

RESOLUTION NO. 24-043

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS SUMMARILY VACATING A PORTION OF THE CAHTO ROAD

WHEREAS, the authority for the summary vacation of a portion of Cahto Road, is Chapter 4 of Part 3 of Division of the California Streets and Highways Code (Section 8330, et seq.); and

WHEREAS, by Resolution Number (No.) 84-199, Board established and set forth procedures, pursuant to provisions of the California Streets and Highways Code, for the vacation of County Highways; and

WHEREAS, pursuant to the procedures set forth in California Streets and Highway Code § 8335, this Summary Vacation Resolution is submitted to the Board of Supervisors; and

WHEREAS, Streets and Highways Code § 8331 provides that a road is eligible for summary vacation if it (1) has been impassable for vehicular travel for a period of five consecutive years, (2) has had no public money expended on it for maintenance during said five year period; and

WHEREAS, this Summary Vacation Resolution has been submitted to the Mendocino County Planning and Building Services Department for consideration of the general plan; and

WHEREAS, the Mendocino County Board of Supervisors has considered this Summary Vacation Resolution and County staff memoranda related thereto; and

WHEREAS, the Board of Supervisors of Mendocino County has determined to vacate a portion of Cahto Road, as hereinafter described.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, based on all of the evidence in the record before it, as follows:

1. The authority for the summary vacation of a portion of Cahto Road, is Chapter 4 of Part 3 of Division 9 of the California Streets and Highways Code (Section 8330, et seq.).
2. Based on all of the evidence in the record before it, the Board of Supervisors hereby finds that the subject portion of Cahto Road, is unnecessary for present or prospective public use, finding that:
 - a. Cahto Road is not a public road or highway and is not included in Mendocino County's Road System; however, if Cahto Road was ever considered to be in Mendocino County's Road System, the Board of Supervisor is vacating the portion of Cahto Road as described below.
 - b. The subject portion of Cahto Road is an impassable street because (a) for a period of more than five (5) consecutive years that portion of Cahto Road has been impassable for vehicular travel as it has been gated to prevent access and only short segments are usable by property owners of the properties traversed by the road and (b) no public money has been expended for maintenance for over five (5) consecutive years.
3. The portion of Cahto Road to be vacated is described as follows:

All that portion of Cahto Road lying easterly of east sixteenth line of section 32, Range 17 West, Township 21 North - Mount Diablo Baseline and Meridian (R17W, T21N, MDB&M) shown as the westerly boundary of Aborigine Lumber as described in book 770 of Official Records of Mendocino County (OR) at page 2; said east sixteenth line of section 32 appears to be common to the parcel owned

by Ruth Danauard which is now Markley Property as shown on that certain Record of Survey filed in Map Case 2 Drawer 15 Page 7 in 1970.

The abovementioned portion of Cahto Road lying easterly of east sixteenth line of section 32 R17W, T21N, MDB&M is shown in the Mendocino County Old Wagon Road Book as the Westport to Jackson Valley Road lying within T20N R16W, T21N R16W and T21N R17W MDB&M.

This description is for this Summary Vacation Resolution purposes only and does not represent property for sale, lease, or finance.

- 4. Pursuant to Streets and Highways Code Sections 8314 and 892, the Mendocino County Board of Supervisors hereby determines that the portion of Cahto Road, to be vacated is not useful as a pedestrian, bicycle, or equestrian trail.
- 5. No public utilities are located in the portion of Cahto Road, to be vacated, so there is no impact on in-place public utility facilities.
- 6. The vacation of the portion of Cahto Road, is consistent with the Mendocino County General Plan.
- 7. The vacation of the portion of Cahto Road, is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15312.
- 8. That the Department of Transportation and the Clerk of the Board are hereby directed to submit this Resolution to the County Assessor-Clerk Recorder for recordation pursuant to the Streets and Highways Code.
- 9. From and after the date that this Resolution is recorded, the portion of Cahto Road described hereto will no longer constitute a street, highway, or public service easement.

The foregoing Resolution introduced by Supervisor Gjerde, seconded by Supervisor Williams, and carried this 12th day of March, 2024, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

MAUREEN MULHEREN, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
JAMES R. ROSS
Interim County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy