



County of Sonoma
State of California

Date: October 15, 2019

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Finding Exemption From The California Environmental Quality Act And Ordering Vacation Of
A Portion of An Unused Right-Of-Way Easement Adjacent To Sonoma Mountain Road Near
Petaluma**

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 and 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, or other incidents to a street or highway; and

Whereas, Section 8331 of the California Streets and Highways Code provides for summary vacation by the legislative body of a local agency if both of the following conditions exist:

(a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel; and

(b) No public money was expended for maintenance on the street or highway during such

period; and

Whereas, a petition was filed with this Board (the “Vacation Petition”) to vacate the public interest in a portion of a right-of-way easement adjacent to Sonoma Mountain Road, lying within the unincorporated area of Sonoma County and more precisely identified in the legal description and map attached hereto as Exhibits 1, 2, and 3 (the “Vacation Petition Area”); and

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

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. That the Vacation Petition Area that is being vacated is described in Exhibits 1, 2 and 3 to this Resolution; and
2. The vacation of Vacation Petition Area as described herein is consistent with the Sonoma County General Plan; and
3. That the Vacation Petition Area is unnecessary for present or prospective public use; and
4. The vacation of the Vacation Petition Area is in public interest because it will remove unnecessary encumbrances on title to private ownership and eliminate any possible County liability; and
5. The conditions of Streets and Highways Code Section 8331 have been met; and
6. That the proposed vacation is exempt from California Environmental Quality Act (CEQA) pursuant to General Rule of CEQA Guidelines Section 1506(b)(3), because it can be seen with certainty that there is no possibility that the proposed vacation may have significant effect on the environment. The Vacation Petition Area has not been utilized by the public for decades and no new development is proposed. Accordingly, the Board finds that the proposed project is exempt from CEQA; and
7. This right-of-way vacation will not affect any existing public utilities; and

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 1, 2, and 3 and attested by the Clerk under seal, to the Office of the County Surveyor in the Permit Resource Management Department (PRMD). 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; and

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: Zane: Gore: Hopkins: Rabbitt:

Ayes: Noes: Absent: Abstain:

So Ordered.