

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only

Meeting Date

/ /

Agenda Item No:

Department: Permit and Resource Management Dept.

() 4/5 Vote Required

Contact:
Gary O'Connor

Phone:
(707) 565-3711

Board Date:
April 28, 2009

Deadline for Board Action:

AGENDA SHORT TITLE:

Resolution to Vacate a Portion of 2nd Street in Villa Grande

REQUESTED BOARD ACTION:

Approval of the Resolution to Vacate all that portion of Second Street lying east of the easterly right-of-way line of Russian River Avenue, as dedicated on the Map of Mesa Grande filed in Book 15 of Maps, Page 8, Sonoma County Records and as accepted by the Sonoma County Board of Supervisors on May 4, 1903. (Fifth Supervisorial District)

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES

ADD'L FUNDS REQUIRING BOARD APPROVAL

| | | | | | |
|------------------------------|-----------|--|-------------------------------|-----------|--|
| Estimated Cost | \$ | | Contingencies | \$ | |
| | | | (Fund Name:) | | |
| Amount Budgeted | \$ | | Unanticipated Revenue | \$ | |
| | | | (Source:) | | |
| Other Avail Approp | \$ | | Other Transfer(s) | \$ | |
| (Explain below) | | | (Source:) | | |
| Additional Requested: | \$ | | Add'l Funds Requested: | \$ | |

Explanation (if required):

Prior Board Action(s):

On April 7, 2009 the Board approved the Resolution of Intention to Vacate all that portion of Second Street lying east of the easterly right-of-way line of Russian River Avenue, as dedicated on the Map of Mesa Grande filed in Book 15 of Maps, Page 8, Sonoma County Records and as accepted by the Sonoma County Board of Supervisors on May 4, 1903.

Alternatives - Results of Non-Approval:

The County of Sonoma may continue to have some potential liability and maintenance responsibility associated with the subject right-of-way.

Background:

On June 25, 2008 Permit & Resource Management Department (PRMD) staff received a *Petition for Vacation of Public Easement/Public Right-of-Way* (Attachment A) requesting the vacation of all that portion of Second Street lying east of the easterly right-of-way line of Russian River Avenue in Villa Grande. The subject right-of-way is in the Fifth Supervisorial District in the Villa Grande area as shown on the attached Vicinity Map (Attachment B). The subject right-of-way was originally dedicated for public use on the Map of Mesa Grande filed in Book 15 of Maps, Page 8, Sonoma County Records (Attachment C) and was accepted by the Sonoma County Board of Supervisors on May 4, 1903.

In response to the request for the vacation of the public right-of-way, PRMD staff has taken the following steps to establish the merits of the vacation and the needs of the parties potentially affected by this vacation:

1. A field review was conducted by PRMD staff. Staff did not observe or note any current or prospective public use of the subject right-of-way.
2. Notification of the proposed vacation of the subject right-of-way was sent to the Comprehensive Planning Division of PRMD, in conformance with Section 65402 of the Government Code, and a General Plan Consistency Analysis Determination was requested. The proposed vacation of the subject right-of-way was determined to be consistent with the General Plan (Attachment D).
3. Notification of the proposed vacation was sent to all County Departments and Agencies with a potential interest in the subject right-of-way. No objections to the proposed vacation of the subject right-of-way were received.
4. Notification of the proposed vacation was sent to all public and private utility companies with a potential interest in the subject right-of-way. No objections to the proposed vacation or requests for reservations from the vacation were received.
5. Notification of the proposed vacation was sent to all owners of neighboring parcels located within 300 feet of the subject right-of-way. Two objections were received, but were later rescinded when their questions and concerns were addressed. No other objections to the proposed vacation were received.

The Permit and Resource Management Department recommends that the Board approve the Resolution to Vacate the public right-of-way previously described.

Attachments:

- Resolution and Exhibits A and B
- A. Petition for Vacation of Public Easement/Public Right-of-Way
 - B. Vicinity Map
 - C. "Map of Mesa Grande"
 - D. General Plan Consistency Determination

On File With Clerk:

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Resolution Number

County of Sonoma
Santa Rosa, California

Date:

RESOLUTION TO VACATE ALL THAT CERTAIN PORTION OF THE PUBLIC RIGHT KNOWN AS SECOND STREET LYING EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF RUSSIAN RIVER AVE, AS DEDICATED ON THE MAP OF MESA GRANDE FILED IN BOOK 15 OF MAPS, PAGE 8, SONOMA COUNTY RECORDS AND AS ACCEPTED BY THE SONOMA COUNTY BOARD OF SUPERVISORS ON MAY 4, 1903, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 8300 ET SEQ (FIFTH SUPERVISORIAL DISTRICT)

WHEREAS, Division 9, Part 3, Chapter 3 of the California Streets and Highways Code (Section 8300 et seq) provides for General Vacation when certain conditions are met; and

WHEREAS, the property, as described in the attached legal description and shown on the attached map, "Exhibits A and B," is not necessary for present or prospective public use as demonstrated by the evidence submitted; and

WHEREAS, the Permit and Resource Management Department Comprehensive Planning Division has found the proposed vacation consistent with the General Plan; and

WHEREAS, the Board of Supervisors has reviewed the report of the Permit and Resource Management Department;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors finds that the property described in the attached legal description, "Exhibit A," and shown on the attached map, "Exhibit B," is not necessary for present or prospective public use, and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is hereby authorized to send a certified copy of this resolution, attested by the Clerk under seal per the Streets and Highways Code Section 8325, to the Office of the County Recorder who is hereby directed to record it.

BE IT FURTHER RESOLVED that from and after the date of recording, the above described property shall no longer constitute a right-of-way of a street or highway.

SUPERVISORS VOTE:

Brown: Kerns: Zane: Carrillo: Kelley:

Ayes: Noes Absent: Abstain:

SO ORDERED.

Supporting maps are on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 9540

They can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.



SONOMA COUNTY PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue Santa Rosa, CA 95403 (707) 565-1900 FAX (707) 565-3767

GENERAL PLAN CONSISTENCY DETERMINATION

(References are to the Sonoma County General Plan as amended to date unless stated otherwise.
General Plan policies relevant to this project are stated on the pages following this analysis.)

Date: December 16, 2008
Project Applicant: Chris Anderson, PRMD
Project File Number: PPR #08-18-08
Project Location / APN: 21854 and 21860 Russian River Avenue, APNs 095-051-043 and 095-051-044

Project Description: Vacation of the portion of 2nd Street lying east of the easterly right-of-way line of Russian River Avenue, for a private driveway and parking area.


Consistency: The proposal is consistent with the General Plan.

Analysis: The public right-of-way proposed for vacation was dedicated to the County in 1903 as part of the Map of Mesa Grande for a public road and/or thoroughfare. Each of the parcels adjacent to the right-of-way are designated RR 1 (Rural Residential, 1 acre-density) and contains one single-family dwelling.

1. No public road or alley has been constructed in the right-of-way, there is no evidence that the right-of-way has been used by the public, and there are no plans for future public use of the right-of-way.
2. 2nd Street is not a Primary Arterial, Secondary Arterial, or Major Collector; a roadway proposed for improvement; or a principal intercity transit route indicated in the General Plan Circulation and Transit Element.
3. Access to the parcels adjacent to the right-of-way would not be adversely affected by the proposal.
4. The addition of land to the parcels adjacent to the right-of-way would not increase residential development potential.

By:


LISA POSTERNAK,
Planner III


JENNIFER BARRETT,
Deputy Planning Director

Background information is on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 9540

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.