

**TOWN OF
APPLE VALLEY, CALIFORNIA
AGENDA MATTER**

Subject Item:

REQUEST TO VACATE A ROAD EASEMENT ON PARCELS 1 and 3 OF PARCEL MAP 10088

Summary Statement:

Staff received a request from AV-Cal Properties LLC, to vacate the road easement along their westerly boundary. The subject easement is located on parcels 1 and 3 as shown on Parcel Map 10088. The easement was created in 1989, and has never been utilize as a road nor is required to be a future road per the Town’s Circulation Element of the General Plan and is excess for this purpose. The area of the proposed easement vacation is shown as hashed lines on the attached “Exhibit B” with the accompanying resolution. The easement may be summarily vacated under the provisions of Section 8334 (a) of the Streets and Highways Code:

- (a) An excess right-of-way of a street or highway not required for street or highway purposes.

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.

Recommended Action:

1. Find that the road easement located on the parcel 1 and 3 as shown on Parcel Map 10088, is determined to be excess, and not required for street or highway purposes;
2. Adopt Resolution No.2010-39 “A Resolution of the Town Council of the Town of Apple Valley, California, vacating the street easement at parcels 1 and 3, Parcel Map 10088, pursuant to the Streets and Highways Code Section 8334 (a)”;
3. Instruct the Town Clerk to cause the Resolution vacating the street 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.

Proposed by: Engineering Division Item Number _____

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

RESOLUTION NO. 2010-39

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, VACATING THE ROAD EASEMENT AT PARCELS 1 AND 3, OF PARCEL MAP 10088, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 8334 (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 a Road easement lying on the westerly portion of Parcels 1 and 3 of Parcel Map No. 10088, recorded in Book 138 of Maps, pages 42, 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 been determined to be excess right-of-way of a street or highway not required for street or highway purposes, it hereby meets the requirements of section 8334(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 street purposes is hereby vacated:

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

Affects Assessor's Parcel: 463-232-59, 463-232-61

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 portion of the Highway and Road easement shall no longer constitute an easement for Street, Highway or Road purposes over that portion hereinabove described.

Section 4: 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 highway or part thereof proposed to be abandoned.

Section 5: 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 10th day of August 2010.

MAYOR

ATTEST:

TOWN CLERK

EXHIBIT "A"

THAT PORTION OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 6 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 30.00 FEET OF SAID EAST 1/2 EXCEPTING THEREFROM THE NORTH 30.00 FEET AND THE SOUTH 40.00 FEET THEREOF.

TOGETHER WITH A TRIANGULAR SHAPED PARCEL BOUND ON THE NORTH BY A LINE 30.00 FEET SOUTHERLY AND PARALLEL WITH THE NORTH LINE OF SAID EAST 1/2, BOUND ON THE WEST BY A LINE 30.00 FEET EASTERLY AND PARALLEL WITH THE WEST LINE OF SAID EAST 1/2 AND BOUND ON THE SOUTHEAST BY AN ARC CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 20.00 FEET,

TOGETHER WITH A TRIANGULAR SHAPED PARCEL BOUND ON THE SOUTH BY A LINE 40.00 FEET NORTHERLY AND PARALLEL WITH THE SOUTH LINE OF SAID EAST 1/2, BOUNTY ON THE WEST BY A LINE 30.00 FEET EASTERLY AND PARALLEL WITH THE WEST LINE OF SAID EAST 1/2 AND BOUND ON THE NORTHEAST BY AN ARC CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 20.00 FEET.

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART OF BY REFERENCE HEREIN.



6-23-10

EXHIBIT "B"

 INDICATES PORTION OF ROAD TO BE VACATED



SCALE: 1"=100'



