



Date: July 26, 2022

Honorable Mayor and Council Members:

Author and title: Chantal Birnberg, Associate Planner

Title: Easement Abandonment, 13439 Hillside Drive (APN 046-510-012-000); Owners: Kevin & Lauren Bean; Application 2021-00000120/ABN

Approved By: _____ Jen Callaway, Town Manager

Recommended Action: (1) Adopt Resolution 2022-41 approving the abandonment of a 1,125 sq. ft. portion of the access easement along the southeastern (front) property line of 13439 Hillside Drive (APN 046-510-012-000; Lot 64 of the Tahoe Donner Unit 7, Book 4, Page 37); and (2) Authorize the Town Manager to sign the Indemnification Agreement between the Town of Truckee and Kevin and Lauren Bean regarding APN 046-510-012-000.

Discussion: The undeveloped property is located on Hillside Drive in the Tahoe Donner Subdivision (Unit 7) recorded in August 1973 (see Attachment #3). As part of the Tahoe Donner Subdivision, certain lots were recorded with 30 foot "Access Easements" (A.E.) at the front property line and adjacent to the road rights-of-way for ingress and egress on, over, and across those certain strips of land shown and designated as together with the right to trim and/or remove only necessary trees, limbs, or brush. The access easement provides access from Hillside Drive over Lot 64 to Lot 63. The applicants are proposing to abandon an unused portion of the access easement on Lot 64 that would not impede access to the adjacent property on Lot 63. The adjacent property owner (Lot 63) with an interest in the easement have signed a Release of Interest Authorization Form for the subject portion of the easement to be abandoned.

The applicants are requesting to abandon a portion of the access easement to provide space for required off-street parking for the proposed single-family residence. The Development Code prohibits the location of required parking in an easement.

Any and all public utility agencies and special districts with a potential interest in the access easement have been notified and no objections were filed. Other than the Town of Truckee, no other public utility agencies and special districts have an interest in the access easement. Tahoe Donner's Homeowners Association was also notified, and no objections were filed.

The Indemnity and Hold Harmless Agreement (Exhibit B) is required to ensure that the Town would not be held liable for any claims that result from the easement abandonment, including any claims or suits arising from any alleged ownership or other interests.

Pursuant to Development Code Section 18.88.030.B (Minor Public Service Easement Vacation), a request for the vacation of a public service easement may be approved, with or without conditions by the Town Council, if any one of the following findings can be made:

1. 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 public use;

2. The date of dedication or acquisition of the easement is less than five years, and more than one year, immediately preceding the requested vacation, the easement was not used continuously since that date, and the easement is not necessary for present or prospective public use; or
3. The easement has been superseded by relocation, there are no other public facilities located within the easement, and the easement is not necessary for present or prospective public use.

Staff recommends approval of the proposed access easement abandonment based on Finding #1. The portion of the easement that is being proposed to be abandoned has not been used for the purpose for which it was dedicated for five consecutive years immediately preceding the requested vacation. The adjacent property owners with an interest in the easement have signed a Release of Interest Authorization Form. The proposed abandonment will not impede future property owners from accessing their property. The remainder of the access easement is adequate to provide full access to the adjacent sites. Therefore, staff recommends approval of the proposed access easement abandonment.

Priority:

<input type="checkbox"/> Enhanced Communication	<input type="checkbox"/> Climate and Greenhouse Gas Reduction	<input type="checkbox"/> Housing
<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Emergency and Wildfire Preparedness	<input checked="" type="checkbox"/> Core Service

Fiscal Impact: No fiscal impacts will be borne by the Town for the approval of the indemnification agreement or easement abandonment. All staff review hours are covered by the application fees, which are paid by the applicant.

Public Communication: Other than the Town of Truckee, no other public utility agencies and special districts have an interest in this easement. Tahoe Donner’s Homeowners Association was notified, and no objections were filed. The adjacent property owner with an interest in the easement have signed a Release of Interest Authorization Form. Notice of this abandonment was provided to properties within 500 feet of the project site and as part of the standard Council agenda noticing.

Attachments:

1. Draft Resolution 2022-41
 - Exhibit A: Easement Abandonment Exhibit and Legal Description
 - Exhibit B: Indemnity, Hold Harmless, and Defense Agreement
2. Vicinity Map
3. Tahoe Donner Unit 7 Subdivision Map (relevant pages only)