



**RESOLUTION No. \_\_\_\_\_**  
**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**APPROVE SUMMARY VACATION (ABANDONMENT) OF A 10-  
FOOT PUBLIC UTILITY EASEMENT CENTERED ON THE  
BOUNDARY BETWEEN ASSESSOR'S PARCEL NUMBERS 021-  
170-039 AND 021-170-040, AS SHOWN IN WESTERN LAKE  
PROPERTIES #1-B SUBDIVISION RECORDED IN BOOK 2 OF  
SUBDIVISIONS AT PAGE 85 – 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 Public Utility Easements as described in that certain Map known as Western Lake Properties #1-B and recorded in Book 2 of Subdivisions at Page 72; and

WHEREAS, the County of Nevada has received a request from owners of the subject property at Assessor's Parcel Number (APN) 021-170-039, Anthony and Darlene McCoy, and consent from the adjoining affected property owners of APN 021-170-40, Nicholas R. and Ivy Hays, to abandon the 10-foot Public Utility Easement (PUE) centered on the shared boundary between APNs 021-170-039 and 021-170-040, as shown in the Book 2 of Subdivisions at Page 85; and

WHEREAS, the Nevada County Surveyor has reviewed the proposed vacation (abandonment) and finds that these easements are no longer needed for the purpose that they originally provided, and there are no public utilities located within the easements; and

WHEREAS, additional PUEs are located along the external property boundaries to accommodate utilities as needed; and

WHEREAS, the request has been circulated to the Nevada County Sanitation District, the Nevada Irrigation District, Pacific Gas and Electric Company, 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 easements 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 the easement vacation and hereby finds and determines as follows:

1. The above recitals are true and correct.
2. The 10-foot Public Utility Easement centered on the shared boundary between APNs 021-170-039 and 021-170-040, as shown in Western Lake Properties #1-B Subdivision recorded in Book 2 of Subdivisions at Page 85, shown in the attached Exhibit A, is hereby determined to be an excess easement and there are no public facilities located within the easements.

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 shared boundary between APNs 021-170-039 and 021-170-040, as shown in Western Lake Properties #1-B Subdivision recorded in Book 2 of Subdivisions at Page 85, 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.