

**TOWN OF PARADISE
RESOLUTION NO. 11-11**

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PARADISE PROVIDING FOR A SUMMARY VACATION
OF A FIFTEEN FOOT +/- (15' +/-) PORTION OF THE SEVENTY FOOT PUBLIC RIGHT OF WAY
KNOWN AS FOSTER ROAD**

WHEREAS, the Town of Paradise has received an application from Bruce Pine, et al., requesting the abandonment of a fifteen foot+/- portion (15'+/-) of the seventy-foot (70') public right-of-way as described in Exhibit "A"; and

WHEREAS, a public street or highway, or a portion thereof, may be summarily vacated pursuant to Streets and Highway Code Division 9, Part 3, Chapter 4, Section 8331, 8333 and 8334 if it is excess right-of-way that is not required for street or highway purposes.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise as follows:

Section 1. The Town Council finds, based on evidence submitted, that the fifteen foot +/- portion (15'+/-) of the seventy-foot public right-of-way known as Foster Road described in the attached Exhibit "A" is not required for street or highway purposes.

Section 2. The Town Council declares that the fifteen foot +/- portion (15'+/-) of the seventy-foot public right-of-way known as Foster Road, described in the attached Exhibit "A" is hereby vacated.

Section 3. Pursuant to Streets and Highway Code section 8336, the Town Clerk shall cause a certified copy of this resolution, attested by the Town Clerk under seal, to be recorded without acknowledgement, certificate of acknowledgement, or further proof in the Office of the Recorder of the County of Butte. Upon such recordation, the vacation shall be complete.

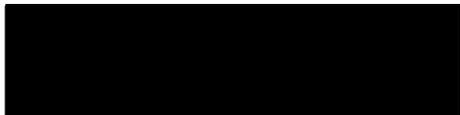
PASSED AND ADOPTED by the Paradise Town Council this 3rd day of May, 2011, by the following vote:

AYES: Steve "Woody" Culleton, Joe DiDuca, Scott Lotter and Alan White, Mayor.

NOES: None.

ABSENT: Tim Titus.

NOT VOTING: None.



Alan White, Mayor

Attest:

By: _____

Joanna Gutierrez, Town Clerk

Approved as to form: _____

By: _____

Dwight L. Moore, Town Attorney

EXHIBIT "A"

**LEGAL DESCRIPTION FOR
FOSTER ROAD RIGHT-OF-WAY ABANDONMENT**

All that certain real property situate in the Town of Paradise, County of Butte, State of California described as follows:

Being a portion of Section 22, Township 22 North, Range 3 East, Mount Diablo Meridian more particularly described as follows:

COMMENCING at the northwest corner of Lot 3, Block 2 as shown on that certain map entitled "Town of Paradise" Subdivision filed for record on April 4, 1904 in Map Book 4, at Page 7 in the Butte County Recorder's Office;

Thence, along the westerly line of said Lot 3, South 00°10'59" West, 44.06 feet to the **TRUE POINT OF BEGINNING** of the herein described property;

Thence, continuing along the westerly line of said Lot 3 and the westerly line of Lot 1 as shown on said Map, South 00°10'59" West, 362.14 feet to the southwest corner of said Lot 1, said point being the beginning of a non-tangent 266.59 foot radius curve, concave northerly, from which point the radius point bears North 04°17'41" East;

Thence, Westerly, 15.08 feet along said curve, through a central angle of 03°14'25" to a point which lies 15.00 feet westerly of, measured at right angles to the westerly line of said Lot 1;

Thence, parallel to the westerly line of said Lots 1 and 3, North 00°10'59" East, 318.74 feet;

Thence North 89°49'01" West, 2.00 feet to a point which lies 17.00 feet westerly of, measured at right angles to the westerly line of said Lot 3;

Thence, parallel to the westerly line of said Lot 3, North 00°10'59" East, 41.90 feet;

Thence South 89°49'01" East, 17.00 feet to the point of beginning.

Containing 5,506 square feet more or less.

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of Pacific Gas and Electric Company, the permanent easement and the right at any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair, renew and enlarge lines of pipes, conduits, cables, wires, poles, electrical conductors, and other equipment, fixtures and appurtenances for the operation of electric, gas, and communication facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; said area shall be kept open and free of buildings, structures and wells of any kind except those buildings, structures and wells that exist at the time of this abandonment shall be allowed to remain.

The basis of bearings for this description is the southerly right-of-way line of Pearson Road, said bearing being South 65°51'05" East per that certain Record of Survey Map filed on June 3, 1998 in Map Book 145, at Page 4 in the Butte County Recorder's Office.



James M. Herrick
Northstar Engineering
James M. Herrick PLS 5616

Date: 2-10-2011