radial line bears South $13^{\circ} 38' 54''$ West;

Thence easterly 202.40 feet along said curve through a central angle of $34^{\circ} 28' 53''$ to a point on a curve concave East having a radius of 1718.42 feet, a radial line through said point bears North $86^{\circ} 18' 22''$ West, said curve being concentric and 78.00 feet West from the centerline of Pepper Avenue Improvements as shown on Exhibit "C" of deed to the County of San Bernardino recorded October 22, 1997 as Instrument No. 19970386485 of Official Records of said County;

Thence south 16.87 feet along said curve through a central angle of $0^{\circ} 33' 45''$ to the **TRUE POINT OF BEGINNING**.

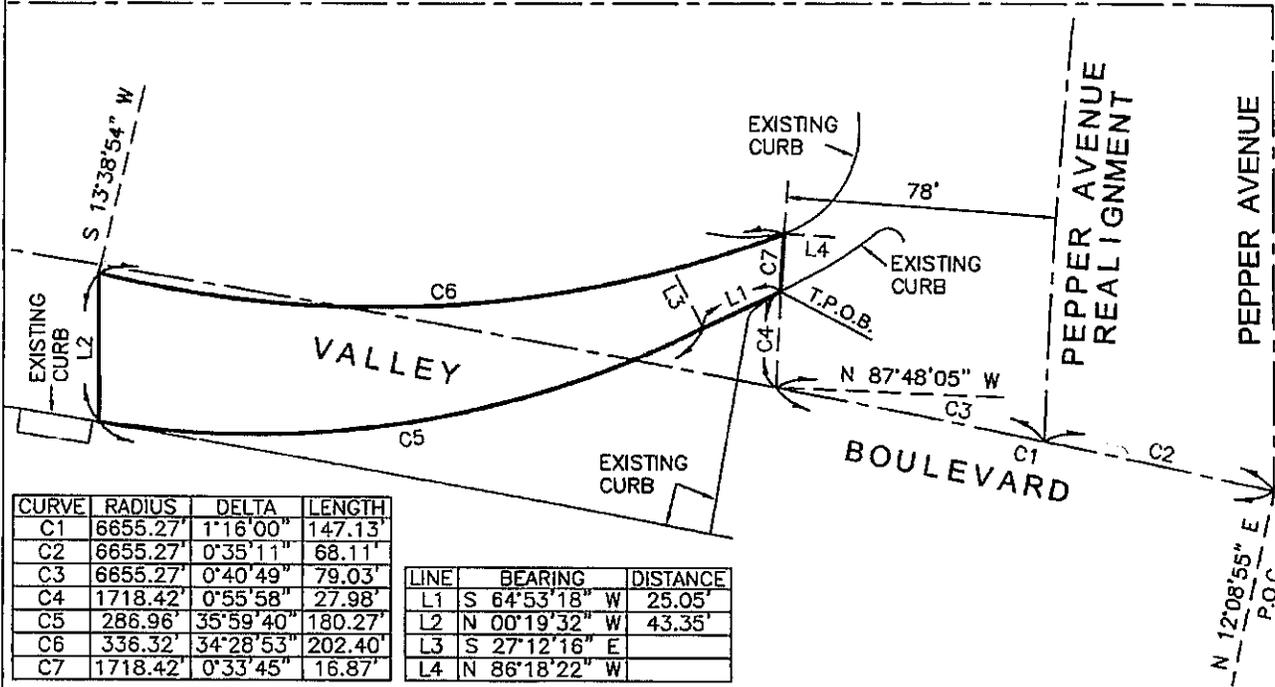
Containing 0.14 acres, more or less.


Atanacio Payan, PLS 7796
My registration expires 12/31/2017
Date: 4-11-2016



EXHIBIT "B"

COLTON AVENUE



CURVE	RADIUS	DELTA	LENGTH
C1	6655.27'	1°16'00"	147.13'
C2	6655.27'	0°35'11"	68.11'
C3	6655.27'	0°40'49"	79.03'
C4	1718.42'	0°55'58"	27.98'
C5	286.96'	35°59'40"	180.27'
C6	336.32'	34°28'53"	202.40'
C7	1718.42'	0°33'45"	16.87'

LINE	BEARING	DISTANCE
L1	S 64°53'18" W	25.05'
L2	N 00°19'32" W	43.35'
L3	S 27°12'16" E	
L4	N 86°18'22" W	



SCALE 1" = 50'

Atanacio Payan

ATANACIO PAYAN

DATE: 4-11-2016

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF COLTON)

4 CERTIFICATION

5 I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do hereby
6 certify that the foregoing is a full, true and correct copy of **RESOLUTION NO. R-28-16**,
7 duly adopted by the City Council of said City, and approved by the Mayor of said City, at its
8 Regular Meeting of said City Council held on the **19th day of April, 2016**, and that it was
9 adopted by the following vote, to wit:

10 AYES: COUNCILMEMBER Toro, Navarro, González, Bennett, Suchil
11 and Mayor DeLaRosa
12 NOES: COUNCILMEMBER None
13 ABSTAIN: COUNCILMEMBER None
14 ABSENT: COUNCILMEMBER Jorin

15
16 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
17 of the City of Colton, California, this _____ day of _____, 20__.

18
19
20
21 _____
22 CAROLINA R. PADILLA
23 City Clerk
24 City of Colton

25 (SEAL)
26
27
28