

RESOLUTION NO. 2005-106



A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING AND ABANDONING A
TEN-FOOT PUBLIC UTILITY EASEMENT AT
416 SOUTH SACRAMENTO STREET

WHEREAS, a ten-foot public utility easement at 416 South Sacramento Street, shown on Exhibit A attached hereto and incorporated herein, was dedicated by deed on February 10, 1977, Book 4225 of Official Records, Page 947, San Joaquin County Records, adjacent to the common lot line between Lot 15 and Lot 16 shown on the map entitled "Larson's Addition to Lodi"; and

WHEREAS, due to subsequent parcel splits, which changed the property line locations, the ten-foot easement is no longer adjacent to a property line. The current property owners have a parcel map in process and the location of the existing easement will impede the development of one of the proposed parcels; and

WHEREAS, the current property owners are requesting abandonment of the existing ten-foot easement to allow development of the new parcel and will dedicate a new public utility easement along a proposed property line in conformance with City requirements; and

WHEREAS, pursuant to California Streets and Highways Code Section 8333, an easement may be summarily vacated if it has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, no public utilities or other facilities were found to exist within the ten-foot easement desired to be vacated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The proposed vacation of 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, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That a ten-foot Public Utility Easement at 416 South Sacramento Street, shown on Exhibit A attached hereto and incorporated herein, is hereby summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public utility easement.

4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The property owners will dedicate a new public utility easement along a proposed property line in conformance with City requirements; and
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission or the normal posting, publishing, and public hearing.

Dated: June 1, 2005

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I hereby certify that Resolution No. 2005-106 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 1, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk



