

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of October 2, 2018

RESOLUTION NO. 18-100

RESOLUTION TO SUMMARILY VACATE A PORTION OF REDWOOD DRIVE (C6B105) AND THOMAS DRIVE (6B150), ALSO KNOWN AS THE JIM DEMULLING VETERANS MEMORIAL GROVE, APN 032-021-019, IN GARBERVILLE

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

WHEREAS, the hereafter described portion of Thomas Drive and Redwood Drive, both county roads, is excess right-of-way not required for road purposes and that portion lies within property under one ownership and does not continue through such ownership or end touching property of another; and

WHEREAS, there are public utilities in place that are in use or would be affected by the vacation of said portion of the county road; 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, this summary vacation is made pursuant to the provisions of Section 8334 of Streets and Highways Code; and

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

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

WHEREAS, public convenience and necessity require the reservation and exception of an easement to Pacific Gas and Electric Company for future repairs or replacement of electrical power poles or lines; and

WHEREAS, public convenience and necessity require the reservation and exception of an easement to Garberville Sanitary District for future repairs or replacement of sewer and water lines; and

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WHEREAS, public convenience and necessity require the reservation and exception of an easement to Frontier Communications for future repairs or replacement of electrical power poles or lines;

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. There are public utilities in place that are in use or would be affected by the vacation of said easement.
3. The vacation will not cut off all access to any person's property.
4. The summary vacation is made pursuant to the provisions of Section 8334 of the Streets and Highways Code.
5. The vacation is minor in nature and exempt from the Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code Section 65402(a) and Resolution No. 72-69.
6. The vacation is not in conflict with the General Plan.
7. 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 Section 15305).
8. The portion of Redwood Drive and Thomas Drive to be vacated is not necessary for present or prospective public use; however, pursuant to Streets and Highway Code Section 8340, the County of Humboldt shall reserve and excerpt from the vacation a permanent easement to Pacific Gas and Electric Company for future repairs or replacement of electrical power poles or lines described as follows:

"RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code for the benefit of Pacific Gas and Electric Company, the permanent easement and the right at any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair, renew and enlarge lines of pipes, conduits, cables, wires, poles, electrical conductors, and other equipment, fixtures and appurtenances for the operation of electric, gas, and communication 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 within the PG&E Easement Area described in Exhibit D and shown on Exhibit E."

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9. The portion of Redwood Drive and Thomas Drive to be vacated is not necessary for present or prospective public use; however, pursuant to Streets and Highway Code Section 8340, the County of Humboldt shall reserve and excerpt from the vacation a permanent easement to Garberville Sanitary District for future repairs or replacement of water and sewer lines described as follows:

“RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code for the benefit of Garberville Sanitary District, the permanent easement and the right at any time from time to time to construct, reconstruct, maintain, operate, replace, repair, renew and enlarge pipes and 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 as described in Exhibit F and shown on Exhibit G.”

10. The portion of Redwood Drive and Thomas Drive to be vacated is not necessary for present or prospective public use; however, pursuant to Streets and Highway Code Section 8340, the County of Humboldt shall reserve and excerpt from the vacation a permanent easement to Frontier Communications for future repairs or replacement of electrical power poles or lines described as follows:

“RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code for the benefit of Frontier Communications, 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 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 as described in Exhibit H and shown on Exhibit I.”

11. Said easement to be vacated is not necessary for present or prospective public use.

12. Said easement is hereby ordered vacated.

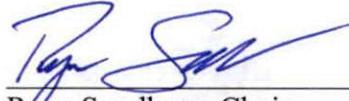
13. From and after the date of recordation of this resolution, said easement described in Exhibit A and shown on Exhibits B and C will no longer constitute a public right of way.

14. The Clerk of the Board of Supervisors is directed to record a certified copy of this Resolution in the Office of the Humboldt County Recorder.

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Dated: October 2, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

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

AYES:	Supervisors	Bohn, Fennell, Bass, Sundberg
NAYS:	Supervisors	--
ABSENT:	Supervisors	Wilson
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
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 an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

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



By Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California