

**TOWN OF TRUCKEE
California**

RESOLUTION 2024-03

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE ABANDONING
THREE FEET OF THE EXISTING EIGHT-FOOT PUBLIC UTILITY EASEMENTS ALONG THE
WEST (SIDE) PROPERTY LINE OF LOT 288 AT 10368 EAST ALDER CREEK ROAD;
ASSESSOR'S PARCEL NUMBER 016-470-006
(OWNERS: NORMAN CHRISTIAN GALASSI AND HEATHER A. KENT)**

WHEREAS, the Town of Truckee has received an Easement Abandonment application from Norman Christian Galassi and Heather A. Kent 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 (016-470-006); or Lot 288 of the Prosser Lakeview Estates Unit 5 Subdivision Map, Book 4, Page 12 in the Recorder's Office of Nevada County, California; and

WHEREAS, the Community Development Director and Town Engineer/Public Works Director have reviewed the proposed partial abandonment of the public utility easements (three foot abandonment of the eight-foot easement, resulting in a five-foot wide easement along the west, side, property line) at 10368 East Alder Creek Road and find there is not a public interest in the easement in question, the easements have not been used for the purpose for which they were dedicated or acquired for five consecutive years immediately preceding the requested vacation, and the easements are not necessary for present or prospective use; and

WHEREAS, public utilities and special districts providing utility services have been notified of the requested abandonment and have either abandoned their respective interests or authorized the Town to do so; and

WHEREAS, there are no in-place public utility facilities located in the public utility easement to be abandoned that are in use or would be affected by the abandonment and the Town has not received any objections to the public utility easement abandonment from any public utility or special district; 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

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 following: i) Three feet of the westerly (side) existing eight-foot public utility easement located along the shared property boundary, as shown within Exhibit A, located at 10368 East Alder Creek Road (APN 016-470-006); or Lot 288 of the Prosser Lakeview Estates Unit 5 Subdivision Map, Book 4, Page 12 in the Recorder's Office of Nevada County, California; and

BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TRUCKEE that the abandonment of the public utility 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 eight-foot-wide public utility easement to be abandoned by three feet, resulting in a five-foot-wide public

utility easement along the west (side) property line 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 C.
3. Concurrent with recordation of this resolution for the public utility easement abandonment, Town Clerk staff shall cause the requested lot line adjustment to be recorded.

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 **January 9, 2026**, 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 9th day of January, 2024 and adopted by the following vote:

AYES:

NOES:

ABSTAIN:

David Polivy, Mayor

ATTEST:

Kelly Carpenter, Town Clerk

Attachments:

Exhibit A – Exhibit and Legal Description

Exhibit B – Findings

Exhibit C – Indemnity, Hold Harmless and Defense Agreement

**COUNCIL RESOLUTION 2024-03
EXHIBIT "A"**

**APPLICATION NO. 2023-00000081/ABN
GALASSI EASEMENT ABANDONMENT**

MINOR PUBLIC SERVICE EASEMENT VACATION

(see attached)

**COUNCIL RESOLUTION 2024-03
EXHIBIT "B"**

**APPLICATION NO. 2023-00000081/ABN
GALASSI EASEMENT ABANDONMENT**

MINOR PUBLIC SERVICE EASEMENT VACATION

FINDINGS

Minor Public Service Easement Vacation

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;

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. The easements have not been used for the purposed of over five consecutive years preceding the requested vacation.

**COUNCIL RESOLUTION 2024-03
EXHIBIT "C"**

**APPLICATION NO. 2023-00000081/ABN
GALASSI EASEMENT ABANDONMENT**

INDEMNITY, HOLD HARMLESS AND DEFENSE AGREEMENT