

REPORT TO CITY COUNCIL

DATE: JANUARY 28, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: RAMIRO ADEVA, CITY ENGINEER

SUBJECT: APPROVE RESOLUTION NO. 09-1516; VACATING A 20 FOOT SLOPE EASEMENT LOCATED WITHIN THE PROPERTY AT 6350 CHESEBRO ROAD (APN 2055-001-041)

On December 22, 2008, the Engineering Department received a request from the property owner at 6350 Chesebro Road, Mrs. Tamara Friend, requesting the City to vacate a 20-foot slope easement for Chesebro Road (private street) located within her property in order to accommodate a proposed barn and horse corral (Case #08-CUP-003). As shown on the attached exhibits, the 20-foot-wide easement is located adjacent to the westerly property line. 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 the 20-foot-wide slope easement, since the easement is not in use nor maintained by the City.

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

The City Engineer respectfully recommends the City Council:

1. Find that the 20-foot-wide slope easement identified in Resolution No. 09-1516 is no longer required within the City of Agoura Hills;
2. Adopt Resolution No. 09-1516, which makes the findings required by the Streets and Highways Code and orders the vacation of the 20-foot-wide slope easement on the property located at 6350 Chesebro Road; and
3. Order the City Clerk to record the resolution with the Los Angeles County Recorder.

Attachments: Resolution No. 09-1516
Exhibits "A" and "B" – Slope easement to be abandoned

RECORDING REQUESTED BY
COUNTY OF LOS ANGELES

WHEN RECORDED, MAIL TO:
CITY CLERK
CITY OF AGOURA HILLS
30001 LADYFACE COURT
AGOURA HILLS, CA 91301

NO RECORDING FEE/PUBLIC ENTITY (GOV'T CODE 6103)

Space Above this Line for Recorder's Use

RESOLUTION NO. 09-1516

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AGOURA HILLS SUMMARILY VACATING A 20-FOOT SLOPE
EASEMENT FOR SLOPE PURPOSES, LOCATED WITHIN THE
PROPERTY AT 6350 CHESEBRO ROAD IN AGOURA HILLS**

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

Section 1. That portion of Parcel 2 on a licensed surveyors map (Map No. 15257) filed in Book 183, Pages 87 and 88 of Record Surveys in the office of the County Recorder of Los Angeles County, located parallel to the western boundary of said property, in the City of Agoura Hills, County of Los Angeles, State of California, as described in the attached Exhibits A and B, shall be, and is 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 which 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. That portion of land, as described in Section 1 and in attached Exhibits A and B, shall be recorded as vacated from this date forward as it no longer serves the needs of the City as established by the City General Plan.

PASSED, APPROVED, AND ADOPTED this 28th day of January, 2009, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk