

ATTACHMENT D

RESOLUTION NO. 2025-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SUMMARILY VACATING PUBLIC SEWER EASEMENTS AT 124 KINGS PLACE (LOT 10 OF BLOCK D, TRACT 1219) AND DIRECTING THE CITY CLERK TO RECORD SAME WITH THE COUNTY RECORDER'S OFFICE

WHEREAS, the City Council ("City Council") of the City of Newport Beach ("City"), pursuant to Chapter 4 of the Public Streets, Highways and Service Easements Vacation Law, Section 8330 *et seq.* of the California Streets and Highways Code, is authorized to summarily vacate a public service easement when the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement;

WHEREAS, the property owner of 124 Kings Place, Newport Beach, California, 92663 ("Property") has requested the City vacate a ten-foot (10') easement and a six-foot (6') easement ("Easements"), which are legally described in Exhibit "A" and shown in Exhibit "B";

WHEREAS, in 2015, the property owner granted to the City, a new ten-foot (10') wide sewer easement along the Property's southerly property line. Subsequently, the property owner constructed a new six-foot (6') sewer main within the new ten-foot (10') wide easement and connected the sewer main to a manhole along Dover Drive thereby rerouting the sewer system;

WHEREAS, the segment of the sewer in the Easements are unnecessary for future sewer line purposes as the sewer main was relocated along the Property's southerly property line and there are no other sewer facilities within said Easements; and

WHEREAS, the City Council, having reviewed and considered the various elements of the General Plan of the City of Newport Beach prior to declaring its intent to summarily vacate the Easements on this Property, has determined that the proposed summary vacation is consistent with the General Plan.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby summarily vacate the Easements described in Exhibit "A" and shown in Exhibit "B" on the grounds that the Easements are unnecessary as they have been relocated and there are no other public facilities therein.

Section 2: The City Clerk is hereby directed to have this resolution recorded by the Orange County Recorder, and that from and after the date this resolution is recorded, the portion of the sewer easements described in Exhibit "A" and depicted on Exhibit "B" shall be summarily vacated and no longer constitute public sewer easements.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

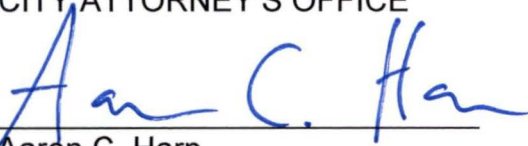
ADOPTED this 28th day of October, 2025.

Joe Stapleton
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment(s): Exhibit A – Legal Description of Easement Vacation
 Exhibit B – Map of Sewer Easement Vacation

EXHIBIT A

Legal Description of Easement Vacation

TOAL ENGINEERING, INC.

139 AVENIDA NAVARRO
SAN CLEMENTE, CALIFORNIA 92672
(949) 492-8586
FAX (949) 498-8625

JOB 22237

SHEET NO. 1 OF 2

CALCULATED BY BG DATE 10/23/24

CHECKED BY WAB DATE 10/23/24

SCALE -

EXHIBIT 'A' - LEGAL DESCRIPTION

EASEMENT VACATION

PORTIONS OF SEWER EASEMENTS

CONVEYED IN DOCUMENTS RECORDED IN BOOK 3237, PAGE 507, O.R.

AND INSTRUMENT NO. 2008000217258 O.R.

LYING WITHIN LOT 10 OF BLOCK D, TRACT NO. 129, M.M. 38/26-27

HEREBY QUITCLAIM THAT PORTION OF THE 10 FEET (10') WIDE SEWER EASEMENT IN FAVOR OF THE CITY OF NEWPORT BEACH CONVEYED IN A DOCUMENT RECORDED OCTOBER 7, 1955 IN BOOK 3237, PAGE 507 OF OFFICIAL RECORDS IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA LYING WITHIN LOT 10 OF BLOCK D, TRACT NO. 1219 AS PER MAP FILED IN BOOK 38, PAGES 26 THROUGH 27 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY;

TOGETHER WITH:

THAT PORTION OF THE 6 FEET (6') WIDE SEWER EASEMENT IN FAVOR OF THE CITY OF NEWPORT BEACH CONVEYED IN A DOCUMENT RECORDED MAY 7, 2008 AS INSTRUMENT NO. 200800217258 OF OFFICIAL RECORDS IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA LYING WITHIN SAID LOT 10 OF BLOCK D, TRACT NO. 1219, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT 10;

THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 10 NORTH 83°33'00" EAST 72.98 FEET TO THE TRUE POINT OF BEGINNING;

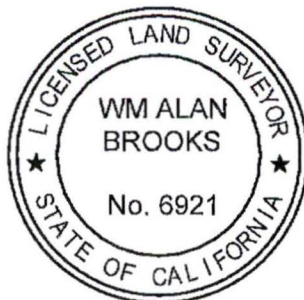
THENCE LEAVING SAID SOUTHERLY LINE NORTH 3°00'00" WEST 6.02 FEET;

THENCE NORTH 83°33'00" EAST 58.36 FEET;

THENCE SOUTH 7°27'00" EAST 6.00 FEET TO A POINT ON THE SAID SOUTHERLY LINE OF SAID LOT 10;

THENCE ALONG SAID SOUTHERLY LINE SOUTH 82°33'00" WEST 58.82 FEET TO THE TRUE POINT OF BEGINNING.

ALSO AS SHOWN ON EXHIBIT 'B' ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



PREPARED BY ME OR UNDER MY
DIRECTION ON: 4/02/25

Wm. Alan Brooks

ALAN BROOKS LS 6921

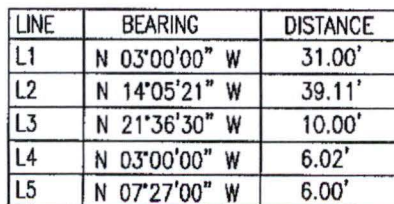
EXHIBIT B

Map of Sewer Easement Vacation

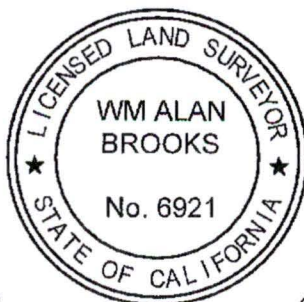
139 AVENIDA NAVARRO
SAN CLEMENTE, CALIFORNIA 92672
(949) 492-8586
FAX (949) 498-8625

SCALE 1"=40'

LYING WITHIN LOT 10 OF BLOCK D, TRACT NO. 129, M.M. 38/26-27



 CENTERLINE OF EXISTING EASEMENT TO BE QUITCLAIMED
 EXISTING EASEMENT TO BE QUITCLAIMED



PREPARED BY ME OR UNDER MY
DIRECTION ON: 4/02/25

Wm. A. Brooks

ALAN BROOKS LS 6921