



Town Council Agenda Report

Date: February 11, 2020 Item No. 10

To: Honorable Mayor and Town Council

Subject: REQUEST TO VACATE A PORTION OF A SEWER EASEMENT AT THE LEWIS CENTER FOR EDUCATIONAL RESEARCH, APN 473-183-21

From: Douglas Robertson, Town Manager

Submitted by: Richard Pedersen, Deputy Town Engineer
Engineering Department

Budgeted Item: Yes No N/A

RECOMMENDED ACTION

That the Town Council:

- A. Find that a portion of the 30-foot-wide sewer easement (instrument number 89-216802) located at the Lewis Center for Educational Research, APN 473-183-21, has been superseded by relocation and there are no other public facilities located within the easement;
- B. Adopt Resolution No. 2020-04 "A Resolution of the Town Council of the Town of Apple Valley, California, vacating a portion of the sewer easement (instrument number 89-216802) located at the High Desert "Partnership In Academic Excellence" Foundation, APN 473-183-21, pursuant to the Streets and Highway Code Section 8333(c)";
- C. Instruct the Town Clerk to cause the Resolution vacating a portion of the sewer easement to be recorded in the office of the County Recorder of the County of San Bernardino, pursuant to Section 8333(c) of the Streets and Highways Code.

BACKGROUND

Staff received a request from the High Desert "Partnership In Academic Excellence" Foundation (Lewis Center for Educational Research) to vacate a portion of the sewer easement located on their parcel at 17500 Mana Road, APN 473-183-21. The subject easement is located along the westerly portion of the parcel as shown on the first exhibit "B", attached to this Resolution. It is determined that the sewer line was abandoned in this easement and relocated as shown in the second exhibit "B" attached to the new sewer easement.

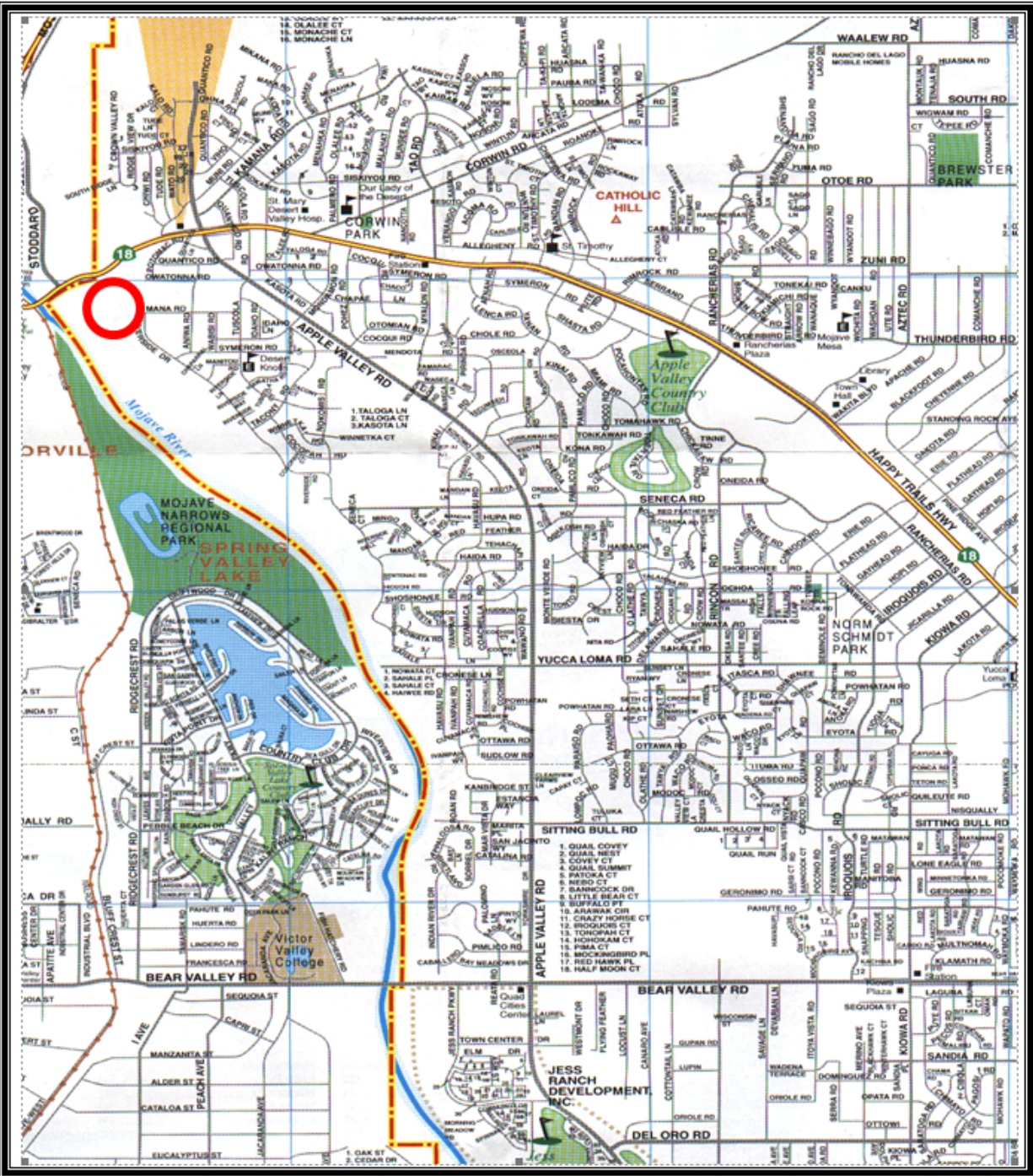
The sewer easement may be summarily vacated under the provisions of Section 8333(c) of the Streets and Highway Code because, “the easement has been superseded by relocation and there are no other public facilities located within the easement.” Because the sewer easement has been relocated over the actual sewer line, a portion of the existing easement is superseded. 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

No fiscal impact.

ATTACHMENTS

- A. Location map.
- B. Resolution No. 2020-04, vacating sewer easement with legal description and exhibit “B”.
- C. Sewer easement with legal description and exhibit “B”.



LOCATION MAP

RESOLUTION NO. 2020-04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, VACATING A PORTION OF THE SEWER EASEMENT AT THE HIGH DESERT “PARTNERSHIP IN ACADEMIC EXCELLENCE” FOUNDATION, APN 473-183-21, PURSUANT TO THE STREETS AND HIGHWAY CODE SECTION 8333(C)

WHEREAS, the Town Council of the Town of Apple Valley, California, intends to vacate a portion of a 30-foot wide sewer easement lying on a portion of APN 473-183-21, described in document recorded June 15, 1989 as Instrument No. 89-216802, 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 a portion of said sewer easement be vacated, and the easement has been superseded by relocation and there are no other public facilities located within the easement, it hereby meets the requirements of section 8333(c) of the Streets and highway Code;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, FINDS, DETERMINES AND ORDERS 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 sewer purposes is hereby vacated:

See attached Legal Description and Exhibit “B”

Affects Assessor’s Parcels: 473-183-21

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 sewer easement shall no longer constitute an easement for sewer purposes 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 of the Town of Apple Valley this 11th day of February, 2020.

Scott Nassif, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

Recording Requested by and
Please Return to:

Town of Apple Valley
Public Works Department
14955 Dale Evans Parkway
Apple Valley, California 92307

For Recorder's Use Only

EXEMPT FROM RECORDING FEES PER GOVT. CODE §27383
EXEMPT FROM DOCUMENTARY TRANSFER TAX PER REV. & TAX CODE §11922

RESOLUTION NO. 2020-04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF APPLE VALLEY, CALIFORNIA, VACATING A PORTION
OF THE SEWER EASEMENT AT THE HIGH DESERT
"PARTNERSHIP IN ACADEMIC EXCELLENCE"
FOUNDATION, APN 473-183-21, PURSUANT TO THE
STREETS AND HIGHWAY CODE SECTION 8333(C)

EXHIBIT "A"
LEGAL DESCRIPTION
PARTIAL VACATION OF SEWER EASEMENT
(APN 0473-183-21)

THAT PORTION OF THAT CERTAIN 30.00 FOOT WIDE STRIP OF LAND IN THE EAST HALF OF THE EAST HALF OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED IN DOCUMENT RECORDED JUNE 15, 1989 AS INSTRUMENT NO. 89-216802, OF OFFICIAL RECORDS OF SAID COUNTY, WHOSE CENTERLINE IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE ALONG THE EAST LINE OF SAID SECTION 10 NORTH 00°30'24" WEST, 603.35 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE THE FOLLOWING NUMBERED COURSES:

1. NORTH 35°25'19" WEST, 413.02 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 300.00 FEET; THENCE
2. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29°46'18", AN ARC DISTANCE OF 155.88 FEET; THENCE
3. NORTH 65°11'37" WEST, 259.30 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 300.00 FEET.

THE SIDELINES OF SAID 30.00 FOOT WIDE STRIP OF LAND TO BE LENGTHENED OR SHORTENED TO TERMINATE SOUTHEASTERLY ON SAID EASTERLY LINE OF SECTION 10.

CONTAINING: 24,846 SQUARE FEET, OR 0.570 ACRES, MORE OR LESS

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

PREPARED BY ME OR UNDER MY SUPERVISION:

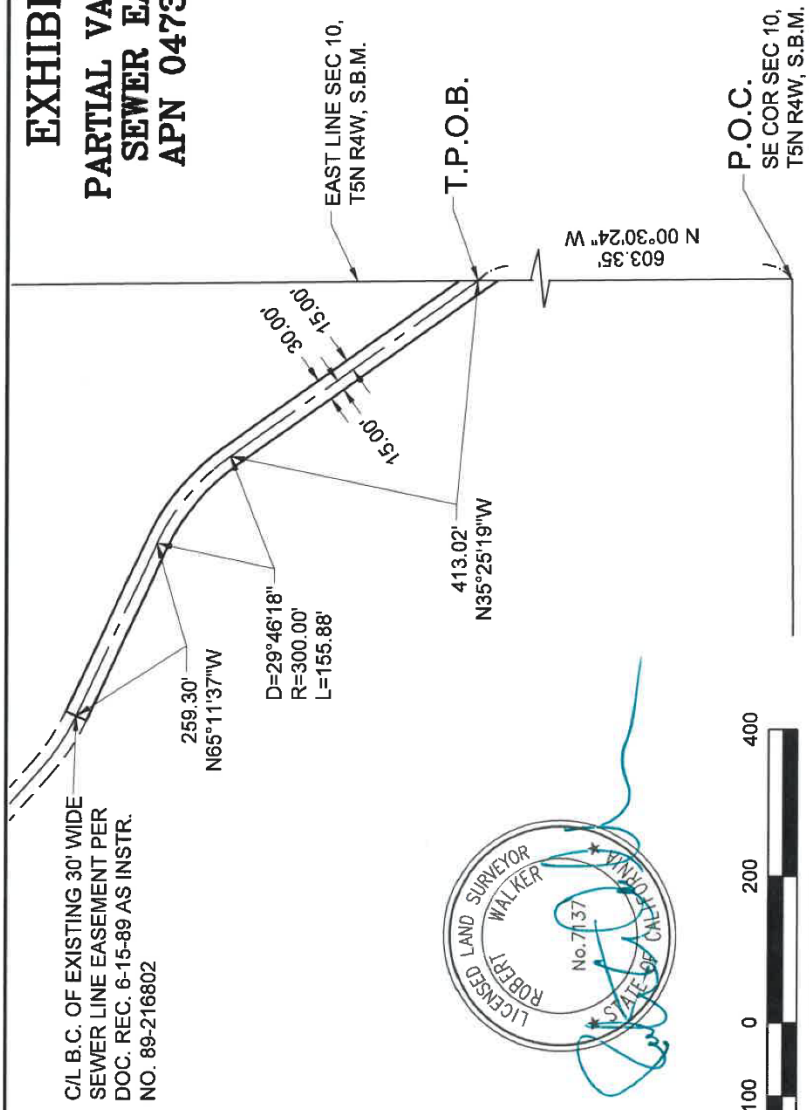

ROBERT WALKER, L.S. 7137

01-16-2020
DATE



P:\L\CER0000002\0400CAD\SV\EXHIBITS\Sewer Easement\SEWER EASEMENT TO BE QUITCLAIMED - EXHIBIT A.DOCX

EXHIBIT "B"
PARTIAL VACATION OF
SEWER EASEMENT
APN 0473-183-21



C/L B.C. OF EXISTING 30' WIDE
 SEWER LINE EASEMENT PER
 DOC. REC. 6-15-89 AS INSTR.
 NO. 89-216802

259.30'
 N65°11'37"W
 D=29°46'18"
 R=300.00'
 L=155.88'

EAST LINE SEC 10,
 T5N R4W, S.B.M.

T.P.O.B.

413.02'
 N35°25'19"W

603.35
 N 00°30'24" W

P.O.C.
 SE COR SEC 10,
 T5N R4W, S.B.M.



LEGEND

- 30' FOOT WIDE EASEMENT
- - - POINT OF COMMENCEMENT
- P.O.C.
- T.P.O.B. TRUE POINT OF BEGINNING



25152 SPRINGFIELD CT STE 350
 SANTA CLARITA, CA 91355
 (661)284-7400

DAVID EVANS
 AND ASSOCIATES INC.

PROJECT NO:	LCER00000002
SCALE:	1" = 200'
DATE:	01/16/20
SHT NO.:	1 OF 1

Recording Requested by and
Please Return to:

Town of Apple Valley
Public Works Department
14955 Dale Evans Parkway
Apple Valley, California 92307



Electronically
Recorded in Official Records
County of San Bernardino
Bob Dutton
Assessor-Recorder-County Clerk

DOC# 2020-0024061

01/22/2020	Titles: 1	Pages: 5
09:48 AM		
SAN	Fees	\$0.00
	Taxes	\$0.00
G8467	CA SB2 Fee	0.00
	Total	\$0.00

For Recorder's Use Only

EXEMPT FROM RECORDING FEES PER GOVT. CODE §27383
EXEMPT FROM DOCUMENTARY TRANSFER TAX PER REV. & TAX CODE §11922

GRANT OF EASEMENT FOR SEWER PURPOSES

This is to certify that the interest in real property conveyed by the within deed or grant to the Town of Apple Valley, a political corporation and/or governmental agency, is hereby accepted under the authority of a resolution adopted by the Town Council as Resolution No. 89-53 on August 15, 1989, and the Grantee consents to the recordation thereof by its duly authorized officer.

By: Norman B. Miller Date: JAN. 22, 2020
Norman B. Miller
Town Engineer

Assessor's Parcel No. (s): 0473-183-21-0-000

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Lewis Center for Education Research

hereby grant(s) to the TOWN OF APPLE VALLEY, a municipal corporation, in the County of San Bernardino, State of California, an easement and right-of-way for, and the right to construct, maintain, operate, replace, remove, or enlarge sanitary sewers and appurtenant structures in, upon, over, and across that certain real property situated in said TOWN OF APPLE VALLEY and more particularly described as follows:

SEE ATTACHED:

EXHIBIT A FOR LEGAL DESCRIPTION

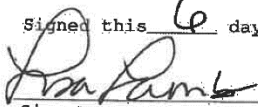
EXHIBIT B FOR PLAT

Together with the right to enter upon and to pass and repass over and along said easement and right-of-way and to deposit tools, implements and other materials thereon by said TOWN OF APPLE VALLEY, its officers, agents, and employees and by any contractor, his agents, and employees engaged by said TOWN, whenever and wherever necessary for the purposes set forth above.

Reserving however to the owner of the fee underlying this easement herein granted, the continued use of the surface of said real property, subject to the condition that the erecting of buildings, masonry walls, masonry fences, and other structures, the planting or growing of trees or shrubs, the changing of the surface grade, or the installation of privately-owned pipelines shall be prohibited unless written permission is first obtained from the TOWN OF APPLE VALLEY.

Lewis Center for Education Research, A Corporation

Signed this 6 day of January, 2020


Signature

President/CEO
Title

Lisa Lamb
Printed Name

ATTACH APPROPRIATE NOTARY FORM

Legal description prepared by:

David Evans and Associates Inc.
25152 Springfield Ct. #350
Santa Clarita, CA 91355
(661)284-7400

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Bernardino

On January 6th, 2020 before me, Valerie Bocanegra McGowan, Notary Public
(insert name and title of the officer)

personally appeared Lisa Lamb
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ ~~is/are~~ subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed the same in his~~/her/their~~ authorized capacity~~(ies)~~, and that by his~~/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Valerie Bocanegra McGowan (Seal)

EXHIBIT "A"
LEGAL DESCRIPTION
SEWER EASEMENT
(APN 0473-183-21)

A 30.00 FOOT WIDE STRIP OF LAND IN THE EAST HALF OF THE EAST HALF OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, LYING 15.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE ALONG THE EAST LINE OF SAID EAST HALF OF SECTION 10 NORTH 00°30'24" WEST, 615.19 FEET TO THE TRUE POINT OF BEGINNING; THENCE THE FOLLOWING NUMBERED COURSES:


1. NORTH 55°30'45" WEST, 144.23 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 300.00 FEET; THENCE
2. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°17'38" AN ARC DISTANCE OF 32.96 FEET; THENCE
3. NORTH 49°13'06" WEST, 158.93 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 300.00 FEET; THENCE
4. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°58'04" AN ARC DISTANCE OF 83.61; THENCE
5. NORTH 33°15'03" WEST, 235.93 FEET; THENCE
6. NORTH 65°11'37" WEST, 158.25 FEET TO THE SOUTHEASTERLY TERMINUS OF THAT CERTAIN TANGENT CURVE, CONCAVE NORTHEASTERLY, DESCRIBED AS HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 16°41'13" AND AN ARC DISTANCE OF 87.37 FEET IN DOCUMENT RECORDED JUNE 15, 1989 AS INSTRUMENT NO. 89-216802, OF OFFICIAL RECORDS, OF SAID COUNTY.

THE SIDELINES OF SAID 30.00 FOOT WIDE STRIP TO BE LENGHTENED OR SHORTENED TO TERMINATE SOUTHEASTERLY ON SAID EAST LINE OF SECTION 10.

CONTAINING: 24, 417 SQUARE FEET, OR 0.560 ACRES, MORE OR LESS

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

PREPARED BY ME OR UNDER MY SUPERVISION:

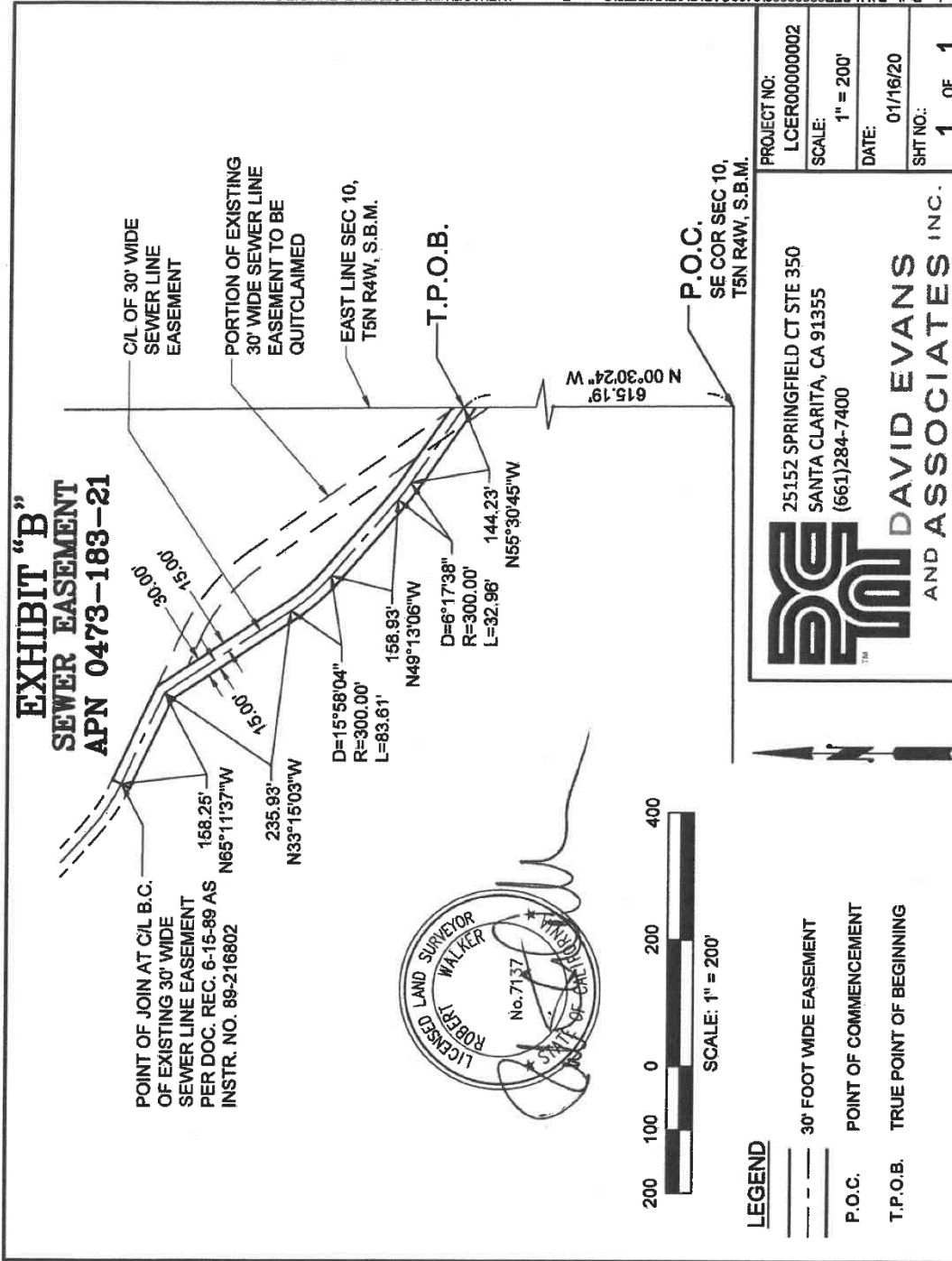

ROBERT WALKER, L.S. 7137

01-16-2020
DATE



P:\LICER00000002\0400CAD\SV\EXHIBITS\Sewer Easement\NEW SEWER EASEMENT - EXHIBIT A.DOCX

Drawing Path: P:\L\LCER0000002020\0400CAD\SVEXHIBIT\SEWER Easement\NEW SEWER EASEMENT EXHIBIT B.dwg
Last Opened: Jan 16, 2020 - 3:51pm By: Raww



PROJECT NO:	LCER00000002
SCALE:	1" = 200'
DATE:	01/16/20
SHT NO.:	1 OF 1

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LEGEND

- 30' FOOT WIDE EASEMENT
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