



Mendocino County

Legislation Text

File #: 24-0317, Version: 1

To: BOARD OF SUPERVISORS

From: County Counsel and Transportation

Meeting Date: March 12, 2024

Department Contact: Jared Schwass
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Item Type: Regular Agenda

Time Allocated for Item: 30 Minutes

Agenda Title:

Discussion and Possible Action Including Adoption of Resolution Summarily Vacating a Portion of an Old County Wagon Road Known as the Cahto Road or Westport to Jackson Valley Road
(Sponsors: County Counsel and Transportation)

Recommended Action/Motion:

Adopt Resolution summarily vacating a portion of an old County wagon road known as the Cahto Road or Westport to Jackson Valley Road; and authorize the Chair to sign same.

Previous Board/Board Committee Actions:

On May 10, 2023, the Board of Supervisors directed staff to prepare this summary road vacation due to pending litigation involving a portion of an old County wagon road known as the Cahto Road or Westport to Jackson Valley Road (the "Cahto Road"). The litigation is regarding whether Cahto Road is a public road.

Summary of Request:

The County of Mendocino was named as a cross-defendant in the court case *Gary Markley v. Roger Burch, et al.* (the "Case"). The Case is regarding whether the Cahto Road is a public road and whether the plaintiff and the public have the right to access and use the Cahto Road.

A review of County records at the Department of Transportation shows that Cahto Road was an old wagon road dating back to the 1800s. However, there are no subsequent records showing that Cahto Road was ever maintained in the County road system. The Cahto Road only appears in the old County Wagon Road Maps, and it is not listed as a county road on any subsequent County official maps. The County has not spent any public money to repair or maintain the Cahto Road in decades, let alone the 5 years required to summarily vacate a road. Additionally, the current state of Cahto Road would require significant repairs as it is currently impassable by vehicular traffic and has been for well over the last 5 years.

If Cahto Road were to become a public access road, the County would need to (1) survey the road to update the County Road Maps; (2) prepare an engineer's report addressing all necessary repairs to make the road passable by vehicular travel; (3) perform the needed repairs to allow the road to be passable by vehicular travel; and (4) continually maintain the road. The Mendocino County Department of Transportation currently does not have the funds to take on such tasks.

As such, rather than taking on the large expense of bringing Cahto Road into the County road system, the proposed Resolution summarily vacates any potential claim the County holds on the subject portion of Cahto Road.

Alternative Action/Motion:

N/A

Strategic Plan Priority Designation: An Effective County Government

Supervisory District: District 4

Vote Requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

budget clarification: N/A

annual recurring cost: N/A

budgeted in current f/y (if no, please describe): N/A

revenue agreement: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Senior Deputy Clerk

Date: March 12, 2024

Final Status: **Adopted**

Executed Item Type: Resolution

Number: 24-043

