



RESOLUTION NO. _____
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Resolution of Vacation
Abandonment of Easement #08-0012
The Promontory Village No. 4, Lot 109
Assessor's Parcel Number 124-210-10
Jeffrey C. Kerns

WHEREAS, the El Dorado County Board of Supervisors exercises the authority established by Section 8333 of the Streets and Highways Code, which empowers the Board of Supervisors to summarily vacate public service easements by Resolution adopted in accordance with Section 8335 of the Streets and Highways code; and

WHEREAS, public utility and drainage easements, as shown on The Promontory Village No. 4 final map, were irrevocably offered in perpetuity to the County of El Dorado in August of 2004 and the Board of Supervisors accepted said offer for public utility easements and acknowledged but rejected said offer for drainage easements in August of 2004; and

WHEREAS, the Storm Drain Easement located across the southwesterly corner for Lot 108 of said Subdivision Final Map was shown to be insufficient in the transference of storm water runoff, and was subsequently reconfigured to align with an additional Storm Drain Easement across the rear portion of contiguous Lot 109 by Irrevocable Offer of Dedication document that recorded in the office of the El Dorado County Recorder as Document No. 2006-38863. Still unable to contain the runoff, said Storm Drain Easement was expanded across the southwesterly corner of said Lot 108 by an Irrevocable Offer of Dedication that recorded in the office of the El Dorado County Recorder as Document No. 2007-0022075, and Document No. 2006-57025 recorded in August of 2006 adding Storm Drainage Easements to Lots 124, 125 and 126, contiguous to Lots 108 and 109 at the rear of those lots; and

WHEREAS, the Storm Drain Easement located across Lot 109 hinders proposed development of said Lot, and requires the re-configuration of said Storm Drain Easement to accommodate the desired development and the potential storm water runoff for said Lot 109; and

WHEREAS, the Department of Transportation has received an application from Jeffrey C. Kerns, requesting that the County of El Dorado vacate one ten-foot wide Storm Drain Easement located across the westerly portion of said lot and running in a north to south direction through Lot 109; and

WHEREAS, all other existing easements will remain; and

WHEREAS, the Department of Transportation has determined that said Storm Drain Easement herein described in Exhibit A and depicted in Exhibit B, and made a part hereof has not been sufficient for the purpose for which it was dedicated preceding the proposed vacation, and has no objection, provided a replacement Storm Drain Easement be concurrently dedicated.

NOW, THEREFORE BE IT RESOLVED, that from and after the date this Resolution is recorded, said Storm Drain Easement described in Exhibit A and depicted in Exhibit B is vacated and no longer constitutes a Storm Drain Easement. In addition, a Certificate of Correction is hereby authorized to be signed and may be recorded by the County Surveyor.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2009, by the following vote of said Board:

ATTEST
SUZANNE ALLEN DE SANCHEZ
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By _____
Deputy Clerk

Chairman
Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE _____

ATTEST: SUZANNE ALLEN DE SANCHEZ, Clerk of the Board of Supervisors of the County of El Dorado, State of California

By _____
Deputy Clerk