

RESOLUTION NO. 2022-133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CITY ENGINEER, ON BEHALF OF THE CITY, WITH THE RECORDING OF THE FINAL MAP FOR TRACT SUB18-0008, TO VACATE AND ABANDON A PORTION OF A PUBLIC ALLEY SPECIFICALLY DESCRIBED HEREIN, LOCATED IN THE CITY OF ESCONDIDO.

WHEREAS the City Council of the City of Escondido, California, on November 16, 2022, passed Resolution No. 2022-131 declaring its intention to order the vacation, abandonment and closing to public use, a portion of a public alley as hereinafter described, located within the City of Escondido; and,

WHEREAS, on Wednesday December 7, 2022, the City Council duly heard all evidence offered by all persons interested in or objecting to the proposed vacation, abandonment and closing; and

WHEREAS, all other acts and things required by law, particularly Sec. 8320 *et seq.* of the California Streets & Highways Code, to confer jurisdiction upon the City Council to order said street vacation have been done; and

WHEREAS, pursuant to the provisions of Sec. 8340 of the California Streets & Highways Code existing and proposed utilities do require the reservation of utility easements over a portion of the area to be vacated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California as follows:

1. That the above recitations are true.
2. That the City Council makes the following findings of fact:

(a) That the portions of the unnamed public alley in Block 75 of Escondido proposed for vacation are not being utilized.

(b) That the portions of vacated streets are unnecessary for present or prospective public street purposes.

(c) That the City Engineer supports the street vacation as proposed and recommends approval of the street vacation.

(d) That the proposed vacation is recommended because this land is not needed for the ultimate design of any street.

(e) That the vacated portions of rights-of-way are not useful as bikeways.

(f) Prior to recordation, the legal description shall be revised to include the following language, "Reserving and excepting therefrom pursuant to the provisions of Section 8340 of the California Streets and Highways Code and for the benefit of the City of Escondido, a permanent easement and a right-of-way for access to construct, reconstruct, maintain, operate, renew, enlarge, remove, and repair drains, sewers, water facilities, and general utilities, including any or all appurtenances thereto, and to remove any improvement, brush, trees, shrubs, and other growth, together with the right of ingress and egress over, under, along, and across, all that real property situated in the City of Escondido, County of San Diego."

3. That in view of the above findings and the applicable law, this City Council finds, from all evidence submitted, that the portion of public alley, as described and delineated on Exhibits "A" and "B," which are attached to this resolution and incorporated by this reference, meet the requirements for vacation as set forth in Section 8320 *et seq.* of the California Streets & Highway Code.

4. That the City Council does hereby order the portions of public streets described and delineated in Exhibits "A" and "B," within the City of Escondido, closed and vacated.

5. That this order shall take effect upon recordation of the final map for City of Escondido Tract SUB18-0008.