

## RESOLUTION NO. 2024-XXX

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA SUMMARILY VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY ADJACENT TO 1601 AND 1607 NORTH BRISTOL STREET (ABANDONMENT NO. 2023-02)

WHEREAS, Chapter 4 of the California Streets and Highways Code section 8330 *et seq.* provides for summary vacation of streets and public service easements; and

WHEREAS, California Streets and Highways Code sections 8333 and 8334 authorizes the City Council to summarily vacate: (1) an excess right-of-way of a street or highway not required for street or highway purposes; (2) an easement that has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and (3) an easement that has been determined to be excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, following an earlier finding of conformity with the City's General Plan by the Planning Commission, as reported by the Planning Commission and required under California Government Code section 65042(a); the City desires to vacate a 392 square-foot portion of Bristol Street, as shown on **Exhibit A** ("Vacation Area"), and

WHEREAS, the properties at 1601 and 1607 North Bristol Street were acquired for the purposes of widening and improving Bristol Street; and

WHEREAS, the City designated portions of 1601 and 1607 North Bristol Street, including the Vacation Area, as public street right of way through recordation of a grant deed; and

WHEREAS, the Vacation Area is situated outside the limits of the Bristol Street improvements; and

WHEREAS; the Vacation Area constitutes an excess right-of-way not required for street purposes; and

WHEREAS, the Vacation Area has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding this vacation; and

WHEREAS, the Vacation Area has been determined to be excess by the City, and there are no other public facilities located within the Vacation Area; and

WHEREAS, the Vacation Area could potentially be incorporated into the adjacent private property site to facilitate a more efficient development; and

WHEREAS, the City desires to vacate its interest in the Vacation Area; and

WHEREAS; the Public Works Agency has conducted an analysis of the subject abandonment and has determined that there are no issues with summarily vacating the Vacation Area presently or in the future, as the Vacation Area (1) is an excess right-of-way of a street or highway not required for street or highway purposes; (2) has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding this vacation; and (3) has been determined to be excess by the City, and there are no other public facilities located within the Vacation Area.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Santa Ana as follows:

**Section 1.** The recitals set forth above are adopted as findings in support of this Resolution.

**Section 2.** The street right of way described in **Exhibit A** is hereby ordered vacated.

**Section 3.** From and after the date of recordation of this resolution, the right of way described in **Exhibit A** will no longer constitute a street easement.

**Section 4.** Except for the reservation of the easement described herein, the Vacation Area, as shown on **Exhibit A**, is hereby vacated pursuant to Chapter 4 of Part 3 of Division 9 of the streets and Highways Code.

**Section 5.** The vacation of the Vacation Area is exempt from review under the California Environmental Quality Act pursuant to section 15378 of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that it will have a significant impact of the environment.

**Section 6.** All entities having any right, title, or interest in the street right of way being vacated have been notified of this action.

**Section 7.** The City hereby reserves and excepts from vacation, pursuant to section 8340 of California Streets and Highways Code, the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over, and across a street or highway proposed to be vacated and, pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, pole, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and incidental purposes, including access to protect these works from all hazards in, upon, and over the street or highway proposed to be vacated.

**Section 8.** The City Clerk is hereby directed to cause a certified copy hereof, attested under seal, to be recorded in the Office of the Recorder of Orange County.

**Section 9.** The Vacation Area shall not be deemed vacated until this Resolution is recorded.

**Section 10.** This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall attest to and certify the vote adopting this Resolution.

ADOPTED this 16<sup>th</sup> day of July, 2024.

\_\_\_\_\_  
Valerie Amezcua  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By: Jose Montoya  
Jose Montoya  
Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_  
NOES: Councilmembers \_\_\_\_\_  
ABSTAIN: Councilmembers \_\_\_\_\_  
NOT PRESENT: Councilmembers \_\_\_\_\_

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Jennifer L. Hall, City Clerk, do hereby certify the attached Resolution No. 2024 - \_\_\_\_\_ to be the original resolution adopted by the City Council of the City of Santa Ana on \_\_\_\_\_, 2024.

Date: \_\_\_\_\_

\_\_\_\_\_  
City Clerk  
City of Santa Ana

# EXHIBIT A

