

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, APPROVING AND ORDERING THE SUMMARY VACATION OF PUBLIC UTILITY EASEMENTS ON LOTS 213 THROUGH 217 OF TRACT NO. 2012 ON TWINTREE LANE EAST OF HARBOR BOULEVARD AND LOTS 5 THROUGH 8 OF TRACT NO. 2782 ON CHOISSER ROAD

The City Council of the City of Garden Grove, California, hereby finds, determines, declares, and resolves as follows:

WHEREAS, a six foot (6') wide public utility easement exists within the northerly six feet (6') of Lots 213 through 217 of Tract No. 2012, as recorded in the records of the County of Orange in Book 55, Pages 47-49, inclusive of Miscellaneous Maps, as described in Attachment "A1" ("Twintree Easement");

WHEREAS, a five foot (5') wide public utility easement exists within the westerly five feet (5') of Lots 5 through 8 of Tract No. 2782, as recorded in the records of the County of Orange in Book 89, pages 24 and 25, inclusive of Maps, as described in Attachment "A2" ("Choisser Easement");

WHEREAS, the redevelopment of the subject properties, known as Site C, included the approval of the development of new hotels as approved by the Garden Grove City Council on November 13, 2012, including General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 ("Redevelopment");

WHEREAS, the property where said Twintree Easement and Choisser Easement is located are vacant and all public utilities will be relocated and new easements will be reserved in conjunction with the Redevelopment;

WHEREAS, the Twintree Easement and Choisser Easement will be superseded by relocation and there are no public facilities located within the subject easements; and

WHEREAS, the provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the City Council to summarily vacate a public service easement when the easement has been superseded by relocation, and there are no other public facilities located within the easement; under such circumstances, only one summary vacation action is necessary and published notice, posting, and public hearing are not required.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

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

Section 2. This public service easement summary vacation action is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines § 15061(b)(3); this resolution of vacation is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment; this resolution of vacation will not result in any changes to existing environmental conditions that have not already been reviewed in connection with the approvals of the Redevelopment; therefore, there is no possibility that the adoption of this resolution will have a significant effect on the environment, and this public service easement summary vacation action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Section 3. The City Council hereby orders the vacation of the Twintree Easement within Lots 213 through 217 of Tract No. 2012, as described and depicted in Exhibits "A1" and "B1" attached hereto and incorporated herein by reference, pursuant to the authority set forth under Division 9, Part 3, Chapter 4 of the California Streets and Highways Code (commencing with Section 8330).

Section 4. The City Council hereby orders the vacation of the Choisser Easement within Lots 5 through 8 of Tract No. 2782, as described and depicted in Exhibits "A2" and "B2" attached hereto and incorporated herein by reference, pursuant to the authority set forth under Division 9, Part 3, Chapter 4 of the California Streets and Highways Code (commencing with Section 8330).

Section 5. This public service easement summary vacation does not change the land use designation and is, therefore, hereby found and determined to be in conformity with the City of Garden Grove General Plan Land Use Element. (Streets and Highways Code Section 8313(a))

Section 6. There are no in-place public utility facilities that are in use or that would be affected by the vacation of the public service easement. (Streets and Highways Code Section 8334.5)

Section 7. The City Clerk shall cause a certified copy of this resolution, attested to by the City Clerk under seal, to be recorded in the Office of the Clerk-Recorder of the County of Orange, California, in accordance with the provisions set forth in Section 8336 of the Streets and Highways Code.

Section 8. From and after the date this resolution is recorded, the public service easement identified herein shall no longer constitute a public service easement, the vacation shall be complete, and the public service easement is extinguished.