

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ORDERING THE SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT, ACCEPTING A GRANT OF A SANITARY SEWER EASEMENT AT 605 EMAN COURT, AND MAKING A CEQA DETERMINATION REGARDING THE SAME**

**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 "PUE") to be vacated is a ten foot wide (10') easement at the rear and eastern perimeter of Lot 7, Parcel B, Tract Map 100 described in Exhibit "A-2", a copy of which is attached hereto and incorporated herein by this reference.

**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 with interests in the PUE area have approved the summary vacation of the PUE; and

**WHEREAS**, the PUE 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 owners of the real property located at 605 Eman Court, Arroyo Grande, CA desire to grant to the City a sanitary sewer easement in connection with the development of their property; and

**WHEREAS**, the City desires to accept the sanitary sewer easement for sewer line installation and maintenance purposes, as described and depicted in Exhibit "A-1" and "B", which is attached hereto and incorporated herein by this reference; and

**NOW, THEREFORE**, the City Council of the City of Arroyo Grande does hereby resolve as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
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 PUE to be vacated is excess, not required for public utility purposes, and there are no public facilities located within

**RESOLUTION NO.**

**PAGE 2**

the PUE area. The PUE area to be vacated is described and depicted in Exhibits “C”, and “B”, copies of which are attached hereto and incorporated herein by this reference.

4. **Acceptance of Easement.** The City Council of the City of Arroyo Grande hereby accepts the grant of a sanitary sewer easement legally described in the Grant of a Sanitary Sewer Easement for the property described and depicted in Exhibits “A-1” and “B”, a copy of which is attached hereto and incorporated herein by this reference, and authorizes execution of said Grant of a Sanitary Sewer Easement, a copy of which is attached hereto in Exhibit “D” and incorporated herein by this reference.
5. **Certificate of Acceptance.** The Certificate of Acceptance attached in Exhibit “E” is hereby approved and this Resolution serves as the Resolution of Acceptance as required by Government Code Section 27281. The City Manager is hereby authorized and directed to execute the Certificate of Acceptance on behalf of the City.
6. **Certification and Recordation.** The City Clerk shall certify to the adoption of this Resolution and cause the Grant of a Sanitary Sewer Easement, along with the Certificate of Acceptance, to be recorded in San Luis Obispo County’s Office of the Clerk-Recorder.
7. **Environmental Review.** The City Council hereby determines that the summary vacation of the PUE and acceptance of a sanitary sewer easement is not a project subject to the California Environmental Quality Act (“CEQA”) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.) Alternatively, the acceptance of a sanitary sewer easement and summary vacation of the PUE is exempt from CEQA on the basis that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061, subd. (b)(3).)
8. **Effective Date.** This Resolution shall take effect upon adoption.

On a motion by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and by the following roll call vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

The foregoing Resolution was adopted this 28<sup>th</sup> day of November 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**