



# COUNTY OF HUMBOLDT

## Legislation Text

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**File #:** 18-1015, **Version:** 1

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**To:** Board of Supervisors

**From:** Public Works

**SUBJECT:**

Resolution to Summarily Vacate Unused Portions of Right of Way of Redwood Drive (C6B105) and Thomas Drive (6B150) on APN 032-021-019, also known as the Jim Demulling Veterans Memorial Grove, in Garberville (4/5 Vote Required)

**RECOMMENDATION(S):**

That the Board of Supervisors adopt the attached Resolution to summarily vacate an unused portion of right of way of Redwood Drive (C6B105) and Thomas Drive (6B150) on APN 032-021-019, also known as Jim Demulling Veterans Memorial Grove, in Garberville pursuant to Streets and Highways Code Section 8334 (Attachment 1); and direct the Clerk of the Board to record, via the Land Use Division, in the Office of the County Recorder a certified copy of the resolution.

**SOURCE OF FUNDING:**

N/A

**DISCUSSION:**

The Humboldt County Department of Public Works was directed by the Board of Supervisors on April 16, 2014 to prepare documentation to summarily vacate a portion of the unused right of way of Redwood Drive (C6B105) and Thomas Drive (6B150), also known as Jim Demulling Veterans Memorial Grove, in Garberville. Thomas Drive was relinquished to the County on March 19, 1970 from California Department of Transportation (Caltrans) by document recorded on March 27, 1970 in Volume 1036, page 412 of Official Records. The area proposed for vacation is described on Exhibit A and shown on Exhibits B and C in Attachment 1.

The Public Works Department was subsequently contacted by Mr. Steve Dazey, who is now operating a business at APN 032-021-028. Mr. Dazey is interested in having a locked gate across Thomas Drive to secure the parking lot to his business. Since locked gates are not permitted across county maintained roads, the Public Works Department looked into expanding the vacation of Thomas Drive to include the remainder of Thomas Drive as the county road essentially runs through the middle of the parking lot for his business. However, Mr. Dazey was not successful in gathering support from the other properties that use Thomas Drive for access. Therefore, the proposed expansion of the vacation was not included.

The proposed vacation is being processed via the Summary Vacation Procedures pursuant to the provisions of Streets and Highways Code Section 8334(a). This code section states that a legislative body of a local agency may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes.

The Department of Public Works has reviewed the area proposed for vacation and has determined that the right of way is in excess of what is needed for Thomas Drive and Redwood Drive.

The 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). The Planning and Building Department determined that the right of way or property was not acquired for a use other than street widening or alignment; that the street is not 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. (See Attachment 2)

The proposed vacation has been reviewed by Public Works Natural Resources Division, and has been determined to have no significant environmental effect and, therefore, is not subject to 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 3)

There are public utilities located within the area proposed for vacation. Notices of the proposed vacation were provided to Pacific Gas and Electric Company (PG&E), Garberville Sanitary District, Suddenlink Communications, Wave Broadband, American Telephone & Telegraph (AT&T), Frontier Communications, Blue Star Gas Company, and Garberville Fire Protection District. Suddenlink Communications, AT&T and Blue Star Gas Company have responded that they have no objection. PG&E, Frontier Communications and Garberville Sanitary District have responded that they require easements. Easements have been reserved for PG&E, Frontier Communications and Garberville Sanitary District. Garberville Fire Protection District (GFPD) responded with concerns regarding ingress and egress if Thomas Drive were vacated in its entirety. Wave Broadband responded with concerns regarding their facilities if all of Thomas Drive were vacated. This proposed vacation will not be in conflict with GFPD’s or Wave’s concerns. (See Attachment 4)

The Public Works Department has no objection to the vacation and requests the Board take the recommended actions.

**FINANCIAL IMPACT:**

There is no financial impact to the county.

This item conforms to the Board of Supervisor’s 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:**

None.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

Not adopt the Resolution to Vacate; therefore, denying the vacation.

**ATTACHMENTS:**

1. Resolution to Summarily Vacate Easement.
2. Exemption from Planning Commission Report for Acquisitions, Dispositions, and Abandonments pursuant to Government Code Section 65402(a).

3. Notice of CEQA Exemption.
4. Response Letters: PG&E, Garberville Sanitary District, Suddenlink Communications, AT&T, Blue Star Gas Company, Frontier Communications, Wave Broadband, and Garberville Fire Protection District.

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A