

Notice of Exemption

To: County Clerk
County of Humboldt

From: (Public Agency): Humboldt County Public Works
1106 Second Street
Eureka, CA 95501

Lead Agency (if different from above):

Contact: Bob Bronkall, County Surveyor

Address:

Email: bbronkall@co.humboldt.ca.us

Phone: 707-445-7205

Assessor Parcel Number: APN 510-371-064

Record ID: N/A

Project Title: Resolution to Summarily Vacate a Portion of undeveloped Knox Cove Road in McKinleyville

Project Applicant: Humboldt County Public Works Department

Project Location - Specific: Knox Cove Drive at Kelly Avenue, McKinleyville, CA
Section 36, Township 7 North, Range 1 West, H.B.M.

Project Location – City: McKinleyville

Project Location - County: Humboldt

Description of Nature, Purpose and Beneficiaries of Project:

The Humboldt County Department of Public Works received a request from property owners Bob and Mary Bill to vacate a portion of undeveloped Knox Cove Road right of way in McKinleyville. Under Streets and Highways Code Section 8331, such action must be approved by the Board of Supervisors. If the proposed vacation is approved by the Board of Supervisors, the Bill's would then gain use of the area that was encumbered by the easement; subject to the reservation of a 10 foot wide Public Utility Easement for McKinleyville Community Services District.

The area proposed to be vacated was platted as Parcel "A" on Tract Map No. 254 for Knox Cove Unit No. 1, filed on May 14, 1986, in Book 18 of maps, pages 107 through 109, in the Office of the County Recorder. Parcel "A" was irrevocably dedicated to the County of Humboldt for future road purposes. The right of way was likely dedicated in anticipation that Kelly Avenue might one day connect to Bolier Avenue. This is no longer possible because the potential connection has been obstructed with the development of a house on APN 510-371-055. Due to the unlikelihood of the house being removed and a public road right of way acquired over APN 510-371-055, it is not likely that this connection would ever be constructed. In addition, due to the narrow nature of APN 510-371-055, establishment of a right of way through this parcel would likely eliminate any practical use of the property. Public Works does not believe that this connection is needed for circulation purposes.

Name of Public Agency Approving Project: Humboldt County

Name of Person or Agency Carrying out Project: Humboldt County Public Works Department

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: **15305**
- Statutory Exemptions. State code number:

Reasons why project is exempt:

The proposed vacation (project) extinguishes an existing easement. The vacation does not create a new parcel. The vacation restores rights to the underlying landowners, subject to any reservations made in the vacation. The restoration of rights to the underlying landowner changes where setbacks are measured from and allows for uses of the encumbered property that would otherwise be in conflict with the easement. Per CEQA, vacations and abandonments are classified as having a Class 5 Categorical Exemption pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15305.

Section 15305 - Minor Alterations in Land Use Limitations

Class 5 [categorical exemptions] consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- (b) Issuance of minor encroachment permits;
- (c) Reversion to acreage in accordance with the Subdivision Map Act.

Lead Agency Contact Person: Bob Bronkall
Code/Telephone/Extension: (707) 445-7205

If filed by applicant:

- 1. Attach certified document of exemption finding.
- 2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____
Revised 2011