




COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-19

For the meeting of: 04/22/2014

DATE: 04/04/2014

TO: Board of Supervisors

FROM:  Thomas K. Mattson, Director of Public Works

SUBJECT: SUMMARY VACATION OF METROPOLITAN ROAD EXTENSION (3G106) IN THE METROPOLITAN (RIO DELL) AREA AND CONVEYANCE OF PROPERTY TO CITY OF RIO DELL

RECOMMENDATIONS: That the Board of Supervisors by a 4/5 vote:

1. Adopt the attached Resolution to Summarily Vacate Metropolitan Road Extension (3G106) pursuant to Streets and Highways Code section 8334(a) and (b).
2. Direct Clerk of the Board to return a certified copy of the adopted Resolution summarily vacating Metropolitan Road Extension to Department of Public Works Land Use Division for further processing.
3. Approve and authorize Chairperson to execute the attached Deed to the City of Rio Dell after the Resolution has been recorded.
4. Direct Clerk of the Board to return the executed Deed to Department of Public Works Land Use Division for further processing.

SOURCE OF FUNDING: Road Fund

DISCUSSION: The City of Rio Dell has proposed a new waste water treatment facility in the Metropolitan Area in response to legal action issued by the State Water Quality Control Board, citing the City's present wastewater treatment system is situated within the Eel River

Prepared by Robert W. Bronkall, Deputy Director

CAO Approval Cheryl Dillingham

REVIEW:	Auditor _____	County Counsel <u>gs</u>	Human Resources _____	Other _____
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TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Lovelace Seconded by Supervisor Bass

Ayes Sundberg, Lovelace, Bohn, Fennell, Bass

Nays _____

Abstain _____

Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: April 22, 2014

By: Kathy Hayes
Kathy Hayes, Clerk of the Board

floodplain and is in violation of the City's permit. The new facility will comply with current wastewater standards and also meet the future discharge requirements for the City. The proposed facility is located outside of the city limits of Rio Dell in the Metropolitan area. In 2011 the City of Rio Dell had acquired all of the parcels lying adjacent to Metropolitan Road Extension (County Road No. 3G106) and recorded a Lot Line Adjustment resulting in Metropolitan Road Extension being surrounded by one parcel. The City has requested that Metropolitan Road Extension be vacated in order for the City to better utilize their property surrounding Metropolitan Road Extension. The Department has reviewed the request and has determined that Metropolitan Road Extension can be abandoned through the summary vacation procedures set forth in Streets and Highways Code section 8330 et seq. The area proposed for vacation is shown in Attachment 2.

Metropolitan Road Extension is included in the County's maintained road system with a mileage of 0.10 mile, or approximately 520 feet. Metropolitan Road Extension is the remnant of an old road: in the 1970's, Caltrans realigned Metropolitan Road to intersect the state highway with an at-grade intersection. After Metropolitan Road was realigned, the new alignment became part of Metropolitan Road (3G110) and the superseded remnant was renamed to Metropolitan Road Extension. In addition, a portion of the old road lying east of the proposed vacation was vacated on 07/09/1974 by Resolution No. 74-186 in conjunction with the realignment. In anticipation of the 1974 vacation, State of California acquired a 100 foot by 100 foot area to be used as a turnaround at the end of the road once the vacation was completed.

The Department has physically inspected and reviewed the area of the City's proposed vacation request of the Metropolitan Road Extension, pursuant to Streets and Highways Code section 8334, which states:

The 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.

Metropolitan Road Extension is surrounded by one ownership (the City of Rio Dell) and does not provide principal access to any one parcel. The vacation as proposed would not eliminate access to any person's property or terminate any public service easements. Metropolitan Road Extension is excess right of way and is not required for street or highway purposes. Therefore the proposed vacation meets the requirements for the summary vacation procedure.

The proposed vacation will result in the complete elimination of Metropolitan Road Extension, and the road will be eliminated from the County maintained mileage system.

In addition to vacating the Metropolitan Road Extension, the Department of Public Works recommends that the property be conveyed to the City of Rio Dell. Government Code section 25365 allows the County to grant, convey, quitclaim, assign, or otherwise transfer any real or personal property to the state or to any public agency within the county if that property is not required for county use. Such a transfer requires a four-fifths vote of the Board of Supervisors. It also requires that a notice of intent be published at least one week in advance. A notice was published in the Times-Standard on 04/13/2014. (See Attachment 7.)

The area to be vacated is shown on Attachment 6 as Parcels A, B and C. These parcels are not required for county use. Parcels A and B are owned in fee by the County as a result of the relinquishment from the State in 1974 and will be conveyed in fee to the City of Rio Dell. The ownership of Parcel C could not be determined through a title search performed by the Department. Parcel C is the old road that became Metropolitan Road Extension after the realignment in the 1970's. Since ownership of Parcel C cannot be determined, the County will quitclaim any interest that it may have.

Notices of the proposed vacation were provided to AT&T, PG&E, Suddenlink, and the Fortuna Fire Protection District. All have responded that they have no objection. (See Attachment 5.)

The Planning Division of the Planning and Building Department has found the proposed vacation to be of a "minor" nature and therefore, exempt from a Planning Commission Report pursuant to Government Code section 65402(a). They determined that the right of way or property was not acquired for a use other than street widening or alignment; that the street is open on the ground; that the street is not identified in the circulation element of the General Plan; that the street is not used, or intended to be used, or adaptable for use as part of the trails system; and that the street does not provide principal access to a parcel that would result in the parcel not having legal access once the abandonment is complete. After the Planning Commission Report was prepared and signed, the road was removed by the City of Rio Dell. (See Attachment 3.)

The Natural Resources Division of the Department of Public Works has performed a review of the proposed vacation with regard to California Environmental Quality Act (CEQA). They concluded that the proposed vacation will have no significant environmental effect and is therefore exempt from CEQA as per the provisions in the Guidelines for Implementation of CEQA [14 California Code of Regulations sections 15301 and 15305]. (See Attachment 4.)

FINANCIAL IMPACT: None. This item conforms with the Board of Supervisors' Core Roles of Support business and workforce development by vacating an excess right of way that is not necessary or required for street or highway purposes

OTHER AGENCY INVOLVEMENT: City of Rio Dell

ALTERNATIVES TO STAFF RECOMMENDATIONS: No alternatives are recommended. The City of Rio Dell has entered into a construction contract for a new facility on the assumption that the Metropolitan Road Extension would be vacated and that the property would be available for that facility. The City has removed the road. If the City does not obtain fee title to the property, an agreement allowing the City to use the property would be necessary. Such an agreement would be of no benefit to the County and would generate unnecessary administrative work for City and County staff.

ATTACHMENTS

1. Resolution to Summarily Vacate Metropolitan Road Extension
2. Map depicting the vacation
3. Exemption from Planning Commission Report for Acquisitions, Dispositions, and Abandonments pursuant to Government Code Section 65402(a)
4. CEQA Notice of Exemption
5. Letters from:
 - AT&T dated 06/08/2011
 - PG&E dated 06/17/2011
 - Suddenlink dated 06/16/2011
 - Fortuna Fire Protection District dated 05/31/2011
6. Grant Deed
7. Notice of Intention

Attachment 1

Resolution to Summarily Vacate Metropolitan Road Extension

2014-008816-8
Recorded - Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by: HUMBOLDT CNTY

conformed copy

AFTER RECORDING RETURN TO:
COUNTY OF HUMBOLDT
DEPARTMENT OF PUBLIC WORKS
LAND USE DIVISION
3033 H STREET, ROOM 17
EUREKA, CA 95500-4409

Clerk: LH Total:\$0.00
May 19, 2014 at 11:51:56

RESOLUTION 14-34

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 22, 2014

RESOLUTION NO. 14-34

**RESOLUTION TO SUMMARILY VACATE METROPOLITAN ROAD EXTENSION (3G106)
IN THE METROPOLITAN (RIO DELL) AREA**

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 Metropolitan Road Extension (3G106), a county road, is excess right-of-way not required for road purposes and that portion is surrounded by property under one ownership and does not continue through such ownership or end touching property of another, thereby meeting the requirements of Streets and Highways Code § 8334 (a) and (b); and

WHEREAS, there are no public utility facilities in place that are in use or would be affected by the vacation of said portion of the county road; 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, § 8330 *et seq.*; 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 in conformity 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 §§ 15301 and 15305.

NOW, THEREFORE, BE IT RESOLVED that:

SECTION 1. The Board of Supervisors finds that all of the recitations made hereinabove are true and correct.

SECTION 2. The Metropolitan Road Extension (3G106), a county road, described in Exhibit A, which is attached hereto and made a part hereof by reference, is excess right-of-way not required for road purposes and that portion is surrounded by property under one ownership and does not continue through such ownership or end touching property of another.

SECTION 3. There are no public utility facilities in place that are in use or would be affected by the vacation of said portion of county road.

SECTION 4. The summary vacation is pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, and specifically § 8334 (a) and (b).

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BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of April 22, 2014

RESOLUTION NO. 14-34

SECTION 5. 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.

SECTION 6. The vacation is not in conflict with the General Plan.

SECTION 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 §§ 15301 and 15305.

SECTION 8. The Metropolitan Road Extension is hereby ordered vacated.

SECTION 9. From and after the date of recordation of this resolution, the Metropolitan Road Extension will no longer constitute a street, public highway or public service easement.

SECTION 10. 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.

Dated: April 22, 2014




REX BOHN, Chair of the Board of Supervisors

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

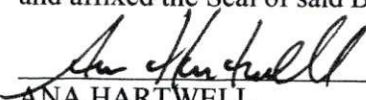
AYES:	Supervisors	Sundberg, Lovelace, Bohn, Fennell, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

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 a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.


by Ana Hartwell
Deputy Clerk of the
Board of Supervisors

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



ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

EXHIBIT 'A'

LEGAL DESCRIPTION FOR
VACATION OF METROPOLITAN ROAD EXTENSION (3G106)

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, LYING WITHIN SECTION 36, TOWNSHIP 2 NORTH, RANGE 1 WEST, HUMBOLDT MERIDIAN, DESCRIBED AS FOLLOWS:

PARCEL A: METROPOLITAN ROAD EXTENSION (3G106)

BEING ALL OF PARCEL 4 AS DESCRIBED IN THE "RELINQUISHMENT OF HIGHWAY RIGHT OF WAY" TO THE COUNTY OF HUMBOLDT AS RECORDED MAY 6, 1974 IN VOLUME 1238, PAGE 67 OF HUMBOLDT COUNTY OFFICIAL RECORDS, ALONG WITH ANY PUBLIC RIGHT OF WAY THAT EXISTS WITHIN SAID PARCEL 4.

PARCEL B: METROPOLITAN ROAD EXTENSION (3G106)

A PORTION OF PARCEL 3 AS DESCRIBED IN THE "RELINQUISHMENT OF HIGHWAY RIGHT OF WAY" TO THE COUNTY OF HUMBOLDT AS RECORDED MAY 6, 1974 IN VOLUME 1238, PAGE 67 OF HUMBOLDT COUNTY OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY TERMINUS OF THE COURSE DESCRIBED AS "A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 330 FEET, THROUGH AN ANGLE OF 36°44'17", A DISTNCE OF 211.60 FEET", OF SAID PARCEL 3;

THENCE FROM A TANGENT THAT BEARS S 38° 44'17" W, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40 FEET, THROUGH AN ANGLE OF 86°06'09", A DISTANCE OF 60.11 FEET;

THENCE FROM A TANGENT THAT BEARS S 40°24'10" E, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 80 FEET, THROUGH AN ANGLE OF 47°32'48", A DISTANCE OF 66.39 FEET;

THENCE S 87°56'58" E, 65.83 FEET;

THENCE S 02°03'02" W, 60.00 FEET;

THENCE N 87°56'58" W, 65.83 FEET;

THENCE, ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 140 FEET, THROUGH AN ANGLE OF 47°32'48", A DISTANCE OF 116.18 FEET;

EXHIBIT A, PAGE 2

THENCE, FROM A TANGENT THAT BEARS N 33°26'26" W, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40 FEET, THROUGH AN ANGLE OF 86°06'12", A DISTANCE OF 60.11 FEET TO THE POINT OF CUSP OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 330 FEET (A RADIAL LINE THROUGH SAID POINT BEARS N 29°32'38" W);

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH AN ANGLE OF 21°43'09", A DISTANCE OF 125.09 FEET TO THE POINT OF BEGINNING.

ALONG WITH ANY PUBLIC RIGHT OF WAY THAT EXISTS WITHIN THE ABOVE DESCRIBED PARCEL B.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE GRID BASED ON THE CALIFORNIA CO-ORDINATE SYSTEM, ZONE 1. MULTIPLY DISTANCES SHOWN BY 1.0000932 TO OBTAIN GROUND DISTANCES.

ROTATE GRID BEARINGS REPORTED HERE COUNTER-CLOCKWISE 01°26'34" TO OBTAIN TRUE (GEODETIC) BEARINGS. SEE 68 SURVEYS, PAGES 131-135.

PARCEL C: METROPOLITAN ROAD EXTENSION (3G106)

BEING A PORTION OF THE LAND DESCRIBED AS THE "OLD COUNTY ROAD" WITHIN DETAILS 'B', 'C' AND 'D' AS SHOWN ON SHEET 4 OF THE RECORD OF SURVEY FOR THE CITY OF RIO DELL AS FILED MAY 3, 2011 IN BOOK 68 OF SURVEYS, PAGES 131 THROUGH 135, HUMBOLDT COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE OLD COUNTY ROAD AND THE WEST FENCELINE OF THE BUNDESON PARCEL AS SHOWN ON DETAIL 'C' OF SAID RECORD OF SURVEY FOR THE CITY OF RIO DELL;

THENCE WESTERLY ALONG SAID SOUTH LINE NORTH 88°38'34" WEST 493.15 FEET;

THENCE NORTH 85°52'33" WEST 156.06 FEET TO A POINT ON THE SOUTHERLY LINE OF PARCEL 3 AS DESCRIBED IN THE RELINQUISHMENT OF HIGHWAY RIGHT OF WAY, RECORDED MAY 6, 1974 IN BOOK 1238, PAGE 67 OF OFFICIAL RECORDS OF HUMBOLDT COUNTY. SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 330.03 FEET. A RADIAL LINE THROUGH SAID POINT BEARS NORTH 12° 13' 33" WEST;

THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 14°21'08" AND AN ARC LENGTH OF 82.67 FEET TO THE NORTH LINE OF SAID "OLD COUNTY ROAD";

EXHIBIT A, PAGE 3

THENCE LEAVING SAID SOUTHERLY LINE ALONG THE NORTH LINE OF SAID OLD COUNTY ROAD SOUTH 85°52'33" EAST 79.70 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 88° 38'34" EAST 492.36 FEET TO SAID WEST FENCELINE OF THE BUNDESON PARCEL;

THENCE ALONG SAID LINE SOUTH 01°17'34" WEST 33.00 FEET TO THE POINT OF BEGINNING;

ALONG WITH ANY PUBLIC RIGHT OF WAY THAT EXISTS WITHIN THE ABOVE DESCRIBED PARCEL C.

END OF DESCRIPTION

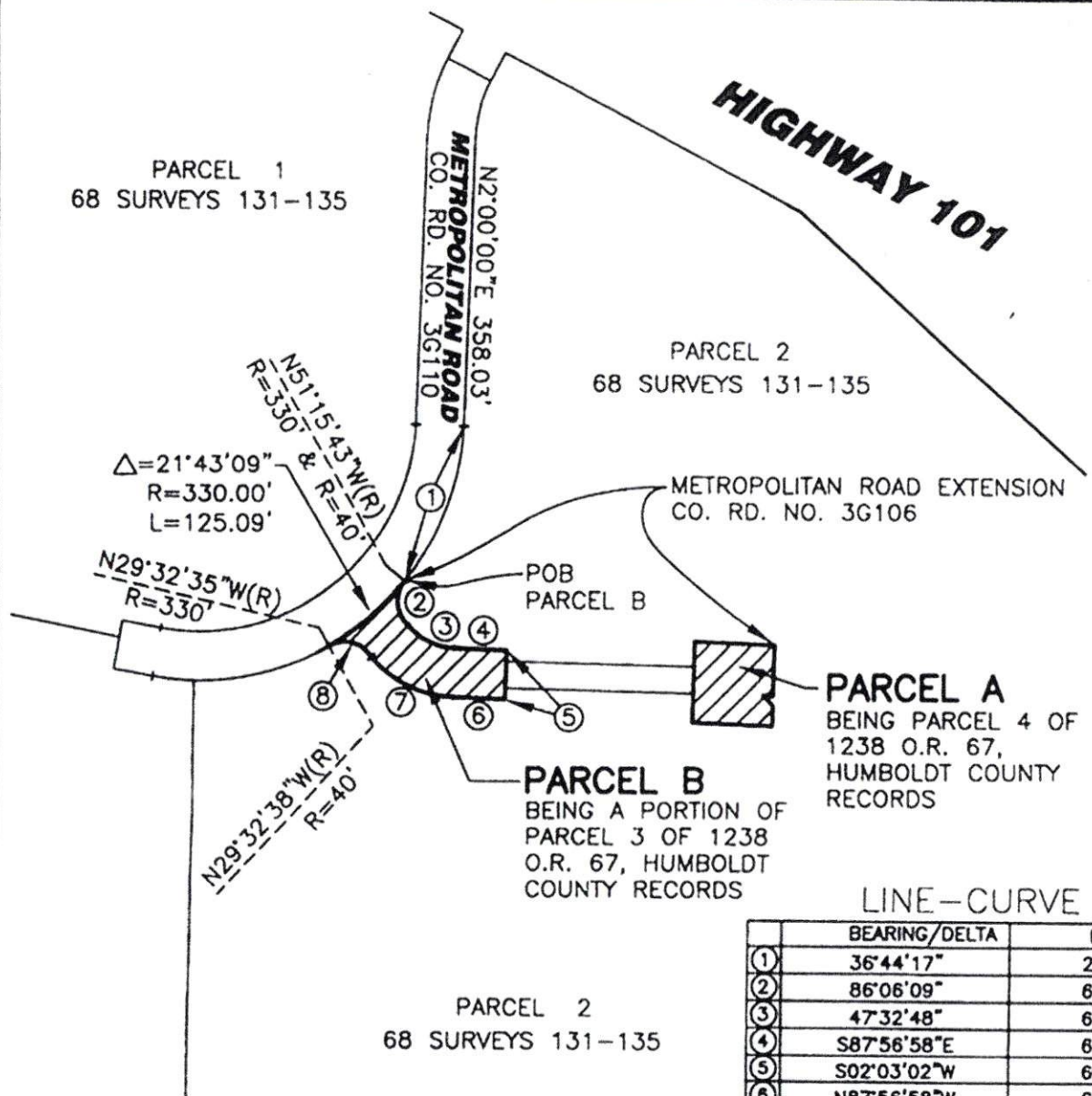
IN THE EVENT THE INFORMATION SHOWN WITHIN THE EXHIBITS SHOWN ON PAGES 4 AND 5 OF THIS DOCUMENT DIFFERS FROM THIS LEGAL DESCRIPTION, THIS LEGAL DESCRIPTION SHALL HOLD.

THIS LEGAL DESCRIPTION PREPARED ON OCTOBER 25, 2012 BY:


PHILIP A. GUTIERREZ JR.
CALIFORNIA LICENSED LAND SURVEYOR NO. 7245



NOTE: IN THE EVENT THE INFORMATION SHOWN ON THIS PLAT DIFFERS FROM THAT SHOWN WITHIN THE ATTACHED LEGAL DESCRIPTION, THE LEGAL DESCRIPTION SHALL HOLD.



LINE-CURVE DATA TABLE

	BEARING/DELTA	LENGTH	RADIUS
①	$36^{\circ}44'17"$	211.60'	330'
②	$86^{\circ}06'09"$	60.11'	40.00'
③	$47^{\circ}32'48"$	66.39'	80.00'
④	$S87^{\circ}56'58"E$	65.83'	
⑤	$S02^{\circ}03'02"W$	60.00'	
⑥	$N87^{\circ}56'58"W$	65.83'	
⑦	$47^{\circ}32'48"$	116.18'	140.00'
⑧	$86^{\circ}06'12"$	60.11'	40.00'

PARCEL 2
68 SURVEYS 131-135

GUTIERREZ
LAND
SURVEYING
826 MADRONE AVENUE, EUREKA, CA 95503

ROAD VACATION EXHIBIT
METROPOLITAN ROAD EXTENSION (3G106)
COUNTY OF HUMBOLDT, CALIFORNIA

JOB NO.: 10118.2
DATE: OCT 25, 2012
NAME: RD ABANDON
SCALE: 1"=200'

EXHIBIT A, PAGE 5

HIGHWAY 101

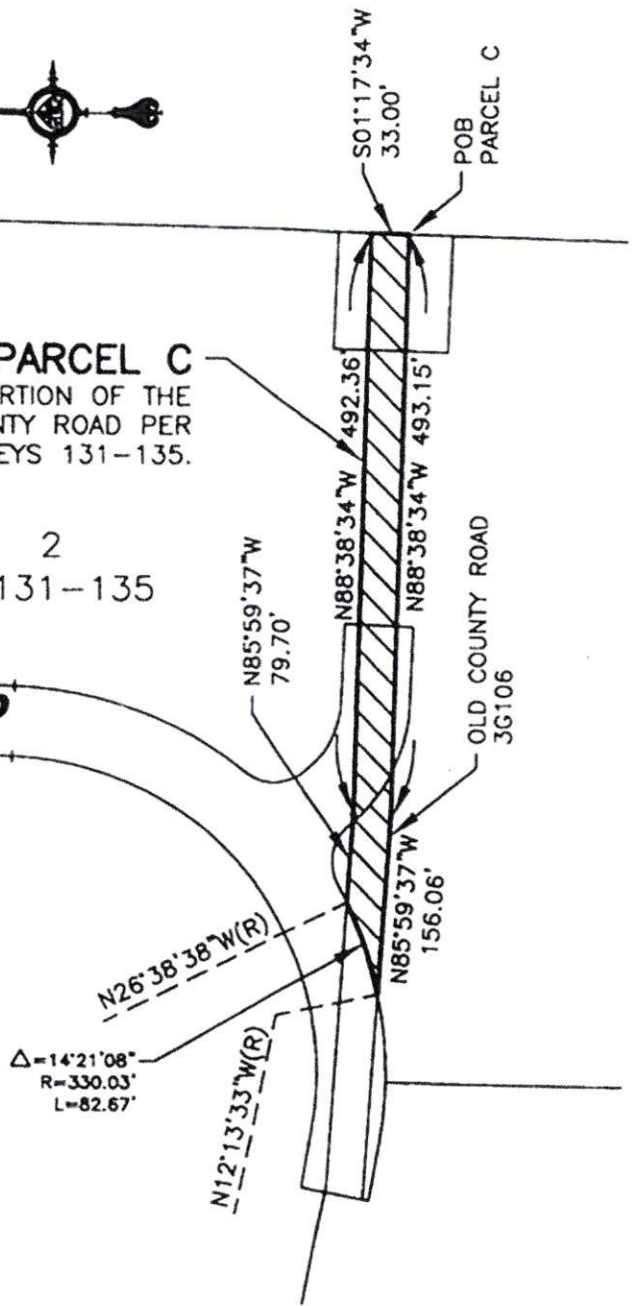


PARCEL C
BEING A PORTION OF THE
OLD COUNTY ROAD PER
68 SURVEYS 131-135.

PARCEL 2
68 SURVEYS 131-135

METROPOLITAN ROAD
CO. RD. NO. 3G110

PARCEL 1
68 SURVEYS 131-135



NOTE: IN THE EVENT THE INFORMATION SHOWN ON THIS PLAT DIFFERS FROM THAT SHOWN WITHIN THE ATTACHED LEGAL DESCRIPTION, THE LEGAL DESCRIPTION SHALL HOLD.

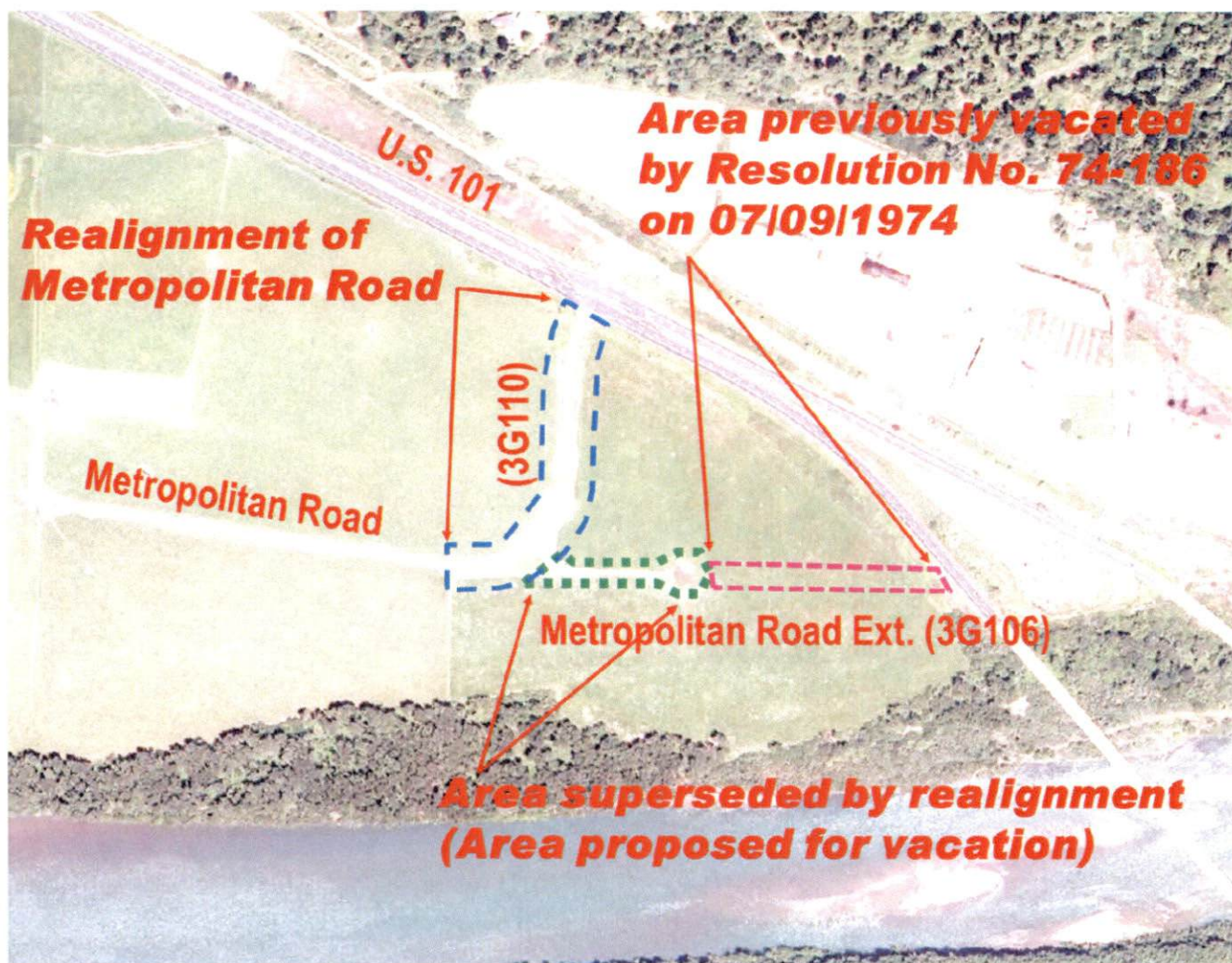
GLS **GUTIERREZ**
LAND
SURVEYING
826 MADRONE AVENUE, EUREKA, CA 95503

ROAD VACATION EXHIBIT
METROPOLITAN ROAD EXTENSION (3G106)
COUNTY OF HUMBOLDT, CALIFORNIA

JOB NO.: 10118.2
DATE: OCT 25, 2012
NAME: RD ABANDON
SCALE: NONE

Attachment 2

Map depicting the vacation



Attachment 3

Exemption from Planning Commission Report for Acquisitions, Dispositions, and Abandonments pursuant to Government Code Section 65402(a)

EXEMPTION FROM PLANNING COMMISSION REPORT FOR ACQUISITIONS, DISPOSITIONS AND ABANDONMENTS PURSUANT TO G.C. §65402(a)

DESCRIPTION: Summary Vacation of the Metropolitan Road Extension requested by the City of Rio Dell. The Extension is a remnant of the road system that pre-dates the development of current Highway 101. The stub is approximately 510 feet in length and lies completely within one ownership. The easterly portion of the former road right of way was abandoned in 1974. The vacation will facilitate the development of a public facility (wastewater treatment plant) on the property.

DATE OF REFERRAL: June 12, 2012

Resolution #72-69 provides for the Planning Director to certify general plan conformance for acquisition, disposition or abandonment for street widening or alignment projects of a "minor" nature. Projects subject to the provisions of Resolution #72-69 would not need to be submitted to the Planning Commission for report pursuant to Government Code Section 65402(a).

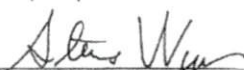
Factors to be considered when determining if the abandonment qualifies for an exemption:

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Was the right of way or property acquired for a use other than street widening or alignment? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is the street or alley open on the ground (i.e., constructed)?
<i>Response: The portion of the road stub lies entirely within one ownership.</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the street or alley identified in the circulation element of the General Plan? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the street or alley used, or intended to be used, or adaptable for use as a part of the trails system? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | If the street or alley provides the principal access to a parcel, would the parcel be without legal access once the abandonment is complete (e.g., via easement or private right of way)? |

If all the answers to the above questions are "no", then the abandonment may be handled as an exemption. Projects which include "yes" responses will be evaluated by the Director on a case by case basis, and may be referred to the Planning Commission.

RECOMMENDATION

I have reviewed the above vacation request and find that it meets does not meet the criteria for an exemption pursuant to Resolution No. 72-69.


By: Steven P. Werner
Supervising Planner

6-12-12
Date

DETERMINATION

- Vacation qualifies for the exemption pursuant to Resolution No. 72-69
- Vacation does not qualify for exemption and is subject to review and report pursuant to C.G.C. Section 65402(a); the vacation request will be scheduled for Planning Commission review


By: Martha Spencer
Interim Director, Planning and Building Department

6-14-12
Date

Attachment 4

CEQA Notice of Exemption

HUMBOLDT COUNTY

NOTICE OF EXEMPTION



TO: Secretary for Resources
1416 Ninth Street, Room 1311
Sacramento, CA 95814

APPLICANT: Humboldt County Public Works
1106 Second St.
Eureka, CA 95501
707-445-7741

X County Clerk
County of Humboldt

Project Title: Proposed Vacation of Metropolitan Road Extension (Rio Dell)

Project Location-Specific: Metropolitan Road Extension (0.10 miles), unincorporated area (Metropolitan)
located north of the city of Rio Dell

Project Location-County: Humboldt County

Description of Nature, Purpose, and Beneficiaries of Project: The project is a summary vacation of
Humboldt County's right of way associated with the Metropolitan Road Extension located north of the
city of Rio Dell. The right of way is not required for street or highway purposes. The underlying parcel
(APN 205-111-039) is being developed by the city of Rio Dell for improvements to the city's wastewater
treatment facility. A draft Environmental Impact Report (EIR) for the wastewater facility project was
issued in October 2007 and a Notice of Determination was filed in May 2008. EIR addendums were
issued by the city of Rio Dell in 2009 and 2010.

Name of Public Agency Approving Project: Humboldt County Department of Public Works

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

Exempt Status: (Check One)

- Ministerial (Sec. 15268)
Declared Emergency (Sec. 15269[a])
Emergency Project (Sec. 15269[b] and [c])
X Categorical Exemption. State type and section number: Section 15301 (Existing Facilities)
and Section 15305 (Minor Alterations in Land Use Limitations)

Reason why project is exempt: The project (vacation of road right of way) is a minor adjustment of land
use limitations associated with a larger project involving the City of Rio Dell's wastewater treatment
facility which has already been reviewed under the California Environmental Quality Act.

Contact Person: Stanley Elcock

Telephone: 707-445-7205

Signature of Receiving Party

Handwritten signature: Hank Selman
Signature of Humboldt Co. Rep.

Title

Deputy Director - Environmental Services
Title

Date received for filing

June 21, 2012
Date Signed

Attachment 5

Letters from AT&T dated 06/08/2011;

PG&E dated 06/17/2011;

Suddenlink dated 06/16/2011; and

Fortuna Fire Protection District dated 05/31/2011



AT&T
2125 Occidental Road
Santa Rosa, CA 95401-9034

June 8, 2011

City of Rio Dell
Kevin Caldwell
675 Wildwood Avenue
Rio Dell, CA 95562

SUBJECT: SUMMARY VACATION, PORTION OF OLD COUNTY ROAD
APN: 205-111-033
PWID: PW11-4063

Dear Mr Caldwell:
AT&T has no objection to abandoning the public utility easement PORTION OF OLD COUNTY ROAD- APN: 205-111-033 in Rio Dell, State of California as depicted in your example. The remaining public utility easements will stay in place.

If you have any questions, please call me on 707-575-2077.

Sincerely,

ANITA GABRIELSON
Public Works Manager

File: PW11-4063

RECEIVED

JUN 13 2011

CITY OF RIO DELL

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



Summary Vacation Clearance

The City of Rio Dell is in the process of pursuing a Summary Vacation with the County of Humboldt. The County requires verification from public utility providers stating that there are no in place public utility facilities that would be affected by the vacation.

Vacation Location: The proposed vacation is located on a portion of APN 205-111-033 which is immediately north of the Eel River and immediately west of Highway 101 just north of the City of Rio Dell. See enclosed maps.

Proposed Use: There are no immediate plans for the area. The parcel was acquired for the purpose of an irrigation site for the City's Wastewater Treatment Facility. It's anticipated that the area will be used beginning in early summer of 2013.

Please check the appropriate box below:



No objection to the proposed vacation.



No objection to the proposed vacation provided the following condition(s) are met:



Recommend denial of the proposed vacation for the following reason(s):

Agency/Utility:	PG&E		
Contact Person:	Tom de Aye	Title:	Land Agent
Signature:	<i>[Signature]</i>	Date:	6.17.11

445.5519

Please return this document within 10 days.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

JUN 22 2011



Summary Vacation Clearance

The City of Rio Dell is in the process of pursuing a Summary Vacation with the County of Humboldt. The County requires verification from public utility providers stating that there are no in place public utility facilities that would be affected by the vacation.

Vacation Location: The proposed vacation is located on a portion of APN 205-111-033 which is immediately north of the Eel River and immediately west of Highway 101 just north of the City of Rio Dell. See enclosed maps.

Proposed Use: There are no immediate plans for the area. The parcel was acquired for the purpose of an irrigation site for the City's Wastewater Treatment Facility. It's anticipated that the area will be used beginning in early summer of 2013.

Please check the appropriate box below:

- No objection to the proposed vacation.
- No objection to the proposed vacation provided the following condition(s) are met:

- Recommend denial of the proposed vacation for the following reason(s):

SUBMITTED
Mark Larsen

Agency/Utility:	Mark Larsen	6-16-11	
Contact Person:	Planner		
Signature:	707 268-5333		
	707 445-3856		

Please return this document within 10 days.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



Summary Vacation Clearance

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Vacation Location: The proposed vacation is located on a portion of APN 205-111-033 which is immediately north of the Eel River and immediately west of Highway 101 just north of the City of Rio Dell. See enclosed maps.

Proposed Use: There are no immediate plans for the area. The parcel was acquired for the purpose of an irrigation site for the City's Wastewater Treatment Facility. It's anticipated that the area will be used beginning in early summer of 2013.

Please check the appropriate box below:

- No objection to the proposed vacation.
- No objection to the proposed vacation provided the following condition(s) are met:

- Recommend denial of the proposed vacation for the following reason(s):

Agency/Utility:	Fortuna Fire Protection District		
Contact Person:	Lon Winburn	Title:	Fire Chief
Signature:	<i>Lon Winburn</i>	Date:	5-31-11

Please return this document within 10 days.

Attachment 6

Grant Deed

AFTER RECORDING RETURN TO:

CITY OF RIO DELL
CITY CLERK
675 WILDWOOD AVENUE
RIO DELL, CA 95562

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

**RE: METROPOLITAN ROAD EXTENSION
COUNTY ROAD NUMBER - 3G106
CITY OF RIO DELL**

DEED

COUNTY OF HUMBOLDT, a political subdivision of the State of California, does hereby grant, convey, assign, parcels A and B in fee, and to remise, release and forever quitclaim parcel C, all to the CITY OF RIO DELL, an incorporated City of the State of California, the real property, situated in an unincorporated area of the County of Humboldt, State of California, as described in Exhibit A as follows:

(Exhibit A attached hereto and made a part hereof.)

Dated this 23rd day of May, 2014.



CHAIR, Rex Bohn
HUMBOLDT COUNTY BOARD OF SUPERVISORS

Certificate of Acknowledgment

State of California)
County of Humboldt)

On May 23, 2014 before me, Ana G. Hartwell, Deputy Clerk of the Humboldt County Board of Supervisors, personally appeared REX BOHN, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.

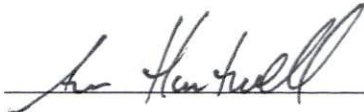


EXHIBIT 'A'

**LEGAL DESCRIPTION FOR
VACATION OF METROPOLITAN ROAD EXTENSION (3G106)**

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, LYING WITHIN SECTION 36, TOWNSHIP 2 NORTH, RANGE 1 WEST, HUMBOLDT MERIDIAN, DESCRIBED AS FOLLOWS:

PARCEL A: METROPOLITAN ROAD EXTENSION (3G106)

BEING ALL OF PARCEL 4 AS DESCRIBED IN THE "RELINQUISHMENT OF HIGHWAY RIGHT OF WAY" TO THE COUNTY OF HUMBOLDT AS RECORDED MAY 6, 1974 IN VOLUME 1238, PAGE 67 OF HUMBOLDT COUNTY OFFICIAL RECORDS, ALONG WITH ANY PUBLIC RIGHT OF WAY THAT EXISTS WITHIN SAID PARCEL 4.

PARCEL B: METROPOLITAN ROAD EXTENSION (3G106)

A PORTION OF PARCEL 3 AS DESCRIBED IN THE "RELINQUISHMENT OF HIGHWAY RIGHT OF WAY" TO THE COUNTY OF HUMBOLDT AS RECORDED MAY 6, 1974 IN VOLUME 1238, PAGE 67 OF HUMBOLDT COUNTY OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY TERMINUS OF THE COURSE DESCRIBED AS "A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 330 FEET, THROUGH AN ANGLE OF 36°44'17", A DISTNCE OF 211.60 FEET", OF SAID PARCEL 3;

THENCE FROM A TANGENT THAT BEARS S 38° 44'17" W, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40 FEET, THROUGH AN ANGLE OF 86°06'09", A DISTANCE OF 60.11 FEET;

THENCE FROM A TANGENT THAT BEARS S 40°24'10" E, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 80 FEET, THROUGH AN ANGLE OF 47°32'48", A DISTANCE OF 66.39 FEET;

THENCE S 87°56'58" E, 65.83 FEET;

THENCE S 02°03'02" W, 60.00 FEET;

THENCE N 87°56'58" W, 65.83 FEET;

THENCE, ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 140 FEET, THROUGH AN ANGLE OF 47°32'48", A DISTANCE OF 116.18 FEET;

EXHIBIT A, PAGE 2

THENCE, FROM A TANGENT THAT BEARS N 33°26'26" W, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40 FEET, THROUGH AN ANGLE OF 86°06'12", A DISTANCE OF 60.11 FEET TO THE POINT OF CUSP OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 330 FEET (A RADIAL LINE THROUGH SAID POINT BEARS N 29°32'38" W);

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH AN ANGLE OF 21°43'09", A DISTANCE OF 125.09 FEET TO THE POINT OF BEGINNING.

ALONG WITH ANY PUBLIC RIGHT OF WAY THAT EXISTS WITHIN THE ABOVE DESCRIBED PARCEL B.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE GRID BASED ON THE CALIFORNIA CO-ORDINATE SYSTEM, ZONE 1. MULTIPLY DISTANCES SHOWN BY 1.0000932 TO OBTAIN GROUND DISTANCES.

ROTATE GRID BEARINGS REPORTED HERE COUNTER-CLOCKWISE 01°26'34" TO OBTAIN TRUE (GEODETIC) BEARINGS. SEE 68 SURVEYS, PAGES 131-135.

PARCEL C: METROPOLITAN ROAD EXTENSION (3G106)

BEING A PORTION OF THE LAND DESCRIBED AS THE "OLD COUNTY ROAD" WITHIN DETAILS 'B', 'C' AND 'D' AS SHOWN ON SHEET 4 OF THE RECORD OF SURVEY FOR THE CITY OF RIO DELL AS FILED MAY 3, 2011 IN BOOK 68 OF SURVEYS, PAGES 131 THROUGH 135, HUMBOLDT COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE OLD COUNTY ROAD AND THE WEST FENCELINE OF THE BUNDESON PARCEL AS SHOWN ON DETAIL 'C' OF SAID RECORD OF SURVEY FOR THE CITY OF RIO DELL;

THENCE WESTERLY ALONG SAID SOUTH LINE NORTH 88°38'34" WEST 493.15 FEET;

THENCE NORTH 85°52'33" WEST 156.06 FEET TO A POINT ON THE SOUTHERLY LINE OF PARCEL 3 AS DESCRIBED IN THE RELINQUISHMENT OF HIGHWAY RIGHT OF WAY, RECORDED MAY 6, 1974 IN BOOK 1238, PAGE 67 OF OFFICIAL RECORDS OF HUMBOLDT COUNTY. SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 330.03 FEET. A RADIAL LINE THROUGH SAID POINT BEARS NORTH 12° 13' 33" WEST;

THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 14°21'08" AND AN ARC LENGTH OF 82.67 FEET TO THE NORTH LINE OF SAID "OLD COUNTY ROAD";

EXHIBIT A, PAGE 3

THENCE LEAVING SAID SOUTHERLY LINE ALONG THE NORTH LINE OF SAID OLD COUNTY ROAD SOUTH 85°52'33" EAST 79.70 FEET;

THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 88° 38'34" EAST 492.36 FEET TO SAID WEST FENCELINE OF THE BUNDESON PARCEL;

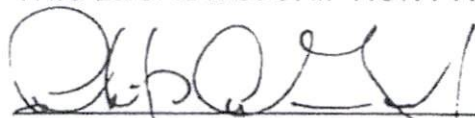
THENCE ALONG SAID LINE SOUTH 01°17'34" WEST 33.00 FEET TO THE POINT OF BEGINNING;

ALONG WITH ANY PUBLIC RIGHT OF WAY THAT EXISTS WITHIN THE ABOVE DESCRIBED PARCEL C.

END OF DESCRIPTION

IN THE EVENT THE INFORMATION SHOWN WITHIN THE EXHIBITS SHOWN ON PAGES 4 AND 5 OF THIS DOCUMENT DIFFERS FROM THIS LEGAL DESCRIPTION, THIS LEGAL DESCRIPTION SHALL HOLD.

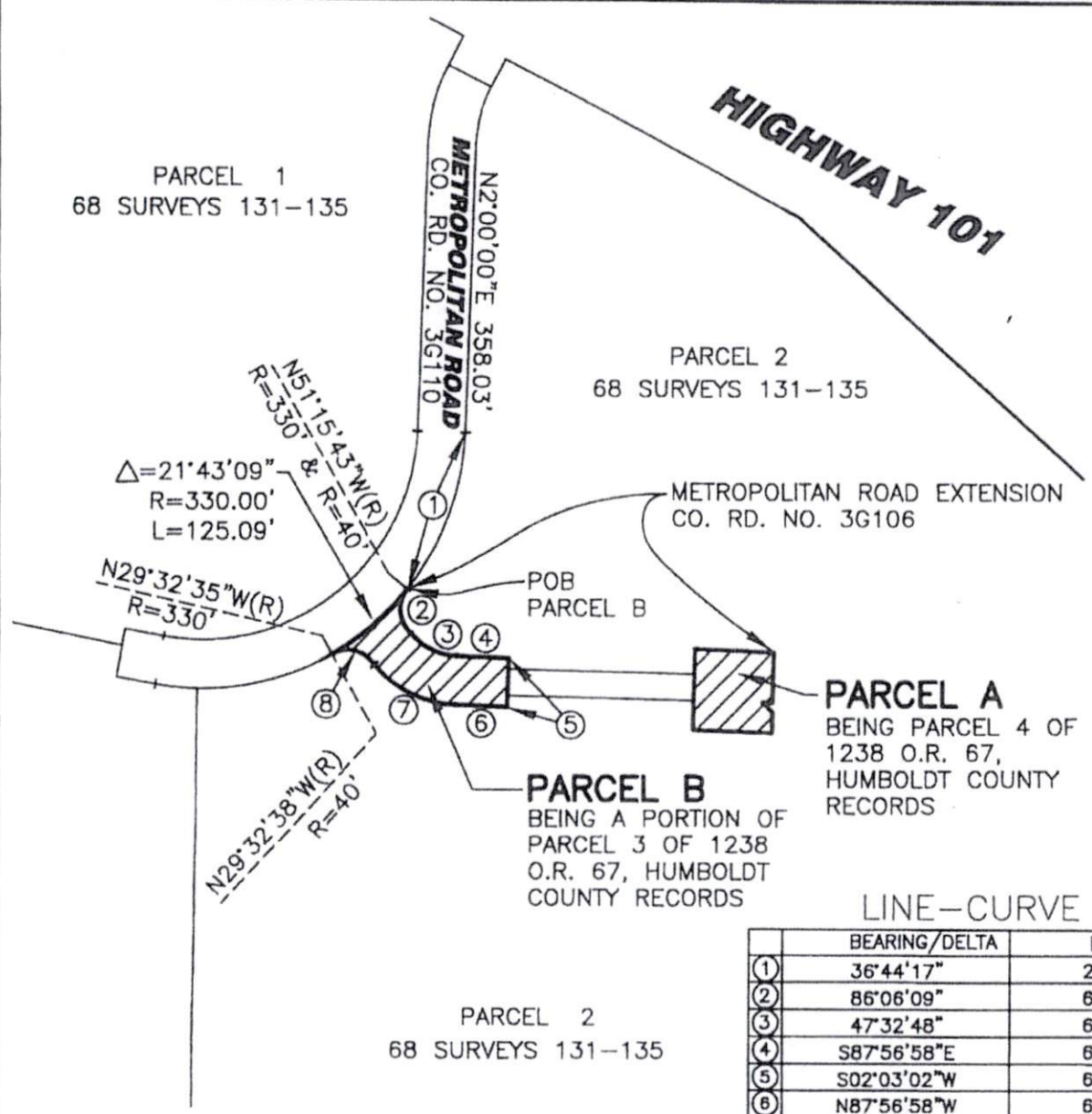
THIS LEGAL DESCRIPTION PREPARED ON OCTOBER 25, 2012 BY:


PHILIP A. GUTIERREZ JR.

CALIFORNIA LICENSED LAND SURVEYOR NO. 7245



NOTE: IN THE EVENT THE INFORMATION SHOWN ON THIS PLAT DIFFERS FROM THAT SHOWN WITHIN THE ATTACHED LEGAL DESCRIPTION, THE LEGAL DESCRIPTION SHALL HOLD.



LINE-CURVE DATA TABLE

	BEARING/DELTA	LENGTH	RADIUS
①	36°44'17"	211.60'	330'
②	86°06'09"	60.11'	40.00'
③	47°32'48"	66.39'	80.00'
④	S87°56'58"E	65.83'	
⑤	S02°03'02"W	60.00'	
⑥	N87°56'58"W	65.83'	
⑦	47°32'48"	116.18'	140.00'
⑧	86°06'12"	60.11'	40.00'

GUTIERREZ
LAND
SURVEYING

826 MADRONE AVENUE, EUREKA, CA 95503

ROAD VACATION EXHIBIT
METROPOLITAN ROAD EXTENSION (3G106)
COUNTY OF HUMBOLDT, CALIFORNIA

JOB NO.: 10118.2
DATE: OCT 25, 2012
NAME: RD ABANDON
SCALE: 1"=200'

PARCEL 1
68 SURVEYS 131-135

PARCEL 2
68 SURVEYS 131-135

PARCEL A
BEING PARCEL 4 OF
1238 O.R. 67,
HUMBOLDT COUNTY
RECORDS

PARCEL B
BEING A PORTION OF
PARCEL 3 OF 1238
O.R. 67, HUMBOLDT
COUNTY RECORDS

PARCEL 2
68 SURVEYS 131-135

N2°00'00"E 358.03'
METROPOLITAN ROAD
CO. RD. NO. 3G110

METROPOLITAN ROAD EXTENSION
CO. RD. NO. 3G106

POB
PARCEL B

N51°15'43"W(R)
R=330' & R=40'
Δ=21°43'09"
R=330.00'
L=125.09'

N29°32'35"W(R)
R=330'

N29°32'38"W(R)
R=40'

EXHIBIT A, PAGE 5

HIGHWAY 101

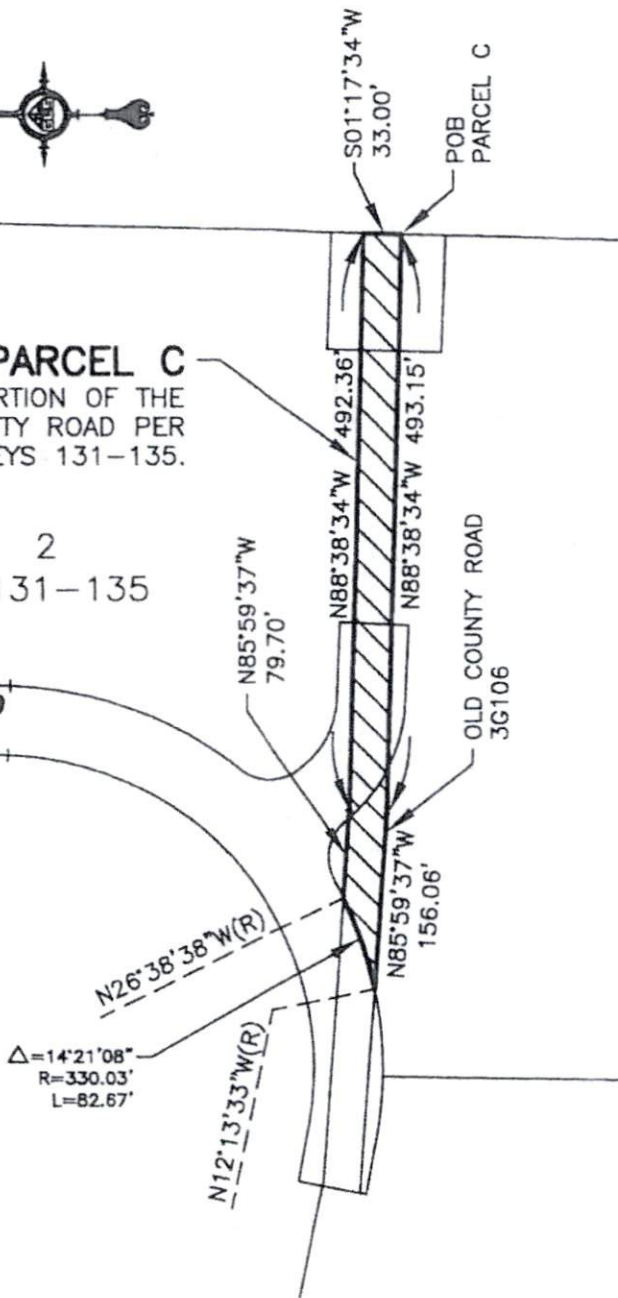


PARCEL C
 BEING A PORTION OF THE
 OLD COUNTY ROAD PER
 68 SURVEYS 131-135.

PARCEL 2
 68 SURVEYS 131-135

METROPOLITAN ROAD
 CO. RD. NO. 3G110

PARCEL 1
 68 SURVEYS 131-135



NOTE: IN THE EVENT THE INFORMATION SHOWN ON THIS PLAT DIFFERS FROM THAT SHOWN WITHIN THE ATTACHED LEGAL DESCRIPTION, THE LEGAL DESCRIPTION SHALL HOLD.

GLS **GUTIERREZ LAND SURVEYING**
 826 MADRONE AVENUE, EUREKA, CA 95503

ROAD VACATION EXHIBIT
 METROPOLITAN ROAD EXTENSION (3G106)
 COUNTY OF HUMBOLDT, CALIFORNIA

JOB NO.:	10118.2
DATE:	OCT 25, 2012
NAME:	RD ABANDON
SCALE:	NONE

Attachment 7

Notice of Intention

**NOTICE OF INTENTION TO CONVEY REAL PROPERTY TO THE CITY OF RIO
DELL**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Humboldt County intends to convey to the City of Rio Dell the real property described in Exhibit "A".

The terms and conditions of the proposed conveyance are as follows: The conveyance will be made without compensation pursuant to Government Code section 25365.

The Board of Supervisors will meet to conclude the proposed transaction on 04/22/2014, at 9:00 AM, or soon thereafter, at Humboldt County Courthouse, Board of Supervisors' Chambers, First Floor, 825 Fifth Street, Eureka, California.

By: _____
Kathy Hayes
Clerk of the Board of Supervisors

Exhibit "A"

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// END //