CITY COUNCIL RESOLUTION NO. 2018-1586


WHEREAS, the applicant (Marcin Jagoda) requests the summary street vacation of a portion of Fern Trail, constituting approximately 2,535 square feet of land area; and the summary street vacation of a 15-foot wide street reservation easement (per Instrument No. 77-169846) on the subject site, constituting approximately 5,070 square feet of land area;

WHEREAS, the applicant shall comply with the conditions of approval set forth in Attachment “A”, which must be completed to allow for recordation of the resolution of summary street vacation; and

WHEREAS, Fern Trail was an unimproved right-of-way prior to the construction of three homes to the north of the subject site, and is now a private driveway but does not connect to any other road; and

WHEREAS, Fern Trail is not needed for street or highway purposes as it does not connect to any other streets and is not an integral component of the City’s circulation system; and

WHEREAS, the 15-foot wide street reservation easement is unimproved and does not connect to any other road; and

WHEREAS, the 15-foot wide street reservation easement is not needed for street or highway purposes as it does not connect to any other streets and is not an integral component of the City’s circulation system; and

WHEREAS, the proposed summary vacation will not landlock or block access to any properties, as the improved adjacent properties have reciprocal easements for access across the existing private driveway portion of Fern Trail, and will have reciprocal easements for access across the proposed larger private driveway once completed; and
WHEREAS, the City Council is permitted pursuant to Section 8330, et. Seq. of the California Streets and Highways Code, to vacate that portion of Fern Trail and the 15-foot wide street reservation easement, specifically Streets and Highways Code section 8334, subdivision (a); and

WHEREAS, the City Council desires to summarily vacate the identified portion of Fern Trail and 15-foot wide street reservation easement;

WHEREAS, this vacation is made pursuant to the requirements of California Streets and Highways Code, Division 9. – Change of Grade and Vacation, Part 3. – Public Streets, Highways, and Service Easements Vacation Law (sections 8300 et seq.), Chapter 4. – Summary Vacation; and

WHEREAS, the Planning Commission at a Public Hearing on April 5, 2018, determined that the vacation conforms to the policies and programs of the Calabasas 2030 General Plan; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED determined and ordered by the City Council of the City of Calabasas:

Section 1. Incorporation of Recitals. The City Council hereby finds and determines that the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution as though fully set forth herein.

Section 2. Declaration of Vacation.

The City Council of the City of Calabasas finds and declares that the portion of Fern Trail and a 15-foot wide street reservation easement (per Instrument No. 77-169846) proposed to be vacated are an excess right-of-way of a street or highway not required for street or highway purposes under Section 8334(a), Streets and Highway Code, except for the reservations referred to in Section 4, and pursuant to the provisions of the Summary Vacation Procedures of Part 3, Chapter 4, Division 9 of the Streets and Highways Code (commencing with Section 8330). The City Council under the authority vested in it by the Streets and Highways Code, sections 8334, subdivision (a) and 8335, hereby orders the vacation of the portion of Fern Trail and a 15-foot wide street reservation easement (per Instrument No. 77-169846) more particularly described and depicted in Section 3 and Attachment B, reserving the easements described below in Section 4.
Section 3. Designation of Street to be Vacated.

The subject street to be vacated is described as follows:

(a) A 7.5-foot wide portion of Fern Trail and a 15-foot wide street reservation easement (per Instrument No. 77-169846).

(b) The portion of Fern Trail and a 15-foot wide street reservation easement (per Instrument No. 77-169846) to be vacated are further identified on the map in Attachment “B” as “Fern Trail” and “15’ Street Reservation Per Inst. No. 77-169846” and is described as stated in Attachment “B”.

Section 4. Reserving Easements.

The City Council hereby expressly reserves and exempts from said summary vacation the easements necessary for existing facilities and appurtenances including public and private utilities, not relocated as part of this action.

Section 5. Recordation of Resolution.

The City will process the summary vacation to the point of recordation, but will withhold recording the resolution of summary vacation until all conditions contained in Attachment “A” have been met. If the applicant does not first complete the conditions, then the City will not proceed with the recordation of the notice of summary vacation and the City will retain the interest in the street because the summary vacation will never have been completed.

Upon satisfaction of all conditions in Attachment “A” and recordation by the City Clerk of this resolution, the area shown on the attached map (Attachment “B”) as “Fern Trail” and “15’ Street Reservation Per Inst. No. 77-169846” is hereby vacated. Third parties may conclusively assume that if this resolution is recorded, all conditions have been satisfied, and the vacation complete.

Once all of the conditions of summary vacation have been met, the vacated area becomes the property of the applicant, and the applicant shall adhere to all City rules, regulations and ordinances regarding the use and development of the property.
Section 6. Adoption of Resolution.

That the City Clerk shall certify to the passage and adoption of this resolution and shall cause the same to be possessed in the manner required by law, upon satisfaction of the conditions stated in Section 5. This resolution shall become effective upon its adoption. Upon the recordation of this resolution, the vacation is complete, and the vacated portion of Fern Trail and the 15-foot wide street reservation easement will no longer constitute City-owned public rights of way.

PASSED, APPROVED AND ADOPTED this 25th day of April, 2018.

______________________________
Fred Gaines,
Mayor

ATTEST:

______________________________
Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

______________________________
Scott Howard,
City Attorney
Colantuono, Highsmith & Whatley, PC
ATTACHMENT “A”
To Resolution No. 2018-1586

CONDITIONS OF APPROVAL FOR SUMMARY STREET VACATION OF
FERN TRAIL AND A 15-FOOT WIDE STREET RESERVATION
EASEMENT

1. The applicant shall submit a grading plan for review and approval prior to the notice of vacation being recorded.

2. The City may reserve an easement for Public Utility Purposes over the entire area to be vacated with the right to grant the same to Utility Companies requiring an easement.

3. That the City will process the vacation to the point of recordation, but will withhold recording the notice of vacation until all conditions have been met. If the applicant does not complete the conditions then the City will not proceed with the recordation of the notice of vacation and the City will retain the interest in the street and the vacation will be rescinded.

4. That once all of the conditions of vacation have been met, the vacated area becomes the property of the applicant, and the applicant shall adhere to all City rules, regulations and ordinances regarding the use and development of the property.
Attachment “B”
To Resolution No. 2018-1586

LEGAL DESCRIPTION

PARCEL 1:
LOTS 6 THROUGH 10 OF BLOCK 21 OF TRACT NO. 8550 IN THE CITY OF CALABASAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 109, PAGES 77 THROUGH 80 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH:
THE SOUTHERLY 7.5 FEET OF FERN TRAIL ADJACENT TO SAID LOTS 6 THROUGH 10 AS SHOWN ON SAID TRACT MAP.

CONTAINING 28,995 SQUARE FEET, MORE OR LESS
PARCEL MERGER

SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

PARCEL MAP NO. 70768
MB 381/57-59

PRIVATE DRIVEWAY

AND FIRE LANE

PROPOSED AREA:

PARCEL 1 (WITH VACATION FERN TRAIL) 28,985 SF
PARCEL 1 (WITHOUT VACATION) 26,460 SF

EXISTING AREAS:

LOT 6 5,037 SF
LOT 7 5,024 SF
LOT 8 5,012 SF
LOT 9 4,999 SF
LOT 10 6,387 SF

LEGAL DESCRIPTION:

LOTS 6 THROUGH 10, TRACT NO. 8550
MB 109/77-80

GRAPHIC SCALE 1"=50'

Prepared by:

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