



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

SUMMARY VACATION OF THE 20-FOOT PUBLIC UTILITY EASEMENT (PUE) OVER THE COMMON SIDELINE OF LOTS 37 AND 38 OF THE INDIAN MOUNTAIN ESTATES – UNIT NO. 1 SUBDIVISION, AS SHOWN ON THE MAP RECORDED IN BOOK 2 OF SUBDIVISIONS AT PAGE 101, ASSESSOR’S PARCEL NUMBERS 20-820-09 & 20-810-07

WHEREAS, the California Streets and Highway Code Section 8333(c) allows the County to summarily vacate 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 know as Indian Mountain Estates – Unit No. 1 and recorded in Book 2 of Subdivisions at Page 101; and

WHEREAS, the County of Nevada has received a request from Peter & Laurel Burcham and Glen & Mary Murray to vacate the Public Utility Easement within Lots 37 and 38 of the Indian Mountain Estates – Unit No. 1 subdivision, as shown on the map recorded in Book 2 of Subdivisions at Page 101 (Assessor’s Parcel No. 20-820-09 & 20-810-07); and

WHEREAS, the Nevada County Surveyor has reviewed the proposed vacation 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 the easement runs under an existing residential structure; and

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

WHEREAS, the Nevada County Zoning Administrator reviewed the request and found the vacation 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 within Lots 37 & 38 of the Indian Mountain Estates – Unit No. 1 subdivision, as shown on the map recorded in Book 2 of Subdivisions at Page 101, and on the attached Exhibit “A” is hereby determined to be an excess easement and there are no other 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 a portion of the Public Utility Easement within Lots 37 & 38 of the Indian Mountain Estates – Unit No. 1 subdivision, as shown on the map recorded in Book 2 of Subdivisions at Page 101, and as shown on 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.