

ATTACHMENT 1

Resolution of General Vacation of a Portion of Mad River Road

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of April 17, 2018

RESOLUTION NO. 18-30

**RESOLUTION OF GENERAL VACATION OF A PORTION OF MAD RIVER ROAD
(COUNTY ROAD NO. 4L680) WITHIN MAD RIVER COUNTY PARK, ARCATA AREA**

WHEREAS, Part 3 of Division 9 of the California Streets and Highways Code sets forth procedures for the general and summary vacation of streets and highways as defined in Streets and Highways Code section 8308; and

WHEREAS, a Humboldt County road that is part of the Humboldt County Maintained Road System is considered to be a "street" or "highway" as defined in Streets and Highways Code section 8308; and

WHEREAS, Mad River County Park is owned in fee by the County of Humboldt by document recorded on December 18, 1968, in Volume 985, page 431, of Official Records, in the Office of the Humboldt County Recorder; and

WHEREAS, part of Mad River Road, which is included in the Humboldt County Maintained Road System, runs through and eventually dead-ends within Mad River County Park, Assessor Parcel Number (APN) 506-341-015; and

WHEREAS, it is not necessary for the portion of Mad River Road that is within Mad River County Park to be part of the Humboldt County Maintained Road System in order to provide public access to Mad River County Park; and

WHEREAS, with the exception of one parcel of undeveloped private property at the end of Mad River Road, which is described as APN 506-341-013, the only purpose and function of the portion of Mad River Road within Mad River County Park is to provide public access to Mad River County Park; and

WHEREAS, Mad River County Park, Mad River Road, and APN 506-341-013 are depicted on the map attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, but for APN 506-341-013 being in private ownership, the portion of Mad River Road within Mad River County Park would come within the requirements of Streets and Highways Code section 8334 and could be vacated without a public hearing, pursuant to the summary vacation procedures of Streets and Highways Code section 8330 et seq; and

WHEREAS, the Humboldt County Public Works Department has proposed to provide a permanent easement for ingress, egress, and public utilities to the owner of APN 506-341-013; and

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WHEREAS, the owner of APN 506-341-013 is willing to accept such easement and has no objection to the proposed vacation of the portion of Mad River Road within Mad River County Park; and

WHEREAS, Streets and Highways Code section 8340(d) provides that a public entity may reserve and except from the vacation, or may grant to another state or local public agency, an easement and right, at any time or from time to time, to construct, maintain, operate, replace, remove, and renew vehicular or non-vehicular trails for use by the public in, upon, over, and across a street or highway proposed to be vacated; and

WHEREAS, maintenance of that portion of Mad River Road within Mad River County Park, and maintenance of any vehicular or non-vehicular trails to be used by the public in, upon, over, and across that portion of Mad River Road, can be funded by the Humboldt County Parks budget instead of the Humboldt County Maintained Road System budget; and

WHEREAS, for many years Mad River County Park has been the site of many public safety and nuisance problems during nighttime hours, including, but not limited to, discharging of fireworks, shooting of firearms, unauthorized camping, uncontrolled dogs, dumping and burning of garbage, burglary, vandalism, and speeding vehicles; and

WHEREAS, Mad River County Park has no formal entrance or facilities for access control, making it difficult for the Humboldt County Sheriff's Department and Humboldt County Public Works staff to enforce park hours and regulations; and

WHEREAS, the Humboldt County Public Works Department, Environmental Services Division, has developed a plan to decrease problems of public safety and nuisance at Mad River County Park and to facilitate more effective enforcement of regulations; and

WHEREAS, the plan for Mad River County Park ("Park Plan") includes closing the park to vehicles from one hour after sunset until sunrise and placing gates at two locations to enforce this restriction, while accommodating exceptions for commercial fishermen, persons with disabilities, and senior citizens; and

WHEREAS, the Park Plan required a Coastal Development Permit; and

WHEREAS, the California Coastal Commission has issued a Coastal Development Permit for the Park Plan; and

WHEREAS, the Park Plan required review by the Humboldt County Planning Commission for conformance with the General Plan; and

WHEREAS, the Humboldt County Planning Commission has approved the Park Plan; and

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WHEREAS, the Park Plan includes vacation of a portion of Mad River Road within Mad River County Park; and

WHEREAS, the portion of Mad River Road proposed for vacation is described in Exhibit A and shown in Exhibit B, both of which are attached hereto and incorporated herein by reference; and

WHEREAS, the vacated portion of Mad River Road will continue to provide public access to Mad River County Park consistent with the Park Plan that has been approved by the California Coastal Commission and the Humboldt County Planning Commission; and

WHEREAS, maintenance of the vacated portion of Mad River Road will be funded by the Humboldt County Parks budget instead of the Humboldt County Maintained Road System budget; and

WHEREAS, the proposed vacation will not terminate any public service easement; and

WHEREAS, an easement and right will be reserved and excepted from the vacation to construct, maintain, operate, replace, remove, and renew vehicular or non-vehicular trails for use by the public in, upon, over, and across the portion of Mad River Road to be vacated; and

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

WHEREAS, this general vacation is made pursuant to the provisions of Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code; and

WHEREAS, on March 27, 2018, the Humboldt County Board of Supervisors adopted Resolution No. 18-23, titled "Resolution of Intention to Vacate a Portion of Mad River Road (County Road No. 4L680) Within Mad River County Park, Arcata Area," and set a public hearing on April 17, 2018; and

WHEREAS, on March 27, 2018, the resolution and a notice of public hearing were posted in four places along Mad River Road within Mad River County Park; and

WHEREAS, on April 1, 2018 and on April 8, 2018, the resolution and notice were published in the Eureka Times Standard,

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Humboldt County Board of Supervisors finds that all of the recitations contained hereinabove are true and correct.
2. Notice has been given as required by law.

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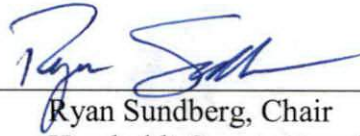
3. At the public hearing on April 17, 2018, the Humboldt County Board of Supervisors received the staff report, heard public comment, and considered all the evidence submitted.
4. The portion of Mad River Road to be vacated is located within Mad River County Park, which is owned in fee by the County of Humboldt.
5. It is not necessary for the portion of Mad River Road that is within Mad River County Park to be a county road in order to provide public access to Mad River County Park.
6. The portion of Mad River Road to be vacated will continue to provide public access to Mad River County Park consistent with the Park Plan that has been approved by the California Coastal Commission and the Humboldt County Planning Commission.
7. Maintenance of the vacated portion of Mad River Road will be funded by the Humboldt County Parks budget instead of the Humboldt County Maintained Road System budget.
8. Pursuant to Streets and Highways Code section 8340(d), the Humboldt County Board of Supervisors reserves and excepts from the vacation an easement and right, at any time or from time to time, to construct, maintain, operate, replace, remove, and renew vehicular or non-vehicular trails for use by the public in, upon, over, and across the portion of Mad River Road to be vacated.
9. The portion of Mad River Road to be vacated is unnecessary for present or prospective public use and the proposed vacation is in the public interest.
10. There are no public utilities in place that are in use or would be affected by the vacation.
11. This vacation proceeding is conducted pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code.
12. The portion of Mad River Road described in Exhibit A and shown in Exhibit B is hereby ordered vacated.
13. The Clerk of the Humboldt County Board of Supervisors is directed to record a certified copy of this Resolution in the Office of the Humboldt County Recorder via the Humboldt County Public Works Land Use Division.

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Dated: April 17, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

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

AYES:	Supervisors	Bohn, Sundberg, Bass, Fennell
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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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EXHIBIT A

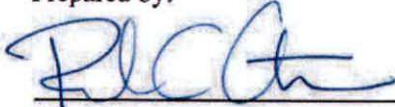
LEGAL DESCRIPTION

A STRIP OF LAND 40 FEET IN WIDTH LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 NORTH, RANGE 1 WEST, HUMBOLDT MERIDIAN, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 40 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED DECEMBER 18, 1968 IN VOLUME 985, AT PAGE 431, OF OFFICIAL RECORDS OF THE COUNTY OF HUMBOLDT, AND BEING ADJACENT TO AND PARALLEL WITH THE SOUTHERLY LINE OF MAD RIVER ROAD AS DESCRIBED THEREIN.

END OF DESCRIPTION

Prepared by:



Ronald C. Garton, PLS 7717
Humboldt County Surveyor

11/16/17

Date



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