



County of Sonoma

State of California

Date: October 6, 2020

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 Smith Street Near 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 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 Smith Street was first shown on the 'Pueblo Of Sonoma Map', 1850; and subsequently determined to be a County Highway or Public Roadway via relevant State statute; and

Whereas, Smith Street 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 Smith Street lying within the unincorporated area of Sonoma

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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 October 6, 2020, 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 excepts and reserves an easement for utilities as described and shown in Exhibits A and B for the benefit of Pacific Gas & Electric;

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 Smith Street that is being vacated, including the reserved easement, is described in Exhibits A and B to this Resolution.
2. That vacation of Smith Street as described herein is consistent with the Sonoma County General Plan.
3. That the described portion of Smith Street is not useful as a non-motorized transportation facility pursuant to Streets and Highways Code Section 892.
4. That the described portion of Smith Street is unnecessary for present or prospective public use.
5. That vacation of described portion of Smith Street is in the public interest because it will remove unnecessary encumbrances on title to private commercial property and eliminate any possible County liability.

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6. That the proposed vacation is exempt from the California Environmental Quality Act (CEQA), including 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. Smith Street was never accepted into the County road system, was never used as a formal public street, and no new development is proposed by this action. Accordingly, the Board finds that the proposed project is exempt from CEQA.

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 Smith Street shall be complete.

Supervisors:

Gorin:

Zane:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.