

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA ORDERING THE SUMMARY VACATION AND ABANDONMENT OF A RIGHT OF WAY FOR PURPOSES OF A PUBLIC SANITARY SEWER EASEMENT CROSSING A PROPERTY LOCATED AT 1717 HIGHWAY 20 ALSO KNOWN AS APN 002-120-029

WHEREAS, The City of Colusa, State of California, has an existing, yet undefined sanitary sewer easement on property located adjacent to Highway 20, on APN 002-120-029, which was granted to the County in 1911. This easement has not and does not serve the purposes for which it was granted, and

WHEREAS, The City Council of the City of Colusa may vacate all or part of a street, highway, or public service easement pursuant to the Public Streets, Highways, and Service Easements Vacation Law (State of California Streets & Highways Code, § 8300 et seq.); and

WHEREAS, the summary vacation proceedings are to be conducted pursuant to the provisions in § 8330 – 8336, Chapter 4 of Part 3, Division 9, entitled “Summary Vacation,” of the State of California Streets & Highways Code; and

WHEREAS, the summary vacation requirement for a public street/right of way has been met, pursuant to §8331 and §8334 of the California Streets & Highways Code.

WHEREAS, this area was dedicated for a public purpose, sewer easement, which the City of Colusa has determined does not exist over this excess area, that the area has never been used by the City of Colusa, and there are no current or planned public improvements for this excess right of way, therefore the City Council is directing the City Manager to reconvey the property to the current owner under California Government Code § 66477.5(c).

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Council of the City of Colusa hereby orders the summary vacation and abandonment of the sanitary sewer easement crossing said property referred to herein.
2. A public hearing is not required and the use of a summary proceeding is allowed for the vacation of this public street by having met both of the following cases specified in California Streets and Highways Code section 8331:
 - a. For a period of five consecutive years, the street has been impassable for vehicular travel.
 - b. No public money was expended for maintenance on the street during such period.

- c. Separately and in addition to the provisions stated above the right of way to be abandoned is not required for street or highway purposes. California Streets and Highways Code section 8334(a) authorizes the use of the summary abandonment procedure.
 - d. Furthermore the right of way to be abandoned lies within property under one ownership and it does not continue through such ownership. California Streets and Highways Code section 8334(b) authorizes the use of the summary abandonment procedure.
- 3. The vacation and abandonment of the street shall become effective the date this Resolution is recorded.
- 4. The City Manager is hereby authorized to reconvey the excess right of way to the current property owner.

PASSED and ADOPTED this 21st day of June, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THOMAS REISCHE, MAYOR

Attest:

Shelly Kittle, City Clerk