

RESOLUTION NO. 2022-5809

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA, DECLARING DESIGNATED LANDSCAPE EASEMENTS IN TRACT 16144 UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC USE AND VACATING THE SAME PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8300 ET SEQ.

WHEREAS, the City of Yorba Linda ("City") holds easements for landscaping purposes within Tract 16144 in the City of Yorba Linda, County of Orange, California, as more particularly described in Exhibit "A" and depicted in Exhibit "B" attached hereto ("Subject Properties"); and

WHEREAS, on May 17, 2022 the City Council initiated proceedings to vacate designated landscape easements within Tract 16144 associated with the Landscape Maintenance Assessment District (LMAD) within the Subject Properties pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law of the Streets and Highway Code of the State of California (Streets and Highways Code §8300 et. seq.) ("Vacation Law"); and

WHEREAS, the City Council adopted Resolution 2015-5296 declaring its intent to abate the use of General Fund Subsidies in LMAD Zones and/or Sub-Zones that have been identified as having a deficit, in the event that a Proposition 218 ballot proceeding is conducted in that respective Zone or Sub-Zone, but an increase in the respective assessment above the currently-approved amount fails to be authorized by the voters; and

WHEREAS, the City Council approved LMAD Maintenance Location Guidelines for Deficit Zones to be implemented in the event of a failed Proposition 218 vote for any LMAD Zone; and

WHEREAS, a Proposition 218 vote, resulting in a Majority Protest, occurred for the Local Landscaping Zone where the Subject Tract is included; and

WHEREAS, in order to vacate the designated landscape easements within the Subject Tract, the City Council must find that it is unnecessary for present or prospective public use; and

WHEREAS, the Vacation Law requires specific procedures for the vacation of public streets and easements.

WHEREAS, notices of this vacation were duly posted and published pursuant to the requirements of California Streets and Highways Code Section 8300 et seq.; and

WHEREAS, a hearing regarding this vacation was duly held on June 21st, 2022, pursuant to the requirements of the Vacation Law.

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

Section 1. Recitals. The Recitals above are true and correct and are incorporated herein by reference.

Section 2. General Plan Consistency. On May 25, 2022, the Planning Commission of the City of Yorba Linda determined that vacation of the landscape easements on the Subject Properties is consistent and in conformity with the General Plan of the City of Yorba Linda.

Section 3. Order of Vacation. The City Council, under the authority vested in it by the California Streets and Highways Code, Division 9. - Change of Grade and Vacation, Part 3. - Public Streets, Highways, and Service Easements Vacation Law (Sections 8300 et seq.), Chapter 3. – General Vacation Procedure, hereby finds that the landscape easements on the Subject Properties, as more specifically described in Exhibit “A” and depicted in Exhibit “B” (attached) is unnecessary for present or prospective public use and orders the vacation of the landscape easements on the Subject Properties.

Section 4. Conditions of Vacation. The City Council, under the authority vested in it by the California Streets and High Code Section 8324(b), hereby requires that the vacations only occur after the on-grade irrigation infrastructure within the designated easement areas to be vacated in Exhibits A is removed to the satisfaction of the City Engineer. This condition is required prior to the completion of the vacations and shall be known as the Conditions of Vacation.

Section 5. Recorded Date. The City Clerk shall record a certified copy of this Resolution with the Orange County Recorder. The City Clerk shall attest to the copy so recorded. From and after the date this resolution is recorded with the Orange County Recorder’s Office, the Subject Property will no longer be encumbered by the City’s landscape easement.

Section 6. Effective Date. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 21st day of June, 2022.

CARLOS RODRIGUEZ, 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)
COUNTY OF ORANGE) ss.

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 21st day of June 2022, and was carried by the following roll call vote:

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

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA