

Town of Truckee
California

RESOLUTION 2022-41

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE
ABANDONING A 1,125 SQ. FT. PORTION OF AN ACCESS EASEMENT ON
13439 HILLSIDE DRIVE
ASSESSOR'S PARCEL NUMBER 040-090-012-000
(OWNERS: KEVIN & LAUREN BEAN)**

WHEREAS, the Town of Truckee has received an Easement Abandonment application from Kevin & Lauren Bean to abandon a 1,125 sq. ft. portion of an access easement along the southeastern (front) property line to provide required off-street parking for the subject parcel located at 13439 Hillside Drive (APN 040-090-012-000); or Lot 64 of the Tahoe Donner Unit 7 Subdivision Map, Book 4, Page 37 in the Records Office of Nevada County, California; and

WHEREAS, environmental review has been conducted in accordance with the California Environmental Quality Act (CEQA) and the Town Council has determined the project will not have a significant impact on the environment and is exempt from environmental review in accordance with Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the Community Development Director and Town Engineer/Public Works Director have reviewed the proposed abandonment of the 1,125 sq. ft. portion of the access easement located along the southeast (front) property boundary, as shown within Exhibit A, located at 13439 Hillside Drive (APN 040-090-012-000) and find there is not a public interest in the easement in question, the portion of the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the requested vacation, and the easement is not necessary for present or prospective use; and

WHEREAS, the adjacent property owner with an interest in this easement has released their interest in the subject portion; and

WHEREAS, no public utility agencies and special districts have an interest in this easement; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TRUCKEE that upon satisfaction of all conditions set forth below, the Town shall abandon any and all interest in the 1,125 sq. ft. portion of the access easement located along the southeast (front) property boundary, as shown within Exhibit A, located at 13439 Hillside Drive (APN 040-090-012-000) or Lot 64 of the Tahoe Donner Subdivision Unit 7 Subdivision Map, Book 4, Page 37 in the Records Office of Nevada County, California; and

BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TRUCKEE that the abandonment of the access easement contemplated herein is subject to the following conditions being met by the applicant:

1. A plat map shall be prepared by a licensed land surveyor and shall be reviewed and approved by the Town Engineer. The plat map shall show the 1,125 sq.ft. portion of the access easement located along the southeast (front) property boundary abandoned by the adoption of this resolution. The plat map shall comply with all

requirements of the Town Engineer and Nevada County Recorder and shall be integrated into this resolution as Exhibit A.

2. The applicants shall provide the Town with an executed copy of the Indemnity, Hold Harmless and Defense Agreement attached hereto as Exhibit B.

BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TRUCKEE that if the conditions listed above for the Easement Abandonment have not been satisfied by **July 26, 2024**, the conditional approval granted by this resolution shall become null and void without further action by the Town Council being required.

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to coordinate the recordation of this resolution upon satisfying that the above-mentioned conditions have been met.

The foregoing resolution was introduced by _____, seconded by _____, at a regular meeting of the Truckee Town Council, held on the 26th day of July 2022 and adopted by the following vote:

AYES:

NOES:

ABSTAIN:

Courtney Henderson, Mayor

ATTEST:

Judy Price, MMC, Town Clerk

Attachments:

Exhibit A – Easement Abandonment Plat Map and Legal Description
Exhibit B – Indemnity, Hold Harmless and Defense Agreement

**COUNCIL RESOLUTION 2022-41
EXHIBIT "A"
PLAT MAP AND LEGAL DESCRIPTION**

(see attached)

EXHIBIT 'A'

KEVIN AND LAUREN BEAN

**Access Easement Area of Abandonment
Lot 64 Tahoe Donner Subdivision No. 7**

A portion of that tract of land conveyed to Kevin Matthew Bean and Lauren Catherine Bean, husband and wife as Joint Tenants by that certain Trust Grant Deed recorded on April 20, 2021, in Document No. 2021-0013590, Official Records of Nevada County, hereinafter referred to as the lands of Bean, located in Section 31, Township 18 North, Range 16 East, M.B.M., State of California, County of Nevada, also being a portion of Lot 64 as shown on Map of Tahoe Donner Unit No. 7, recorded in Book 4 of Subdivisions at Page 37, Document Number 14322, recorded August 23, 1972, Nevada County Records described as follows:

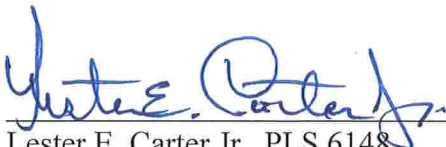
BEGINNING at the most Southeasterly corner of said Lot 64, thence along the following three (3) courses:

- 1) North 69°32'52" West, a distance of 30.00 feet;
- 2) North 20°27'08" East, a distance of 75.00 feet;
- 3) South 01°20'57" East, a distance of 80.78 feet, to the **POINT OF BEGINNING**.

Containing 0.026 acres, more or less.

The Basis of Bearings of this description is identical with the Northeasterly line of said Lands of Bean as described above as Lot 64, Map of Tahoe Donner, and in said Document No. 2021-0013590.

End of Description


Lester E. Carter Jr., PLS 6148
License Expires: 03/31/2024

5/2/2022
Date



APN: 046-510-014-000

APN: 046-470-009-000

GRANT
LOT 63
04-R.M.-37
11-O.R.-015567
APN: 046-510-013-000

BEAN
LOT 64
04-R.M.-37
2021-O.R.-0013590
APN: 046-510-012-000

JAVEED
LOT 65
04-R.M.-37
APN: 046-510-011-000

REMAINING ACCESS
EASEMENT
AREA

ACCESS EASEMENT
AREA TO BE
ABANDONED

HILLSIDE DRIVE

POB

LEGEND

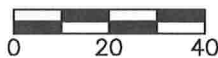
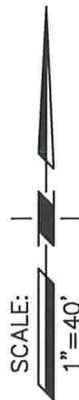
- DIMENSION POINT—NOTHING FOUND OR SET
- POB—POINT OF BEGINNING
- POC—POINT OF COMMENCEMENT

 REMAINING ACCESS EASEMENT
AREA 1,125± SF (0.0258± ACRES)

 ACCESS AREA EASEMENT TO BE
ABANDONED.
AREA 1,125± SF (0.0258± ACRES)

EXHIBIT 'B'
**AREA OF EASEMENT
ABANDONMENT**
SECTION 31, T.18 N., R.16 E., M.D.B.M.
TOWN OF TRUCKEE
NEVADA COUNTY, CALIFORNIA
SCALE: 1"=40' MARCH 16, 2022

| LINE TABLE | | |
|------------|-------------|--------|
| LINE | DIRECTION | LENGTH |
| L1 | N69°32'52"W | 30.00' |
| L2 | N20°27'08"E | 75.00' |
| L3 | S01°20'57"E | 80.78' |



PSOMAS

11661 Blocker Drive, Suite 200
Auburn, Ca. 95603
(800) 400-7072

OWNER APN 046-510-012-000

KEVIN & LAUREN BEAN

MAILING ADDRESS:

3279 HASKELL WAY
EL DORADO HILLS, CA 95762

SITE ADDRESS:

13439 HILLSIDE DRIVE
TRUCKEE, CA 96161

SURVEYOR

PSOMAS

11661 BLOCKER DR. #200

AUBURN, CA. 95603

LESTER CARTER JR., P.L.S. 6148

PH: 805-503-3632

EXISTING UNENCUMBERED ACREAGE

KEVIN & LAUREN BEAN

APN 046-510-012 = 0.2583±AC

PROPOSED UNENCUMBERED ACREAGE

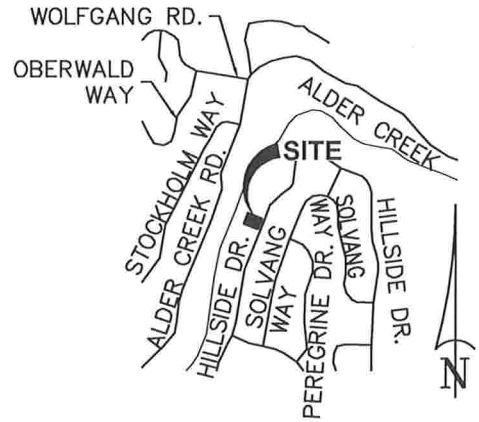
KEVIN & LAUREN BEAN

APN: 046-510-012= 0.2841±AC

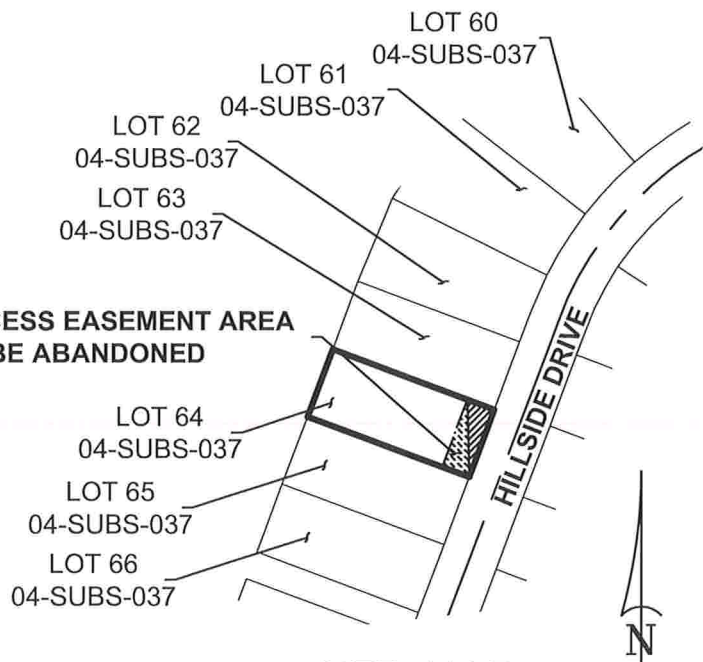
MODIFIED ACCESS EASEMENT:

EASEMENT ABANDONMENT AREA = (0.0258±AC)

REMAINING ACCESS EASEMENT AREA = (0.0258±AC)



**VICINITY MAP
NOT TO SCALE**



**SITE MAP
SCALE: 1"=300'**

**EXHIBIT 'B'
AREA OF EASEMENT
ABANDONMENT
SECTION 31, T.18 N., R.16 E., M.D.B.M.
TOWN OF TRUCKEE
NEVADA COUNTY, CALIFORNIA
SCALE: 1"=300' MARCH 16, 2022**



PSOMAS

11661 Blocker Drive, Suite 200
Auburn, Ca. 95603
(800) 400-7072

**COUNCIL RESOLUTION 2022-41
EXHIBIT "B"**

INDEMNITY, HOLD HARMLESS AND DEFENSE AGREEMENT

(see attached)

Recording Requested By:

and

**Return to: Town of Truckee
Judy Price, Town Clerk
10183 Truckee Airport Road
Truckee CA 96161**

Exempt from recording fees per Government Code Section 27383

**TOWN OF TRUCKEE
INDEMNITY, HOLD HARMLESS, AND DEFENSE AGREEMENT**

This Indemnity, Hold Harmless and Defense Agreement (“Agreement”) is made and entered into this ____ day of _____, 2022, by and between Kevin Matthew Bean and Lauren Catherine Bean, husband and wife as joint tenants (collectively, “Owner”) and the Town of Truckee, a municipal corporation of the State of California, hereafter called “Town”.

Section 1. Recitals.

- A. Owner is the owner of 13439 Hillside Drive, Truckee, CA (APN 046-510-012-000) (“the Parcel”), as described in the legal description attached as Exhibit A.
- B. The Parcel is burdened by a 30-foot access easement along the eastern (front) property boundary as described on the Tahoe Donner Unit 7 Subdivision Map.
- C. Abandonment of a 1,124 s.f. portion of the access easement, as depicted on attached Exhibit B, will have no effect on the Town’s or public’s interest.
- D. Notice was provided to all parties with a recorded interest in the access easement and no objections were received at the hearing called for that purpose before the Town Council.
- E. As a condition of abandoning a portion of the access easement, however, the Town needs to be assured that in the event a claim of right is made by any person or entity regarding or as a result of the abandonment, the Town will be held harmless and indemnified from any such claim, including payment of any attorneys and expert witness fees the Town may incur in defense of any such claim.

Section 2. Consideration and Specific Terms.

For and in consideration of the promises herein exchanged Town and Owner mutually agree as follows:

To the maximum extent allowed by law, Owner shall, at its own expense, defend, indemnify, and hold Town, its officials, officers, employees and agents free and harmless from any and all suits, claims, damage or injury to property or persons, including wrongful death, in any

manner arising out of or incident to any acts or omissions of the Town, its agents, or employees, in connection with the Owner's easement abandonment application and/or the Town's abandonment of the easement specifically including, but not limited to, any such claims, suits, damages, or injury arising from any alleged ownership or other interests as described above, including without limitation the payment of reasonable attorney and expert witness fees incurred in any defense of the Town.

Section 3. General Provisions.

This Agreement shall be governed by and construed with the laws of the State of California. Any action to interpret or enforce this Agreement shall be brought in the Truckee branch of the Nevada County Superior Court.

Any provision of this Agreement which is determined by a court of competent jurisdiction to be invalid or illegal shall in no way affect, impair or invalidate any other provisions of this Agreement, and such other provisions shall remain in full force and effect.

This Agreement contains the entire agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified by writing signed by both parties. This Agreement shall be interpreted as if jointly prepared by the parties. No presumption shall arise from the identity of the drafter.

Each party warrants to each other that the individual signing this Agreement on behalf of such party is fully authorized to bind such party and agrees to be bound by this Agreement as of the effective date of this Agreement.

This Agreement has been created exclusively for the benefit of the signators and no rights are created in any third party by entry into this Agreement.

All notices permitted or required under this Agreement shall be deemed made when delivered to the applicable party's representative as provided in this Agreement. Additionally, such notices may be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

TOWN:

Town of Truckee
Truckee Airport Road
Truckee, CA 96161
Attn: Town Manager

OWNER:

Kevin Matthew Bean
Lauren Catherine Bean
13439 Hillside Drive
Truckee, CA 96161

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid, return receipt requested and addressed to the party at its applicable address.

Section 4. Successors and Assigns.

This Agreement shall run with the land and shall be binding upon the heirs, assigns, subsequent purchasers and any other successors in interest.

Section 5. Recordation.

This Agreement shall be recorded in the official records of Nevada County, California.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the dates set forth below.

TOWN OF TRUCKEE

DATED: _____

Jen Callaway, Town Manager

APPROVED AS TO FORM:

DATED: _____

Andrew Morris, Town Attorney
Town of Truckee

OWNER

DATED: _____

Kevin Matthew Bean

DATED: _____

Lauren Catherine Bean

EXHIBIT "A"

21-135308-04

LOT 64, OF TAHOE DONNER UNIT NO.7, IN THE CITY OF TRUCKEE, COUNTY OF NEVADA, STATE OF CALIFORNIA, AS SHOWN ON THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE NEVADA COUNTY RECORDER ON AUGUST 23, 1972, IN BOOK 4 OF SUBDIVISIONS, AT PAGE 37.

APN: 046-510-012-000

APN: 046-510-014-000

APN: 046-470-009-000

GRANT
LOT 63
04-R.M.-37
11-O.R.-015567
APN: 046-510-013-000

BEAN
LOT 64
04-R.M.-37
2021-O.R.-0013590
APN: 046-510-012-000

JAVEED
LOT 65
04-R.M.-37
APN: 046-510-011-000

REMAINING ACCESS
EASEMENT
AREA

ACCESS EASEMENT
AREA TO BE
ABANDONED

HILLSIDE DRIVE

POB

LEGEND

- DIMENSION POINT—NOTHING FOUND OR SET
- POB—POINT OF BEGINNING
- POC—POINT OF COMMENCEMENT

 REMAINING ACCESS EASEMENT
AREA 1,125± SF (0.0258± ACRES)


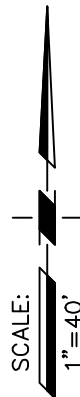
 ACCESS AREA EASEMENT TO BE
ABANDONED.
AREA 1,125± SF (0.0258± ACRES)

EXHIBIT 'B'
**AREA OF EASEMENT
ABANDONMENT**
SECTION 31, T.18 N., R.16 E., M.D.B.M.
TOWN OF TRUCKEE
NEVADA COUNTY, CALIFORNIA
SCALE: 1"=40' MARCH 16, 2022

| LINE TABLE | | |
|------------|-------------|--------|
| LINE | DIRECTION | LENGTH |
| L1 | N69°32'52"W | 30.00' |
| L2 | N20°27'08"E | 75.00' |
| L3 | S01°20'57"E | 80.78' |



PSOMAS

11661 Blocker Drive, Suite 200
Auburn, Ca. 95603
(800) 400-7072

