

RESOLUTION R17-28

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA AUTHORIZING THE ACCEPTANCE OF AN EASEMENT DEDICATION FOR SANITARY SEWER PURPOSES AND SUMMARILY VACATING THE CITY'S EXISTING SANITARY SEWER EASEMENT OVER THE PROPERTY LOCATED AT 978 PASEO LA CRESTA.

WHEREAS, the City holds a sanitary sewer easement that was created by dedications as shown on Tract Map # 31329 by Robert W. Allen, La Verne C. Allen and Bank of America National Trust and Savings Association to the City of Palos Verdes Estates, dated December 19, 1974, recorded in Book 850 Page 60 (Sheets 1-5) ("Existing Easement").

WHEREAS, the owners ("Owners") of 978 Paseo La Cresta in the City (the "Property") have relocated an existing sanitary sewer in order to accommodate the development of the Property, thereby requiring that the City relocate a sanitary sewer easement, at no cost to the City.

WHEREAS, the owners agreed to convey to the City a new easement for sanitary sewer purposes and incidental uses (including but not limited to the construction, use, operation, replacement, maintenance and repair) in, over and under a portion of that property at 978 Paseo La Cresta.

WHEREAS, the Existing Easement will be superseded by relocation and there are no other public facilities in the easement. There is no other municipal purpose for maintaining the Existing Easement.

NOW THEREFORE, the City Council of the City of Palos Verdes Estates DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Acceptance of Easement.


- A. The City hereby accepts a new easement for sanitary sewer purposes and incidental uses (including but not limited to the construction, use, operation, replacement, maintenance and repair) in, over and under a portion of that property at 978 Paseo La Cresta, as set forth in the Easement deed attached hereto as Exhibit A (the "New Easement").
- B. The City Manager is hereby authorized and directed to execute a Certificate of Acceptance of the New Easement substantially in the form attached hereto as Exhibit B.

Section 2. Vacation of the Existing Easement.

- A. Based on the provisions of Section 8333(c) of the Streets and Highways Code, the City Council does hereby summarily vacate the Existing Easement attached hereto as Exhibit C.
- B. The Existing Easement will be deemed superseded by the New Easement upon: (i) the recording of the new Easement Deed and Certificate of Acceptance; and (ii) the completion by the Owners, at their cost, of the sanitary sewer improvements described on Exhibit D attached hereto within the new easement area.
- C. Additionally, upon the occurrence of the events described in Section 3, the Interim Deputy City Clerk shall cause a certified copy of this resolution of vacation, attested by the Interim Deputy City Clerk under seal, to be recorded without acknowledgment in the Official Records of Los Angeles County, as contemplated by California Streets and Highways Code Section 8336, and from and after the date this resolution is so recorded, the vacated Existing Easement shall no longer constitute a public service easement.

Section 3. The Interim Deputy City Clerk shall certify to the adoption of this resolution and shall cause this resolution and this certification to be entered in the Book of Resolutions of the Council of this City.

PASSED, APPROVED AND ADOPTED on this 26th day of September, 2017.



JAMES D. VANDEVER
Mayor of the City of Palos Verdes Estates, Ca.

ATTEST:



LAUREN PETTIT (SEAL)
Interim Deputy City Clerk

APPROVED AS TO FORM:



CHRISTI HUGIN
City Attorney

APPROVED AS TO FORM:



ANTON DAHLERBRUCH
City Manager

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Lauren Pettit, Interim Deputy City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R17-28** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 26th day of September, 2017, by the following vote:

AYES: COUNCILMEMBERS: Vandever, Peterson, King, Davidson, Kao

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None



Lauren Pettit, Interim Deputy City Clerk