



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

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

**ABANDONMENT OF THE 10' PUBLIC UTILITY EASEMENT (PUE) BETWEEN LOTS 181 & 182 AS SHOWN ON THE DARKHORSE PHASE II & DARKHORSE PHASE III SUBDIVISION MAPS RECORDED OCTOBER 16, 2002, IN BOOK 8 OF SUBDIVISIONS AT PAGE 101 AND RECORDED MAY 19, 2004, IN BOOK 8 OF SUBDIVISIONS AT PAGE 119, RESPECTIVELY. ASSESSOR'S PARCEL NUMBERS 011-151-014 & -037- 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 10' Public Utility Easement between Lots 181 & 182 as shown on the Darkhorse Phase II & Darkhorse Phase III subdivision maps recorded October 16, 2002, in Book 8 of Subdivisions at Page 101 and recorded May 19, 2004, in Book 8 of Subdivisions at Page 119, respectively; and

WHEREAS, the County of Nevada has received a request from the property owners, Damian Wells, Kristina Castro, and Harbor Custom Development, to abandon the 10-foot Public Utility Easement (PUE) between Lots 181 & 182 as shown on the Darkhorse Phase II & Darkhorse Phase III subdivision maps recorded October 16, 2002, in Book 8 of Subdivisions at Page 101 and recorded May 19, 2004, in Book 8 of Subdivisions at Page 119, respectively; 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 10-foot Public Utility Easement (PUE) between Lots 181 & 182 as shown on the Darkhorse Phase II & Darkhorse Phase III subdivision maps recorded October 16, 2002, in Book 8 of Subdivisions at Page 101 and recorded May 19, 2004, in Book 8 of Subdivisions at Page 119, respectively, 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 Utility 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 hereby:

1. Summarily vacates and abandons the 10-foot Public Utility Easement (PUE) between Lots 181 & 182 as shown on the Darkhorse Phase II & Darkhorse Phase III subdivision maps recorded October 16, 2002, in Book 8 of Subdivisions at Page 101 and recorded May 19, 2004, in Book 8 of Subdivisions at Page 119, respectively, and as shown in the attached Exhibit Map.
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.