

ORDINANCE NO. 3092-16

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE ADDING CHAPTER 18.50 OF TITLE 18
(SUBDIVISIONS) OF THE SUNNYVALE MUNICIPAL
CODE RELATING TO THE SUMMARY VACATION OF
PUBLIC SERVICE EASEMENTS**

WHEREAS, Streets and Highways Code section 8335 *et. seq.* governs the vacation of streets, highways and public services easements; and

WHEREAS, in 2015 the State Legislature passed SB 184 which amends the Streets and Highways Code and authorizes the legislative body of a local agency to delegate authority to summarily vacate a public service easement to any public officer or employee otherwise qualified to prepare easements or approve parcel maps or final maps; and

WHEREAS, the City Council has delegated authority to the Director of Public Works to approve final maps pursuant to Sunnyvale Municipal Code Chapter 18.20 (Maps); and

WHEREAS, the City Council now desires to add Chapter 18.50 (Summary Vacation of Public Service Easements) of the Sunnyvale Municipal Code relating to the summary vacation of public service easements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 18.50 ADDED. Chapter 18.50 (Summary Vacation of Public Service Easements) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code is hereby added to read as follows:

Chapter 18.50

SUMMARY VACATION OF PUBLIC SERVICE EASEMENTS

- 18.50.010. General provisions.**
- 18.50.020. Public Service Easements.**
- 18.50.030. Summary vacation of public service easements.**
- 18.50.040. Fees.**

18.50.010. General provisions.

The vacation of streets, highways and public service easements is governed by Streets and Highways Code section 8335 *et. seq.* The procedure for the summary vacation of public service easements under this chapter shall not be the exclusive means of vacating public service easements and the City may utilize any other method pursuant to state or local law.

18.50.020. Public service easements.

For purposes of this chapter, a public service easement is an easement for one or more of the following purposes:

- (a) Parking.
- (b) Ingress and egress.
- (c) Emergency access.
- (d) Light and air access.
- (e) Landscaping.
- (f) Open space.
- (g) Access to and/or operation and maintenance of a storm water treatment measure.
- (h) Construction, operation and maintenance of utilities.
- (i) Sidewalks and pathways.

18.50.030. Summary vacation of public service easements.

The director of Public Works may summarily vacate any public service easement by administrative resolution of vacation. The administrative resolution of vacation shall state all of the following:

- (a) That the vacation is made under this chapter.
- (b) The name or other designation of the public service easement and a precise description of the portion vacated. The description of the portion vacated may be by a precise map which is recorded in the Santa Clara County Recorder's Office or to which reference is made in the resolution and which is permanently maintained by the public entity.
- (c) The facts under which the summary vacation is made.
- (d) That from the date the resolution is recorded with the Santa Clara County Recorder's Office, the public service easement vacated no longer constitutes a public service easement.
- (e) Certification that all entities having any right, title or interest in the public service easement being vacated have been notified of this action.

18.50.040. Fees.

The fee for filing a request for a summary vacation of a public service easement pursuant to this chapter shall be set forth in the schedule of fees established by resolution of the council.

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections,

subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on August 23, 2016, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney