

REPORT TO CITY COUNCIL

DATE: JULY 9, 2008

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: RAMIRO ADEVA III, CITY ENGINEER

SUBJECT: APPROVE RESOLUTION NO. 08-1487; SUMMARILY VACATING A PORTION OF SLOPE EASEMENT LOCATED WITHIN THE PROPERTIES AT 28340, 28346, 28354, AND 28364 BALKINS DRIVE (APN 2055-021-041, 2055-021-042, 2055-021-043, AND 2055-021-044)

As conditions for planning cases numbered 03-CUP-011 (Jane Swenson) and 07-CUP-011 (Nevin Bardai), the applicants were required to vacate an existing 20-foot-wide slope easement located along their properties located at 28354 and 28340 Balkins Drive. In addition to the previously mentioned projects, the slope easement vacation includes two existing developed properties located at 28364 and 28346 Balkins Drive. As shown on the attached exhibit, 20 feet of slope easement is to be vacated. The original dedication of the slope easement was required by the Los Angeles County's General Plan for road maintenance purposes when the area was unincorporated. Since incorporation, the City has vacated these easements to eliminate the liability of inheriting a failing slope, within these areas, from the County.

Section 8300 et seq. of the California Streets and Highways Code allows for a summary vacation of an easement for slope purposes not in use nor maintained by the City. However, there are utility easements within the same area of the easement for slope purposes; therefore, the underlying easements for the utilities shall be reserved.

The Streets and Highways Code requires that the City adopt a resolution that makes certain findings and resolves to vacate the easement. That Resolution is attached for your consideration.

RECOMMENDATION

Staff respectfully recommends the City Council:

1. Find that the easement for slope purposes identified in Resolution No. 08-1487 is no longer required within the City of Agoura Hills;
2. Adopt Resolution No. 08-1487, which makes the findings required by the Streets and Highways Code and orders the vacation of the slope easement on the properties located at 28340, 28346, 28354, and 28364 Balkins Drive; and
3. Authorize the City Clerk to record the Resolution with the Los Angeles County Recorder.

Attachments: Resolution No. 08-1487
Exhibits "A" and "B" –Vacation Documents

RESOLUTION NO. 08-1487

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA SUMMARILY VACATING THE SLOPE EASEMENT LOCATED WITHIN THE PROPERTIES AT 28340, 28346, 28354, AND 28364 BALKINS DRIVE IN AGOURA HILLS

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. That portion of the slope easement to the County of Los Angeles within the portions of parcels 1,2,3, and 4 of Parcel Map No. 10938, in the City of Agoura Hills, County of Los Angeles, State of California, as filed in Book 157, Page 27 of Parcel Maps in the office of the County Recorder as described in the attached Exhibits A and B, shall be, and are hereby, vacated. Such vacation is made pursuant to Chapter 4, Section 8330 of the California Streets and Highway Code, which provides the authority and the procedure for vacating easements that exceed the needs of the City as established by the City General Plan.

Section 2. The City Council finds the dedication of said easement no longer necessary.

Section 3. The City Council finds that any and all easements for utilities, public and private, in place on the vacated portion of said easement that are in use or that will be affected by the vacation shall remain until so vacated by said utilities.

Section 4. Pursuant to Section 2381 of the Streets and Highways Code of the State of California, the City Council finds and determines the right-of-way proposed for vacation is not useful as non-motorized transportation facilities.

Section 5. Those portions of land, as described in Section 1 and in attached Exhibits A and B, shall be recorded as vacated from this date forward as they no longer serve the needs of the City as established by the City General Plan.

PASSED, APPROVED, AND ADOPTED this 9th day of July, 2008.

John M. Edelston, Mayor

State of California)
County of Los Angeles) SS
City of Agoura Hills)

I, Kimberly M. Rodrigues, City Clerk of the City of Agoura Hills, California, do hereby certify that the foregoing Resolution No. 08-1487 was duly approved and adopted by the City Council of the City of Agoura Hills at a regular meeting of said Council held on the 9th day of July, 2008, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

ATTEST:

Kimberly M. Rodrigues, City Clerk

EXHIBIT 'A'

LEGAL DESCRIPTION OF SLOPE EASEMENT TO BE ABANDONED

THAT CERTAIN SLOPE EASEMENT BEING 20.00 FEET IN WIDTH IN THE CITY OF AGOURA HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, LYING WITHIN PARCELS 1, 2, 3 AND 4 SHOWN ON PARCEL MAP NO. 10938, FILED IN PARCEL MAP BOOK 157 AT PAGE 27, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

SAID SLOPE EASEMENT BEING SHOWN ON THE ATTACHED EXHIBIT 'B'

LEGAL DESCRIPTION
PREPARED BY

ROSECRANS SURVEYS
PROFESSIONAL LAND SURVEYORS

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Oak Park, CA



