



# COUNTY OF HUMBOLDT

For the meeting of: 11/5/2019

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File #: 19-1487

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**SUBJECT:**

Resolution to Summarily Vacate a One (1) Foot, Non-Vehicular Access Easement on Edeline Avenue in McKinleyville on APN 508-402-001 and APN 508-402-018

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt Resolution No. \_\_\_\_\_ (Attachment 1) to summarily vacate a one (1) foot, non-vehicular access easement along the west side of Edeline Avenue over the east lines of Lots 1 and 18 of Tract No. 0651 in McKinleyville, pursuant to Streets and Highways Code Section 8333(c); and
2. Direct the Clerk of the Board to record via the Department of Public Works Land Use Division, in the Office of the County Recorder, a certified copy of the resolution.

**SOURCE OF FUNDING:**

Roads Fund (1200)

**DISCUSSION:**

The Department of Public Works (DPW) received a request from JLF Construction, Inc. to vacate a one (1) foot, non-vehicular access easement along the west side of Edeline Avenue over the east lines of Lots 1 and 18 of Tract No. 0651 in McKinleyville. The subject sites are known as Assessor Parcel Numbers (APN) 508-402-001 and 508-402-018. The purpose of the request is to allow driveways to be constructed on Edeline Avenue for these lots. If the Board of Supervisors vacates the one (1) foot, non-vehicular access easement, this action would extinguish the easement described in the resolution (Attachment 1), thereby granting JLF Construction, Inc. the ability to construct driveways onto Edeline Avenue.

The non-vehicular access easement was dedicated to the County of Humboldt on the Central Estates Phase 2D subdivision, Tract No. 0651, filed in Book 25, pages 69-71 of Maps, in the Office of the County Recorder, County of Humboldt. The non-vehicular access easement was dedicated in error and was not a requirement of subdivision approval.

The proposed vacation is being processed via the Summary Vacation Procedures of the California Streets and Highways Code, commencing with Section 8330, and specifically Section 8333(c). Section 8333(c) states a legislative body of a local agency may summarily vacate a public service easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

DPW has determined that the one (1) foot, non-vehicular access easement is not necessary.

DPW has found the proposed vacation to be of a “minor” nature and therefore exempt from a Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code Section 65402(a). The Planning & Building Department found that the right of way or property was acquired for a use other than street widening or alignment, namely a non-vehicular access easement to limit the number of driveway encroachments, that the street or alley is not open on the ground, that the street or alley is not identified in the circulation element of the General Plan, that the street or alley is not adaptable for use as part of the trails system, and that the street or alley does not provide principal access to a parcel that would be without legal access once the abandonment is complete (Attachment 2).

The proposed vacation has been reviewed by DPW's Environmental Services Division for compliance with the California Environmental Quality Act and has been determined to be exempt from further review of environmental impacts (Attachment 3).

As per Section 8334.5 of the Streets and Highways Code, there are no public utility facilities that are in use or that would be affected by this vacation.

DPW has no objection to the vacation and requests the Board take the recommended actions.

FINANCIAL IMPACT:

The non-vehicular access easement was dedicated in error and was not a requirement of subdivision approval. Minimal costs were incurred to cover staff time associated with the vacation process. This item does not affect the General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework by providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to approve the requested vacation. Not vacating the non-vehicular access will require that the subdivider substantially redesign the houses for these lots.

**ATTACHMENTS:**

1. Resolution to Summarily Vacate a One (1) Foot, Non-Vehicular Access Easement on Edeline Avenue in McKinleyville
  - 1A. Exhibit "A" Legal Description of Vacation of Non-Vehicular Access Rights
  - 1B. Exhibit "B" Map Showing Non-Vehicular Access Vacation Areas
2. Exemption from Planning Commission Report
3. CEQA Notice of Exemption

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: N/A

File No.: N/A