

RESOLUTION NO. 2019-015

A RESOLUTION OF THE CITY OF HESPERIA, CALIFORNIA, TO VACATE TWO PORTIONS OF PREVIOUSLY DEDICATED LAND ON PARCEL 0405-144-23 WEST OF OPAL AVENUE AS DESCRIBED IN ATTACHED LEGAL DESCRIPTION EXHIBIT "A" AND ILLUSTRATED IN ATTACHED PLAT MAP EXHIBIT "B".

WHEREAS, the owner of APN 0405-144-23 west of Opal Avenue between Topaz Avenue and Jenny Street has requested that the City vacate two portions of the parcel that were previously dedicated to the City of Hesperia through Irrevocable Offers of Dedication; and

WHEREAS, the subject portions of land previously dedicated include the westerly thirty-feet of the parcel as well as that portion of Opal Avenue, shown as the southwesterly portion of an "off-set" cul-de-sac, as shown on Exhibit B, but leaving, intact, the west thirty-feet of Opal Avenue, across the entire property frontage as shown on said Exhibit; and

WHEREAS, the City requested the former portion of the subject parcel in anticipation of a future roadway which staff has determined will not be improved or used for public access and will not be constructed; and

WHEREAS, the City requested the latter portion of the subject parcel in order to create a cul-de-sac to increase turn-around access for San Bernardino County Fire Department; and

WHEREAS, the property owner requested and received a letter from San Bernardino County Fire Department stating that the existing thirty-feet of access is sufficient for turn-around access, and the construction of the planned cul-de-sac is not necessary or required; and

WHEREAS, On the grounds that the construction of a cul-de-sac was the sole reason for dedicating this portion of the aforementioned parcel, City Staff also supports the vacation of this portion of the land west of Opal Avenue; 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 April 11, 2019 the Notices of Public Hearing to vacate portions of said street were posted along Opal Avenue not less than two weeks before the date of the public hearing; 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 portions of land west of Opal Avenue to be vacated are 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 portions of land west of Opal Avenue 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 7th day of May, 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre
City Clerk