

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**REQUEST TO VACATE A ROAD EASEMENT ON PARCEL 3 OF PARCEL MAP  
1437**

**Summary Statement:**

Staff received a request from Housing Partners 1, Inc., the developers of the approved CUP 2008-4, a senior apartment project, to vacate the road easement along their southerly boundary. The subject easement is located on parcel 3 as shown on Parcel Map 1437. The easement was created in 1973, and has never been utilized as a road nor is it required to be a future road 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 3 as shown on Parcel Map 1437, is determined to be excess, and not required for street or highway purposes;
2. Adopt Resolution No. 2009-15 "A Resolution of the Town Council of the Town of Apple Valley, California, vacating the street easement at parcel 3, Parcel Map 1437, 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:**                    \_\_\_\_\_

**RESOLUTION NO. 2009-15**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, VACATING THE ROAD EASEMENT AT PARCEL 3, OF PARCEL MAP 1437, 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 southerly portion of Parcel 3 of Parcel Map No. 1437, recorded in Book 12 of Maps, pages 37, 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: 434-051-67

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 26<sup>th</sup> day of May 2009.

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MAYOR

ATTEST:

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TOWN CLERK

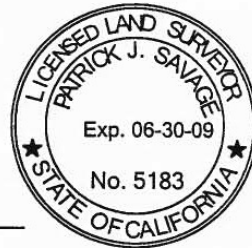
# STREET VACATION - LAUREL LANE

## EXHIBIT "A"

THE SOUTHERLY 30 FEET OF PARCEL 3 OF PARCEL MAP No. 1437, IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 12, PAGE 37 OF PARCEL MAPS, RECORDS OF SAN BERNARDINO COUNTY, LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

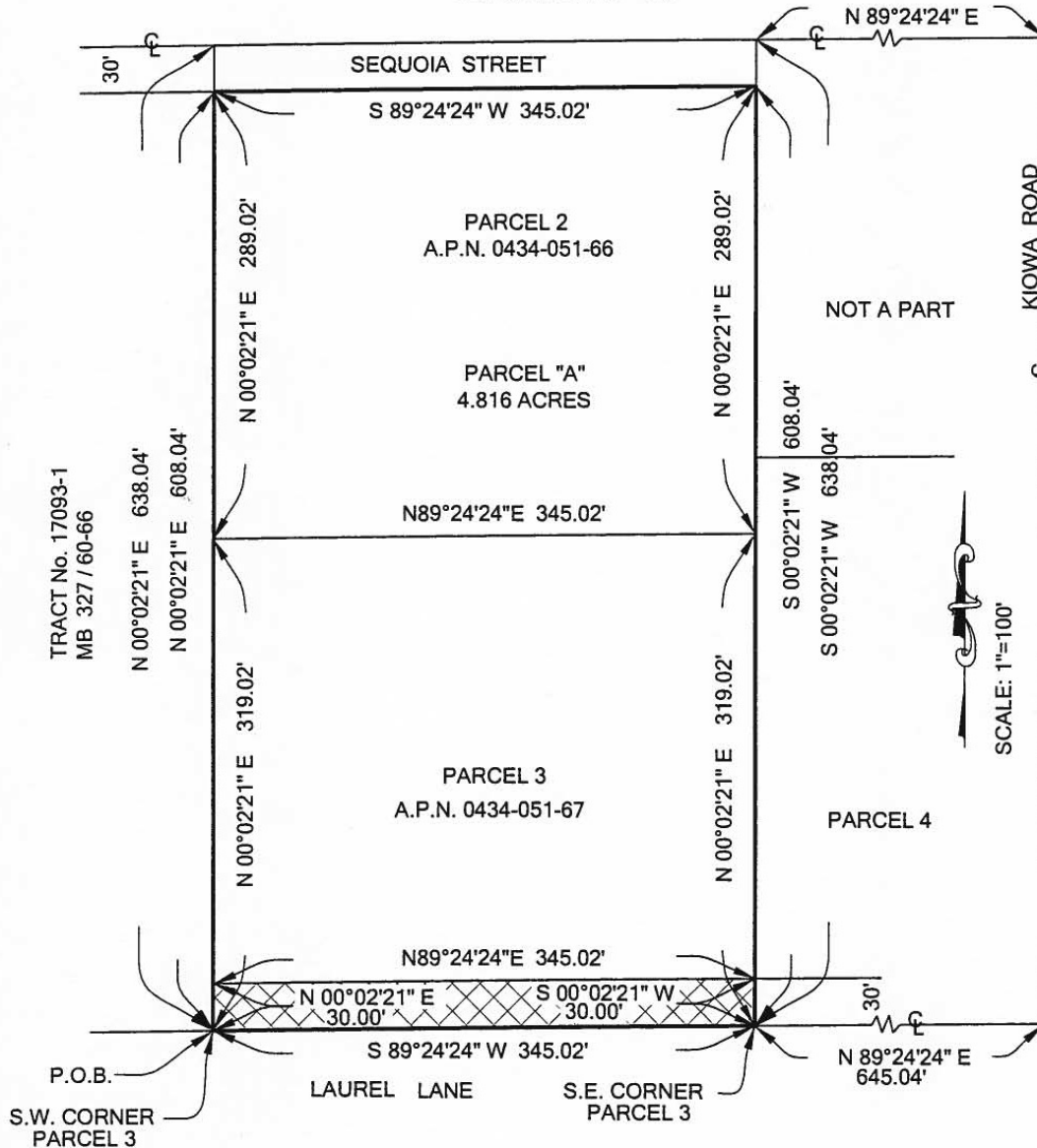
BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 3; THENCE N. 00°02'21" E., 30.00 FEET ALONG THE WEST LINE OF SAID PARCEL 3; THENCE DEPARTING SAID LINE N. 89°24'24" E., 345.02 FEET TO THE EAST LINE OF SAID PARCEL 3; THENCE S. 00°02'21" W., 30.00 FEET ALONG THE EAST LINE OF SAID PARCEL 3 TO THE SOUTH EAST CORNER OF SAID PARCEL 3; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 3 S. 89°24'24" W., 345.02 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING A TOTAL AREA OF 0.238 ACRES, MORE OR LESS.  
ATTACHED AND MADE A PART HEREOF IS EXHIBIT "B"



PATRICK SAVAGE LS 5183 \_\_\_\_\_ DATE \_\_\_\_\_

# STREET VACATION - LAUREL LANE EXHIBIT "B"



PATRICK SAVAGE LS 5183

DATE \_\_\_\_\_

