

RESOLUTION NO. 2022-5815

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA, DECLARING THE LANDSCAPE EASEMENT AT 24340 VIA LENARDO 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 Council of the City of Yorba Linda ("City Council") initiated proceedings on June 21, 2022, to vacate the landscape easement at 24340 Via Lenardo in the City of Yorba Linda, County of Orange, California (Subject Property); and

WHEREAS, in order for the City Council to initiate proceedings to vacate the landscape easement on the Subject Property, it must comply with 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 Vacation Law requires specific procedures for the vacation of public streets and easements; and

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 July 19th, 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 July 13, 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 19th day of July, 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

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 19th day of July, 2022, and was carried by the following roll call vote:

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

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

EXHIBIT "A"

LANDSCAPE EASEMENT VACATION LYING WITHIN TRACT NO. 11056

All of the "Easement for Landscape and Maintenance Purposes to the City of Yorba Linda" lying within Lot 2 of Tract No. 11056 as dedicated to the City of Yorba Linda on map of said Tract No. 11056, recorded in Book 569, pages 12 and 13 of Miscellaneous Maps, records of Orange County, California.

As depicted on Exhibit "B" attached hereto

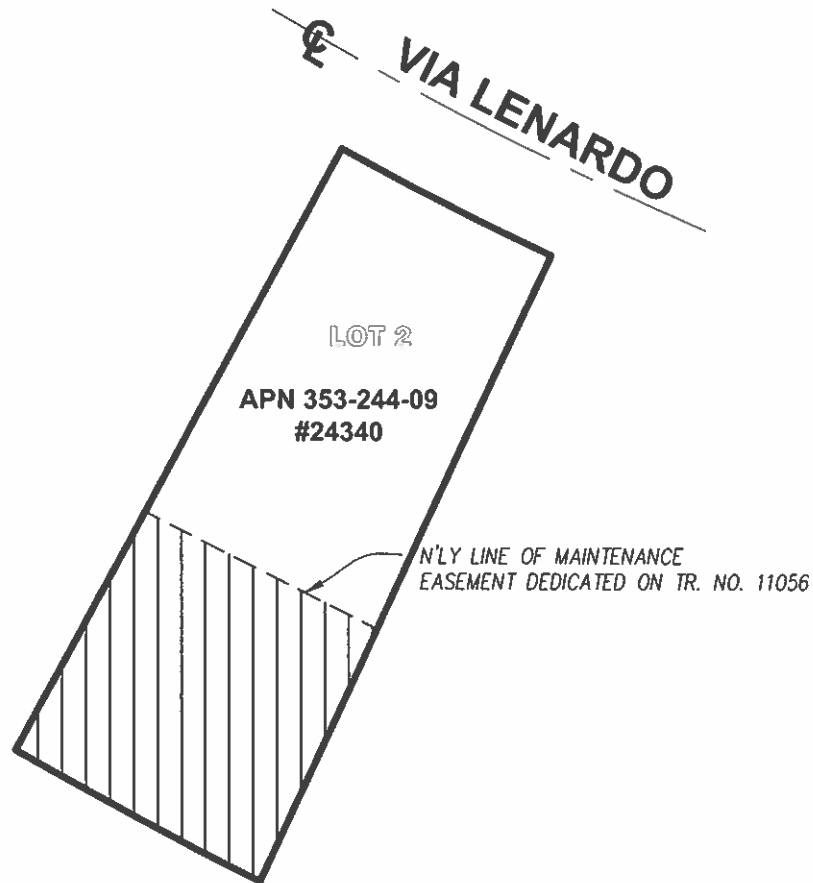
Prepared under my supervision:

David O. Knell 5-5-2022
David O. Knell PLS 5301 Date



EXHIBIT 'B'

TR. NO. 11056



[] EASEMENT BEING VACATED
±7278 SQ. FT.



SCALE: 1"=60'