

RESOLUTION 2016-52

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
SUMMARILY VACATING AN ABANDONED SANITARY SEWER AND WATER
EASEMENT TO ELITE DEVELOPMENT INC. AND AUTHORIZING THE MAYOR TO
EXECUTE THE QUITCLAIM DEED FOR.**

WHEREAS, the City of San Juan Bautista accepted a quit claim deed for a ten (10) feet wide easement for sewer and water line over and across portions of Out Lot 6 in the City of San Juan Bautista on July 19, 1944 (“1944 Easement”); and

WHEREAS, in early 2005, a new sanitary sewer main and water distribution line was installed within a right of way on Third Street, which superseded the need for the 1944 Easement, rendering the 1944 Easement to be in excess; and

WEREAS, the City no longer uses 1944 Easement and there are no other usable public utility facilities contained in the easement, and is no longer required by the City; and

WHEREAS, the City may summarily vacate a public service easement if the easement has been superseded by relocation, or determined to be excess by the easement holder; and there are no other public facilities located within the easement; and

WHEREAS, because those portions of the Easements encumbering the Property conflict with Owner’s ability to develop the Property, Owner has requested the City to quitclaim its interest in the Easements; and

WHEREAS, the City Council desires to so quitclaim; and

WHEREAS, a copy of the proposed Quitclaim Deed with exhibits, is attached hereto as Exhibit “A,” and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City that (1) the easement has been superseded by relocation and determined in excess, as there are no other public facilities located within the easement, the easement is summarily vacated; (2) the form of deed attached hereto is approved; and (2) the Mayor is authorized and directed to sign the original of the Quitclaim Deed for and on behalf of the City.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista on this 18th day of October 2016 by the following vote.

AYES: West, Lund, Boch, Martorana, Edge

NOES: None

ABSENT: None

ABSTAIN: None

Mayor Rick Edge

ATTEST:

Trish Paetz, Deputy City Clerk