



County of Sonoma

State of California

Date: May 24, 2022

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 (CEQA) And Ordering
Vacation Of A Portion Of An Unused Right-Of-Way Easement Adjacent To Lots 3, 4, 5, 6, 7, 8
And 9, Privately Owned By Requestor**

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 a 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’ rights, 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:

1. The easement has been impassable for vehicular travel. The recording of the River view Addition to Monte Rio in Book 23 of Maps, Page 6, on April 10, 1907, created land locked parcels 9 and 10 with no public access except for a five-foot lane which has never been improved or used. The owners of Lots 5 and 10 would still have

access through that portion of Terrace not vacated.

2. No public money was expended for maintenance on the street or highway during such period

Whereas, a petition was filed with the Board (Vacation Petition) to vacate the public interest in that portion of a right-of-way easement adjacent to several lots owned by the Petitioner, 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 that is paved and/or maintained by the County of Sonoma.

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 May 24 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 pursuant to Streets and Highways Code Section 892.
4. That the right-of-way is unnecessary for present or prospective public use.
5. Vacation of the Vacation Petition Area is in public interest because it will remove unnecessary encumbrances on title to private ownership and thereby eliminate any

possible County liability.

6. The conditions of Streets and Highways Code Section 8331 have been met.
7. The proposed vacation is exempt from 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 a 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. Staff has prepared a Notice of Exemption in accordance with CEQA and the State CEQA guidelines.

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 and B, and attested by the Clerk under seal, to the Office of the County Surveyor in the Permit Resource Management Department. Upon determination by the County Surveyor that the condition specified above is satisfied consistent with this Resolution, the 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.