

RESOLUTION NO. 2026-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA ORDERING
THE SUMMARY VACATION OF A 25 SQ. FT. PORTION OF SEWER EASEMENT AT
2150 BUHNE STREET (APN 013-251-040)**

WHEREAS, the City holds a thirty (30) feet wide public sewer easement over certain real property located at 2150 Buhne Street; and

WHEREAS, a portion of the existing residence located at 2150 Buhne Street was constructed within a portion of the sewer easement; and

WHEREAS, the City has reviewed the location and extent of the existing public sewer facilities and the portion of the sewer easement underlying the residence; and

WHEREAS, the City has determined that the portion of the sewer easement underlying the existing residence is not required for existing or planned public sewer facilities and is excess to the City's current and reasonably foreseeable public sewer needs; and

WHEREAS, there are no other public facilities located within the portion of sewer easement proposed to be vacated, and the vacation of this portion of the sewer easement will not impair the City's ability to provide or maintain public sewer service; and

WHEREAS, California Streets and Highways Code Section 8333 authorizes the legislative body of a local agency to summarily vacate a public service easement where the easement has been determined to be excess; and

WHEREAS, California Streets and Highways Code Section 8335 authorizes the City Council to vacate a public service easement by adopting a resolution of vacation; and

WHEREAS, the portion of the sewer easement proposed to be vacated is described in Exhibit A and depicted in Exhibit B; and

WHEREAS, the City Council finds that the summary vacation of the portion of the sewer easement described in Exhibits A and B is authorized pursuant to California Streets and Highways Code Section 8333(c).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka, that:

1. The foregoing recitals are true and correct and are incorporated herein. The City Council finds that the portion of the public sewer easement described in Exhibit A and depicted in Exhibit B is excess to the City's public sewer needs.
2. Pursuant to California Streets and Highways Code Sections 8333 and 8335, the City Council hereby summarily vacates the portion of the public sewer easement described in Exhibit A and depicted in Exhibit B located at 2150 Buhne Street, APN 013-251-040.
3. After this Resolution is recorded, the portion of the sewer easement described in Exhibits A and B shall no longer constitute a public sewer easement. The vacation authorized by this Resolution shall not affect any portion of the sewer easement outside of the area specifically described in Exhibits A and B.
4. The City Clerk is hereby authorized to cause a certified copy of this Resolution, together with Exhibits A and B, to be recorded with the Humboldt County Recorder in accordance with California Streets and Highways Code Section 8336.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the _____ day of _____, 2026 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kim Bergel, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

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Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Robert Black, City Attorney