

RESOLUTION NO. 2017-029

A RESOLUTION OF THE CITY OF HESPERIA, CALIFORNIA, TO VACATE A PORTION OF MESA LINDA STREET AS DESCRIBED IN ATTACHED LEGAL DESCRIPTION EXHIBIT “A” AND ILLUSTRATED IN ATTACHED PLAT MAP EXHIBIT “B”.

WHEREAS, on October 18, 2016, council adopted Resolution 2016-053 approving Parcel Map No. 19690 to create three parcels from 78.83 gross acres within the RC, CIBP, and LDR Zones of the Main Street and Freeway Corridor Specific Plan located on the northwest corner of Main Street and Mesa Linda Avenue ; and

WHEREAS, City Council approved, pursuant to Section 66445(j) of the Subdivision Map Act, the vacation of Mesa Linda Street west of centerline per Parcel Map 19690;

WHEREAS, the developers of Mesa Linda Apartments have requested a Lot Line Adjustment by separate document to acquire the eastern half of Mesa Linda Street approximately 250 feet north of Main Street and ending at APN 3064-441-01; and

WHEREAS, in order to process the Lot Line Adjustment, the City of Hesperia must vacate Mesa Linda Street east of centerline; and

WHEREAS, Staff has concluded that this portion of Mesa Linda Street was never improved or used for public access and will not be extended to the north due to its proximity to the Oro Grande Wash and the California State Aqueduct; and

WHEREAS, the City Council is authorized to vacate any street or portion thereof within the City by Streets and Highways Code Section 8320; and

WHEREAS, Staff has concluded that this portion of Mesa Linda Street was never improved or used for public access and will not be extended to the north due to its proximity to the Oro Grande Wash and the California State Aqueduct; and

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

WHEREAS, on June 5, 2017, the Notices of Public Hearing to vacate portions of said street were posted along Modesto Court not less than two weeks before the date of the public hearing; and

WHEREAS, the Public Hearing was held on June 20, 2017; and

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this resolution are true and correct; and

- Section 2. The City Council finds and declares that the portion of Mesa Linda Street to be vacated is not required for street or highway purposes under Section 8334, subdivision (a) of the Streets and Highways Code; and
- Section 3. 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 Mesa Linda Street as described on the attached Exhibits "A" and "B"; and
- Section 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions; and
- Section 5. The City Clerk is authorized to present this Resolution to the County Recorder to be filed for record.

ADOPTED AND APPROVED this 20th day of June, 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk