

RESOLUTION NO. 25-039

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS VACATING ROCKPORT STREET (COUNTY ROAD 429A) OFF OF HIGHWAY 1 (ROCKPORT AREA) AND FINDING THAT SAID VACATION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15312 OF THE CEQA GUIDELINES

WHEREAS, the authority for the vacation of County Roads is Chapter 3 of Part 3 of Division of the California Streets and Highways Code (Section 8320, 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, Streets and Highways Code Section 8324 provides that, upon proper notice and hearing, the Mendocino County Board of Supervisors may vacate roads that are unnecessary for present or prospective public use; and

WHEREAS, the Mendocino County Board of Supervisors has considered said Road Vacation request and County staff memoranda related thereto; and

WHEREAS, the Mendocino County Department of Transportation has complied with the notice requirements established by California Streets and Highways Code Sections 8322 and 8324; and

WHEREAS, in accordance with the applicable provisions of law, the Mendocino County Board of Supervisors held a public hearing regarding this matter on February 25, 2025, at which time the Mendocino County Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding this matter, and all interested parties were given an opportunity to hear and be heard regarding this matter; and

WHEREAS, the Mendocino Redwood Company, LLC owns the property that completely encompasses Rockport Street, Rockport Street does not provide public access to any parcels under separate ownership, Rockport Street does not provide public access to any other public roads or rights-of-way, Rockport Street does not provide access to any publicly accessible recreational facilities and/or lands, and the Mendocino Redwood Company, LLC has requested vacation of Rockport Street; and

WHEREAS, Rockport Street is not suitable for conversion to a path for non-motorized or pedestrian traffic because of its short length and lack of access to publicly accessible recreational facilities and/or lands; and

WHEREAS, the vacation of Rockport Street would serve the public benefits of eliminating the County's requirement to maintain Rockport Street and eliminating the County's liability for any future injuries arising from the maintenance of Rockport Street.

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

1. The portion of Rockport Street (County Road (CR) 429A) to be vacated is described as follows:
The entirety of Rockport Street as shown on Exhibit A and described in Book 136 Page 9 OR MCR.

EXCEPTING AND RESERVING therefrom, under the authority of California Streets and Highways Code Sections 8340 and 8341, an easement and right, at any time or from time to time, upon, over, and across the herein-described portion of Rockport Street (CR 429A), to

be vacated, and pursuant to any existing franchise or renewals thereof, for utilities facilities and appurtenances thereto installed within said portion of Rockport Street (CR 429A), 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.

EXCEPTING AND RESERVING therefrom any and all previous ownerships of rights of way that exist for furnishing ingress and egress to and from the portion of the County Road to be vacated.

2. The authority for the vacation of Rockport Street is Chapter 3 of Part 3 of Division 9 of the California Streets and Highways Code (Section 8320, et seq.).
3. The County of Mendocino has provided all notice required by California Streets and Highways Code Sections 8322 and 8324.
4. The Board of Supervisors hereby determines that vacation of Rockport Street (CR 429A) is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15312.
5. Pursuant to Government Code Section 65402 and Streets and Highways Code Section 8313, the Board of Supervisors hereby determines that the vacation of Rockport Street (CR 429A) is consistent with the County's General Plan and active Transportation Plan.
6. Rockport Street (CR 429A) only provides access to one privately owned parcel, does not provide access between State Route 1 and any other public road or thoroughfare, is not in an area intended for future development, and does not provide access to any publicly accessible recreational areas or facilities.
7. The Mendocino County Board of Supervisors hereby finds that Rockport Street (CR 429A) is eligible for vacation because it is unnecessary for present or prospective public use, inasmuch as it lies within property under a single private ownership, does not continue through such ownership or provide access to any other public or private property, and does not provide access to any publicly accessible recreational facilities and/or lands. The Mendocino County Board of Supervisors further finds that vacating Rockport Street (CR 429A) would be publicly beneficial because it would eliminate the County's need to perform further maintenance on Rockport Street (CR 429A), and because it would reduce or eliminate the County's future liability for any injuries arising from the conditions of Rockport Street (CR 429A).
8. Pursuant to the requirements of California Streets and Highways Code Sections 8314 and 892, the Mendocino County Board of Supervisors has considered and determined that Rockport Street (CR 429A) is not suitable for nonmotorized travel, because of its short length and lack of access to publicly accessible recreational facilities and/or lands.
9. From and after the date of recordation of this Resolution, the above-described road known as Rockport Street (CR 429A) shall be considered vacated and shall no longer constitute a street, highway, or public service easement, except as reserved herein.
10. 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.

The foregoing Resolution introduced by Supervisor Norvell, seconded by Supervisor Williams, and carried this 25th day of February, 2025, by the following vote:

AYES: Supervisors Cline, Mulheren, Haschak, Norvell, and Williams
NOES: None
ABSENT: None

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

ATTEST: DARCIE ANTLE
Clerk of the Board



Deputy

APPROVED AS TO FORM:
CHARLOTTE E. SCOTT
County Counsel





JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

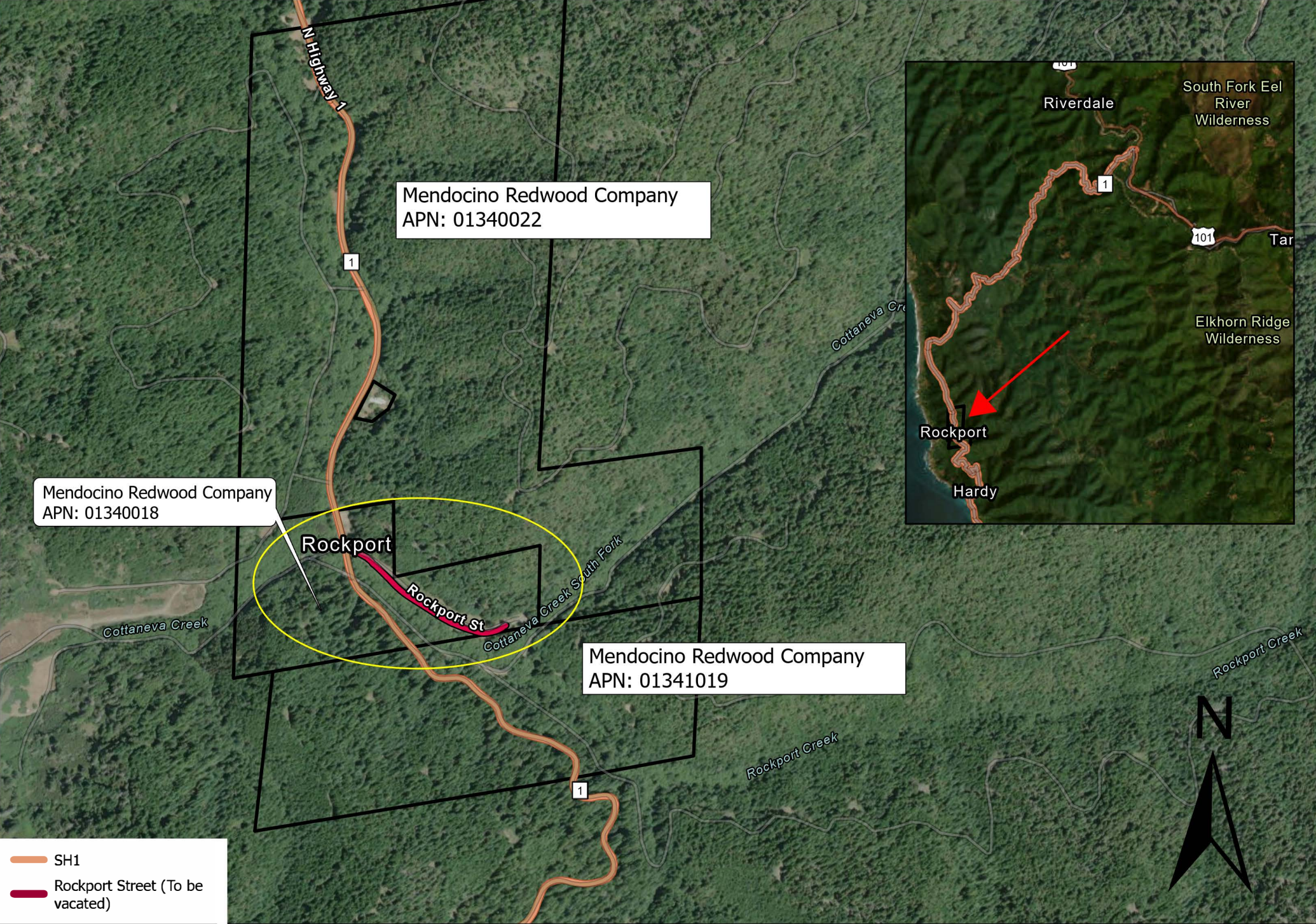
I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: DARCIE ANTLE
Clerk of the Board



Deputy

Exhibit A: Location Map
Rockport Street CR 429A
Road Vacation



along the east line of Hortense Street 95.20 feet to the point of beginning.

WITNESS our hands November 11th 1939.

Thomas B. Ricks

Gracia B. Ricks

STATE OF CALIFORNIA)
County of Humboldt)^{ss}

On November 11th, 1939, before me, Jno. R. French a Notary Public in and for said County and State, personally appeared THOMAS B. RICKS and GRACIA B. RICKS, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

(SEAL)

Jno. R. French

Notary Public in and for the County of Humboldt, State of California

My Commission Expires May 17th 1940.

Recorded at the Request of Mendocino County Title Company Nov. 14 1939 at 15 min past 2 o'clock P.M. in Volume 136 of Official Records page 8 et seq. Mendocino County Records.

Fees \$1.00

A. J. Chalfant

Recorder

2967 Compared AJC/AB

By Alta Ballou

Deputy Recorder

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CONVEYANCE OF RIGHT OF WAY

WHEREAS, certain of the inhabitants of Road District No. 4 of Mendocino County, California, taxable therein for road purposes have petitioned the Board of Supervisors of said Mendocino County to lay out a new road therein, as set forth in their said petition, and which said road is proposed to be located twenty (20) feet on each side of the following described center line, in the County of Mendocino, State of California:

Beginning at a point from which the section corner between sections 23, 24, 25 and 26, T. 22 N. R. 18 W., M.D.M., bears S. 40° 38' W., 1353.46 feet and the Southeast corner of the Rockport Store bears N. 79° 21' W., 55.34 feet and the Northeast corner of the County Bridge over Cottaneva Creek bears S. 10° 23' E., 31.50 feet; thence along said center line S. 75° 13' E., 187.46 feet; thence S. 46° 22' E., 445.05 feet; thence S. 57° 53' E., 393.95 feet; thence S. 64° 34' E., 80.60 feet; thence S. 70° 27' E., 191.05 feet; thence S. 76° 52' E., 50.00 feet; thence S. 83° 19' E., 50.00 feet; thence N. 80° 31' E., 50.00 feet; thence N. 66° 33' E., 50.00 feet; thence N. 58° 53' E., 170.67 feet, and being 1668.78 feet in length.

NOW, THEREFORE, in consideration of the location and establishment of said road, as above described, and of the benefits to accrue to us, and each of us, by such location, we the undersigned owners, occupants and claimants of the land required for road purposes on the line of the foregoing designated route hereby signify our approval of the location of said road, and do hereby consent thereto, and we do hereby convey to said County of Mendocino a right of way forty (40) feet wide along said designated line for road purposes and use by the general public, said right of way and use thereof to cease if and when said County of Mendocino abandons maintenance of said road, and we hereby waive all claims for damages for and on account of the same.

WITNESS my hand this 3rd day of November 1939.

Cottoneva Redwood Co.

John S. Ross, Jr. - Agent

STATE OF CALIFORNIA)
County of Mendocino)^{ss}

On this 3rd day of November in the year one thousand nine hundred and Thirty-nine before me, C. R. Weller, a Notary Public, in and for the County of Mendocino, State of California, residing therein, duly commissioned and sworn, personally appeared John S. Ross, Jr. known to me to be the Agent for Cottoneva Redwood Co. of the corporation described in and that executed the within instrument and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office