

**Before the Board of Supervisors and for the
County of Monterey, State of California**

Resolution No. _____

Adopts a Resolution:

- a. Authorizing the Director of Public Works to accept a new Storm Drain Easement on Assessor's Parcel No. 243-031-033 within the Carmel Meadows Subdivision, in the Community of Carmel;
- b. Determining summary vacation of a drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed, and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
- c. Summarily vacating the drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed;
- d. Quitclaiming any interest Monterey County has in said easement to the property owner;
- e. Directing the Director of Public Works to file a Notice of Exemption with the County Clerk;
- f. Authorizing the Chair of the Board to execute the Quitclaim Deed; and
- g. Directing the Director of Public Works to submit a certified copy of the Resolution, Storm Drain Easement and Quitclaim Deed to the County Recorder for recordation.

WHEREAS, the County of Monterey accepted dedication of the drainage easement as part of the Carmel Meadows Subdivision, Tract 269, approved by the Board of Supervisors in 1955; and

WHEREAS, on April 8, 2010, the Monterey County Zoning Administrator approved a Combined Development Permit (PLN090253, Jaggers) for the demolition of an existing 4,095 square foot single family dwelling, and the construction of a new 5080 square foot single family dwelling; and

WHEREAS, the existing storm drain pipe and drainage easement is currently being used and is necessary for drainage for the subdivision; and

WHEREAS, the existing storm drain pipe and drainage easement need to be relocated to accommodate the new residential structure; and

WHEREAS, the property owner grants a new permanent easement along Assessor's Parcel No. 243-031-033, of the Carmel Meadows Subdivision, in the Community of Carmel for the relocated storm drain pipe; and

WHEREAS, said existing drainage easement will be superceded by the newly granted easement, and will no longer be required for future public use purposes; and

WHEREAS, the property owner has requested that the County vacate the existing drainage easement along Lot 5, of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed; and

WHEREAS, the Resource Management Agency - Planning considered this vacation and found that the proposed vacation is consistent with the Monterey County General Plan and Carmel Land Use Plan, and

WHEREAS, that said vacation will not have a significant impact on the environment and is exempt from environmental review in accordance with Section 15302(c) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, any storm drain(s) found after the fact will be the property owner's responsibility to relocate as required by the affected party; and

WHEREAS, said drainage easement is considered a public service easement pursuant to California Streets and Highways Code Section 8306; and

WHEREAS, the Board of Supervisors is authorized to vacate public service easements superseded by relocation pursuant to California Streets and Highways Code Section 8333.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the County of Monterey hereby:

1. Finds that the foregoing recitals are true and correct and so declares and determines.
2. Authorizes the Director of Public Works to accept the new Storm Drain Easement on Assessor's Parcel No. 243-031-033 within the Carmel Meadows Subdivision, in the Community of Carmel.
3. Pursuant to Article 1 of Chapter 4, Section 8333, of California Streets and Highways Code, summarily vacates the drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed and more fully described in the Quitclaim Deed which is attached hereto and incorporated herein.
4. From and after the date that this resolution is recorded, the drainage easement vacated shall no longer constitute a drainage easement of Monterey County.
5. Quitclaims any interest Monterey County has in said easement to the property owner.
6. Directs the Director of Public Works to file a Notice of Exemption with the County Clerk, as vacation is exempt from environmental review in accordance with Section 15302(c) of the California Environmental Quality Act (CEQA) Guidelines.
7. Authorizes the Chair of the Board to execute the Quitclaim Deed.
8. Directs the Director of Public Works to submit a certified copy of the Resolution, Storm Drain Easement and Quitclaim Deed to the County Recorder for recordation.