

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA VACATING A PORTION OF ALLEY NORTH OF
SECOND STREET BETWEEN NORTH BROADWAY AND
SYCAMORE STREET (ABANDONMENT NO. 21-01)

WHEREAS, California Streets and Highways Code section 8320 *et seq.* authorizes the City of Santa Ana to vacate all or a portion of any street or highway within its boundaries and under its jurisdiction to terminate the public's right to use such street; 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 65402(a), the City desires to vacate a portion of alley north of Second Street between North Broadway and Sycamore Street, as shown on Exhibit A ("Vacation Area"); and

WHEREAS, on July 19, 2022, the City Council declared its intention to vacate the Vacation Area, in accordance with Chapter 3 of Part 3 of Division 9 of the California Streets and Highways Code, where notice was given that on August 16, 2022, at 5:45 P.M. or as soon as possible thereafter, in the Santa Ana City Council Chambers, 22 Civic Center Plaza, Santa Ana, California, a public hearing would be held by the City Council at which time any and all persons interested in or objecting to the proposed vacation described above may appear and be heard; and

WHEREAS, the City Council finds that notice of said hearing was published in the manner prescribed by law and that all other legal requisites for the proposed vacation have been met; and

WHEREAS, the City Council, at the time and place set for the hearing, heard any and all persons interested in or objecting to the proposed vacation of the Vacation Area and received and considered all evidence submitted.

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 City Council finds from all the evidence submitted that the Vacation Area is unnecessary for present or prospective use.

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

Section 4. The vacation of the Vacation Area is exempt from review under the California Environmental Quality Act pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that it will have a significant impact on the environment. This vacation is also exempt from CEQA review under section 15305(c) (minor alterations in land use limitations) of the State CEQA Guidelines.

Section 5. To restrict enclosure of the Vacation Area, Corbiz, LLC, owner of the immediately adjacent Southern Counties Gas Company Building at 207 West Second Street, shall be required to record a covenant, to the satisfaction of the City's Planning and Building Agency, to prohibit new structures in the Vacation Area and maintain the Vacation Area as open space before the vacation becomes effective.

Section 6. The City hereby reserves and excepts from vacation, pursuant to section 8340 of the 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, poles, 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 for incidental purposes, including access to protect these works from all hazards in, upon, and over the street or highway proposed to be vacated.

Section 7. The Clerk of the Council 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 8. The Vacation Area shall not be deemed vacated until this Resolution is recorded.

Section 9. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this ____ day of _____, 2022.

Vicente Sarmiento
Mayor

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

By: John M. Funk
John M. Funk
Chief Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

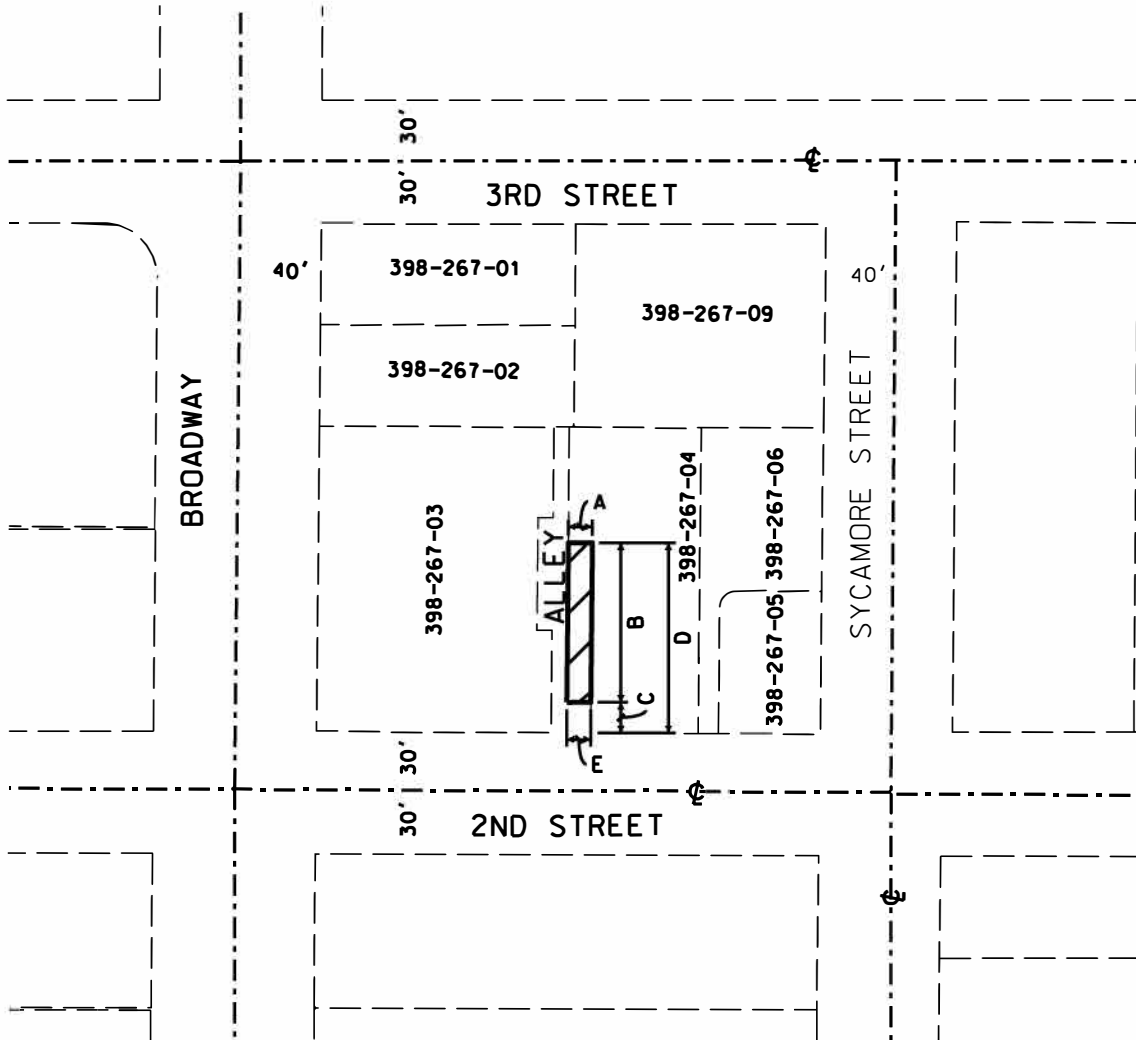
NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, Clerk of the Council, do hereby certify the attached Resolution No. 2022 - _____ to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2022.

Date: _____

Clerk of the Council
City of Santa Ana



DIMENSIONS:

A = 11.75'

B = 79.06'

C = 14.50'

D = 93.56'

E = 11.83'

VACATION AREA = 932 SF

LEGEND:



ABANDONMENT AREA, PORTION OF ALLEY
NORTH OF SECOND STREET BETWEEN
BROADWAY AND SYCAMORE STREET

SANTA ANA



EXHIBIT A
ABANDONMENT NO. 21-01:
INTENT TO VACATE PORTION OF ALLEY



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