

Resolution Number

County of Sonoma  
Santa Rosa, California

Date:

RESOLUTION TO APPROVE THE PETITION TO VACATE ALL THAT PORTION OF THE PUBLIC RIGHT-OF-WAY GENERALLY DESCRIBED AS BEING LOCATED TO THE NORTH OF THE INTERSECTION OF PRESTON DEPOT RD, CLOVERDALE BLVD NORTH / NORTH REDWOOD HWY, AND MCCRAY RD, AND TO THE SOUTH OF THE RUSSIAN RIVER, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 8300 ET SEQ (FOURTH SUPERVISORIAL DISTRICT)

WHEREAS, Division 9, Part 3, Chapter 3 of the California Streets and Highways Code (Section 8300 et seq) provides a process for a local agency to consider the vacation of public streets, highways, and public easements; and

WHEREAS, a petition was filed with this Board to vacate the portion of public right-of-way generally described as being located to the north of the intersection of Preston Depot Rd, Cloverdale Blvd North / North Redwood Hwy, and McCray Rd, and to the south of the Russian River, and as more precisely identified in the legal description and map attached hereto as Exhibits A and B; and

WHEREAS, notice of the public hearing on the requested vacation was published and posted , and on August 4, 2009, this Board conducted a public hearing, all as required by law; and

WHEREAS, Division 9, Part 3, Chapter 3 of the California Streets and Highways Code (Section 8300 et seq) provides that this Board must consider its General Plan before approving any vacation of County right-of-way, and requires that the Board obtain a report from the County Planning Agency on conformity with the General Plan before considering the vacation request; and

WHEREAS, this Board has reviewed the report of the Permit and Resource Management Department (PRMD) Comprehensive Planning Division concluding that the vacation would be inconsistent the General Plan because it would abandon a potential access point to the Russian River, but this Board disagrees with that conclusion because alternative available access points to the Russian River in the nearby vicinity of the subject area are adequate to accommodate the concerns raised in the report, and therefore, concludes that the vacation is consistent with the General Plan;

WHEREAS, after considering the oral and documentary evidence presented at the hearing, this Board determined that the right-of-way, as described in Exhibits A and B, is not necessary for present and prospective public use; and

WHEREAS, the oral and documentary evidence presented at the hearing further demonstrated that granting the petition for vacation is in the public interest in that the subject area is used in a manner that creates a nuisance and fire hazard; and

WHEREAS, the right-of-way may be vacated if the Board determines that the vacation is consistent with the general plan, and if the right-of-way is unnecessary for present or prospective use;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors finds and determines that all of the facts previously stated are true and correct; and

BE IT FURTHER RESOLVED that the Board of Supervisors finds that the right-of-way 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; and

BE IT FURTHER RESOLVED that the Board of Supervisors finds that the proposed vacation is consistent with the General Plan, and

BE IT FURTHER RESOLVED that the Board of Supervisors finds that granting the proposed vacation request is in the public interest; and

BE IT FURTHER RESOLVED that the petition to vacate the subject right-of-way is approved.

BE IT FURTHER RESOLVED that this Board finds and determines that granting the petition to vacate the subject right-of-way is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15301 (minor alteration of existing facility; no increase in use).

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is hereby authorized to send a certified copy of this resolution, attested b the Clerk under seal per 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 subject right-of-way shall no longer constitute a public right-of-way.

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 95403

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.