

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE SUMMARILY VACATING A PORTION OF PUBLIC UTILITY EASEMENT AT 1180 LINDA DRIVE

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

WHEREAS, the subject public utility easement (the "Easement") is a ten foot (10') easement crossing northeasterly of Lot 2, Tract No.202, and is described and depicted in Exhibits "A," "B," and "C" respectively, which are attached hereto and incorporated herein by this reference; and

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City Council to summarily vacate a public service easement when it has been determined to be excess by the easement holder, and there are no other public facilities within the easement; and

WHEREAS, all utilities and public utilities with interests in the Easement area have approved the summary vacation of the Easement, subject to a request by AT&T to only approve vacating five feet (5') so that the remaining five feet (5') along the northerly boundary of the existing Easement area may be reserved for future facilities. Therefore, a five foot (5') portion of the ten foot (10') subject Easement is subject to vacation; and

WHEREAS, the Easement is not needed for public utility purposes and there are no utilities or public improvements located within the portion to be vacated; and

WHEREAS, the vacation of excess right-of-way is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), as there is no possibility that the activity may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Arroyo Grande:

1. Recitals. The City Council finds that the above recitals are true and correct and are hereby incorporated herein.
2. Vacation of Easement. This Resolution is adopted pursuant to the summary vacation procedures set forth in California Streets and Highways Code section 8330 et seq., as the portion of the Easement to be vacated is excess, not required for public utility purposes, and there are no public facilities located within the Easement area. A legal description and map of the portion of the Existing Easement to be vacated are attached hereto as Exhibits "A," "B," and "C."
5. Effective Date of Vacation. The City Clerk is hereby authorized and directed to cause a certified copy of this Resolution to be recorded in the Office of the County

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Recorder of San Luis Obispo County. Upon such recordation, the portion of the Easement summarily vacated herewith shall no longer be considered a public utility easement.

On motion of Council Member _____, seconded by Council Member _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was passed and adopted this 22nd day of August, 2023.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

BILL ROBESON, INTERIM CITY MANAGER

APPROVED AS TO FORM:

ISAAC ROSEN, CITY ATTORNEY