



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: February 10, 2015

From: Brad Miller, Town Engineer Item No: 5
Engineering Department

Subject: REQUEST TO VACATE A ROAD EASEMENT ON PARCEL MAP 5649

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

RECOMMENDED ACTION:

That the Town Council:

1. Find that road easement as shown on Parcel Map 5649, has not been used for the purpose for which it was dedicated for five (5) consecutive years immediately preceding the proposed vacation;
2. Adopt Resolution No. 2015-05, "A Resolution of the Town Council of the Town of Apple Valley, California, vacating the road easement on Parcel Map 5649, pursuant to the Streets and Highways Code Section 8333 (a)";
3. Instruct the Town Clerk to cause the Resolution vacating the road 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. Derrick Sandwick, to vacate a road easement along the westerly boundary of his property. The easement has never been used for road purposes since the easement was dedicated on the parcel map.

BACKGROUND:

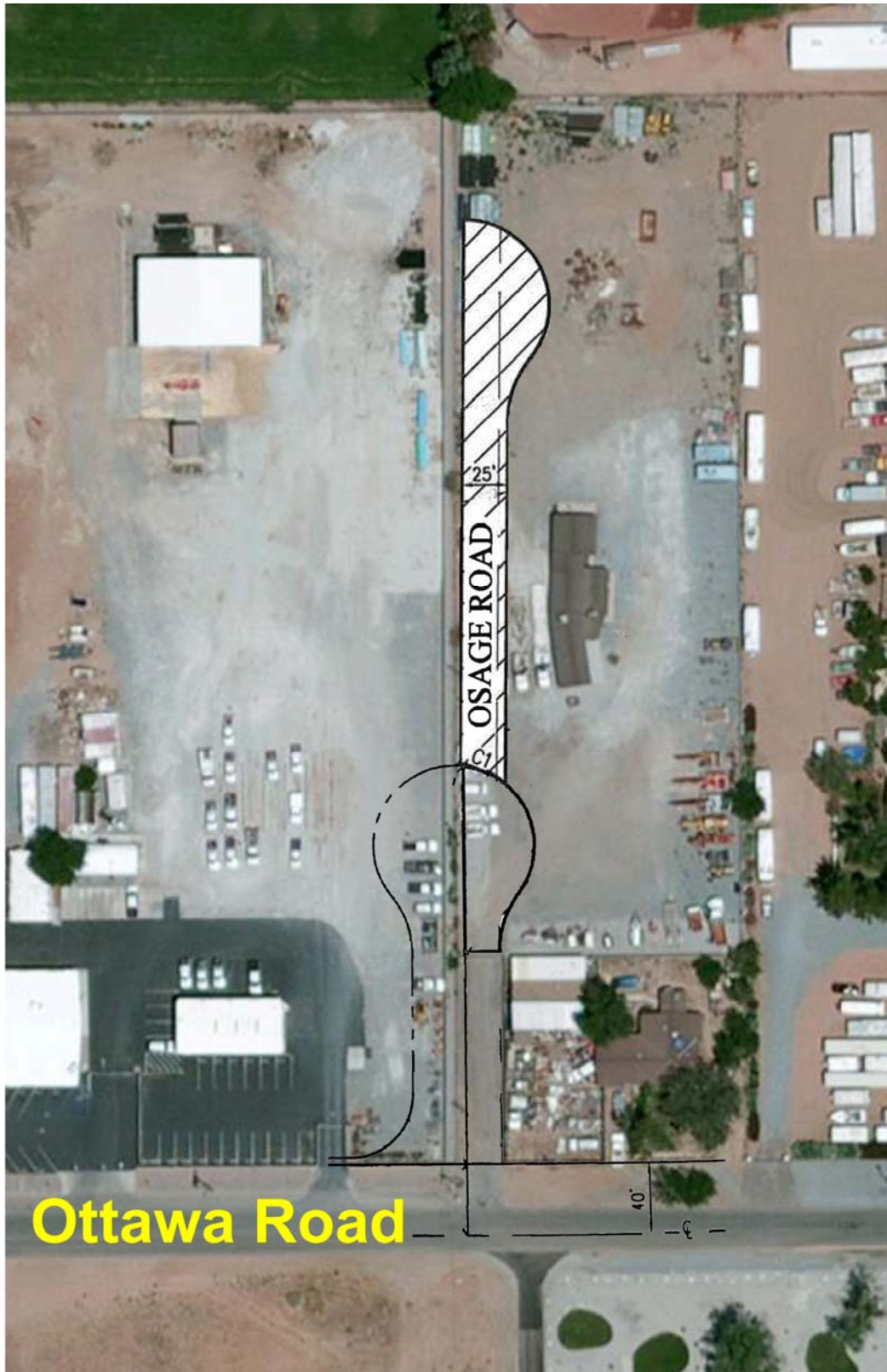
The subject easement is located on Parcel Map 5649. The easement was created in connection with Parcel Map 5649 to provide access to Parcels 1-3. Recently Mr. Sandwick, owner of all three (3) properties, merged these three (3) lots, creating one (1) lot. As a result, a shorter cul-du-sac was allowed to be dedicated as a requirement of the lot merger to provide access to the single lot. The Planning Commission reviewed the request for the road vacation and determined that it is consistent with the goals and policies of the Town's General Plan. The legal description and an exhibit of the proposed easement vacation area are provided as attached Exhibits "A" and "B" along with the accompanying resolution. The easement may be summarily vacated if it meets the criteria 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 (5) 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.

FISCAL IMPACT:

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



RESOLUTION NO. 2015-05

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, VACATING A STREET EASEMENT AT PARCELS 1 THROUGH 3, OF PARCEL MAP 5649, 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 portions of Parcels 1 through 3 of Parcel Map No. 5649, recorded in Book 55 of Maps, pages 37, 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 road 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 road purposes is hereby vacated:

See Exhibits "A" and "B"
Attached hereto and made a part hereof

Affects Assessor's Parcel: 3087-351-52

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 road easement shall no longer constitute an easement for road purposes on Parcels 1, 2 and a portion of Parcel 3 of Parcel Map 5649 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** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 10th day of February, 2015.

MAYOR

ATTEST:

TOWN CLERK

EXHIBIT "A"
ROAD VACATION
LEGAL DESCRIPTION

ALL OF OSAGE ROAD AS SHOWN AND DEDICATED ON PARCEL MAP NO. 5649, IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 55, PAGE 37 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL MAP NO. 5649; THENCE NORTH 0°08'48" WEST 409.75 FEET ALONG THE WESTERLY LINE OF SAID PARCEL MAP, TO THE BEGINNING OF A NON-TANGENT 47.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL LINE TO WHICH BEARS NORTH 0°08'48" WEST; THENCE SOUTHEASTERLY AND SOUTHERLY 105.61 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 128°44'22" TO THE BEGINNING OF A 53.00 FOOT RADIUS REVERSE CURVE, CONCAVE SOUTHEASTERLY, A RADIAL LINE TO WHICH BEARS NORTH 54°24'26" WEST; THENCE SOUTHWESTERLY AND SOUTHERLY 35.83 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°44'22" TO A POINT THAT IS 25.00 FEET EASTERLY OF AND PARALLEL WITH SAID WESTERLY LINE; THENCE SOUTH 0°08'48" EAST 300.00 FEET ALONG SAID PARALLEL LINE, TO THE SOUTHERLY LINE OF SAID PARCEL MAP NO. 5649; THENCE SOUTH 89°28'12" WEST 25.00 FEET ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING.

EXCEPTING AND RESERVING THEREFROM THAT PORTION OF SAID OSAGE ROAD LYING WITHIN THE ROAD EASEMENT DEDICATION RECORDED JUNE 24, 2014 AS DOCUMENT NO. 2014-0226449, OFFICIAL RECORD OF SAID COUNTY AND STATE.

CONTAINING: 8,912 SQ. FT. OR 0.205 AC. OF LAND, (MORE OR LESS).

EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION:


 1/27/15
MARK A. MONROE, P.L.S. 8170 DATE
LICENSE EXPIRES: 12/31/16



EXHIBIT "B"

SHEET 1 OF 1

