

**ATTACHMENT 3:**  
**RESOLUTION NO. 2021-5764**

## **RESOLUTION NO. 2021-5764**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA, VACATING STORM DRAIN AND SANITARY SEWER EASEMENT OF APN 343-522-10, WITHIN PARCEL 3 OF PARCEL MAP NO. 90-144, SHORT STREET**

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

**WHEREAS**, the City of Yorba Linda ("City"), pursuant to a dedication accepted in from County of Orange as book 8147, page 76 as Instrument No. 3318 of Official Records, holds easement for storm drain and sanitary sewer purposes ("Easement") located at Parcel 3 of Parcel Map 90-144 as per map filed in Book 269, pages 1 and 2 of Parcel Maps, Short Street, APN: 343-522-10 in the City of Yorba Linda, County of Orange, California (the "Subject Property"); and

**WHEREAS**, the Easements are public service easements as defined in Streets and Highways Code section 8306; and

**WHEREAS**, Section 8333 of the Streets and Highways Code authorizes the City to vacate a public service easement when the easement has not been used for the purpose for which it was dedicated; or acquired for five consecutive years immediately preceding the proposed vacation; or the easement has been superseded by relocation, or determined to be excess, and there are no other public facilities located within the easement; and

**WHEREAS**, Government Code section 7050 authorizes the City to vacate easements originally obtained via dedication; and

**WHEREAS**, the easements on the Subject Property (the "Vacated Easement Area") has not been used in excess of five years, are unnecessary for present or prospective City use and determined to be excess, and there are no other public facilities located within the easements; and

**WHEREAS**, the Vacated Easement Area is more particularly described in Exhibits A and Exhibits B attached hereto and incorporated herein by reference; and

**WHEREAS**, there are no in-place City of Yorba Linda or Yorba Linda Water District owned public utility facilities in the Vacated Easement Area that are in use and would be affected by the vacation; and

**WHEREAS**, the City hereby vacates the Vacated Easement Area; and

**WHEREAS**, the vacation of the Vacated Easement Area is consistent with the City's General Plan and because the Vacated Easement Areas are a public service easements, no further analysis under Government Code section 65402 is required.

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

Section 1. The above recitals are true and accurate and incorporated herein by reference.

Section 2. This summary vacation is made pursuant to Chapter 4 of the Public Streets, Highways and Service Easements Vacation Law, commencing with Streets and Highways Code section 8330.

Section 3. The description of the Vacated Easement Area is particularly described in Exhibits A and B attached to this Resolution and incorporated herein.

Section 4. The facts under which the vacation is made are that: a) the Vacated Easement Area have not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; b) there are no in-place public utility facilities that are in use and would be affected by the vacation; c) the Vacated Easement Area is excess and unnecessary for current or prospective public use; and d) the vacation will not affect health, safety, or welfare.

Section 5. From and after the date this Resolution is recorded, the Vacated Easement Area shall no longer constitute a street, highway, or public service easement.

Section 6. The proposed vacation of the Vacated Easement Area is categorically exempt from review under the California Environmental Quality Act pursuant to Title 14 California Code of Regulations Section 15305 as a minor alteration in land use limitations.

Section 7. Based upon the findings herein and the provisions of Section 8333 of the Streets and Highway Code and Section 66477.2 of the Government Code, the City Council does hereby order that the Vacated Easement Area shall be and is hereby vacated.

Section 8. The City Clerk shall record a copy of this Resolution and attached exhibits with the Orange County Recorder's Office.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Yorba Linda on this 19<sup>th</sup> day of October, 2021.

PEGGY HUANG, 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 19<sup>th</sup> day of October, 2021, and was carried by the following roll call vote:

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

MARCIA BROWN, CITY CLERK  
CITY OF YORBA LINDA