



Date: January 9, 2023

Honorable Mayor and Council Members:

Author and title: Christy Lyle, Planning Technician

Title: Easement Abandonment, 10368 East Alder Creek Road (APN 016-470-006); Owners: Norman Christian Galassi and Heather A. Kent; Application 2023-00000081/ABN

Approved By: _____ Jen Callaway, Town Manager

Recommended Action: (1) Adopt Resolution 2024-03 approving the partial abandonment of the public utility easement along the west (side) property line at 10368 East Alder Creek Road (APN 016-470-006); Lot 288 of the Prosser Lakeview Estates Unit 5 Subdivision); and (2) Authorize the Town Manager to sign the Indemnity, Hold Harmless and Defense Agreement between the Town of Truckee and Norman Christian Galassi and Heather A. Kent regarding APN 016-470-006.

Discussion: The property is located on East Alder Creek Road in the Prosser Lakeview Estates Subdivision and was recorded in 1970 (see Attachment #3). As part of the Prosser Lakeview Estates Subdivision, many lots were recorded with public utility easements for water, gas, sewer, natural gas and/or conduits for electric, telephone and television service, together with all appurtenances thereto, on, over, under, and across those certain strips of land lying eight feet on each side of all side lot lines and on, over, and 10-foot adjacent to all road right of ways.

The applicants, Norman Christian Galassi and Heather A. Kent, have submitted a partial Easement Abandonment application to abandon three feet of the existing eight-foot public utility easements along the west (side) property line as defined by the western 5.00 feet of Lot 288 at 10368 East Alder Creek Road. The applicant is requesting the partial abandonment in order to submit a building permit application for modifications and additions to the existing single-family residence.

Any and all public utility agencies and special districts with an interest in this easement abandonment application have been notified and have either abandoned their respective interests or authorized the Town to do so.

The indemnity and hold harmless agreement (Exhibit C) 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 public utility easement abandonment based on Finding #1. The easement has not been used for the purpose for which it was dedicated for five consecutive years immediately preceding the requested vacation. All public utility agencies and special districts with an interest in this easement have been notified, and all have taken action to abandon their interest in the easement or have provided authorization for the Town to abandon the interest on their behalf.

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: All public utility agencies and special districts that have an interest in the easement were notified of the requested easement abandonment.

Attachments:

1. Draft Resolution 2024-03
 - Exhibit A: Exhibit and Legal Description
 - Exhibit B: Findings
 - Exhibit C: Indemnity, Hold Harmless, and Defense Agreement
2. Vicinity Map
3. Prosser Lakeview Estates Unit 5 Subdivision Map