

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

**Subject Item:**

**REQUEST TO VACATE A PORTION OF A SEWER EASEMENT WITHIN LOT 422, 423, AND 424, TRACT 7934**

**Summary Statement:**

Staff received a request from J.E. Miller and Associates (representatives for the property owners) to vacate the unused and unexercised portion of a sewer easement previously granted to the Apple Valley Water District by Merlin and Loretta Gulbranson on October 17, 1989 as instrument numbers 89-389789, 89-389790, and 89-389791 in the office of the San Bernardino County Recorder. The Town of Apple Valley, as successor to the Apple Valley Water District, has the authority to address this issue.

The Grant of Easement in question describes the present location of an existing 6 inch sewer line on a private road located off of Kasson Court at Lot 422, 423, and 424 (Exhibit "A" and Exhibit "B"). Staff has determined that the sewer line is not needed for any future development of the properties in this area.

**Recommended Action:**

1. Find that the West 47.5 feet of the sewer easement located at Lot 422, 423, and 424, Tract 7934, is unnecessary for present or future use by the Town of Apple Valley;
2. Adopt Resolution No.2009-39 "A Resolution of the Town Council of the Town of Apple Valley, California, vacating a portion of a sewer easement at Lot 422, 423 and 424, Tract 7934, 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 sewer easement and accompanying Quitclaim Deed be recorded in the office of the County Recorder of the County of San Bernardino.

**Proposed by:** Assistant Town Manager – Municipal Ops & Contract Svcs      **Item Number** \_\_\_\_\_

**T. M. Approval:** \_\_\_\_\_      **Budgeted Item**    Yes    No    N/A

**RESOLUTION No. 2009-39**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, VACATING A PORTION OF A SEWER EASEMENT WITHIN LOT 422, 423, AND 424, TRACT 7934, PURSUANT TO THE STREETS AND HIGHWAY CODE SECTIONS 8333-8334.5**

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 the West 47.5 feet of the sewer easement located at Lot 422, 423, and 424, Tract 7934, as per plat recorded in Book 107 of Maps, pages 1 and 2, Official Records, San Bernardino County, State of California; and

WHEREAS, the Town Council of the Town of Apple Valley now finds that it is in the public interest that a portion of said sewer easement be vacated, and the portion of the sewer easement to be vacated is not contiguous to the exercised area of the easement and is not needed for any future development, and it hereby meets the requirements of section 8333-8334.5 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 portion of easement for sewer purposes is hereby vacated:

The West 47.5 feet of Lot 422, 423, and 424, Tract No. 7934 in the County of San Bernardino, State of California, as per plat recorded in Book 107 of Maps, pages 1 and 2, records of said County

Affects Assessor's Parcel: 473-471-20 and 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 portion of the easement shall no longer constitute an easement for sewer purposes as 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 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

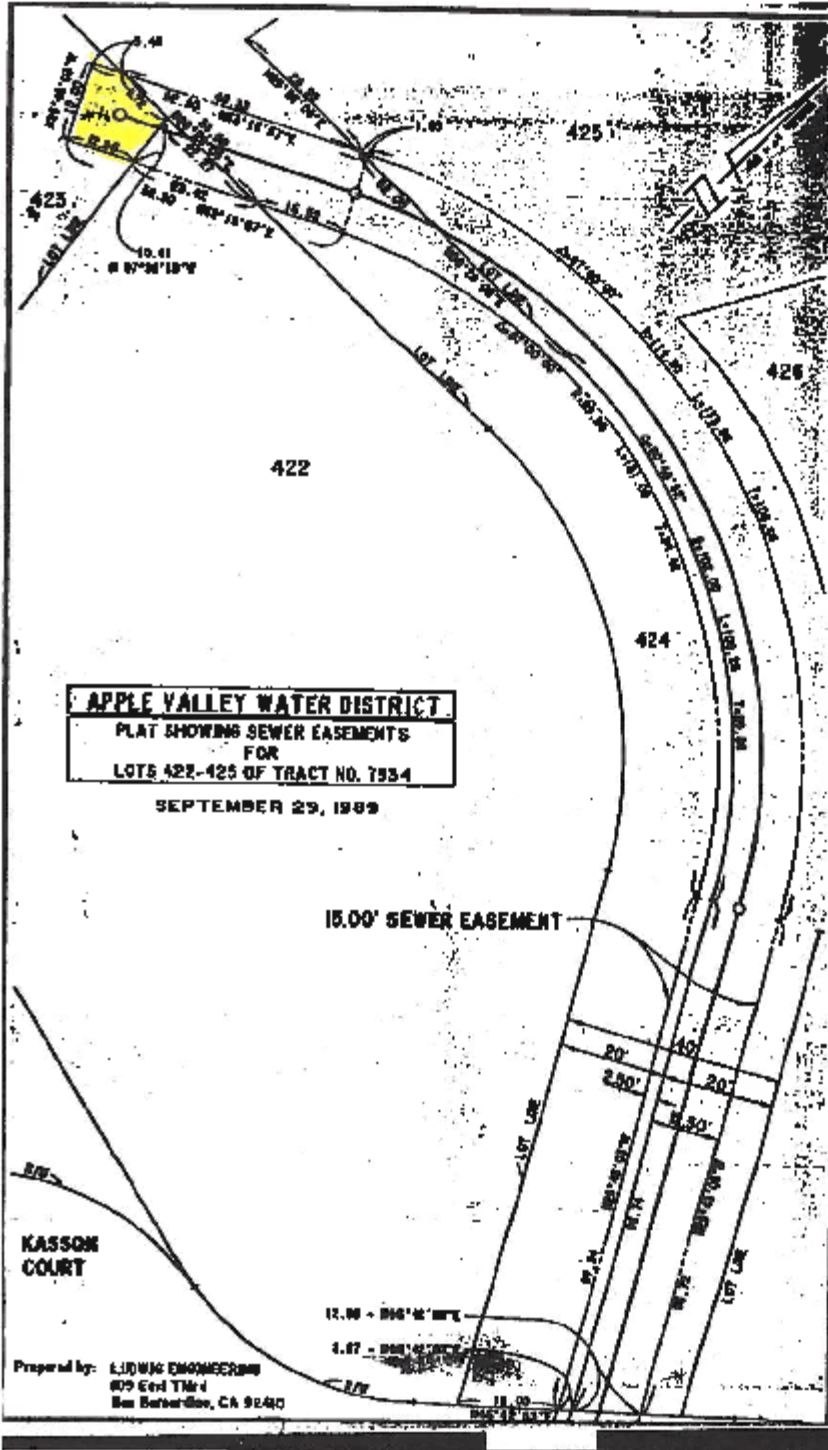
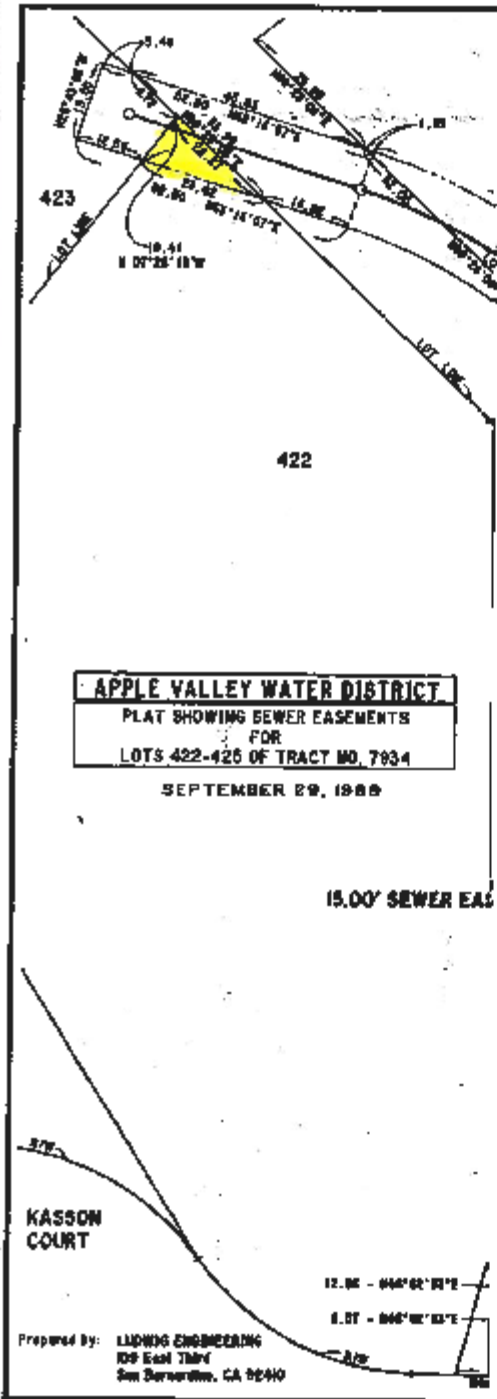


EXHIBIT "A"



# EXHIBIT "B"

LOT 424  
TRACT 7934  
M.B. 107/1-2



SCALE: 1"=30'

