

## **RESOLUTION NO. 25-092**

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO SUMMARILY VACATE A PUBLIC ACCESS EASEMENT ACROSS ASSESSOR'S PARCEL NUMBER 034-050-20 IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 22 NORTH, RANGE 10 WEST (ROUND VALLEY AREA)**

WHEREAS, Assessor's Parcel Number 034-050-20 (Parcel) is a parcel of real property in the County of Mendocino, the private owner of said Parcel desires to convey said Parcel to the United States Forest Service (USFS); and said Parcel is the servient tenement for a public access easement (Easement) owned by the County of Mendocino (County);

WHEREAS, the County has not developed said Easement into a public road or right-of-way or spent public monies on developing or maintaining said Easement as a public road or right-of-way; said Easement has been impassable to traffic for at least five (5) consecutive years; and the County has no plans to develop said Easement;

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 No. 84-199, the Board of Supervisors established and set forth procedures, pursuant to provisions of the California Streets and Highways Code, for the vacation of County Highways; and

WHEREAS, in order for Timothy McIsaac to convey said Parcel to the US Forest Service (USFS), the Parcel needs to be unencumbered by easements; and

WHEREAS, the Board of Supervisors has reviewed information provided by staff regarding historical records and current conditions concerning said Easement; and

WHEREAS, the Board of Supervisors has decided to proceed with a summary vacation because this request meets the statutory requirement for summary vacation as provided for in Resolution No. 84-199 and California Streets and Highways Code Section 8331: a) the road has been impassable for five consecutive years and b) no public monies have been spent on the road, and it is now the intention of the Board of Supervisors to consider summary road vacation of this Easement; and

WHEREAS, the USFS owns the property that completely encompasses said Parcel, and said Easement does not provide public access to any parcels under separate ownership, any other public roads or rights-of-way, or any publicly accessible recreational facilities and/or lands; and

WHEREAS, said Easement 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 roads, other rights-of-way, recreational facilities, and/or lands; and

WHEREAS, the vacation of said Easement would serve the public benefits of adding property to the USFS, thereby making the Parcel publicly accessible, and eliminating the County's liability for any future injuries arising from the ownership of said Easement; and

WHEREAS, it has been determined that vacation of that portion of the Easement described in Exhibit "A" will not interfere with the public's access to any adjoining property or terminate any existing public utility easements.

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 road easement to be vacated is described as follows:

“Also a strip of land forty (40) feet in width extending twenty feet on each side of a line described as follows:- Commencing at a point 215 feet North of the Southwest corner of the southeast quarter of the Northeast quarter of Section Six (6) in Township 22 North of Range 10 West, M.D.M. [Mt. Diablo Meridian] running thence East Two hundred and ninety-six feet (296), thence south  $32\frac{1}{2}^{\circ}$  East Four hundred (400) feet;”

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 public access easement to be vacated.

2. The authority for the vacation of this easement is Chapter 3 of Part 3 of Division 9 of the California Streets and Highways Code (Section 8320, et seq.).
3. The Board of Supervisors hereby determines that the vacation of this easement is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15312.
4. Pursuant to Government Code Section 65402 and Streets and Highways Code Section 8313, the Board of Supervisors hereby determines that the vacation of this easement is consistent with the County's General Plan and active Transportation Plan.
5. This easement does not provide access to any private parcels, does not provide access to any 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.
6. The Mendocino County Board of Supervisors hereby finds that this public service easement 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 connect to any County road or right-of-way, and does not provide access to any publicly accessible recreational facilities and/or lands. The Mendocino County Board of Supervisors further finds that vacating this easement would be publicly beneficial because it would allow this parcel to be added to the public trust via the USFS and because it would reduce or eliminate the County's future liability for any injuries arising from the conditions of this easement.
7. 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 this easement is not suitable for nonmotorized travel, because of its short length and lack of access to publicly accessible roads, other rights-of-way, recreational facilities, and/or lands.
8. From and after the date of recordation of this Resolution, the above-described public access easement shall be considered vacated and shall no longer constitute a street, highway, or public service easement, except as reserved herein.

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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 Williams, seconded by Supervisor Norvell, and carried this 20<sup>th</sup> day of May 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

## Attachment 3

This Indenture, made the 9th day of March in the year of our Lord One Thousand Nine Hundred and Nine, between Conklin Bros M. L. Conklin and G.W. Conklin Wills Conklin A. Conklin the parties of the first part, and the County of Mendocino, State of California the party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten Dollars lawful money of the United States of America, to them in hand paid by the said party of the second part the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm, unto the said party of the second part, and to its assigns forever, all those certain lots and parcels of land situate, lying and being in the County of Mendocino, State of California, and bounded and particularly described as follows, to-wit:

Being a strip of land forty feet in width extending twenty feet on each side of a line described as follows:-

Commencing at a point which is 3.41 chains North of the Corner to Sections Two (2) and Three (3) in Township 22 North of Range 10 West, and Sections 34 and 35 in Township 23 North of Range 10 West, M. D. M. running thence South  $52\frac{1}{2}^{\circ}$  West seven chains; South  $36\frac{3}{4}^{\circ}$  West 5.76 chains; North  $67\frac{3}{4}^{\circ}$  West 5.67 chains; North  $67^{\circ}$  West 3.97 chains; South  $33^{\circ}$  West 4.82 chains; North  $17\frac{1}{2}^{\circ}$  West 4.72 chains; South  $51\frac{1}{2}^{\circ}$  West 12 chains; North  $88^{\circ}$  West 7.40 chains; South  $55\frac{1}{2}^{\circ}$  West 1.90 chains all of said land lying and being in Lots One (1) and Two (2) of Section Three (3) of Township 22 North of Range 10 West in the Southeast quarter of the Southeast quarter of Section Thirty-four in Township 23 North of Range 10 West M. D. M.

Also a strip of land forty (40) feet in width extending twenty feet on each side of a line described as follows:- Commencing at a point 215 feet North of the Southwest corner of the Southeast quarter of the Northeast quarter of Section Six (6) in Township 22 North of Range 10 West, M. D. M. running thence East two hundred and ninety-six feet (296), thence South  $32\frac{1}{2}^{\circ}$  East Four hundred (400) feet;

To have and to hold the said land above described unto the said party of the second part and its assigns as and for a public road and highway and only so long as the same shall continue to be a public road and highway and no longer and it is expressly provided herein that if the same shall at any time cease to be a public road and highway then the same shall revert to and become the property of the said parties of the first part, their heirs or assigns;

It is further expressly provided herein that the said parties of the first part have the right and they hereby expressly reserve the right to maintain gates on said first described tract of land at the points where said public road and highway enters said lands and where it leaves the said lands, and also <sup>so</sup> to maintain a gate on the second described tract of land at the point where said public road and highway enters said land from the west.

In witness whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of)

Conklin Bros

M. L. Conklin,

G. W. Conklin

(SEAL)

Wells Conklin

(SEAL)

A. Conklin