



COUNTY OF HUMBOLDT

For the meeting of: 3/12/2019

File #: 18-1339

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Resolution to Summarily Vacate a Portion of Fern Spring Road in Benbow

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the attached resolution to summarily vacate a portion of Fern Spring Road in Benbow, pursuant to Streets and Highways Code section 8344 (Attachment 1);
2. Direct the Public Works Director to accept the easement deed pursuant to Humboldt County Code section 246-5 (Attachment 2); and
3. Direct the Clerk of the Board to record in the Office of the County Recorder via the Land Use Division a certified copy of the resolution and the accepted easement deed.

SOURCE OF FUNDING:

Roads Division 1200-325

DISCUSSION:

The Humboldt County Department of Public Works received a request from Charles Benbow that the county vacate a segment of Fern Spring Road that is under the ownership of Benbow Properties, Inc. If the Board of Supervisors vacates the proposed portion of Fern Spring Road, this action would extinguish the easement described in the resolution (Attachment 1), thereby granting Benbow Properties full use of its property. Staff requests the Board of Supervisors authorize the Public Works Director to accept the grant of an easement for the portion of the constructed cul-de-sac that lies outside the dedicated road right of way pursuant to Humboldt County Code 246-5. (Attachment 2)

The area proposed for vacation was never constructed as road; rather the road ends in a cul-de-sac before the full extent of the portion dedicated in Tract 59, Benbow Subdivision Number 2, Book 15 of Maps, Pages 21, 22, and 23, in the Office of the County Recorder, County of Humboldt. The road ends on the private property of Benbow Properties, Inc. and does not connect to other roads within the county system.

The proposed vacation is being processed via Summary Vacation Procedures pursuant to the provisions

of Streets and Highways Code section 8334. This code section states a legislative body of a local agency may summarily vacate any of the following:

- (a) An excess right of way of a street or highway not required for street or highway purposes.
- (b) A portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

The Department of Public Works has physically inspected the portion of the road proposed for vacation. The portion of the road proposed for vacation dead ends on the owner's parcel. The county has neither constructed nor maintained the portion of right of way proposed to be vacated.

Tract 59, Benbow Subdivision Number 2, created Fern Spring Road ending in a cul-de sac. However, Fern Spring Road was not constructed to the full length as mapped. Instead it ends approximately 100 feet before the platted end of the road. A cul-de-sac was constructed at the end of the constructed road which meets county requirements.

The Planning and Building Department has found the proposed vacation to be of a "minor" nature and is, therefore, exempt from a Planning Commission Report for Acquisitions, Dispositions, and Abandonments pursuant to Government Code section 65402(a). They determined that the road easement was acquired for access and turnaround purposes; that the actual location of the cul-de-sac is slightly east of the mapped location and the vacation will conform with the "as built" condition encroachments; that the street or alley is not constructed on the ground as mapped; the street or alley is not identified in the circulation element of the General Plan; the street or alley is not used, or intended to be used, as part of the trails system; the street or alley does not provide principal access to a parcel that would be without legal access once the vacation is complete. (Attachment 3)

The proposed vacation has been reviewed by the Environmental Services Division and has been determined to have no significant environmental effect and, therefore, is not subject to the California Environmental Quality Act (CEQA), as per the provisions in the Guidelines for Implementation of CEQA [14 California Code of Regulations Section 15305]. (Attachment 4)

There are no public utilities located within the area proposed for vacation. The Pacific Gas and Electric Company (PG&E) has no objection to the proposed vacation. (Attachment 5)

All fees have been paid. The Public Works Department has no objection to the vacation and requests the Board take the recommended actions.

FINANCIAL IMPACT:

This item does not affect the General Fund. The applicant paid a fee along with his application in the amount of \$2,882, based on the county fee schedule, to cover costs and Public Works and Planning Departments staff time associated with the vacation process. The vacation application requires applicants to hire a licensed surveyor to prepare all legal descriptions and plat maps at their own expense. There is no impact to the road maintenance budget caused by this vacation. The portion of road that was not constructed will be vacated, while maintenance for the portion of road that was

constructed was included in the Fiscal Year 2018-19 budget.

STRATEGIC FRAMEWORK:

This action supports the Board's Strategic Framework by providing for and maintaining infrastructure and providing community-appropriate levels of service.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to approve the requested vacation. However, this is not recommended as vacating the portion of the platted road that was never constructed, and accepting an easement for the undedicated portion of the constructed road and cul-de-sac, will accurately reflect the road as constructed.

ATTACHMENTS:

1. Resolution to Summarily Vacate a Portion of Fern Spring Road
2. Easement Deed
3. Exemption from Planning Commission Report
4. CEQA Determination
5. PG&E Acknowledgment

PREVIOUS ACTION/REFERRAL:

Board Order No.: NA

Meeting of: NA

File No.: NA