



RESOLUTION No. 18-194

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

APPROVE SUMMARY VACATION (ABANDONMENT) OF A PUBLIC UTILITY EASEMENT CENTERED ON THE PROPERTY BOUNDARY BETWEEN LOTS 165 AND 166 OF BOOK 8 OF SUBDIVISIONS AT PAGE 101, ASSESSOR'S PARCEL NUMBERS 11-161-20 AND 11-161-21 – DISTRICT 2

WHEREAS, the California Streets and Highway Code Section 8333(c) allows the County to summarily vacate or abandon a Public Utility Easement if it is determined to be excess by the easement holder and there are no other public facilities located within the easement; and

WHEREAS, the County of Nevada has a Public Utility Easement as described in that certain Map known as Darkhorse Phase II and recorded in Book 8 of Subdivisions at Page 101; and

WHEREAS, the County of Nevada has received a request from the property owners James and Christina Toft, to abandon the 10-foot Public Utility Easement centered on the boundary between their Lots 165 and 166 of Book 8 of Subdivisions at Page 101 Darkhorse Phase II (Assessor's Parcel Nos. 11-161-20 and 11-161-21); and

WHEREAS, the Nevada County Surveyor has reviewed the proposed vacation (abandonment) and finds that this easement is no longer needed for the purpose that it was originally provided, and there are no public utilities located within the easement; and

WHEREAS, the request has been circulated to the Nevada County Sanitation District, the Nevada Irrigation District, the Pacific Gas and Electric Company, and AT&T, and all have consented to the request; and

WHEREAS, the Nevada County Zoning Administrator has reviewed the request and found the vacation (abandonment) of the easement is not in conflict with the Nevada County General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors has reviewed and considered this easement vacation and hereby finds and determines as follows:

1. The above recitals are true and correct.
2. The Public Utility Easement centered on the property boundary between Lots 165 and 166 of Book 8 of Subdivisions at Page 101, as shown in the attached Exhibit A is hereby determined to be an excess easement and there are no public facilities located within the easement.
3. The Public Utility Easement as described herein can be summarily vacated pursuant to California Code Section 8333(c).

BE IT FURTHER RESOLVED that the Nevada County Board of Supervisors hereby:

1. Summarily vacates and abandons the Public Utility Easement centered on the property boundary between Lots 165 and 166 of Book 8 of Subdivisions at Page 101, as shown in the attached Exhibit A.
2. Declares that from and after the date that this Resolution is recorded, the subject easement no longer constitutes a legal encumbrance.
3. Directs the Clerk of the Board of Supervisors to record the Resolution of Summary Vacation.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 22nd day of May, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

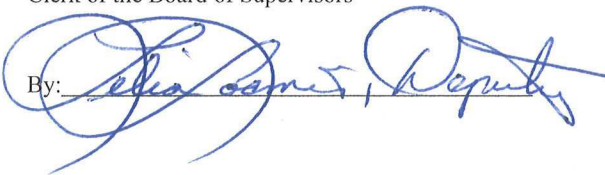
Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward Scofield, Chair

5/22/2018 cc: Recorder (1) 

5/24/2018 cc: DPW*
AC*

COPY

RECORDING REQUESTED BY:

&

RETURN TO:

Board of Supervisors
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959-8617

Nevada County Recorder
Gregory J. Diaz
Document#: 20180010256
Thursday May 24 2018, at 11:32:42 AM

Paid: KP

DOCUMENT TITLE

NEVADA COUNTY BOARD OF SUPERVISORS
RESOLUTION 18-194

APPROVE SUMMARY VACATION (ABANDONMENT) OF A PUBLIC UTILITY
EASEMENT CENTERED ON THE PROPERTY BOUNDARY BETWEEN LOTS 165
AND 166 OF BOOK 8 OF SUBDIVISIONS AT PAGE 101, ASSESSOR'S PARCEL
NUMBERS 11-161-20 AND 11-161-21 - DISTRICT 2

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Govt. Code 27361.6)
Additional Recording Fee Applies



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3. The Public Utility Easement as described herein can be summarily vacated pursuant to California Code Section 8333(c).

BE IT FURTHER RESOLVED that the Nevada County Board of Supervisors hereby:

1. Summarily vacates and abandons the Public Utility Easement centered on the property boundary between Lots 165 and 166 of Book 8 of Subdivisions at Page 101, as shown in the attached Exhibit A.
2. Declares that from and after the date that this Resolution is recorded, the subject easement no longer constitutes a legal encumbrance.
3. Directs the Clerk of the Board of Supervisors to record the Resolution of Summary Vacation.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 22nd day of May, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.


Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 



Edward Scofield, Chair

The foregoing instrument is a correct copy of the original on file in this office.

Resolution 18-194

ATTEST: May 24, 2018

Julie Patterson Hunter, Clerk of the Board
County of Nevada

BY: 

5/22/2018 cc: Recorder (1)

EASEMENT ABANDONMENT

DARKHORSE PHASE II
OF BK. 8 SUBDIVISION MAPS PG. 101

FOR: JAMES & CHRISTINA TOFT

LOCATED WITHIN THE SEC 26, T14N, R8E, M.D.M.
IN THE UNINCORPORATED TERRITORY OF NEVADA COUNTY, CA.

SCALE 1"=60'

SPENCER LAND SURVEYS

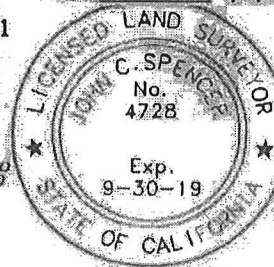
APRIL, 2018

OWNER/AGENT: JAMES & CHRISTINA TOFT
23547 DARKHORSE DR.
AUBURN, CA 95602

ASSESSORS PARCEL NO: 11-161-20 & 21
SITE ADDRESS: 23547 DARKHORSE DR.
AUBURN, CA. 95602

NOTE: THIS IS NOT A SURVEY MAP.
ABANDON 10' WIDE PUBLIC UTILITY EASEMENT
ALONG DIVIDING LINE BETWEEN LOTS 165 & 166
DARKHORSE PHASE II, 8 SUBD 101

SURVEYORS CERTIFICATE:
THIS MAP IS A REPRESENTATION OF A SURVEY MADE
BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH
THE REQUIREMENTS OF THE LAND SURVEYORS ACT THIS
24TH DAY OF APRIL, 2018



John C. Spencer
JOHN C. SPENCER LS. 4728

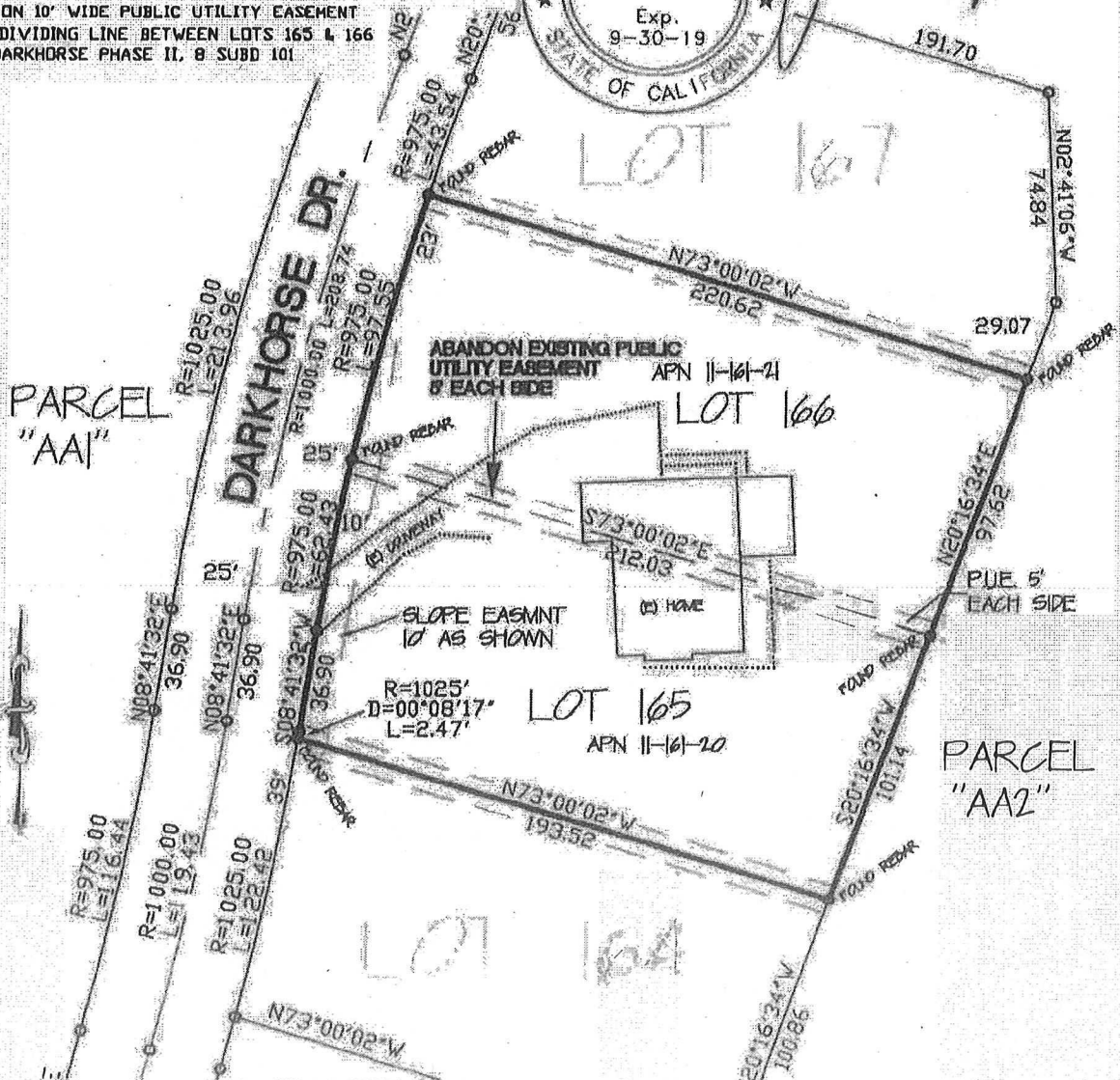


EXHIBIT "A"