

**2019-008349**

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HUMBOLDT CNTY

Pages: 7

Recording Fee: \$ 0.00  
Tax Fee: \$0  
Clerk: sc Total: \$0.00  
May 14, 2019 at 11:27:00



REQUESTED BY AN RETURN TO:  
COUNTY OF HUMBOLDT  
DEPARTMENT OF PUBLIC WORKS  
LAND USE DIVISION  
3033 H STREET, ROOM 17  
EUREKA, CA 95501

(Exempt from fees per Gov't C. §27383)

RE-RECORDING OF RESOLUTION NO. 19-21  
RECORDED ON 03/20/2019 AT NO. 2019-004968

RESOLUTION TO SUMMARILY VACATE A PORTION OF FERN SPRING ROAD  
(6B171) IN GARBERVILLE RE-RECORDED TO INCLUDE EXHIBITS A AND B  
APPROVED BY BOARD OF SUPERVISORS AT MEETING ON 03/12/2019 WHICH  
WERE INADVERTENTLY LEFT OFF DOCUMENT

**2019-004968**

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HUMBOLDT CNTY

Pages: 4

Recording Fee: \$ 0.00  
Tax Fee: \$0  
Clerk: sc Total: \$0.00  
Mar 20, 2019 at 02:22:06



REQUESTED BY AN RETURN TO:  
COUNTY OF HUMBOLDT  
DEPARTMENT OF PUBLIC WORKS  
LAND USE DIVISION  
3033 H STREET, ROOM 17  
EUREKA, CA 95501

(Exempt from fees per Gov't C. §27383)

RESOLUTION NO. 19-21

RESOLUTION TO SUMMARILY VACATE A PORTION OF FERN SPRING ROAD  
(6B171) IN GARBERVILLE

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of March 12, 2019

RESOLUTION NO. 19-21

**RESOLUTION TO SUMMARILY VACATE A PORTION OF FERN SPRING ROAD (6B171)  
IN GARBERVILLE**

**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 Fern Spring Road (6B171), is an excess right of way not required for street or highway purposes and it lies within property under one ownership that does not continue through such ownership or end touching property of another, thereby meeting the requirements of Streets and Highways Code § 8334; 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 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**, the vacation will not terminate any public service easement; and

**WHEREAS**, no utility company 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 § 8334.
3. The vacation will not cut off all access to any person's property.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of March 12, 2019


**RESOLUTION NO. 19-21**

4. 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.
5. The vacation is not in conflict with the General Plan.
6. 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.
7. The portion Fern Spring Road proposed to be vacated is not necessary for present or prospective public use.
8. Said portion of Fern Spring Road is hereby ordered vacated.
9. From and after the date of recordation of this resolution, said portion Fern Spring Road as described in Exhibit A and shown on Exhibit B which are attached hereto and incorporated herein by reference, will no longer constitute a public right of way.
10. Direct the Clerk of the Board to record in the office of the County Recorder, a certified copy of the Resolution via the Land Use Division.

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of March 12, 2019

RESOLUTION NO. 19-21

Dated: March 12, 2019



\_\_\_\_\_  
Rex Bohn, Chair  
Humboldt County Board of Supervisors

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

AYES: Supervisors Bohn, Fennell, Wilson, Bass  
NAYS: Supervisors --  
ABSENT: Supervisors Madrone  
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.

The within instrument is a full, true and correct copy of the original on file in this office.

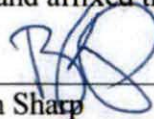
ATTEST:

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

By



Ryan Sharp, Deputy



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

## EXHIBIT A

### PORTION OF FERN SPRING ROAD TO BE VACATED

That portion of Fern Spring Road, as shown on the map of Tract No. 59, Benbow Subdivision No. 2, filed in Book 15 of Maps, Pages 21- 23, Humboldt County Records, in the Southwest Quarter of the Northwest Quarter of Section 31, Township 4 South, Range 4 East, Humboldt Meridian, lying Westerly of the following described line:

BEGINNING on the North line of Fern Spring Road, at a point that bears North 77 degrees 25 minutes East, 19.02 feet from the intersection of said North line with the cul-de-sac shown thereon;

thence South 12 degrees 35 minutes 00 seconds East, 40.00 feet to the Southerly line of said road.

Prepared by:

Michael J. O'Hern

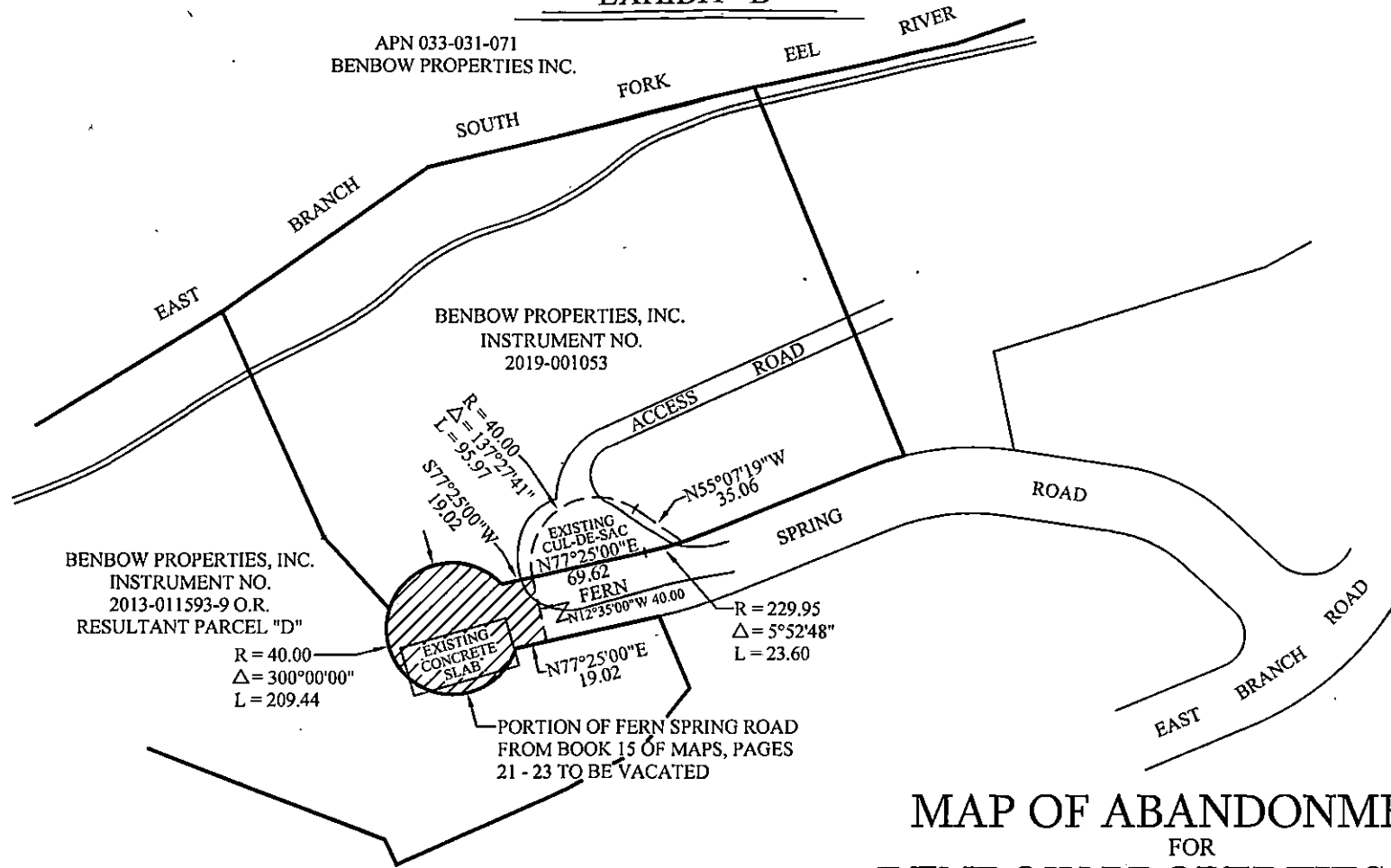
Michael J. O'Hern

LS 4829 Dated: OCT. 9, 2018



EXHIBIT "B"

APN 033-031-071  
BENBOW PROPERTIES INC.



MAP OF ABANDONMENT  
FOR  
BENBOW PROPERTIES, INC.  
IN

SECTION 31 T4S, R4E, HUMBOLDT MERIDIAN  
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
FEBRUARY 2019 SCALE 1" = 100'

HUMBOLDT COUNTY  
STATE OF CALIFORNIA  
KELLY-O'HERN ASSOCIATES  
EUREKA, CALIFORNIA

LAND SURVEYOR:  
MICHAEL J. O'HERN LS 4829  
KELLY-O'HERN ASSOCIATES  
3240 MOORE AVENUE  
EUREKA, CA 95501  
(707)442-7283

OWNER/APPLICANT:  
BENBOW PROPERTIES INC.  
ATTN: CHARLES BENBOW  
40 EAST BRANCH ROAD  
GARBERVILLE, CA 95542  
(707)845-7365

**REQUESTED BY AND  
AFTER RECORDING RETURN TO:**

DEPARTMENT OF PUBLIC WORKS  
LAND USE DIVISION  
3033 H STREET, ROOM 17  
EUREKA CA 95501-4409

This instrument is for the benefit of the  
County of Humboldt and is entitled to be  
recorded without fee. (Govt. Code 27383)

**2019-005253**

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HUMBOLDT CNTY

Pages: 5

Recording Fee: \$ 0.00  
Tax Fee: \$0.00  
Clerk: kt Total: \$0.00  
Mar 25, 2019 at 03:32:20



**RE:** ROAD EASEMENT  
APN 033-031-040 and 033-031-040

**EASEMENT DEED**

BENBOW PROPERTIES, INC., A CALIFORNIA CORPORATION, hereby grant and convey to the COUNTY OF HUMBOLDT, a political subdivision of the State of California, an easement for roadway purposes and all incidents thereto, situated in an unincorporated area of the County of Humboldt, State of California, described as follows:

(SEE EXHIBIT "A" AND EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF)

Dated this 1<sup>ST</sup> day of MARCH, 2019.

OWNERS:

*Charles Benbow*

CHARLES BENBOW  
CHIEF EXECUTIVE OFFICER,  
BENBOW PROPERTIES, INC.

*Janet Benbow*

JANET BENBOW  
CHIEF FINANACIAL OFFICER,  
BENBOW PROPERTIES, INC.



**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

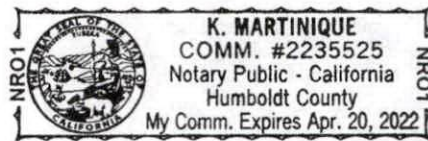
**STATE OF CALIFORNIA**  
**COUNTY OF HUMBOLDT** )

On MARCH 1, 2019 before me, K. Martinique a Notary  
(Date)  
Public, personally appeared, Janet K. Benbow & Charles R. Benbow, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)  
**is/are** subscribed to the within instrument and acknowledged to me that **he/she/they**  
executed the same in **his/her/their** authorized capacity(ies), and that by **his/her/their**  
signature(s) on the instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*K. Martinique* (Seal)  
(Signature of Notary)



## EXHIBIT A

### EASEMENT TO BE GRANTED TO THE COUNTY OF HUMBOLDT

That portion of the Southwest Quarter of the Northwest Quarter of Section 31, Township 4 South, Range 4 East, Humboldt Meridian, described as follows:

BEGINNING on the North line of Fern Spring Road, as shown on the map of Tract No. 59, Benbow Subdivision No. 2, filed in Book 15 of Maps, Pages 21 – 23, Humboldt County Records, at a point that bears North 77 degrees 25 minutes East, 19.02 feet from the intersection of said North line with the cul-de-sac shown thereon;

thence North 77 degrees 25 minutes 00 seconds East, along said North line, 69.62 feet to the beginning of a curve concave to the North, having a radius of 229.95 feet (record radius 230 feet);

thence Easterly along said curve and the North line of Fern Spring Road, through an angle of 5 degrees 52 minutes 48 seconds, for a distance of 23.60 feet;

thence leaving said North line, North 55 degrees 07 minutes 19 seconds West, 35.06 feet to the beginning of a curve concave to the South, having a radius of 40 feet,

thence Westerly along said curve, through an angle of 137 degrees 27 minutes 41 seconds, for a distance of 95.97 feet, more or less, to the POINT OF BEGINNING.

Prepared by:

Michael J. O'Hern

Michael J. O'Hern

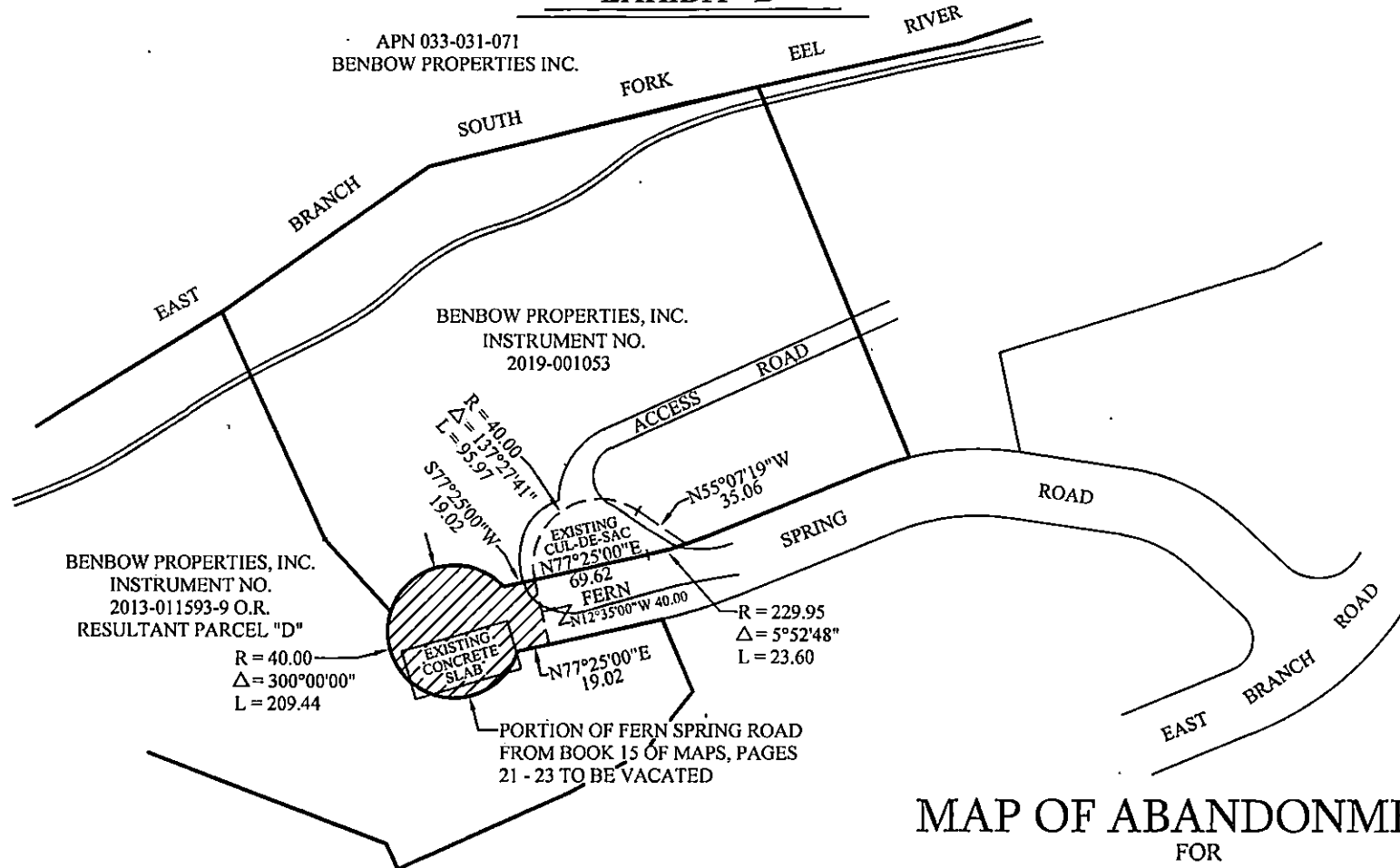
LS 4829

Dated: OCT. 9, 2018



EXHIBIT "B"

APN 033-031-071  
BENBOW PROPERTIES INC.



MAP OF ABANDONMENT  
FOR  
BENBOW PROPERTIES, INC.  
IN

SECTION 31 T4S, R4E, HUMBOLDT MERIDIAN  
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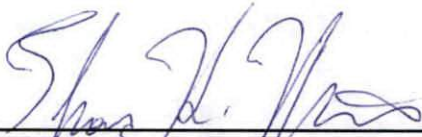
HUMBOLDT COUNTY  
STATE OF CALIFORNIA  
KELLY-O'HERN ASSOCIATES  
EUREKA, CALIFORNIA

LAND SURVEYOR:  
MICHAEL J. O'HERN LS 4829  
KELLY-O'HERN ASSOCIATES  
3240 MOORE AVENUE  
EUREKA, CA 95501  
(707)442-7283

OWNER/APPLICANT:  
BENBOW PROPERTIES INC.  
ATTN: CHARLES BENBOW  
40 EAST BRANCH ROAD  
GARBERVILLE, CA 95542  
(707)845-7365

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed herein to the County of Humboldt, a political subdivision of the State of California, is hereby accepted by the undersigned officer on behalf of the Board of Supervisors of the County of Humboldt pursuant to authority conferred by Ordinance No. 2611 of the Board of Supervisors of the County of Humboldt adopted on September 11, 2018, and Resolution No. 06-120 of the Board of Supervisors of the County of Humboldt adopted on December 12, 2006, and the grantee consents to recordation thereof by its duly authorized officer.



\_\_\_\_\_  
THOMAS K. MATTSON,  
DIRECTOR OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

Date: 3/19, 2019