



# COUNTY OF HUMBOLDT

## Legislation Details (With Text)

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**File created:** 3/22/2022      **In control:** Public Works  
**On agenda:** 4/19/2022      **Final action:** 4/19/2022  
**Title:** Resolution to Summarily Vacate and Relocate a One-Foot, Non-Vehicular Access Easement in Shelter Cove

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Attachment 1 - Easement Deed 111-071-021, 3. Attachment 1a - Easement Deed 111-071-022, 4. Attachment 2 - Resolution to vacate one-foot non-vehicular access easement, 5. Attachment 2a - Legal Descriptions for Resolution, 6. Attachment 3 - Exemption from Planning Commission Report, 7. Attachment 4 - CEQA Notice of Exemption, 8. Executed Easement Deed.pdf, 9. Resolution No. 22-50.pdf, 10. Recorded Resolution No. 22-50.pdf, 11. Recorded Easement Deed APN 111-071-021.pdf, 12. Recorded Easement Deed APN 111-071-022.pdf

| Date      | Ver. | Action By            | Action   | Result |
|-----------|------|----------------------|----------|--------|
| 4/19/2022 | 1    | Board of Supervisors | approved | Pass   |

**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**SUBJECT:**

Resolution to Summarily Vacate and Relocate a One-Foot, Non-Vehicular Access Easement in Shelter Cove

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Accept the easement deeds from John and Lisa Campbell and authorize the Chair of the Board of Supervisors to execute the Certificates of Acceptance of two (2) new one-foot, non-vehicular access easements along DuLuard Road in Shelter Cove. (Attachment 1);
2. Adopt and authorize the Chair of the Board of Supervisors to execute the attached resolution to vacate a one-foot, non-vehicular access easement along Upper Pacific Road in Shelter Cove, pursuant to Streets and Highways Code Section 8333(c). (Attachment 2); and
3. Direct the Clerk of the Board to record via the Land Use Division, in the office of the County Recorder, the original easement deeds and a certified copy of the resolution.

**SOURCE OF FUNDING:**

Roads Division 1200-322 and 1200-331

DISCUSSION:

Humboldt County Department of Public Works received a request from John and Lisa Campbell to relocate a one-foot, non-vehicular access easement along Upper Pacific Drive to DuLuard Drive in Shelter Cove. The Campbells own Lots 29 and 30 in Block 132 of Tract No. 42, as filed in Book 14 of Maps, pages 73 through 138, in the Office of the County Recorder. The purpose of the request is to facilitate logical and orderly development of their properties.

The non-vehicular access easement was created by Tract No. 42. At the time that the subdivision map was created, non-vehicular access easements were established on properties that have multiple frontages to define where access will be taken from. Unfortunately, the subdivision map did not always consider terrain when determining where the best place to take access is. When preparing plans to develop their property, the owners realized that the optimum location for the non-vehicular access easement was along DuLuard Drive rather than along Upper Pacific Drive. The subject properties are commonly known as Assessor Parcel Numbers 111-071-021 and 111-071-022. Public Works staff reviewed the proposed request and determined that access to the property would be better served from DuLuard Drive. In order to relocate the non-vehicular access easement, the existing easement needs to be vacated and the owners need to dedicate a new easement to the county.

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 excess by the easement holder, when there are no other public facilities located within the easement.

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 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 vacation is granted.(Attachment 3)

The proposed vacation has been reviewed by the Natural Resources 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:

Fees are paid by the requesters that cover the costs of staff time. The funding to cover staff time has been budgeted in the Roads Fund budgets 1200322 and 1200331. This item does not affect the General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by providing for and maintaining infrastructure .

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to approve the requested vacation. The department does not support this alternative as not relocating the non-vehicular access easement would make the property more difficult to develop; and would not facilitate logical and orderly development of their properties.

ATTACHMENTS:

1. Easement Deeds for replacement one-foot, non-vehicular access easements
2. Resolution to summarily vacate a one-foot, non-vehicular access easement
3. Exemption from Planning Commission Report
4. CEQA Notice of Exemption

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A