

RESOLUTION NO. 2020-023

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

WHEREAS, the developer of APN 0410-193-31 and APN 0410-193-32 have requested that the City vacate the southern thirty feet of both parcels along Chestnut Street and the eastern thirty feet of APN 0410-193-31 along A Street per the attached Exhibits "A" and "B" for future commercial development; and

WHEREAS, the applicant is requesting the vacation of an underlying easement that remains on their property though the street right of way dedication has previously been vacated; and

WHEREAS, the vacation will occur on a private easement which is not within the public right of way; and

WHEREAS, Staff has concluded that this portion of Chestnut Street and A Street will not be improved or used for public access and will not be extended; 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, 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 16, 2020 the Notices of Public Hearing to vacate portions of said street were posted along Chestnut Street and A Street 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 portion of Chestnut Street and A 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 Chestnut Street and A 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 19th day of May, 2020

Larry Bird, Mayor

ATTEST:

Melinda Sayre, City Clerk