ATTACHMENT 3

Resolution 2020-5663
RESOLUTION NO. 2020-5663


WHEREAS, Chapter 4 of the Public Streets, Highways and Service Easements Vacation Law, commencing with Streets and Highways Code section 8330, provides for summary vacation of streets and public service easements; and

WHEREAS, the City of Yorba Linda ("City"), pursuant to a dedication accepted by the City on Parcel Map No. 2015-113 recorded on December 21, 2016 in Official Records of Orange County, holds a 20 foot wide easement for storm drain purposes ("Easement") located at Town Center, APN 323-321-25 in the City of Yorba Linda, County of Orange, California (the "Subject Property"); and

WHEREAS, the Easement is a public service easement as defined in Streets and Highways Code section 8306; and

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City to summarily vacate a public service easement when the easement has not been used for the purpose for which it was dedicated; or acquired for five consecutive years immediately preceding the proposed vacation; or the easement has been superseded by relocation, or determined to be excess, and there are no other public facilities located within the easement; and

WHEREAS, Government Code section 7050 authorizes the City to summarily vacate easements originally obtained via dedication; and

WHEREAS, the easement on the Subject Property (the "Vacated Easement Area") have not been used in excess of five years, are unnecessary for present or prospective City use and determined to be excess, and the easement has been superseded by relocation; and

WHEREAS, the Vacated Easement Area is more particularly described in Exhibit A and Exhibit B attached hereto and incorporated herein by reference; and

WHEREAS, there are no in-place City of Yorba Linda owned public utility facilities in the Vacated Easement Area that are in use and would be affected by the vacation; and

WHEREAS, the City hereby summarily vacates the Vacated Easement Area; and
WHEREAS, the vacation of the Vacated Easement Area is consistent with the City’s General Plan and because the Vacated Easement Area is a public service easement, no further analysis under Government Code section 65402 is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yorba Linda as follows:

Section 1. The above recitals are true and accurate and incorporated herein by reference.

Section 2. This summary vacation is made pursuant to Chapter 4 of the Public Streets, Highways and Service Easements Vacation Law, commencing with Streets and Highways Code section 8330.

Section 3. The description of the Vacated Easement Area is particularly described in Exhibits A and B attached to this Resolution and incorporated herein.

Section 4. The facts under which the summary vacation are made are that: a) the Vacated Easement Area has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; b) there are no in-place public utility facilities that are in use and would be affected by the vacation; c) the Vacated Easement Area is excess and unnecessary for current or prospective public use; and d) the vacation will not affect health, safety, or welfare.

Section 5. From and after the date this Resolution is recorded, the Vacated Easement Area shall no longer constitute a street, highway, or public service easement.

Section 6. The proposed vacation of the Vacated Easement Area is categorically exempt from review under the California Environmental Quality Act pursuant to Title 14 California Code of Regulations Section 15305 as a minor alteration in land use limitations.

Section 7. Based upon the findings herein and the provisions of Section 8333 of the Streets and Highway Code and Section 66477.2 of the Government Code, the City Council does hereby order that the Vacated Easement Area shall be and is hereby summarily vacated.

Section 8. The City Clerk shall record a copy of this Resolution and attached exhibits with the Orange County Recorder’s Office.
PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 7th day of April, 2020.

BETH HANEY, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

CITY ATTORNEY

STATE OF CALIFORNIA ) ss.
COUNTY OF ORANGE )

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, DO HEREBY CERTIFY that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 7th day of April, 2020, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA
EXHIBIT "A"

EASEMENT VACATION

LEGAL DESCRIPTION

IN THE CITY OF YORBA LINDA, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING THAT PORTION OF THAT CERTAIN 20.00 FOOT WIDE EASEMENT, FOR STORM DRAIN PURPOSES AND RIGHTS INCIDENTAL THERETO, DEDICATED AND ACCEPTED BY THE CITY OF YORBA LINDA ON PARCEL MAP NO. 2015–113 AS PER MAP FILED IN BOOK 389, PAGES 6 THROUGH 17, INCLUSIVE OF PARCEL MAPS IN THE OFFICE OF THE COUNTY CLERK–RECORD OF SAID COUNTY, LYING WITHIN PARCEL 6 OF SAID MAP.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

Jake W. Lapper
LS 9303

March 11, 2020

Licensed Land Surveyor

State of California

EXHIBIT "A" – LEGAL DESCRIPTION
STORM DRAIN EASEMENT QUITCLAIM
CITY OF YORBA LINDA, CALIFORNIA

ORC Engineering, Inc.
Civil Engineering/Land Surveying/Land Planning

180 S. Old Spikes Road, Ste. 210
Anaheim Hills, California 92808
(714) 685-6600
EXHIBIT "B" - PLAT
STORM DRAIN EASEMENT QUITCLAIM
CITY OF YORBA LINDA, CALIFORNIA

LEGEND
- EXISTING EASEMENT TO REMAIN
- EXISTING EASEMENT TO BE QUITCLAIMED
- CENTERLINE
- EXISTING PROPERTY LINE/R-O-W

J INDICATES AN EASEMENT DEDICATED TO AND ACCEPTED BY YORBA LINDA WATER DISTRICT AS SHOWN ON PARCEL MAP NO. 2015–113, P.M.B. 389/6–17.

SCALE: 1"=150'

EXHIBIT "B", SHEET 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR EXHIBIT "A"

LEMON DRIVE
MAIN STREET
SCHOOL STREET
NEW MARK
VALLENCIA AVENUE
PARCEL 6
TOWN CENTER
N.A.P.

PARCEL 4
PARCEL 5
PARCEL 1
PARCEL MAP NO. 2015–113
P.M.B. 389/6–17

ARROYO WAY

IMPERIAL HIGHWAY
YORBA LINDA BOULEVARD

N.A.P.

105 S. Old Springs Road, Ste. 210
Anaheim Hills, California 92808
(714) 685–6600

DRC Engineering, Inc.
Civil Engineering/Land Surveying/Land Planning