

**RESOLUTION NO. 5624(10)**

**A Resolution Of The Council Of The City Of Lompoc  
County Of Santa Barbara, State Of California,  
In The Matter Of  
Vacation Of Public Service Easements At  
PANDA EXPRESS DRIVE-THROUGH RESTAURANT  
1405 N. "H" STREET  
(APN: 093-450-032)**

WHEREAS, on July 8, 2009, the Lompoc Planning Commission of the City of Lompoc adopted Resolution No. 655(09) approving a development plan for the construction of a Panda Express Drive-Through Restaurant and future restaurant/retail building (the "Project") located at 1405 N. "H" Street; and

WHEREAS, a portion of an existing public utility easement on the Project site is determined to be excess and no longer needed for public utility purposes; and

WHEREAS, a portion of the public electric facilities that served the previous business at the Project site (Denny's Restaurant) were within the area now determined to be excess and have been removed and are no longer in service; and

WHEREAS, pursuant to Section 8333 of the Streets and Highways Code, the City may summarily vacate a Public Service Easement when the easement has been determined to be excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, pursuant to Section 8306 of the Streets and Highways Code, a Public Service Easement includes Public Utility Easements; and

WHEREAS, there are no other public facilities located within the easement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Based on the foregoing recitations, the City Council determines the portion of the existing Public Utility Easement, described in Exhibit "A," and shown in Exhibit "B," both of which are attached hereto and, incorporated herein by this reference ("the Easement"), to be excess and finds there are no other public facilities located within the Easement.

SECTION 2. Based on the foregoing determination and finding and pursuant to Section 8333 of the Streets and Highways Code, the City Council hereby summarily vacates the Easement.

SECTION 3. The City Clerk is ordered to record a certified copy of this Resolution with the Santa Barbara County Recorder.

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SECTION 4. This Resolution is effective upon adoption.

The above and foregoing Resolution was proposed by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on April 6, 2010, by the following electronic vote:

AYES: Councilmember:

NOES: Councilmember:

ABSENT: Councilmember:

\_\_\_\_\_  
Michael A. Siminski, Mayor  
City of Lompoc

ATTEST:

\_\_\_\_\_  
Donna Terrones, City Clerk  
City of Lompoc

Attachments: [Exhibit "A" – Legal Description](#)  
[Exhibit "B" – Plat to Accompany Legal Description for Exhibit "A"](#)