

RESOLUTION NO. 11-118

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING SUMMARY VACATION OF LAYTONVILLE RESERVATION ROAD, CR 319F, AND LAYTONVILLE RESERVATION (CEMETERY) ROAD, CR 319G, LYING WITHIN THE LAYTONVILLE RANCHERIA LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 21 NORTH, RANGE 15 WEST, MOUNT DIABLO BASE AND MERIDIAN (LAYTONVILLE AREA)

WHEREAS, by Resolution 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, by petition in the form of a letter dated 19 April 2010 sent to Department of Transportation (Road Vacation Petition No. 11-02), property owners of the property described as Assessor Parcel No. 014-260-27 have requested a road vacation of Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, described as follows:

Those certain Roads which are more particularly described herein and shown on the map in Exhibit "A" attached hereto; and

WHEREAS, pursuant to a previous Board action on 14 September 2010, wherein Board approved a Memorandum of Agreement with the Cahto Tribe of the Laytonville Rancheria, Department of Transportation Agreement No. 100037, to vacate Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, as requested by the Cahto Tribe and approved by Bureau of Indian Affairs. Board also has waived the usual Road Vacation Petition prescribed fees and procedures for this government to government transaction and it has been determined by County Counsel and Department of Transportation that Road Vacation Petition No.11-02 is sufficient to proceed with the summary vacation process.

WHEREAS, pursuant to Board action on 9 April 1956, Resolution No. 2004, County of Mendocino acquired rights of way as an easement for Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, from Bureau of Indian Affairs, more particularly described herein and shown on the map attached in Exhibit "A"; and

WHEREAS, the Board has decided to proceed with summary road vacation per the request in Road Vacation Petition No. 11-02, as the roads, petition and supporting documentation meet the statutory requirement for summary road vacation procedures provided for in Resolution No. 84-199: "A portion of a Street that lies within property under one ownership and that does not continue through such ownership or end touching property of another." (Streets and Highways Code Section 8334) It is now the intention of this Board to consider this summary road vacation of Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G; and

WHEREAS, it has been determined that vacation of these existing public road rights of way as described in Exhibit "A" would also terminate existing public utility easements; and pursuant to Streets and Highways Code Section 8340, et seq., the County Board of Supervisors, may in the resolution of vacation, reserve and preserve certain public utility easements.

NOW THEREFORE, BE IT RESOLVED AND SO ORDERED:

1. The authority for the vacation of Laytonville Reservation Road, CR 319F and Laytonville Reservation (Cemetery) Road, CR 319G is in Chapter 3, Part 3, Division 9 of the California Streets and Highways Code (Section 8320, et seq.).
2. The roads to be vacated, Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, are described as follows:

An easement for public road purposes across the following described property:

All that certain real property situated in the Southeast quarter of Section 14, Township 21 North, Range 15 West, Mount Diablo Base and Meridian, County of Mendocino, State of California, more particularly described as follows:

All that portion of Laytonville Reservation Road, CR 319F and Laytonville Reservation (Cemetery) Road, CR 319G, which is more particularly described herein as shown on that certain Bureau of Indian Affairs Project No. S-20 - Drawing No. 23-4-20 map attached in Exhibit "A" hereto.

EXCEPTING AND RESERVING there from an easement and right, at any time or from time to time, upon, over, and across the herein-described portion of Laytonville Reservation Road, CR 319F and Laytonville Reservation (Cemetery) Road, CR 319G, to be vacated, and pursuant to any existing franchise or renewals thereof, for utilities facilities and appurtenances thereto installed within said portion of Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, for use by public utilities facilities that may now exist or may be developed in the future by companies regulated by the California Public Utilities Commission; and the right to construct, maintain and reconstruct any such facilities mentioned above, and for incidental purposes, including access to protect such facilities from all hazards in, upon, and over the portion of road to be vacated.

3. In support of Road Vacation Petition, No. 11-02 of Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, Board of Supervisors make the following findings:
 - a. Road Vacation Petition No. 11-02 was submitted to Department of Transportation by petition in the form of a letter dated 19 April 2010. On 14 September 2010, the Board approved a Memorandum of Agreement with the Cahto Tribe of the Laytonville Rancheria, Department of Transportation Agreement No. 100037, to vacate Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, as requested by the Cahto Tribe and approved by Bureau of Indian Affairs.
 - b. Department of Transportation, County Counsel, and Department of Planning and Building Services have reviewed this road vacation request and approve.
 - c. Department of Transportation staff have posted notices in the Laytonville area to inform the community of these summary road vacation proceedings and that these roads will no longer be County maintained.
 - d. Vacation of the herein-described Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, does not conflict with the General Plan and other adopted plans due to the fact that these roads lie entirely within property of another government agency, Bureau of Indian Affairs.
 - e. The herein-described Laytonville Reservation Road, CR 319F and Laytonville Reservation (Cemetery) Road, CR 319G, would not be useful as public pedestrian, bicycle, or equestrian trails because they lie solely in private ownership of the Cahto Tribe.

- f. The Department of Planning and Building Services has determined that vacation of the herein-described portion of Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, is categorically exempt from the California Environmental Quality Act (CEQA Section 15312).
 - g. The herein-described Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, are unnecessary for present or prospective public use, except as reserved herein, pursuant to Streets and Highways Code Section 8324.
 - h. The County's existing right of way in the herein-described portion of Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, is an easement by grant. As provided in Streets and Highways Code Section 8351, upon recordation of this Resolution of Vacation, title to the property previously subject to the easement is hereafter free from said easement, except as reserved herein.
4. The herein-described Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, are hereby vacated. From and after the date that this Resolution is recorded in Mendocino County Official Records, the herein-described Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, shall no longer constitute a County street, highway, or public service easement, except as reserved herein.
 5. The Clerk of this Board is hereby directed and ordered to record a copy of this Resolution to summarily vacate Laytonville Reservation Road, CR 319F, and Laytonville Reservation (Cemetery) Road, CR 319G, lying within the Laytonville Rancheria, in the office of the Mendocino County Recorder.

The foregoing Resolution introduced by Supervisor McCowen, seconded by Supervisor Hamburg, and carried this 16th day of August 2011, by the following vote:

AYES: Supervisors Brown, McCowen, Pinches, Smith, and Hamburg
 NOES: None
 ABSENT: None

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

ATTEST: CARMEL J. ANGELO
 Clerk of the Board

Kendall Smith
 KENDALL SMITH, Chair
 Mendocino County Board of Supervisors

Kristine Lankin
 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:
 JEANINE B. NADEL, County Counsel,

BY: CARMEL J. ANGELO
 Clerk of the Board

By Jeanine B. Nadel

Kristine Lankin
 Deputy

