



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** February 12, 2013

From: Brad Miller, Town Engineer **Item No:** 6
Engineering

Subject: REQUEST TO VACATE AN EMERGENCY ACCESS EASEMENT ON
PARCEL 3 OF PARCEL MAP 12818

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

That the Town Council:

1. Find that the emergency access easement located on the Parcel 3 as shown on Parcel Map 12818, has not been used for the purpose for which it was dedicated for five consecutive years immediately preceding the proposed vacation;
2. Adopt Resolution No. 2013-07 "A Resolution of the Town Council of the Town of Apple Valley, California, vacating the emergency access easement on Parcel 3, Parcel Map 12818, pursuant to the Streets and Highways Code Section 8333 (a)";
3. Instruct the Town Clerk to cause the Resolution vacating the emergency access easement to be recorded in the office of the County Recorder of the County of San Bernardino, pursuant to Section 8336 of the Streets and Highways Code.

SUMMARY:

Staff received a request from Mr. Clyde Hedgeman, to vacate an emergency access easement along his easterly and northerly boundary of his residential lot. The easement has not been used for the purpose of emergency access since the lot was created in 1990.

BACKGROUND:

The subject easement is located on parcel 3 as shown on Parcel Map 12818. The easement was created in 1990, and has never been utilize as an emergency access road nor is required to be a future emergency access per the Town's Circulation Element of the General Plan. On January 16, 2013, the Planning Commission adopted Planning Commission Resolution No. 2013-001 which recommends to the Town Council that the requested easement vacation of the emergency access easement is consistent with the goals and policies of the Town's General Plan. The area of the proposed easement vacation is shown on the attached "Exhibit B" with the accompanying resolution. The easement may be summarily vacated under the provisions of Section 8333 (a) of the Streets and Highways Code:

“(a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.”

As a result, no posting, advertising or public hearing is necessary. Once the Council adopts the resolution vacating the easement, the Town Clerk will record the resolution of vacation. After the resolution is recorded, the vacation is complete. The applicant has paid the required fees for processing this vacation. There is no financial impact to the Town.

FISCAL IMPACT:

The applicant has paid the required fees for processing this vacation. There is no financial impact to the Town.



RESOLUTION NO. 2013-07

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, VACATING THE EMERGENCY ACCESS EASEMENT AT PARCEL 3, OF PARCEL MAP 12818, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 8333 (a)

THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the Town Council of the Town of Apple Valley, California, intends to vacate an emergency access easement lying on the easterly and northerly portion of Parcels 3 of Parcel Map No. 12818, recorded in Book 163 of Maps, pages 11 and 12, Official Records, San Bernardino County, State of California; and

WHEREAS, the Town Council of the Town of Apple Valley now finds that it is now in the public interest that said emergency access easement be vacated, and the easement has not been used for the purpose for which it was dedicated for five consecutive years immediately preceding the proposed vacation, it hereby meets the requirements of section 8333(a) of the Streets and Highways Code;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DOES RESOLVE AND ORDER AS FOLLOWS:

Section 1: That pursuant to the Public Streets, Highways and Service Easements Vacation Law, Division 9, Part 3 Chapter 4, (Summary Vacation), California Streets and Highways Code beginning at section 8300, relating to the vacation of public streets, highways, and service easements, the following described easement for emergency access purposes is hereby vacated:

"20' wide easement to the Town of Apple Valley for emergency vehicles access purposes" as shown on Parcel 3 of Parcel Map 12818, recorded in Book 163 pages 11 and 12, Official Records, San Bernardino County, State of California;

Also see attached Exhibit "B"
attached hereto and made a part hereof

Affects Assessor's Parcel: 3087-201-20

Section 2: The Town Clerk shall record this Resolution of Vacation pursuant to Streets and Highways Code section 8336.

Section 3: That from and after the date this Resolution is recorded, said emergency access easement shall no longer constitute an easement for emergency access purposes on Parcel 3 of Parcel Map 12818 hereinabove described.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, the Town shall be deemed to have adopted this resolution without such section.

APPROVED and **ADOPTED** this 12th day of February 2013.

Curt Emick, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

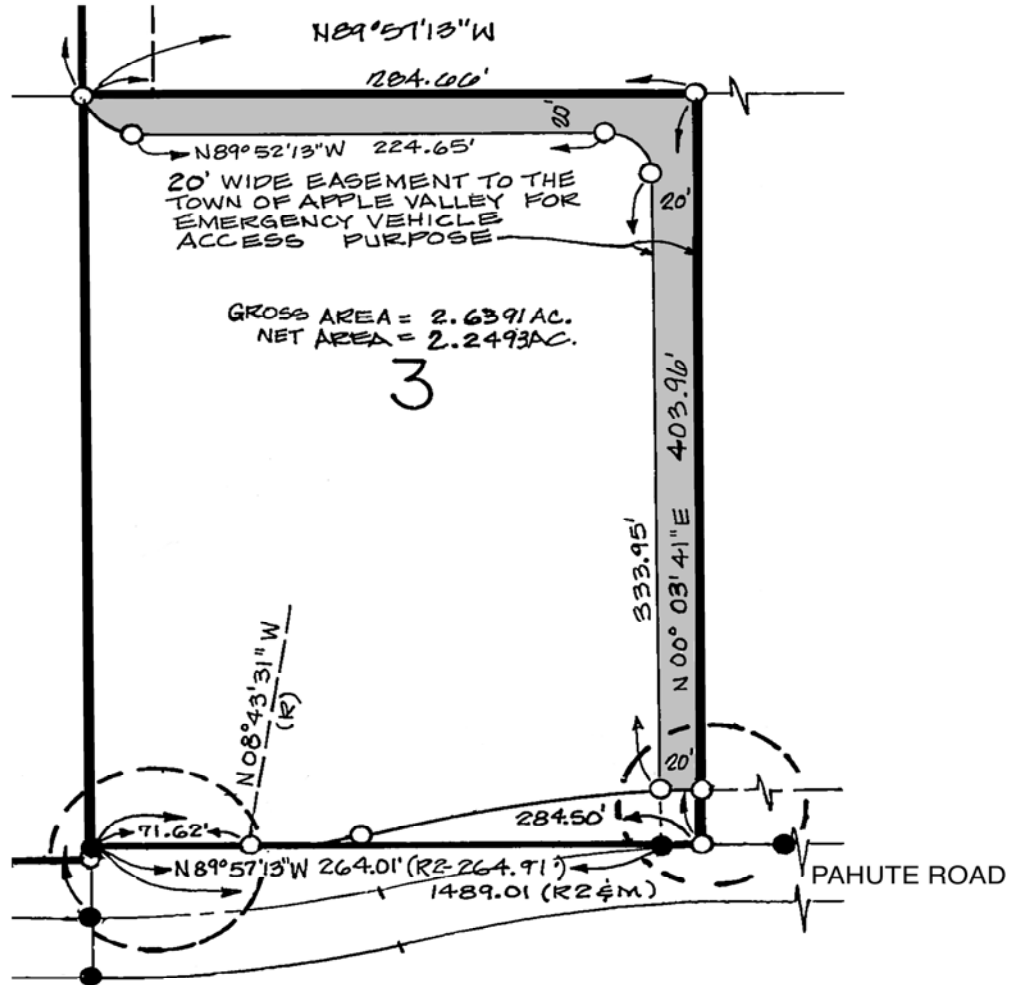
EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Parcel 3 of Parcel Map 12818

APN: 3087-201-20



Proposed Vacation