



# COUNTY OF HUMBOLDT

## Legislation Text

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File #: 22-1288, Version: 1

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**SUBJECT:**

Resolution to Summarily Vacate a One-Foot, Non-Vehicular Access Easement Along Nancy Court (3J428) in Eureka

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt the attached resolution to summarily vacate a one-foot, non-vehicular access easement along Nancy Court (3J428); and
2. Direct the Clerk of the Board to record, via the Land Use Division of the Department of Public Works, a fully executed certified copy of the attached resolution in the Office of the County Recorder.

**SOURCE OF FUNDING:**

Road Fund 1200-325

**DISCUSSION:**

The Humboldt County Department of Public Works received a request from Janet and Jeffrey Boomgarden, property owners of 5364 Alpine Court, Eureka, California, to vacate a one-foot non-vehicular access easement along Nancy Court to allow a new driveway to be built for a proposed accessory dwelling unit behind their primary residence.

The non-vehicular access easement was created by Tract Map No. 317, Joanie Marie Subdivision, Unit No. 2, recorded in the Office of the County Recorder in Book 19 of Maps, pages 89 and 90. Nancy Court dead ends at the rear property line of the Boomgarden's property. The subject site is known as Assessor Parcel Number 302-121-072.

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8333(c) states a legislative body of a local agency may summarily vacate a public service easement that has been superseded by relocation, or determined to be excess by the easement holder, when there are no other public facilities located within the easement. Further, Nancy Court is a one-block long street containing only thirteen (13) residences. The Department of Public Works has determined that

the easement can be vacated without detriment to the county or surrounding properties.

As per Section 8334.5 of the California Streets and Highways Code, there are no public utility facilities that are in use that 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 California Government Code Section 65402(a). The Planning Department found that the right of way or property was acquired for 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.

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

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

FINANCIAL IMPACT:

The property owners paid the required vacation fee which covers the staff time associated with this vacation. As a result, the recommended actions will not impact the Humboldt County General Fund.

STRATEGIC FRAMEWORK:

The recommended actions support the Board of Supervisors’ Strategic Framework by providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to approve the requested vacation. However, this alternative is not recommended as not vacating the easement will affect the development of needed additional housing within the greater Eureka community.

ATTACHMENTS:

1. Resolution to Summarily Vacate a One-Foot, Non-Vehicular Access Easement Along Nancy Court (3J428) in Eureka
2. Exemption from Planning Commission Report
3. CEQA Notice of Exemption

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A