



County of Sonoma

State of California

Date: May 14, 2019

Item Number: 45

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 Fulton Road Near Santa Rosa

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 Codes Section 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, the subject portion of Fulton Road was granted by Grant Deed document number 1988-005-100 Sonoma County Records; and

Whereas, Fulton Road was never used as a public street and is not maintained by the County; and

Whereas, a petition was filed with this Board (the “Vacation Petition”) to vacate the public interest in that portion of Fulton Road 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 (the "Vacation Petition Area"); 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 March 14, 2019 at which hearing the Board heard all the evidence offered by persons interested in the Vacation Petition. At the conclusion of public testimony, the Board closed the hearing and considered all the evidence submitted before voting on the Vacation Petition;

Whereas, the County of Sonoma reserves two easements as described and shown in Exhibits A and B that will benefit Pacific Gas & Electric and the County of Sonoma. The permanent access easement reservation for the County of Sonoma is needed for the planning, construction, operation, and maintenance of the planned Mark West Creek Trail;

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 area of Fulton Road that is being vacated, including the two reserved easements, is described in Exhibits A and B to this Resolution.
2. That vacation of Fulton Road as described herein is consistent with the Sonoma County General Plan.
3. That the described portion of Fulton Road is not useful as a non-motorized transportation facility pursuant to Streets and Highways Code Section 892.
4. That the described portion of Fulton Road is unnecessary for present or prospective public use.
5. That vacation of described portion of Fulton Road is in the public interest because it will remove unnecessary encumbrances on title to private commercial property and eliminate any possible County liability.
6. That the proposed vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to the 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. Fulton Road was never used as a public street and no new development is proposed. Accordingly, the Board finds that the proposed project is exempt from CEQA.

Resolution #

Date:

Page 3

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 and Resource Management Department. Upon a 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 the said portion of Fulton Road shall be complete.

Supervisors:

Gorin: Aye Zane: Absent Gore: Absent Hopkins: Aye Rabbitt: Aye

Ayes: 3 Noes: 0 Absent: 2 Abstain: 0

So Ordered.