



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** March 8, 2016

From: Brad Miller, Town Engineer **Item No:** 7
Engineering Department

Subject: REQUEST TO VACATE A ROAD EASEMENT ON PARCEL MAP 11292

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

RECOMMENDED ACTION:

That the Town Council:

1. Find that the road easement as shown on Parcel Map 11292, has:
 - (a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel and;
 - (b) No public money was expended for maintenance on the street or highway during such period.
2. Adopt Resolution No. 2016-07 "A Resolution of the Town Council of the Town of Apple Valley, California, vacating a road easement on Parcel Map 11292, pursuant to the Streets and Highways Code Section 8331."
3. Direct 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 Cubit Engineering, to vacate a road easement along westerly boundary of Parcel Map 11292. The easement has never been used for public purposes since the easement was dedicated on the Parcel Map in 1988.

BACKGROUND:

The applicant proposes to vacate a 950-foot, unimproved section of Aniwa Road. This section of right-of-way is thirty (30) feet wide and located between Mana Road and Swift Fox Road. The right-of way was dedicated in 1988 as a part of Parcel Map No. 11292.

The easterly portion of Parcel Map No. 11292 has since been subdivided into fifteen (15) single family lots under Tract No. 17278 and other street improvements have been installed to serve the tract.

The subject portion of right-of-way is unimproved and is not essential for ingress/egress to any of its bordering properties. The lots to the west are served by Branding Iron Road and Mana Road. The two (2) vacant parcels to the east obtain access from Mana Road, Branding Iron Road and Swift Fox Court. Therefore, the street vacation for this portion of right-of-way will not impact connectivity between land uses or the overall circulation of the vicinity. The proposed right-of-way vacation will not create or perpetuate any landlocked parcels.

On February 17, 2016, the Planning Commission reviewed the vacation proposal and determined that the request is consistent with the Town's General Plan because the right-of-way section in question is not identified as an existing or future roadway, nor is it required to provide access to any adjacent parcels.

The legal description and the area of the proposed vacation is included in the resolution and shown on Exhibit "A" and Exhibit "B" accompanying the resolution. The easement may be summarily vacated if it meets the criteria under the provisions of Section 8331 of the Streets and Highways Code:

- (a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel and;
- (b) No public money was expended for maintenance on the street or highway during such period."

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.

ATTACHMENT:

Location Map

LOCATION MAP



RESOLUTION NO. 2016-07

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, VACATING A STREET EASEMENT AT PARCELS 2 AND 4, OF PARCEL MAP 11292, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 8331

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 a street easement lying on the westerly portion of Parcel 2 and Parcel 4, of Parcel Map 11292, recorded in Book 135 of Parcel Maps, pages 8 and 9, 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 street easement be vacated, and the easement, the street has been impassable for vehicular travel for a period of five consecutive years and; No public money was expended for maintenance on the street during such period immediately preceding the proposed vacation, it hereby meets the requirements of section 8331 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 alley purposes is hereby vacated:

SEE EXHIBIT "A" AND EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF

Reserving and excepting from said abandonment the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures, in upon, over and across any highway or part thereof proposed to be abandoned and pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telephone lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and for incidental purposes, including access to

protect the purposes, including access to protect the property from all hazards in, upon and over the thoroughfare or part thereof proposed to be abandoned.

Affects Assessor's Parcel: 0437-141-63 &71

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 street easement shall no longer constitute an easement for street purposes on Lots 2, and 4 of Parcel Map 11292 herein 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 8th day of March 2016.

MAYOR

ATTEST:

TOWN CLERK

EXHIBIT "A"
ROAD VACATION
APN 0473-141-63 & 71

Legal Description:

Aniwa Road abutting Parcels 2 and 4 as dedicated on Parcel Map No. 11292, in the Town of Apple Valley, County of San Bernardino, State of California, as per Map recorded in Book 135 of Parcel Maps, pages 8 & 9, Records of San Bernardino County.

Excepting therefrom the northerly 30.00 feet within Mana Road, as shown on said map.

Attached Exhibit "B" is hereby made a part of this legal description.

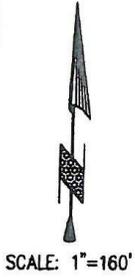
Legal Description prepared by:



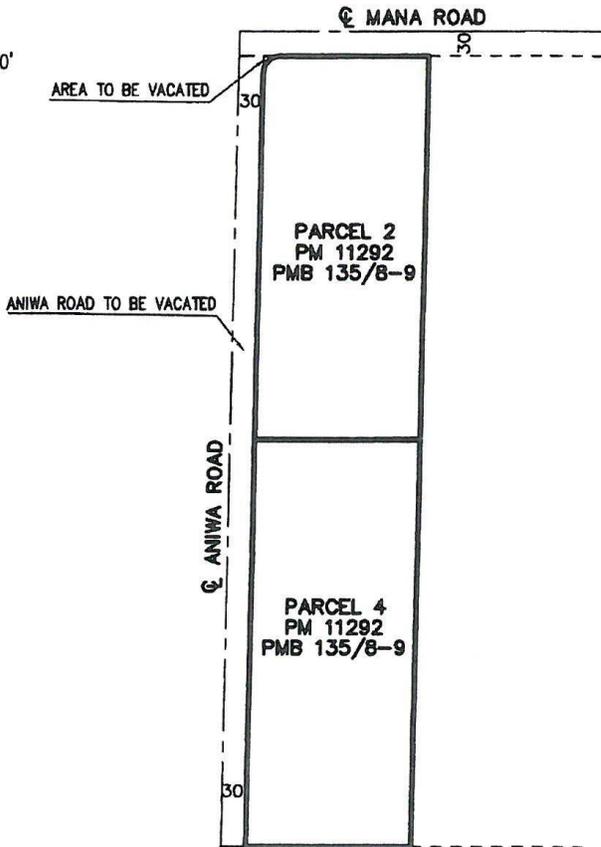
Mark Ware, PLS 5820
Cubit Engineering, Inc.
16490 Walnut St. B3
Hesperia, CA 92345



EXHIBIT "B"
ROAD VACATION
APN 0473-141-63 & 71



SCALE: 1"=160'



PREPARED BY:

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Mark Ware 2/08/16
MARK WARE, PLS 5820 DATE