



## **RESOLUTION No. \_\_\_\_\_**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**RESOLUTION FOR AN ABANDONMENT OF A 30' WIDE DRAINAGE EASEMENT AS SHOWN OVER LOT 27 OF THE WAWONA MADRONO SUBDIVISION RECORDED DECEMBER 12, 1973, IN BOOK 5 OF SUBDIVISIONS AT PAGE 01 AND ACCEPTED BY THE BOARD OF SUPERVISORS FOR PUBLIC USE ON SAID SUBDIVISION MAP, ASSESSOR'S PARCEL NUMBER 006-860-005 - DISTRICT 1**

WHEREAS, the California Streets and Highway Code Section 8333(c) allows the County to summarily vacate (abandon) a Public 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 Drainage Easement over a portion of Lot 27 of the Wawona Madrono Subdivision recorded December 12, 1973, in Book 5 of Subdivisions at Page 01; and

WHEREAS, the County of Nevada has received a request from the property owners, Albert & Melody Martorano, to abandon the 30-foot Public Drainage Easement over a portion of Lot 27 of the Wawona Madrono Subdivision recorded December 12, 1973, in Book 5 of Subdivisions at Page 01, (Assessor's Parcel Numbers 006-860-005); and

WHEREAS, the Nevada County Surveyor has reviewed the proposed abandonment and finds that this Drainage 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 Public Works Department and have consented to the request; and

WHEREAS, the Nevada County Zoning Administrator has reviewed the request and found the abandonment of the right-of-way 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 30-foot Public Drainage Easement over a portion of Lot 27 of the Wawona Madrono Subdivision recorded December 12, 1973, in Book 5 of Subdivisions at Page 01, as shown in the attached Exhibit Map is hereby determined to be an excess easement and there are no public facilities located within the easement.
3. The Public Drainage Easement as shown herein can be summarily vacated pursuant to California Code Section 8333(c).

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

1. Summarily vacates and abandons the 30-foot Public Drainage Easement over a portion of Lot 27 of the Wawona Madrono Subdivision recorded December 12, 1973, in Book 5 of Subdivisions at Page 01, and as shown in the attached Exhibit Map.
2. Declares that from and after the date that this Resolution is recorded, the subject right-of-way no longer constitutes a legal encumbrance.
3. Directs the Clerk of the Board of Supervisors to record the Resolution of Summary Vacation.