

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

Subject Item:

REQUEST TO VACATE A PORTION OF OUTER HIGHWAY 18 NORTH ADJACENT TO THE SAINT MARY MEDICAL CENTER

Summary Statement:

Staff received a request from the St. Mary Medical Center to vacate a portion of Outer Highway 18 North, at the northeast corner of Outer Highway 18 and Kasota Road. The subject easement is located along the southerly portion of the lot as shown on the Exhibit "B" attached to the Resolution.

The Applicant requests that the northerly 16 feet of the existing 45 feet wide Town's right-of-way for the Outer Highway 18 North be vacated to give the Hospital additional land for potential expansion of their facilities. The Town would retain the remaining 29 feet wide portion for potential future widening of State Route 18 to 3 westbound lanes, sidewalks, turning lanes and any other street related uses.

(Continued Page 2)

Recommended Action:

1. Find that a 16-foot wide portion of the street easement of Outer Highway 18 North, located adjacent to the Saint Mary Medical Center, is in excess of need right-of-way and not required for street purposes; and the proposed vacation is exempt from CEQA;
2. Adopt Resolution No. 2008-05, A Resolution of the Town Council of the Town of Apple Valley, California, vacating a portion of street easement at the St. Mary Medical Center, pursuant to the Streets and Highway Code Section 8333-8334.5";
3. Instruct the Town Clerk to cause the Resolution vacating a portion of 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**

Continued from page 1

A portion of the street easement may be summarily vacated under the provisions of Section 8334(a) of the Streets and Highway Code because the following conditions apply to this request:

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

Because Outer Highway 18 North has been removed as a result of the “Highway 18/ Corwin Road Signal Project” there is no current or prospective use of this 16-foot wide section of street easement. No posting, advertising or public hearing is necessary.

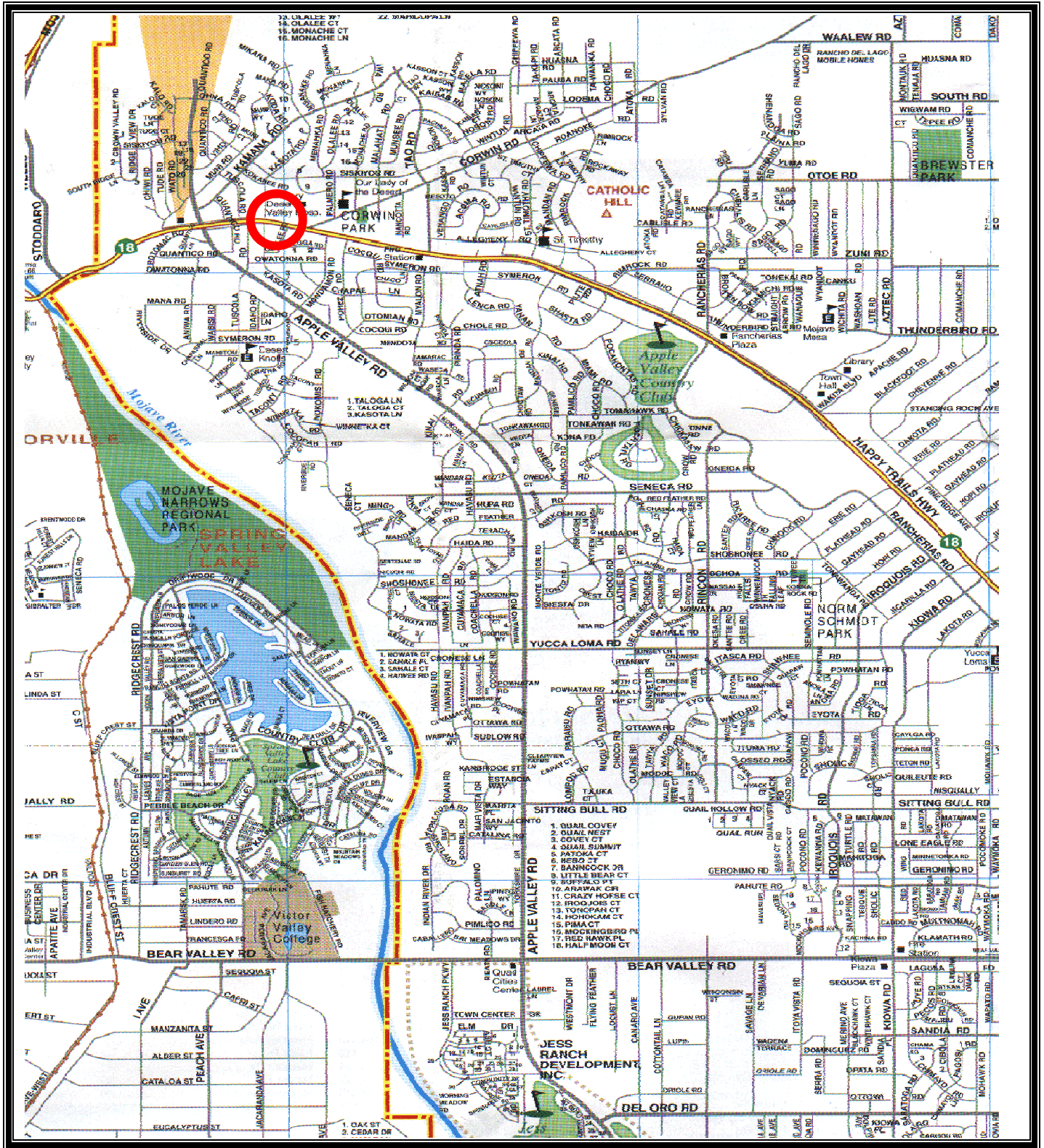
Once the Council adopts the resolution vacating the easement, the Town Clerk will record the resolution of vacation. After the resolution is recorded, the vacation is complete.

Fiscal Impact:

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

Attachments:

Resolution vacating a portion of the street easement.



LOCATION MAP

RESOLUTION No. 2008-05

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, VACATING A PORTION OF THE STREET EASEMENT AT THE SAINT MARY MEDICAL CENTER, PURSUANT TO THE STREETS AND HIGHWAY CODE SECTION 8333-8334.5

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

Section 1: the Town Council of the Town of Apple Valley, California, intends to vacate a 16-foot wide portion of a street easement lying adjacent to the south boundary of the Parcel described in Exhibit "C", as per grant deed, document number 91-357811, recorded in Official Records, San Bernardino County, State of California; and

Section 2: the Town Council of the Town of Apple Valley now finds that it is now in the public interest that a portion of said easement be vacated, and the easement for Outer Highway 18 South is in excess of needed right-of-way and not required for street purposes, it hereby meets the requirements of section 8334(a), of the Streets and Highways Code;

Section 3: 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:

For legal description see the Exhibits "A" and "B" both attached hereto and by this reference made a part hereof.

Affects Assessor's Parcels: 473-101-39

Section 4: The Town Clerk shall record this Resolution of vacation pursuant to Streets and Highways Code section 8336.

Section 5: That from and after the date this Resolution is recorded, said portion of the highway easement shall no longer constitute an easement over that portion hereinabove described.

Section 6: 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 January 2008.

MAYOR

ATTEST:

TOWN CLERK

EXHIBIT "A"
LEGAL DESCRIPTION

SHEET 1 OF 1

PARCEL 1

THAT PORTION OF OUTER HIGHWAY 18, 45.00 FEET WIDE, LOCATED IN THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF THAT CERTAIN LAND GRANTED IN THE DEED RECORDED AS INSTRUMENT NO. 84-168951 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LAND, AS SHOWN ON THE RECORD OF SURVEY ON FILE IN BOOK 96 PAGES 86 AND 87 OF SAID COUNTY, SOUTH 15°57'56" WEST 16.00 FEET, MORE OR LESS, TO A POINT THAT IS 16.00 FEET, MEASURED AT RIGHT ANGLES, SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF SAID LAND; THENCE NORTHWESTERLY PARALLEL WITH AND DISTANT 16.00 FEET SOUTHWESTERLY OF THE SOUTHWESTERLY LINES OF SAID LAND GRANTED IN SAID DEED AND THE LAND GRANTED IN THE DEED RECORDED IN BOOK 3529 PAGE 214 OF OFFICIAL RECORDS OF SAID COUNTY, THE FOLLOWING COURSES:

NORTH 74°20'00" WEST 211.66 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 2584.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°45'44" AN ARC LENGTH OF 458.36 FEET TO A POINT OF REVERSE CURVATURE, A RADIAL LINE PASSING THROUGH SAID POINT BEARS SOUTH 04°54'16" WEST;

THENCE CONTINUING ALONG A REVERSE CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 85°04'36" AN ARC LENGTH OF 37.12 FEET TO A POINT OF TANGENCY WITH THE SOUTHERLY PROLONGATION OF THE EASTERLY RIGHT-OF-WAY OF KASOTA ROAD (30 FOOT HALF-WIDTH) AS SHOWN ON SAID RECORD OF SURVEY; THENCE ALONG SAID TANGENT LINE NORTH 00°01'08" WEST 16.06 FEET TO THE BEGINNING OF A CURVE AT THE SOUTHERLY TERMINUS OF SAID EASTERLY RIGHT-OF-WAY OF KASOTA ROAD AS SHOWN ON SAID RECORD OF SURVEY; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINES OF SAID LANDS GRANTED IN BOOK 3529 PAGE 214 AND INSTRUMENT NO. 84-168951 THE FOLLOWING COURSES:


DEPARTING SAID EASTERLY RIGHT-OF-WAY SOUTHEASTERLY ALONG A TANGENT CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 85°06'24" AN ARC LENGTH OF 37.13 FEET TO A POINT OF REVERSE CURVATURE, A RADIAL LINE PASSING THROUGH SAID POINT BEARS SOUTH 04°52'28" WEST; THENCE CONTINUING ALONG A REVERSE CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 2600.00 FEET THROUGH A CENTRAL ANGLE OF 10°47'32" AN ARC LENGTH OF 489.73 FEET; THENCE SOUTH 74°20'00" EAST 211.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.265 ACRES, MORE OR LESS.

AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" (MAP), ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD, IF ANY.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN AUGUST, 2007, AT THE REQUEST OF ST. MARY DESERT VALLEY HOSPITAL


ROBERT N. MIM MACK, P.L.S. 5314
MY LICENSE EXPIRES 12/31/07

10-19-07
DATE



SCALE: 1"=80'

EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SHEET 1 OF 1



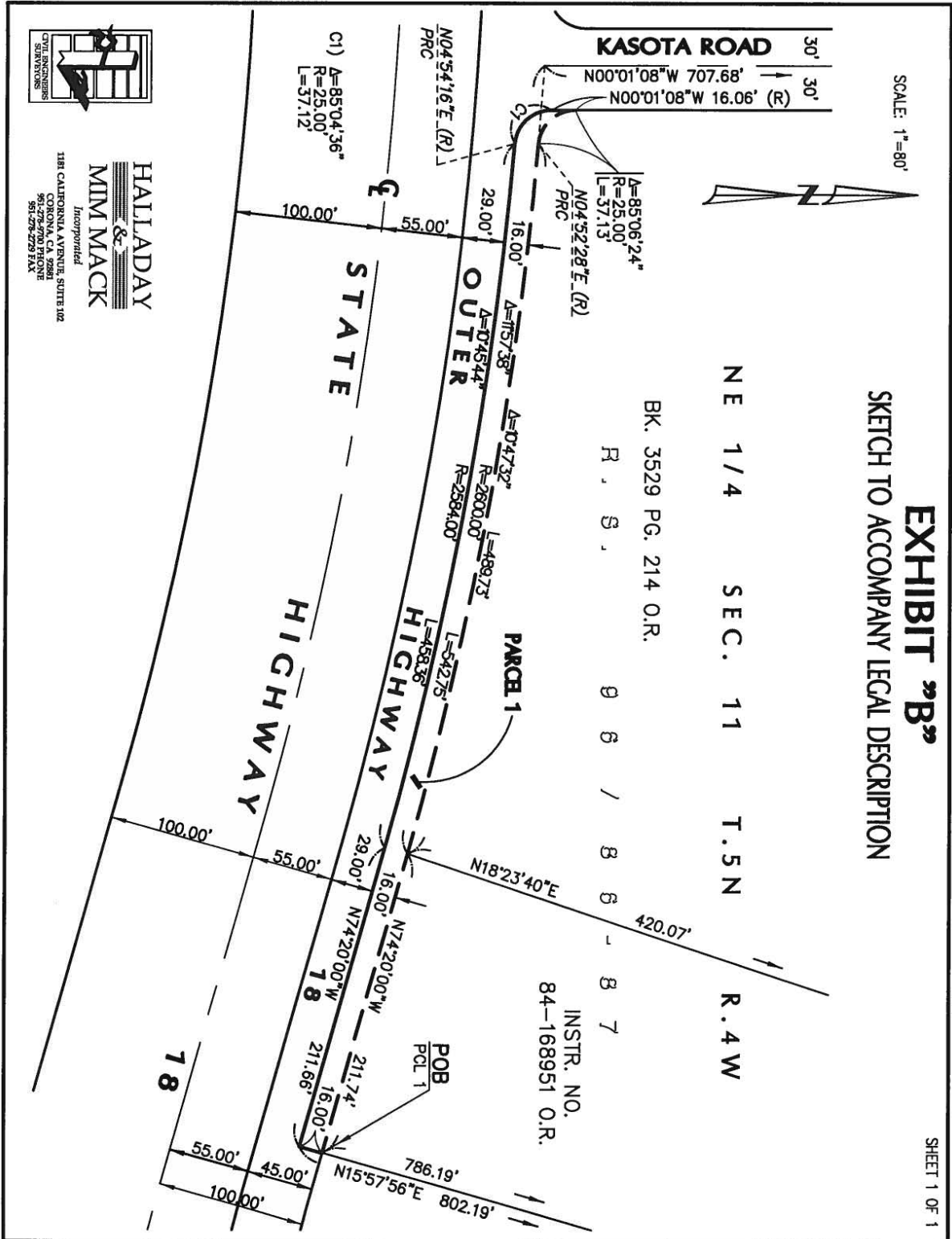
NE 1/4 SEC. 11 T.5N

R.4W

BK. 3529 PG. 214 O.R.

R. S. 8 8 / 8 8 - 8 7

INSTR. NO. 84-168951 O.R.



HALLADAY & MIMMACK
 Incorporated
 181 CALIFORNIA AVENUE, SUITE 102
 CORONA, CA 92688
 951-278-9790 PHONE
 951-278-2729 FAX

EXHIBIT C

Legal description of the
Parcel of the
St. Mary Desert Valley Hospital

LEGAL DESCRIPTION

Real property in the Town of Apple Valley, County of San Bernardino, State of California,
described as follows:

THAT PORTION OF THAT PART OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SAID PART WAS CONVEYED TO DIOCESE OF SAN BERNARDINO EDUCATION AND WELFARE CORPORATION, A CORPORATION, PER DEED DATED JUNE 21, 1982, INSTRUMENT NO. 82-120471, OFFICIAL RECORDS, RECORDS OF SAID COUNTY, AND AS SHOWN PER COUNTY OF SAN BERNARDINO LAND DIVISION PLAT NO. 082-0237, CERTIFICATE OF LAND DIVISION APPROVAL DATED AUGUST 22, 1983, SAID PORTION OF SAID PART DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID INSTRUMENT NO. 82-120471, OFFICIAL RECORDS OF SAID COUNTY ALSO BEING THE SOUTHWEST CORNER OF LOT 893 OF TRACT NO. 7972 AS RECORDED IN BOOK 129 OF MAPS, PAGES 35 THROUGH 48, INCLUSIVE, RECORDS OF SAID COUNTY; THENCE NORTH 89 DEG. 59' 00" EAST, A DISTANCE OF 80.00 FEET; THENCE SOUTH 15 DEG. 57' 56" WEST, A DISTANCE OF 790 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE OUTER HIGHWAY 18; THENCE NORTH 74 DEG. 20' 00" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 211.61 FEET TO THE WEST LINE OF SAID INSTRUMENT NO. 82-120471; THENCE ALONG SAID WEST LINE THE FOLLOWING COURSES AND DISTANCES, NORTH 18 DEG. 22' 35" EAST, 420.03 FEET, SOUTH 65 DEG. 40' 54" EAST, 39.94 FEET, TO THE BEGINNING OF A NONTANGENT CURVE HAVING A RADIUS OF 989.00 FEET, A RADIAL LINE BEARING TO SAID BEGINNING BEARS NORTH 66 DEG. 40' 00" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 5 DEG. 49' 34" AN ARC DISTANCE OF 100.57 FEET; THENCE NORTH 29 DEG. 09' 34" AN ARC DISTANCE OF 100.57 FEET; THENCE NORTH 29 DEG. 09' 34" EAST, 259.35 FEET TO THE NORTH LINE OF SAID INSTRUMENT NO. 82-120471, BEING THE TRUE POINT OF BEGINNING.

APN: 0473-101-39