



County of Sonoma
State of California

Date: September 20, 2022

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California
Ordering Vacation Of A Portion Of An Unused Right-Of-Way Easement On Old Maple Avenue
In Sonoma**

Whereas, pursuant to the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highway Code, Section 8300 et seq.) the Board of Supervisors may vacate any street, highway, or public service easement within its jurisdiction that it finds unnecessary for present or prospective public use; and

Whereas, the “vacation” of a street as defined in Streets and Highways Code Sections 8308 and 8309 is the complete or partial abandonment or termination of the public right to use a public highway, road, street, avenue, alley, lane, driveway, place, court, trail, or other public right-of-way or easement, or purported street or highway, and right connected therewith, including but not limited to restrictions of access or abutters’ right, slope easements, slope easements, or other incidents to a street or highway; and

Whereas, the subject portion of Old Maple Avenue was dedicated to the County as a public road by the document filed in Book 117 of Deeds, page 591 on February 1, 1889; and

Whereas, the subject portion of Old Maple Avenue has not been used as a public right-of-way for at least thirty years; and

Whereas, a petition was filed with this Board (Vacation Petition) to vacate the public interest in a portion of a right-of-way easement adjacent property owned by Springs Investors

Group, LP, lying within the unincorporated area of Sonoma County and more precisely identified in the legal description and map attached hereto as Exhibits A, and B, (Vacation Petition Area); and

Whereas, the Vacation Petition Area does not contain any portion of roadway that is paved and/or maintained by the County of Sonoma; and

Whereas, notice of public hearing on the Vacation Petition was duly given by publication, posting, and mailing, in accordance with applicable law; and

Whereas, the Board conducted a public hearing on the Vacation Petition on September 20, 2022, at which hearing the Board heard all evidence offered by persons interested in the Vacation Petition. At the conclusion of the public testimony, the Board closed the hearing and considered all the evidence submitted before voting on the Vacation Petition.

Now, Therefore, Be It Resolved based on the foregoing findings and determinations and all of the evidence submitted during these proceedings that the Board of Supervisors hereby determines and orders as follows:

1. The Vacation Petition Area that is being vacated is described in Exhibits A and B, as part of this Resolution.
2. The vacation of Vacation Petition Area as described herein is consistent with the Sonoma County General Plan.
3. The Vacation Petition Area is not useful as a non-motorized transportation facility as described in Streets and Highways Code Section 892.
4. The Department of Transportation and Public Works has determined the described portion of Old Maple Street is unnecessary for present or prospective public transportation use.
5. Vacation of the described portion of Old Maple Street is in public interest because it is necessary for the construction of the Verano Hotel and Housing Project that would increase County revenue and eliminate any possible County liability.
6. The proposed vacation was reviewed as part of the Mitigated Negative Declaration for the Verano Hotel and Housing Project. The Vacation Petition Area has not been utilized by the public for decades and is necessary for the construction of the Verano Hotel and Housing Project.

7. This right-of-way vacation will not affect any existing public utilities.
8. The Sonoma County Water Agency has requested the reservation of a public utility/sewer easement through the abandonment and as described in Exhibits C and D as part of this Resolution.

Be It Further Resolved that the Board hereby authorizes the Clerk of the Board of Supervisors to send a certified copy of this Resolution together with its Exhibits A through D, and attested by the Clerk under seal, to the Office of the County Surveyor in the Permit Resource Management Department. The County Surveyor is hereby directed to record this Resolution at the County Recorder at no cost to the County as provided under Government Code Section 6103.

Be It Further Resolved that from and after the date of recording, the vacation of said right-of-way easement within the Vacation Petition Area shall be complete.

Supervisors:

Gorin: Rabbitt: Coursey: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.