

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF PASADENA
ORDERING THE SUMMARY VACATION OF PUBLIC
SERVICE EASEMENTS ON THE PROPERTY LOCATED AT 951 S FAIR
OAKS AVENUE (APN: 5719-022-108) IN THE CITY OF PASADENA**

WHEREAS, the City of Pasadena (“City”) holds three (3) easements for public utility purposes (collectively, the “Public Service Easements”) on the property located at **951 S FAIR OAKS AVENUE (APN: 5719-022-108) IN THE CITY OF PASADENA** (the “Property”) currently owned by **PASADENA CA SENIOR PROPERTY, LLC** (“Owner”); and

WHEREAS, the Public Service Easements are comprised of the following:

1. Easement #1 - 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;
2. Easement #2 - A ten foot right of way for Public Utility purposes as shown on Tract Map No 13634 filed with the Los Angeles County Recorder on June 26, 1946; and
3. Easement #3 - 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.

A location map depicting the locations of the Public Service Easements is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Owner has requested that the City release the Public Service Easements, which are 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 Easements are not necessary to the City for public utility purposes and they have not been used for the purpose for which they were 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 public service easements where said easements have not been used for the purpose for which they were dedicated and will not cause or facilitate any changes in land use or density. Further, the average slope on these easements 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 January 31, 2022 from the Department of Water and Power, that the Public Service Easements as depicted in Exhibit A attached hereto have not been used for the purpose for which they were 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 Easements 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 Easements as depicted in Exhibit A are vacated and no longer constitute public service easements.

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.

STATE OF CALIFORNIA)

CITY OF PASADENA) ss.

COUNTY OF LOS ANGELES)

I, Mark Jomsky, CMC, City Clerk of the City of Pasadena, do hereby certify that the foregoing Resolution No. _____ was duly and regularly passed and adopted by the Council of the City of Pasadena at its regular meeting held on the 31st day of January 2022, by the following vote:

AYES:

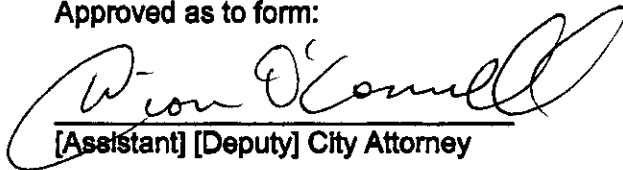
NOES:

ABSENT:

ABSTAIN:

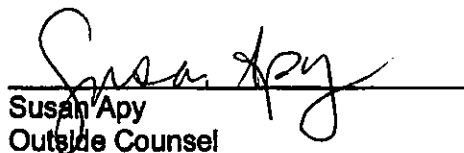
Mark Jomsky, CMC
City Clerk

Approved as to form:



[Assistant] [Deputy] City Attorney

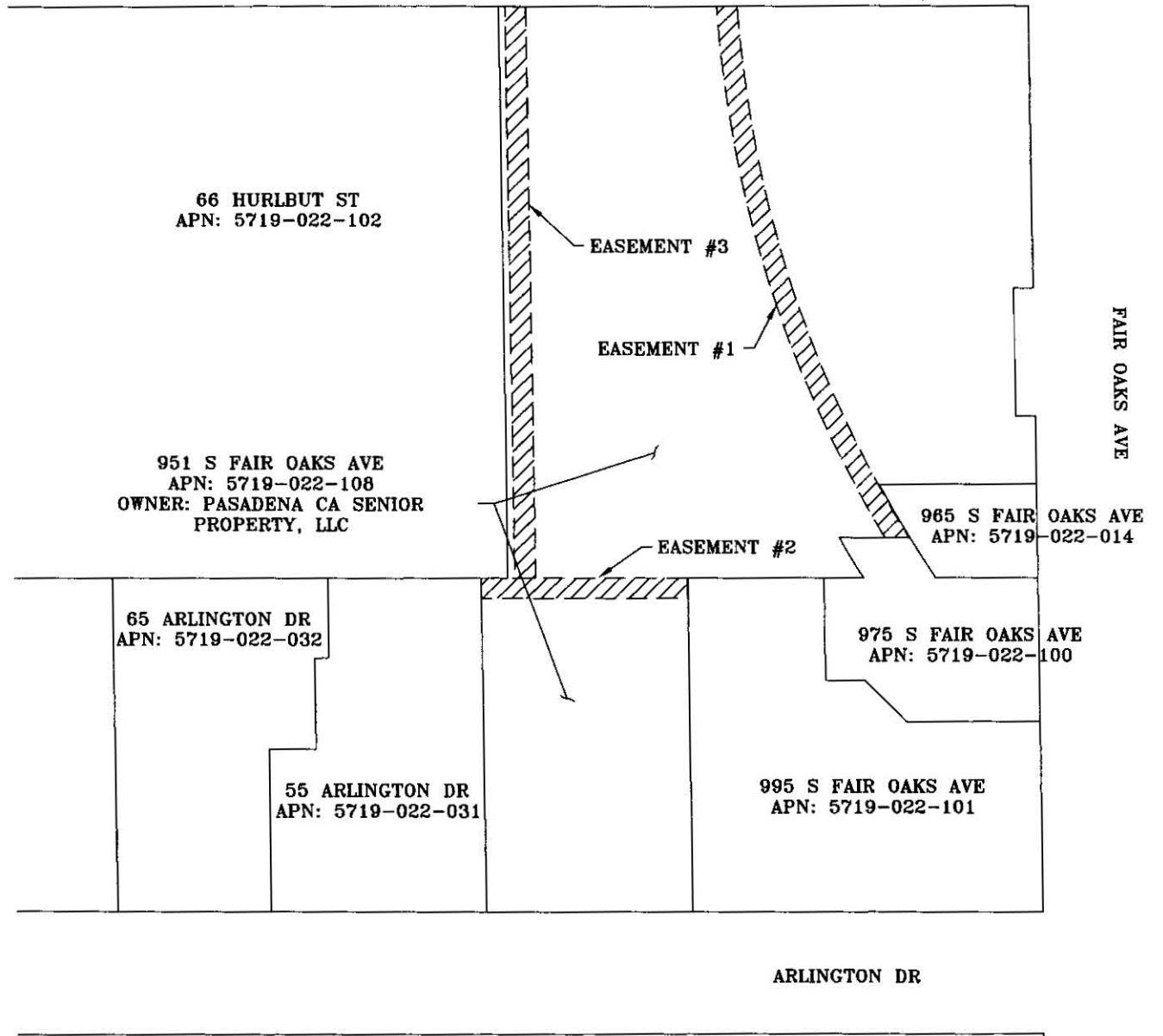
KANE, BALLMER & BERKMAN



Susan Apy
Outside Counsel

EXHIBIT A

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PASADENA WATER
POWER
1055 E. COLORADO

DRAWN		DATE		PROJECT LOCATION	
J. GIANG		10/13/21		PUBLIC WORKS DEPT.	
APPROVED		DATE		APPROVED	
J. NICCOLI		10/13/21		APPROVED	
				APPROVED	

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WA

APPROVED