RESOLUTION - ACTION REQUESTED 2017-776

MEETING: November 14, 2017

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Abandonment of a Portion of the Public Road Easement Within Trabucco Ranch Road

RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING: Adopt a Resolution Approving the Abandonment of a portion of the public road easements within Trabucco Ranch Road.

The subject road section is illustrated on Parcel Map - Book 29 Page 39 Mariposa County Record. This easement was originally required as a condition of approval for Minor Subdivision application LDA 2005-54. A description of the abandonment has been submitted to Public Works Department. The public utility easement will remain in place.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Parcel Map number 29-39 was filed August 5, 2008. The public road easement to be abandoned has public utilities within the right of way. The purpose of the abandonment is to allow the security gate to remain in place. The property carries a Conservation Easement held by the Sierra Foothill Conservancy.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If the Board of Supervisors denies the request for abandonment, this right-of-way will continue to exist on record.

ATTACHMENTS:
Trabucco Ranch Rd Abandonement (PDF)
Exhibit A, B & C (PDF)
171025 DPW-Vacation of Dedication UPDATED (PDF)
Trabucco Ranch Road (DOC)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Miles Menetrey, District V Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
A Resolution Vacating the Public Road Easement Within the Parcel Map for Steven and Toni Kellenberg, Trustees, Parcel Map Book 29, Page 39, Mariposa County Records

WHEREAS, Trabucco Ranch Road was created by the Parcel Map recorded in Book 29 at Page 39, Mariposa County Records; and

WHEREAS, a written request to abandon the public road easement within Trabucco Ranch Road has been received; and

WHEREAS, the Public Streets, Highways, and Service Easements Vacation Law (Streets & Highways Code, Division 9. Part 3. Section 8300, et. seq) provides authority and procedures whereby a board of supervisors may vacate all or part of a street, highway, or public service easement within the county but outside a city; and

WHEREAS, Trabucco Ranch Road only serves those parcels and the remainder within said Parcel Map; and

WHEREAS, Trabucco Ranch Road will remain as a private access easement for the sole use and benefit of those parcels and the remainder within said Parcel Map; and

WHEREAS, the existing public utility easement is reserved and excepted from this vacation and will remain in place pursuant to Streets & Highways Code Section 8340(c); and

WHEREAS, the request has been reviewed by the Mariposa County Public Works Department, which has determined that the request meets the criteria for vacation; and

WHEREAS, pursuant to Government Code section 65402(a), the request has been reviewed by the Mariposa County Planning Director, who has determined that the abandonment of the public road dedication for Trabucco Ranch Road is in conformance with the Mariposa County General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, as follows:

1. The County of Mariposa, by and through its Board of Supervisors, vacates the public road easement described in this resolution pursuant to the Public Streets, Highways, and Service Easements Vacation Law.

2. The public road easement hereby abandoned is described in Exhibit “A” and delineated in Exhibits “B” and “C” attached hereto, and by reference made a part hereof.

3. The approval of the vacation of the public road easement is conditioned upon a private road easement for the sole use of benefit of the parcels and the remainder of said map remaining in place. The parcels and the remainder shall retain private access rights.
4. The approval of the vacation of the public road easement is further conditioned upon the public utility easement being retained for public utility purposes.

5. A certified copy of this Resolution shall be recorded in the office of the Mariposa County Recorder by the Clerk of the Board, and upon such recordation, the easement hereby vacated shall no longer constitute a public street or highway easement.

ON MOTION BY Supervisor Jones seconded by Supervisor Menetrey this resolution is duly passed and adopted this 14th day of November, 2017 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
EXCUSED: NONE
ABSTAIN: NONE

Marshall Long, Chair
Board of Supervisors

ATTEST:

Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM:

Steven W. Dahlem, County Counsel
EXHIBIT A

Trabucco Ranch Road, an easement for public road and utility purposes over a 60 foot width and a 60 foot radius turn around, situated in Projected Sections 27 and 28, Township 4 South, Range 17 East, M.D.M., Rancho Las Mariposas, County of Mariposa, State of California as said road is delineated on that certain map entitled “Parcel Map for Steven & Toni Kellenberg, Trustees” filed August 5, 2008 in Book 29 of Parcel Maps at page 39, Mariposa County Records. See EXHIBIT B and EXHIBIT C attached hereto.

Prepared by:

Richard A. Seaman, L.S. 5339

Date

2/6/17