

RESOLUTION NO. 20-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS VACATING A PORTION OF CR 233, ROAD E THAT IS ADJACENT TO THE EASTERLY BOUNDARY OF ASSESSOR'S PARCEL NO. 161-230-16 LOCATED IN THE YOKAYO RANCHO, (REDWOOD VALLEY AREA)

WHEREAS, the authority for the summary vacation of CR 233, Road E, is Chapter 4 of Part 3 of Division of the California Streets and Highways Code (Section 8330, et seq.); and

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, Streets and Highways Code Section 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 to public money expended on it for maintenance during said five year period; and

WHEREAS, a Road Vacation Petition No. 19-01 requesting a summary vacation of a portion of CR 233, Road E, has been submitted to the Board of Supervisors; and

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

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 CR 233, Road E, to be vacated, is described as follows:

All that certain real property situate in the unincorporated area of the County of Mendocino, State of California and lying within Lots 111, 129 and 130 of Healey's Survey and Map of the Yokayo Rancho, more particularly described as follows:

Commencing at a point marked "CO" located at the Southeast corner of Lot 130 of the Yokayo Rancho, as shown on that map entitled "The Finnish Colony Subdivision", recorded October 3, 1922 and filed in Map Case 1, Drawer 4, Page 89, Mendocino County Records; thence North 10° 11' 32" West, 549.42 feet to the Point of Beginning of the Land to be described as follows: thence North 26° 41' 50" East, 115.59 feet; thence North 00° 28' 18" West, 158.13 feet to the South line of Lot 4 of said Finnish Colony Subdivision; thence along said South line, North 89° 43' 50" East, 240.61 feet to a point, which bears North 80° 08' 34" West, 101.28 feet from Engineers Station EC 17+79.96 as shown on Mendocino County Department of Transportation Project Number D-7006(3), Dated: November, 1970, on file at the County of Mendocino Department of Transportation; thence leaving said South line of Lot 4, from a tangent that bears, South 75° 09' 00" West, along a curve to the left, having a radius of 380.00 feet, through a central angle of 45° 25' 00", an arc length of 301.21 feet to a point, which bears North 60° 16' 00" West, 30.00 feet from Engineers Station PRC 14+09.42 as shown on said Project Number D-7006(3); thence South 35° 01' 10" West, 102.20 feet to the Point of Beginning.

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 vacation of the portion of CR 233, Road E, is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15312.
3. The authority for the summary vacation of a portion of CR 233, Road E, is Chapter 4 of Part 3 of Division 9 of the California Streets and Highways Code (Section 8330, et seq.).
4. The Mendocino County Board of Supervisors hereby finds that the portion of CR 233, Road E, to be vacated is eligible for summary vacation because it is unnecessary for present or prospective public use, finding that:
 - a. The proposed area has been impassable for vehicular traffic for over five years, as the area has never been improved as part of Road E; and
 - b. No public money was expended for maintenance on the proposed area during such five-year period.
5. Pursuant to Streets and Highways Code Sections 8314 and 892, the Mendocino County Board of Supervisors hereby determines that the portion of CR 233, Road E, to be vacated is not useful as a pedestrian, bicycle, or equestrian trail.
6. No public utilities are located in the portion of CR 233, Road E, to be vacated, so there is no impact to in-place public utility facilities.
7. The vacation of the portion of CR 233, Road E, is consistent with the Mendocino County General Plan.
8. The above described portion of CR 233, Road E, is hereby vacated. From and after the date of recordation of this Resolution, the above-described portion of CR 233, Road E shall be considered vacated and no longer constitutes a street, highway or public service easement.
9. 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 _____, seconded by Supervisor _____, and carried this _____ day of _____, 2020, by the following vote:

AYES:
NOES:
ABSENT:

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
Acting 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: CARMEL J. ANGELO
Clerk of the Board

Deputy