

RESOLUTION NO. 18-0095

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AUTHORIZING THE PUBLIC WORKS DIRECTOR AND CITY ENGINEER TO ACCEPT AND CONSENT TO DEEDS OR GRANTS FOR STREET, HIGHWAY, OR PUBLIC SERVICE EASEMENTS AND VACATE PUBLIC SERVICE EASEMENTS.

WHEREAS, Section 27281 of the Government Code provides that deeds or grants conveying an interest in or easement upon real estate to a political corporation or government agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed upon the deed or grant; and

WHEREAS, Section 27281 of the Government Code also provides that a political corporation or government agency may, by general resolution, authorize an officer or agent of the grantee to accept and consent to such deeds or grants; and

WHEREAS, Section 8335 of the California Streets and Highways Code provides that the legislative body may delegate the authority to vacate a public service easement to any public officer or employee otherwise qualified to prepare easements or approve parcel maps or final maps as defined in Title 7 of Division 2 of the Government Code, pursuant to the authority provided in this chapter by recordation of a document; and

WHEREAS, the City Council finds that it is in the best interests of convenience and efficiency for the City to designate the Public Works Director and City Engineer of the City of Manhattan Beach as the officers authorized to accept on behalf of the City deeds and grants for street, highway, or public service easements and vacate public service easements to streamline and expedite private development as well as capital improvement projects.

THE MANHATTAN BEACH CITY COUNCIL DOES HEREBY FIND, RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The Public Works Director and City Engineer of the City are each authorized to accept and consent to deeds and grants conveying street, highway, or public service easements to the City.

SECTION 2. Whenever the Public Works Director and City Engineer consents to a deed or grant conveying street, highway, or public service easement to the City, the Public Works Director and City Engineer, as the case may be, shall execute a certificate of acceptance and consent in substantially the following form:

This is to certify that the interest in real property conveyed by the deed or grant dated _____, from _____ to the City of Manhattan Beach, a political corporation, is hereby accepted by the undersigned Public Works Director and City Engineer on behalf of the City of Manhattan Beach pursuant to authority conferred by Resolution No. 18-0095 of the City Council of the City of Manhattan Beach adopted on October 2, 2018, and the grantee consents to recordation thereof by the City Clerk.

Dated: _____

Public Works Director and City Engineer

SECTION 3. The Public Works Director and City Engineer of the City are each authorized to vacate public service easements from the City.

SECTION 4. Whenever the Public Works Director or City Engineer vacates a public service easement, the Public Works Director or City Engineer, as the case may be, shall cause the recordation of a document, in form acceptable to the City Attorney, stating the following:

- (1) That the vacation is made pursuant to Chapter 4 (Summary Vacation) of Part 3 of Division 9 of the California Streets and Highways Code;
- (2) The name or other designation of the street, highway, or public service easement and a precise description of the portion vacated;
- (3) The facts under which the summary vacation are made;
- (4) That from and after the date the resolution is recorded, the street, highway, or public service easement vacated no longer constitutes a street, highway, or public service easement; and
- (5) A certification that all entities having any right, title, or interest in the public service easement being vacated have been notified of the action.

ADOPTED on October 2, 2018.

Ayes:
Noes:
Absent:
Abstain:

STEVEN A. NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk