



COUNTY OF HUMBOLDT

Legislation Text

File #: 21-1791, Version: 1

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Resolution to Summarily Vacate a Portion of Felt Road (4K150) in the Eureka Area

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt Resolution No. _____ (Attachment 1) to summarily vacate a portion of Felt Road (4K150) in Eureka from post mile (PM) 0.20 to the end of Felt Road at PM 0.55 in Eureka, pursuant to Streets and Highways Code §8334; and
2. Direct the Clerk of the Board to record via the Department of Public Works Land Use Division, in the Office of the County Recorder, a certified copy of the Resolution (Attachment 1).

SOURCE OF FUNDING:

Roads Fund (1200)

DISCUSSION:

The Department of Public Works (DPW) received a request from Sean and Kathryn O'Day to vacate the end portion of Felt Road (4K150) from post mile (PM) 0.20 to the end of Felt Road at PM 0.55 in Eureka (Attachment 2). Felt Road provides access to private properties and does not provide access to public lands, rivers, oceans, or other public resources. The purpose of the vacation is to enhance the privacy of the properties beyond PM 0.20 and to reduce illegal dumping of refuse.

The right of way for Felt Road was granted to the County of Humboldt by easement deed recorded on April 12, 1954, in Book 288 page 203, Official Records, in the Office of the County Recorder. The county road provides access to Assessor Parcel Numbers (APNs) 403-071-060, 403-071-052, 403-071-058, 403-071-056, and 403-081-010. With the exception of APN 403-081-010, all of the APNs are owned by Sean and Kathryn O'Day. APN 403-081-010 is owned by Korte. To ensure that the Korte property is not landlocked, O'Day has agreed to grant Korte an access easement over the portion of the Felt Road right of way that is proposed for vacation. This easement deed will be recorded concurrently with the vacation if the vacation is approved by the Board of Supervisors.

Felt Road is a dead-end road that runs from Myrtle Avenue to its end at PM 0.55. At PM 0.55 a private gate is in place that is used by O'Day and Korte. The proposed vacation begins at PM 0.20 where an adequate turnaround currently exists within the vicinity.

DPW has determined that the right of way for the end portion of Felt Road beginning at PM 0.20 to the end of the county road at PM 0.55 in Eureka is not necessary.

The proposed vacation is being processed via the Summary Vacation Procedures of the California Streets and Highways Code §8334, which states 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 and 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 Planning & Building Department has found the proposed vacation to be of a "minor" nature and therefore exempt from Resolution No. 72-69, which provides for the Planning Director to certify general plan conformance for acquisition, disposition and abandonment for street widening or alignment projects of a "minor" nature pursuant to Government Code Section 65402(a). The Planning & Building Department found that the vacation meets the exemption (Attachment 3).

The proposed vacation has been reviewed by DPW's Environmental Services Division for compliance with the California Environmental Quality Act and has been determined to be exempt from further review of environmental impacts (Attachment 4).

DPW notified the Pacific Gas and Electric Company (PG&E), Coastal Commission, Humboldt Bay Fire and the American Telephone and Telegraph Company (AT&T) of the proposed vacation (Attachment 6). PG&E indicated that its public utility facilities are in place (Attachment 5). At the request of PG&E, an easement is being reserved for the utility company in the Resolution. There are no other public utility facilities that are in use or that would be affected by this vacation.

DPW has no objection to the vacation and requests the Board take the recommended actions.

FINANCIAL IMPACT:

This item does not affect the General Fund. The petitioners of the vacation paid the required vacation fee; therefore, no costs were incurred to cover staff time associated with the vacation.

STRATEGIC FRAMEWORK:

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

OTHER AGENCY INVOLVEMENT:

Humboldt County Planning & Building Department
Humboldt County Recorder

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to approve the requested vacation. Not vacating the right of way will require that the county continue to incur the costs to maintain the road.

ATTACHMENTS:

1. Attachment 1 - Resolution to Summarily Vacate the end portion of Felt Road in Eureka
2. Attachment 2 - Vacation Exhibit
3. Attachment 3 - Exemption from Planning Commission Report
4. Attachment 4 - CEQA Notice of Exemption
5. Attachment 5 - PG&E Response
6. Attachment 6 - Coastal Commission, Humboldt Bay Fire, and AT&T no conflict responses

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A