



# COUNTY OF HUMBOLDT

## Legislation Details (With Text)

**File #:** 18-1149      **Version:** 1      **Name:**  
**Type:** Informational Report      **Status:** Passed  
**File created:** 8/28/2018      **In control:** Public Works  
**On agenda:** 9/11/2018      **Final action:** 9/11/2018  
**Title:** Resolution to Summarily Vacate a Portion of Burrell Road near Honeydew  
**Sponsors:**  
**Indexes:**  
**Code sections:**

**Attachments:** 1. Staff Report, 2. Resolution 18-94.pdf, 3. Exhibit A- Legal Description Burrell Road, 4. Exhibit B- Portion of Burrell Road to be Vacated, 5. Attachment 2 - Easement Deeds for turnout.pdf, 6. Attachment 3A - Burrell Road Vacation Area Map, 7. Attachment 3B- Portion of Burrell Road to be Vacated, 8. Attachment 4 - 2018-5-17 Burrell Road Planning Memo, 9. Attachment 5 - 2018-5-17 Environmental Memo, 10. Attachment 6 - 2018-5-14 PG&E Response, 11. Conformed Resolution 2018-016789.pdf, 12. Conformed Deeds 2018--16789-794.pdf

Date	Ver.	Action By	Action	Result
9/11/2018	1	Board of Supervisors	approved	Pass

**To:** Board of Supervisors

**From:** Public Works

**SUBJECT:**  
Resolution to Summarily Vacate a Portion of Burrell Road near Honeydew

**RECOMMENDATION(S):**  
That the Board of Supervisors adopt the attached resolution to summarily vacate a portion of Burrell Road in Honeydew, pursuant to Streets and Highways Code section 8344. (Attachment 1); accept and execute five easement deeds for a turnout over “Parcel H” on Tract 0652, filed in Book 25 of Maps, pages 72 through 75 (Attachment 2); and direct the Clerk of the Board to record in the Office of the County Recorder via the Land Use Division a certified copy of the resolution and the five original easement deeds.

**SOURCE OF FUNDING:**  
Roads Division 1200-325

**DISCUSSION:**  
The Humboldt County Department of Public Works received a request from Mary Etter that the county vacate a segment of Burrell Road that is under her ownership. If your Board vacates the proposed portion of Burrell Road, this action would extinguish the easement described in the resolution (Attachment 1), thereby granting Ms. Etter full use of her property. This action would also remove the proposed section of Burrell Road from the county-maintained road system.

The area proposed for vacation has not been maintained by the county in many years. The road was once the primary thoroughfare, but the road washed out and was superseded by Mattole Road on the opposite side of the river. Since then the road has ended on the private property of Ms. Etter and does not connect to other roads within the county system. (Attachment 3)

The proposed vacation is be processed via Summary Vacation Procedures pursuant to the provisions of Streets and Highways Code section 8334. This code section states a 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.

The Department of Public Works has physically inspected the portion of the road proposed for vacation. The portion of the road proposed for vacation dead ends on the owner's parcel and has several gates across it to control livestock. The county has not maintained the portion of the road proposed for vacation for the past five years and provided minimal maintenance since Burrell Road was superseded by Mattole Road on the south side of the river.

Mary V. Etter and the Estate of Raymond Michael Etter recorded Tract Number 0652 in Book 25 of Maps, Pages 72 through 75. In this tract, Parcel H was created as a turnout for emergency vehicles for the use of the subdivided lots only. Mary V. Etter and Mary S. Etter have executed five (5) easement deeds (Attachment 2) to the county for Parcel H to be a turnout for public use. Public Works staff have verified that the turnout is sufficient to accommodate emergency and other large vehicles to turn around just to the east of the portion of the road proposed to be vacated.

The Humboldt County Planning and Building Department has found the proposed vacation to be of a "minor" nature and is, therefore, exempt from a Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code section 65402(a). They determined that the right of way or property was acquired for a street that became a dead end due to wash out/flooding and the main road was rerouted; that the street is no longer constructed to a county road's standard; 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. (See Attachment 4)

The proposed vacation has been reviewed by the Public Works Environmental Services Division, and has been determined to have no significant environmental effect and, therefore, is not subject to the California Environmental Quality Act (CEQA), as per the provisions in the Guidelines for Implementation of CEQA [14 California Code of Regulations Section 15305]. (See Attachment 5)

There are no public utilities located within the area proposed for vacation. The Pacific Gas and Electric Company (PG&E) has a service drop to Mary Etter's house at the leading edge of the area to be vacated, but does not require an easement over the vacated portion of the road. (Attachment 6)

All fees have been paid. The Public Works 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.

**OTHER AGENCY INVOLVEMENT:**

None

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board could not adopt the Resolution to Vacate a Portion of Burrell Road and the easement deeds for Parcel H, therefore, denying the vacation.

**ATTACHMENTS:**

1. Resolution to Summarily Vacate a Portion of Burrell Road
2. Easement Deeds for Parcel H as shown on Tract 0652 for Mary V. Etter and The Estate of Raymond Michael Etter
3. Map Portion of Burrell Road to be Vacated
4. Exemption from Planning Commission Report
5. Notice of Exemption
6. Response Letter from PG&E

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A  
Meeting of: N/A