

Howard N. Dashiell
DIRECTOR OF TRANSPORTATION

Road Commissioner
County Engineer, RCE 42001
County Surveyor, PLS 7148



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COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707) 463-4363 FAX (707) 463-5474

April 24, 2018

Mendocino County Board of Supervisors
501 Low Gap Road, Room 1010
Ukiah, CA 95482

RE: CONDUCT ROAD NAME CHANGE AND SUMMARY ROAD VACATION PROCEEDINGS AND IF SO DETERMINED, (1) APPROVE RESOLUTION TO CHANGE ROAD NAME AND (2) APPROVE RESOLUTION FOR ROAD VACATION OF COUNTY ROAD 141, RIVINO RANCH ROAD (FRONTAGE ROAD E), FROM MILEPOST 0.0 TO ITS END, APPROXIMATELY .84 ACRES (UKIAH AREA)

Honorable Board Members:

The Board, at its regular meeting of November 7, 2017, approved Resolution Number (No.) 17-161, to set a date for a public hearing to accept Name Change Petition No. 17-01 and Summary Road Vacation Petition No. 17-01, from Jason McConnell, property owner and petition circulator, to change the name of County Road (CR) 141, Cox Schrader Road (Frontage Road E) to Rivino Ranch Road, and vacate CR 141, Cox Schrader Road (Frontage Road E), CR 141. The Board declared its intention to conduct summary road vacation proceedings regarding the road segment, and directed the Clerk of the Board to schedule the Public Hearing. The Clerk of the Board set April 24, 2018 as the date for the Public Hearing.

While the petitioners sought a summary road vacation, this item was noticed pursuant to the procedures for a general road vacation (Chapter 3 of Part 3 of Division 9 of the California Streets and Highways Code (Section 8320 *et seq.*)), in part to provide additional notice for the proposed road name change. Proper notice of the hearing has been given by publishing a notice in *The Ukiah Daily Journal* for three consecutive Fridays, April 6, April 13, and April 20, 2018, as well as by the usual posting of notices in the vicinity of the road to be vacated and elsewhere at public locations in Ukiah. Notices were also mailed to the petitioner, qualifying signatories of the petition, the parties who had previously requested to be notified of the public hearing, and property owners in the area near the proposed road vacation who did not sign the petition.

S:\SharedWP\BOARD\CR 141 Frontage Road E (Cox Schrader Road)\2ND Board meeting\FINAL DOCUMENTS\DOT Report Ltr.docx

State statute and Board policy require a report from the Department of Transportation (DOT) on several aspects of the proposed road vacation, including the location of the road to be vacated, whether or not it is part of the County Maintained Road System, DOT's recommendation regarding the proposed vacation action and any other information DOT deems pertinent to the proceedings. This letter constitutes DOT's report.

CR 141 is a paved County Maintained Road located south of the City of Ukiah and adjacent to State Highway 101. It is a freeway frontage road that begins at the California Department of Transportation (Caltrans) overpass of Highway 101, known as Exit 545, Cox Schrader Road. From that beginning, it runs southerly for approximately .10 miles to end of road, approximately .84 acres.

This roadway parcel was relinquished in fee title by Caltrans to the County of Mendocino in 1966 after the freeway was constructed and Caltrans no longer needed this area for the project. The Caltrans relinquishment was recorded in Book 717, Official Records, Page 385, and is depicted on the Caltrans Right of Way Map No. 67 of 1-MEN-1-B, a copy of which is attached hereto as Attachment (8). When Caltrans relinquished the frontage road they restricted access to a 50 foot strip and reserved any and all rights of ingress to and egress from the highway.

Road Name Change Petition No. 17-01 has been requested by the petitioners, as recommended by Caltrans, to rename CR 141 to Rivino Ranch Road in order for Caltrans to change State Highway 101 Cox Schrader Road, Exit 545 to their desired name of Rivino Ranch Road.

The Petitioners have requested Vacation Petition No. 17-01 to be processed as a summary road vacation because it meets the statutory requirement for summary road vacation as provided for in Resolution No. 84-199 and California Streets and Highways Code Section 8334: (b) "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". DOT has determined that the entire proposed vacated roadway only touches the lands of the petitioners and there is no record of surrounding properties having easement through petitioners' land to the subject property, CR 141. In addition, this road vacation was noticed pursuant to the general road vacation procedures of the Streets and Highways Code.

The right of way to be vacated is held in fee title so vacation will need to be disposed of through the Executive Office once it is approved. See Streets and Highway Code sections 8355, 8356, & 8357.

The Department of Planning and Building Services (PBS) has provided a Memorandum in which it considers the impacts of the proposed vacation, a copy of which is attached hereto as Attachment (2). PBS's findings are:

- 1) The vacation is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Class 12, and therefore Fish and Game Code Section 711 fees are not required. (CEQA Section 15312)
- 2) As proposed the project is consistent with the General Plan and there is no plan to expand to or connect to any public roadway, bike or pedestrian paths.

Caltrans has provided a letter in which it considers the impacts of the proposed vacation, a copy of which is attached hereto as Attachment (3). Caltrans findings are:

- 1) Caltrans recommends that the petitioner (aka one of the property owners) obtain an encroachment permit, which includes the evidence of easements, for each of the parcels subject to the highway access to identify the current owner's responsibility for maintenance of what will become a private road approach.

The Department of Transportation's determination regarding Road Name Change Petition 17-01 and Road Vacation Petition No. 17-01 is as follows:

- 1) Road Name Change Petition No. 17-01 impacts only the two addresses of the petitioners and is therefore not an inconvenience for the other property owners in the area.
- 2) Department of Transportation has determined CR 141 serves only one land owner.
- 3) This road is not located near a public recreational area or within close proximity to a waterway therefore it does not provide potential public access to such.
- 4) The surrounding property is zoned Agriculture 40 acre minimum and is currently planted vineyards surrounding a couple residences, tasting room and winery owned by petitioners. This property is currently fully developed within its zoning requirements as agriculture uses and residence.
- 5) There are no public utilities located in the proposed area to be vacated so there is no potential impact to utilities.
- 6) The proposed road vacation is held in fee interest therefore it is DOT's recommendation that we reserve all previous ownerships of right of way that currently exist for furnishing ingress and egress to and from the existing properties over the County Road to be vacated to the freeway access encroachment area. (Per Streets and Highway Code 8352).

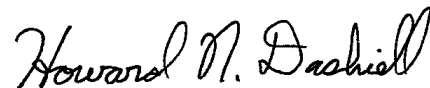
Because the findings above indicate that there are minimal impacts to the surrounding areas the Department of Transportation supports and recommends the requested road name change and summary road vacation, provided, however, that the vacation is subject to all rights reserved by the State of California and by the County when relinquishment has been completed.

Additionally, the Department of Transportation has received public comment from four individuals that do not support the name change. They contest that the name "Cox Schrader" represents two local, family names and the State Highway signs should not be changed.

After consideration of the staff reports and any public testimony on the matter, should the Board decide that the evidence supports the requested vacation, we have prepared three resolutions for your consideration. In the event the Board determines to change the existing road name of CR 141 to Rivino Ranch Road, staff has prepared a resolution to change the name. If the Board determines not to change the name of the road, the Board may make this decision by Minute Order. Secondly, staff has prepared two resolutions for the vacation of CR 141, one if it is named Cox Schrader Road and a second if it is renamed Rivino Ranch Road. If the Board decides that the evidence presented does not support the requested vacation, the Board may deny the petition by Minute Order. As noted above, the existing right of way is held in fee title, so vacation of the requested portion of CR 141 will need to be disposed of through the Executive Office once the vacation is complete.

I will, of course, respond to any questions that you may have.

Respectfully submitted,

A handwritten signature in black ink, reading "Howard N. Dashiell". The signature is written in a cursive, flowing style.

HOWARD N. DASHIELL
Director of Transportation

Attachments:

- (1) Resolution No. 17-161 dated November 7, 2017
- (2) Planning and Building Services Staff Analysis
- (3) Caltrans Encroachment Requirement
- (4) Map depicting road segment proposed to be vacated
- (5) Outline for Board of Supervisors Proceedings and Public Hearing
- (6) Draft Resolution of Name Change
- (7) Draft Resolution of Summary Road Vacation
- (8) Caltrans Right of Way Map No. 67 of 1-MEN-1-B

cc: Nash Gonzalez, Director of Planning and Building Services
R/W File CR 141, Cox Schrader Rd.