

**Recording Requested By and
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County of Monterey
Public Works Department
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

No Fee per Govt. Code 6103

(Space Above this Line for Recorder's Use)

TITLE(S) OF DOCUMENT

**RESOLUTION NO. _____
SUMMARILY VACATING PUBLIC SERVICE EASEMENTS
AT EAST GARRISON PHASE 1**

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

Resolution No. _____

- a. Pursuant to Section 8333(c) of the California Streets and Highways Code, finding that certain Public Utility Easements at East Garrison Phase 1 are in excess to the public's needs and that there are no other public facilities located within the area to be vacated;
- b. Summarily vacating the public service easements as identified herein; and
- c. Authorizing the Clerk of the Board of Supervisors to submit a certified copy of the resolution to the County Recorder for recordation.

WHEREAS, the approved subdivision map for East Garrison Phase 1 (Tract No. 1489) ("Tract Map"), as approved and accepted by the County of Monterey ("County") on June 12, 2007, included public utility easements to the County for the construction, maintenance, use, replacement, improvement, and operation of pump stations, wastewater treatment facilities, sanitary sewers, storm drains and water pipelines, gas and electricity transmission lines and telephone lines, and all necessary appurtenances thereto (collectively the "PUEs"); and

WHEREAS, Chapter 4 of the California Streets and Highways Code (Chapter 4 of Part 3, Division 9 of said Code), and specifically Section 8333(c) thereof, authorizes a legislative body to summarily vacate public service easements in certain conditions; and

WHEREAS, certain portions of the PUEs are in excess of the needs of the public and not in use by the County or any other public agency, which are the portions affecting the properties identified in Exhibit A hereto and which are depicted on Exhibit B hereto, and each incorporated herein by reference (the "Vacated PUEs"); and

WHEREAS, UCP East Garrison, LLC, and its affiliates BMC EG Garden, LLC, BMC EG Bungalow, LC and BMC EG Village LLC (the "Requesting Parties"), have requested that the Vacated PUEs, in total, but also specifically the portion owned by each respective Requesting Party, be vacated as permitted by Section 8333(c) of the California Streets and Highways Code to allow for the construction of improvements within the vacated areas; and

WHEREAS, California Streets and Highways Code Section 8333(c) provides that upon the Board of Supervisor's determining that a public service easement or a portion thereof, such as the Vacated PUEs, is in excess to the needs of the public and that no other public facilities are located within the easement areas, the Board of Supervisors may summarily vacate the easement.

NOW, THEREFORE, BE IT RESOLVED, that the Monterey County Board of Supervisors hereby finds and resolves as follows:

- 1. Pursuant to Section 8333(c) of the California Streets and Highways Code, the Board of Supervisors hereby finds that the Vacated PUEs is in excess to the public's needs and there are no other public facilities located within the area to be vacated;
- 2. Vacate the public service easements as identified herein as the Vacated PUEs;
- 3. Authorize the Clerk of the Board of Supervisors to submit a certified copy of this resolution

to the County Recorder for recordation; and

4. In accordance with Section 8335(b)(4) of the California Streets and Highways Code, from and after the date this resolution is recorded, the Vacated PUEs no longer constitutes a public service easement.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____ and carried this 8th day of July 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof Minute Book ___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors,
County of Monterey, State of California

By: _____
, Deputy