Agenda Report

DATE: November 16, 2010

TO: The Mayor and City Council

FROM: Sean P. Quinn, City Manager
George R. Hicks, Public Works Director
Steven L. Hartwig, Assistant Public Works Director

SUBJECT: Resolution of the City Council Ordering the Summary Vacation of a Portion of Waterline Easement

RECOMMENDED ACTION
Adopt resolution.

STATEMENT OF ISSUE
This resolution orders the Summary Vacation of a portion of the waterline easement within the Wal-Mart Real Estate Business Trust (Wal-Mart) property on North Texas Street.

DISCUSSION
The existing waterline easement was conveyed to the City of Fairfield by dedication on a parcel map filed December 12, 2003. As a condition of development for the Wal-Mart property on North Texas Street, new service lines have been constructed off of Hawthorne Drive, eliminating the need for a portion of the City's existing water system on the site and reducing maintenance responsibilities for the City. As a result, that portion of the waterline easement has been superseded by relocation and is no longer necessary for public purposes. Staff and Wal-Mart mutually agree that the proposed vacation is appropriate.

FINANCIAL IMPACT
None
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PUBLIC CONTACT/ADVISORY BODY RECOMMENDATION
None

ALTERNATIVE ACTION
None

DOCUMENTS ATTACHED:
Attachment 1: Vicinity Map
Attachment 2: Proposed Resolution with Exhibits A and B

STAFF CONTACT
Trish Landis, Engineering Technician
707.428.7471
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Coordinated with: City Attorney
RESOLUTION OF THE CITY COUNCIL ORDERING THE SUMMARY VACATION OF A PORTION OF WATERLINE EASEMENT

WHEREAS, the City Council desires to vacate a portion of the waterline easement dedicated to the City of Fairfield on the Parcel Map filed December 12, 2003, in Book 45 of Parcel Maps, at page 8, Solano County Records, which portion is set forth in Exhibits A and B attached hereto and incorporated herein (the “Easement”); and

WHEREAS, the City Council hereby elects to proceed with the summary vacation of said easement as described, under and pursuant to Chapter 4 of Part 3 of Division 9 of the Streets and Highway Code of the State of California (Section 8330 through 8336); and

WHEREAS, the City Council, based on evidence in the record of the meeting at which this Resolution was enacted, finds that the Easement has been superseded by relocation and is no longer necessary for public purposes, that there are no other public facilities in the Easement, and consequently, that summary vacation is appropriate under Section 8333(c).

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD HEREBY RESOLVES:

Section 1. That said portion of the waterline easement be and the same is hereby vacated and from and after the recordation of this resolution such vacated portion shall no longer constitute an easement.

Section 2. Pursuant to Section 8336 of the Streets and Highways Code, it is ordered that the City Clerk cause a certified copy of this Order of Vacation attested by her under the Seal of the City of Fairfield to be forthwith recorded in the Office of the County Recorder of the County of Solano, State of California.

PASSED AND ADOPTED this 16th day of November, 2010, by the following vote:

AYES: COUNCILMEMBERS: ________________________________

NOES: COUNCILMEMBERS: ________________________________

ABSENT: COUNCILMEMBERS: ________________________________

ABSTAIN: COUNCILMEMBERS: ________________________________

ATTEST: ________________________________

MAYOR

CITY CLERK

pw
EXHIBIT “A”
Water Line Easement Abandonment

That certain water line easement to the City of Fairfield being a 15-foot wide strip of land shown and designated on that certain Parcel Map filed for record in Book 45 of Parcel Maps at Pages 8 and 9, Solano County Records, located within a portion of Section 13, Township 5 North, Range 2 West, Mount Diablo Meridian in the City of Fairfield, County of Solano, State of California, being,

All that portion of said 15-foot wide easement to the City of Fairfield, lying northerly of the following described line:

Beginning at a the northeast corner of the tract of land granted to Liberty Christian Center in the grant deed recorded in Document No. 2009-00011148 Official Records of Solano County, hereinafter known as the Liberty Christian Center Parcel; thence from the Point of Beginning, along the northerly line of said Liberty Christian Center Parcel, North 89°53’07” West, a distance of 213.24 feet to the northwest corner of said Liberty Christian Center Parcel; thence leaving said northerly line, continuing North 89°53’07” West, a distance of 65.67 feet to the westerly line of Parcel 2 of said Parcel Map and thence terminating.

The Basis of Bearings of this description is identical to that of said Parcel Map recorded in Book 45 of Parcel Maps at Pages 8 and 9, Solano County Records.

End of Description.
EXHIBIT "B"

WATER LINE EASEMENT
ABANDONMENT

PTN OF SECTION 13, T 5 N, R 2 W, M.D.M.
SOLANO COUNTY, CALIFORNIA
AUGUST 2010
ANDREGG
GEOMATICS
www.andregg.com
800-400-7072

45 PM 08
PARCEL 2

N89°53'07"W 65.67'

N89°53'07"W 213.24'

2009-00011148
LIBERTY CHRISTIAN

LEGEND

--- WATER LINE EASEMENT

| AREA TO BE ABANDONED |
| WATER LINE EASEMENT |

AREA TO REMAIN

2009-00011148
LIBERTY CHRISTIAN

45 PM 08
PARCEL 1

45 PM 08
PARCEL 2

ATLANTIC AVENUE