

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting on _____

RESOLUTION NO. _____

RESOLUTION TO SUMMARILY VACATE AN UNCONSTRUCTED PORTION OF KNOX COVE ROAD (3M060) IN MCKINLEYVILLE

WHEREAS, a county street for purposes of the Public Streets, Highways, and Service Easements Vacation Law (Streets and Highways Code § 8300 et seq.) includes all or part of, or any right in, a public highway, road, street, avenue, alley or lane (Streets and Highways Code § 8308); and

WHEREAS, the hereafter described portion of Knox Cove Road (3M060), has been impassable for vehicular travel for a period of five consecutive years and no public money was expended for maintenance on said portion of right of way during that period, thereby meeting the requirements of Streets and Highways Code section 8331; and

WHEREAS, this summary vacation is made pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code; and

WHEREAS, the vacation will not terminate any public service easement; and

WHEREAS, the vacation will not cut off all access to any person's property; and

WHEREAS, the vacation is minor in nature and exempt from the Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code § 65402(a) and Resolution No. 72-69; and

WHEREAS, the vacation is not in conflict with the General Plan; and

WHEREAS, the vacation will have no significant environmental effect and is exempt from the California Environmental Quality Act (CEQA) as per the provisions in the Guidelines for Implementation of CEQA, 14 California Code of Regulations § 15305; and

WHEREAS, McKinleyville Community Services District (MCSD) requires the reservation and exception of an easement.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Board of Supervisors finds that all of the recitations contained hereinabove are true and correct.
2. The summary vacation is made pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, and specifically § 8331.

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3. PG&E has utility infrastructure within the portion of the right of way to be vacated. Therefore, an easement reservation is made for PG&E within the right of way described in the attached Exhibit B:

“Reserving therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code for the benefit of PG&E, and their successors or assigns, the permanent easement and the right at any time from time to time to construct, reconstruct, maintain, operate, replace, repair, renew and enlarge cables, wires, poles, electrical conductors, and other equipment fixtures and appurtenances for the operation of electrical, telephone and cable facilities, including access; and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; keep the property free from inflammable materials; and prevent any building or structure near said facilities.”

4. MCSD has utility infrastructure within the portion of the right of way to be vacated. Therefore, an easement reservation is made for MCSD within the right of way described in the attached Exhibit B...

“Reserving therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code for the benefit of McKinleyville Community Services District, and their successors or assigns, the permanent easement and the right at any time from time to time to construct, reconstruct, maintain, operate, replace, repair, renew utility facilities, and other equipment fixtures and appurtenances for the operation of water, sewer and other utilities, including access; and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; keep the property free from inflammable materials; and prevent any building or structure near said facilities.”

5. The vacation will not cut off all access to any person’s property.
6. The vacation is minor in nature and exempt from the Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code § 65402(a) and Resolution No. 72-69.
7. The vacation is not in conflict with the General Plan.
8. The vacation does not have a significant environmental effect and is exempt from CEQA as per the provisions in the Guidelines for Implementation of CEQA, 14 California Code of Regulations § 15305.
9. The portion Knox Cove Road proposed to be vacated is not necessary for present or prospective public use.
10. Said portion of Knox Cove Road is hereby ordered vacated.

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Steve Madrone
Board of Supervisors
County of Humboldt

Adopted on motion by Supervisor _____, seconded by Supervisor _____
and the following vote:

AYES: Supervisors –
NOES: Supervisors –
ABSENT: Supervisors –
ABSTAIN: Supervisors –

STATE OF CALIFORNIA)
) ss.
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Seal of
said Board of Supervisors

KATHY HAYES

Clerk of the Board of Supervisors of
the County of Humboldt, State of
California

By _____