



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C22

For the meeting of: November 7, 2017

Date: October 18, 2017

To: Board of Supervisors

From: P Thomas K. Mattson, Public Works Director

SUBJECT: Resolution to summarily vacate and relocate a one-foot, non-vehicular access easement in Weott

RECOMMENDATIONS:

That the Board of Supervisors:

1. Accept the easement deed from Murrey Wolfe and Bonnie K. Wolfe and authorize the Chairperson of the Board of Supervisors to execute the Certificate of Acceptance of a new one-foot non-vehicular access easement along Spring Street in Weott. (Attachment 1)
2. Adopt and authorize the Chairperson of the Board of Supervisors to execute the attached resolution to vacate a one-foot non-vehicular access easement along a private drive in Weott, pursuant to Streets and Highways Code Section 8333(c). (Attachment 2)
3. Direct the Clerk of the Board to record via the Land Use Division, in the Office of the County Recorder, the original easement deed and a certified copy of the resolution.

DISCUSSION:

The Humboldt County Department of Public Works received a request from Murrey Wolfe,

DS Prepared by Deb Vining, Senior Real Property Agent

CAO Approval Karen Clower

REVIEW:

Auditor

County Counsel JS

Human Resources

Other

TYPE OF ITEM:

- ☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Fennell Seconded by Supervisor Wilson

Ayes Fennell, Bass, Bohn, Wilson
Nays
Abstain
Absent Sundberg

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

Dated: 11/7/17

By: Kathy Hayes

Kathy Hayes, Clerk of the Board

property owner, to vacate a one-foot non-vehicular access easement along a private drive and relocate it along Spring Street in Weott. The purpose of the request is to provide a serviceable access to his site.

The non-vehicular access easement was created by Parcel Map No. 3570 recorded on October 1, 2013 in Book 35 of Parcel Maps at pages 86-87. When subsequently preparing plans to develop the site, the owner realized that the optimum location for the non-vehicular access easement was along Spring Street rather than along the private drive created by Parcel Map No. 3570. The subject site is known as Assessor Parcel Number 095-061-044.

The proposed vacation is being processed via the Summary Vacation Procedures of the California Streets and Highways Code, commencing with Section 8330, and specifically Section 8333(c). Section 8333(c) states a legislative body of a local agency may summarily vacate a public service easement that has been superseded by relocation, or determined to be excess by the easement holder, when there are no other public facilities located within the easement.

The Department has determined that the one-foot non-vehicular access easement can be moved to the Spring Street frontage without detriment to the county or surrounding properties.

As per Section 8334.5 of the Streets and Highways Code, there are no public utility facilities that are in use and would be affected by this vacation.

The Planning and Building Department has found the proposed vacation to be of a "minor" nature and therefore exempt from a Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code Section 65402(a). The Planning Department found that the right of way or property was acquired for a use other than street widening or alignment, namely a non-vehicular access easement to limit the number of driveway encroachments, that the street or alley is not open on the ground, that the street or alley is not identified in the circulation element of the General Plan, that the street or alley is not adaptable for use as part of the trails system, and that the street or alley does not provide principal access to a parcel that would be without legal access once the abandonment is complete. (Attachment 3)

The proposed vacation has been reviewed by the Environmental Services Division for compliance with the California Environmental Quality Act, and has been determined to be exempt from further review of environmental impacts. (Attachment 4)

All fees have been paid and the 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.

This item conforms to the Board of Supervisors' Core Roles to provide for and maintain infrastructure, and to create opportunities for improved safety and health.

ALTERNATIVES TO STAFF RECOMMENDATIONS: The Board could choose not to approve the requested vacation. Moving the one-foot non-vehicular access easement to the county road helps provide a safer, more serviceable ingress and egress to the property.

ATTACHMENTS:

1. Easement Deed for replacement one-foot non-vehicular access easement
2. Resolution to Summarily Vacate a one-foot, non-vehicular access easement
3. Exemption From Planning Commission Report
4. CEQA Notice of Exemption

ATTACHMENT 1

New one-foot non-vehicular access easement

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)

RE: ONE-FOOT NON-VEHICULAR ACCESS
APN 095-061-044

EASEMENT DEED

MURREY WOLFE AND BONNIE K. WOLFE, husband and wife, hereby grant and convey to the COUNTY OF HUMBOLDT, a political subdivision of the State of California, a one-foot, non-vehicular access easement, situated in an unincorporated area of the County of Humboldt, State of California, described as follows:

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

Dated this 28th day of September, 2017.

OWNERS:


MURREY WOLFE


BONNIE K. WOLFE

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 September 28, 2017 before me, Tiffany Land, Notary Public,
(here insert name and title of the officer)

personally appeared Murrey Wolfe and Bonnie K. Wolfe,
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.

Tiffany Land
Signature

(Seal)

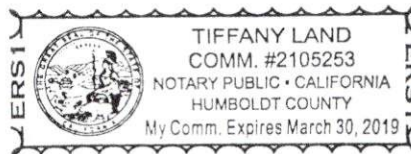


Exhibit A
Legal Description
Offer of Dedication
Non-Vehicular Access Easement

A strip of land 1 foot wide over a portion of Parcel 2 as shown on Parcel Map No. 3570 filed in book 35 of Parcel Maps, pages 86 and 87, Humboldt County Records, located in Section 2, Township 2 South, Range 2 East, Humboldt Meridian, State of California, and being more particularly described as follows:

The Easterly 1 foot of the Westerly 41 feet of said Parcel 2, measured at right angles to the westerly line thereof.

The sidelines of said strip to terminate in the Northerly and Southerly lines of said Parcel 2, respectively.

Prepared by:

 9/27/17

Ronald C. Garton, PLS 7717
Humboldt County Surveyor

Date



COUNTY OF HUMBOLDT

STATE OF CALIFORNIA

EASEMENT DEED

MURREY WOLFE AND BONNIE K. WOLFE

TO

COUNTY OF HUMBOLDT

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE SECTION 27281)

THIS IS TO CERTIFY *that the real property interest conveyed by the Easement Deed dated September 28, 2017 from Murrey Wolfe and Bonnie K. Wolfe, husband and wife, 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 order of the Board of Supervisors on November 7, 2017, and the grantee hereby consents to the recordation thereof by its duly authorized officer.*



VIRGINIA BASS, CHAIR
HUMBOLDT COUNTY BOARD OF SUPERVISORS

Date: 11/7/2017

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of November 7, 2017

RESOLUTION NO. 17-99

**RESOLUTION TO SUMMARILY VACATE A ONE-FOOT, NON-VEHICULAR ACCESS
EASEMENT ALONG A PRIVATE DRIVE IN WEOTT**

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, or any right in, a public highway, road, street, avenue, alley, lane, or other public right-of way or easement (Streets and Highways Code Section 8308); and

WHEREAS, the hereafter described portion of a county street has been relocated and determined to be excess; and

WHEREAS, there are no public facilities located within the said portion of the county street that are in use or would be affected by the vacation of said portion of the county street; 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 Chapter 4 of Part3 of Division 9 of the Streets and Highways Code, and specifically Section 8333(c); 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 the 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, the portion of the street proposed for vacation is not necessary for present or prospective public use or useful as a non-motorized transportation facility;

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 one-foot, non-vehicular access easement described in Exhibit A, which is attached hereto and made a part hereof by reference, has been relocated and determined to be excess by the Department of Public Works.
3. There are no public utilities in place that are in use or would be affected by the vacation of said non-vehicular access easement.
4. 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 November 7, 2017

RESOLUTION NO. 17-99

5. The summary vacation is made pursuant to the provisions of Section 8333(c) of the Streets and Highways Code.
6. 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.
7. The vacation is not in conflict with the General Plan.
8. 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).
9. Said non-vehicular access easement to be vacated is not necessary for present or prospective public use or useful as a non-motorized transportation facility.
10. Said non-vehicular access easement is hereby ordered vacated.
11. From and after the date of recordation of this resolution, said non-vehicular access easement described in Exhibit A will no longer constitute a street, highway, or public, service easement.
12. 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 via the Land Use Division.

Dated: November 7, 2017


Virginia Bass, Chair
Humboldt County Board of Supervisors

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

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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

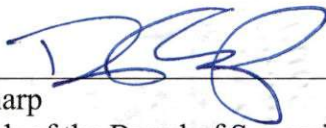
Certified copy of portion of proceedings, Meeting of November 7, 2017

RESOLUTION NO. 17-99

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

Exhibit A
Legal Description
Vacation
Non-Vehicular Access Easement

A strip of land 1 foot wide over a portion of Parcel 2 as shown as Parcel G on Parcel Map No. 3570 filed in book 35 of Parcel Maps, pages 86 and 87, Humboldt County Records (erroneously written as "Parcel B" in Certificate of Acceptance on sheet 1 of said Parcel Map), located in Section 2, Township 2 South, Range 2 East, Humboldt Meridian, State of California.

Prepared by:

 9/27/17

Ronald C. Garton, PLS 7717
Humboldt County Surveyor

Date



ATTACHMENT 2

Resolution to summarily vacate a one-foot non-vehicular access easement along a private drive and relocated it along Spring Street in Weott

ATTACHMENT 3

Exemption from Planning Commission Report for Acquisitions, Dispositions and Abandonments

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

DESCRIPTION: Proposed summary vacation of a 1-foot wide non-vehicular access easement along Birch Street in Weott. The easement was created by Parcel Map No. 3570 of Book 35 of Parcel Maps, Pages 86 and 87. The existing easement will be replaced by a new 1-foot wide non-vehicular access easement along the Spring Street frontage of the corner lot. The purpose of the easement is to limit the number of driveway encroachments.

DATE OF REFERRAL: June 8, 2017

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:

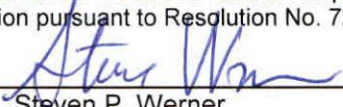
Yes No

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Was the right of way or property acquired for a use other than street widening or alignment?
<i>As noted above, the 1-foot non-vehicular access easement was to limit the number of driveway encroachments.</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the street or alley open on the ground (i.e., constructed)? |
| <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

6-15-17
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: 
John H. Ford
Director of Planning and Building

6/15/2017
Date

ATTACHMENT 4
Notice of Exemption

HUMBOLDT COUNTY

NOTICE OF EXEMPTION

To: Humboldt County Clerk/Recorder
825 5th Street, 5th Floor
Eureka, CA 95501
707-445-7593



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

Project Title: Vacation of a 1-Foot Non-Vehicular Easement Along Birch Street in Weott

Project Location - Specific: APN 095-061-044

GPS Coordinates: Latitude n/a

Longitude n/a

Description of Nature, Purpose, and Beneficiaries of Project:

The project is a summary vacation of a 1-foot non-vehicular easement in conjunction with the dedication of a comparable easement at a location more compatible with site conditions. Beneficiaries include the underlying landowner.

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

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

Exempt Status: *Categorical Exemption:* Section 15305 Type: Minor Alterations/Land Use Limits

Reason why project is exempt:

The project qualifies as a Class five categorical exemption project under the California Environmental Quality Act, consisting of minor alteration in land use limitations, which do not result in any changes in land use or density.

Contact Person: Hank Seemann

Email: hseemann@co.humboldt.ca.us

Telephone: 445-7741

Hank Seemann Digitally signed by Hank Seemann
Date: 2017.06.20 13:52:41 -07'00'

Signature of Humboldt County Representative

Hank Seemann

Printed Name

Title Deputy-Director

Date Signed June 20, 2017

NOE Received / Posted Through (Stamp Below)