

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT ON THE PROPERTY LOCATED AT 995 S. FAIR OAKS AVE. (APN: 5719-022-101) IN THE CITY OF PASADENA**

**WHEREAS**, the City of Pasadena (“City”) holds one (1) easement for public utility purposes (the “Public Service Easement”) on the property located at **995 S. FAIR OAKS AVE. (APN: 5719-022-101) IN THE CITY OF PASADENA, CALIFORNIA** (the “Property”) currently owned by **PASADENA CA SENIOR PROPERTY, LLC** (“Owner”); and

**WHEREAS**, the Public Service Easement is comprised of a ten foot right of way for public utility purposes as shown on Parcel Map No. 10487 filed with the Los Angeles County Recorder on July 9, 1980; and a location map depicting the location of the Public Service Easement is attached hereto as Exhibit A and incorporated herein by reference; and

**WHEREAS**, the Owner has requested that the City vacate the Public Service Easement, which is not necessary for present or prospective public utility purposes; and

**WHEREAS**, pursuant to California Streets and Highways Code Section 8333, the City Council may summarily vacate a public service easement if, among other reasons, the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years preceding the proposed vacation; and

**WHEREAS**, the City has determined that the Public Service Easement is not necessary to the City for public utility purposes and it has not been used for the purpose for which it was dedicated or acquired for five consecutive years preceding this proposed vacation; and

**WHEREAS**, the proposed action is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15305 (Class 5 – Minor Alterations in Land Use Limitations). Class 5 exempts from environmental review minor alterations in land use limitations in areas with an average slope of less than 20 percent and which do not result in any changes in land use or density. The proposed action involves the vacation of a public service easement where said easement has not been used for the purpose for which it was dedicated and will

not cause or facilitate any changes in land use or density. Further, the average slope on this easement is less than 20 percent. There are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pasadena as follows:

1. The City Council finds and determines from all evidence in the record, including, without limitation, all of the evidence submitted in the Agenda Report to the City Council dated May 6, 2024, from the Department of Water and Power, that the Public Service Easement as depicted in Exhibit A attached hereto has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
2. The City Council does hereby order the vacation of the Public Service Easement as depicted in Exhibit A.
3. The City Council hereby makes this vacation pursuant to the requirements of the California Streets and Highways Code, Division 9, Part 3, Chapter 4.
4. The vacation authorized by this Resolution shall not be effective until a certified copy of this Resolution is recorded in the Office of the Recorder of the County of Los Angeles, California.
5. The City Clerk of the City of Pasadena is hereby authorized and directed to certify to the passage of this Resolution. The City Clerk is further authorized to cause a certified copy of this Resolution, attested by the City Clerk and under the seal of the City, to be recorded in the Office of the County Recorder of Los Angeles County, California.
6. The City Council orders that from and after the date this Resolution is recorded, the Public Service Easement as depicted in Exhibit A is vacated and no longer constitutes public service easement.

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7. The City Manager, or his or her designee, is authorized to execute any other documentation as may be required to accomplish the herein ordered vacation.

Adopted at the regular meeting of the City Council on the 6<sup>th</sup> day of May 2024  
by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Mark Jomsky  
City Clerk

Approved as to form:



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Lisa Hosey  
Assistant City Attorney