



Legislation Details (With Text)

File #: 2022-0686
Type: Consent Calendar Item **Status:** Passed
File created: 6/8/2022 **In control:** Transportation and Public Works
On agenda: 8/2/2022 **Final action:** 8/2/2022
Title: Consent to Annexation to City of Cloverdale - Portion of Kelly Road
Sponsors: Transportation and Public Works

Indexes:

Attachments: 1. Summary Report, 2. Resolution, 3. Annexation Map 2022 03 22, 4. City of Cloverdale Letter to Sonoma County - Kelly Road_07.19.2022.pdf

Date	Ver.	Action By	Action	Result
8/2/2022	1	Board of Supervisors	Approved as recommended	Pass

To: Board of Supervisors

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number: Johannes J. Hoevertsz, 707-565-2231

Vote Requirement: 4/5th

Supervisorial District(s): Fourth

Title:

Consent to Annexation to City of Cloverdale - Portion of Kelly Road

Recommended Action:

- A) Approve Resolution providing County consent, as an affected landowner, for a portion of Kelly Road to be annexed to the City of Cloverdale
- B) Delegate authority to the Director of the Transportation and Public Works Department to convey the subject roadway and execute all other instruments and agreements to effect the consent and transfer the subject portion of roadway to City of Cloverdale, in form approved by County Counsel.
- C) Find that the proposed conveyance is in the public interest, that the use of the property will not substantially conflict or interfere with any County use, and that the subject property interest is not required for County use.

(4/5th Vote Required) (Fourth District)

Executive Summary:

Transportation and Public Works (TPW) Department received a request for County's consent to the proposed annexation of a certain segment of Kelly Road to the City of Cloverdale, equivalent to 0.3 miles. The request for consent is part of the standard Sonoma County Local Agency Formation Commission (LAFCO) process and has been initiated by the Dry Creek Rancheria as part of a housing project (entitled the "Bi'Du Khaale" project) being undertaken on adjacent Rancheria-owned land.

The subject portion of roadway is public right of way and owned in fee interest by the County. Upon review of the request and having no objections, TPW is seeking the Board's consent to this annexation.

Standard LAFCO protocol is to provide for transfer of roadways to the annexing jurisdiction, and it is expected that such a transfer will be ordered by the eventual LAFCO annexation order. In furtherance of such an order and to complete such a transfer, TPW is requesting delegation of authority to Department Head to undertake all other agreements and instruments to effect a complete transfer and conveyance of the subject roadway and property, in part to ensure no further County liability or obligations remain once the roadway is annexed.

Discussion:

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code sections 56000, et. Seq.) the County has received notification from the Sonoma County Local Agency Formation Commission (LAFCO) requesting County's consent, as an affected landowner, to the proposed annexation of a certain segment of Kelly Road in the southern Cloverdale area into the City of Cloverdale.

There are several Kelly Roads in the Cloverdale area, and this particular segment of road is shown on the attached map as Exhibit A.

This roadway segment was never formally accepted into the County's maintained road system and TPW has not performed any maintenance on the road. The roadway is not needed for any existing or foreseeable future use or purposes of County. The County holds fee title to the roadway, acquired as part of a proposed project for an alternative access route to Lake Sonoma's Yorty Creek area.

TPW has reviewed the request and has no objection to the requested consent and can identify no future need to retain any interests in the roadway or the parcel.

TPW staff has also conferred with City of Cloverdale representatives regarding the prospect of the transfer of the roadway, including as to existing conditions and achieving a complete transfer of all interests with no future County obligation or liability for the annexed roadway. As such, it is understood that there would be no conditions or promises of any funding from the County for anything as to the roadway once annexation occurs. The City representatives understand and have indicated agreement in concept to the transfer and accepting all responsibilities for the roadway, although formal acceptance by the City in accordance with its standard requirements still would need to occur.

Based on these facts, TPW recommends that the Board provide consent to the annexation.

Consent to the proposed annexation as one of the affected landowners is one of the standard steps in the LAFCO annexation process. All other known affected landowners have already provided formal consent to the annexation proposal. If the County provides the requested consent, LAFCO standard process would be to forego setting a formal protest hearing and instead schedule only one LAFCO hearing on the annexation proposal in general. Also, consent would waive the County's ability to contest the annexation as to matters within its proprietary capacity as an affected landowner.

The requested consent pertains solely to County's interests as an impacted landowner. In contrast, any County interests or considerations in its governmental or regulatory capacities (including relating to planning, emergency services, and infrastructure) would remain open and subject to the later, separate LAFCO hearing process and existing annexation protocols (such as the multi-jurisdiction Master Tax Exchange Agreement).

It is expected that LAFCO, consistent with standard practice, will include a condition in its final annexation order that the City of Cloverdale take control of and responsibility for the subject roadway. In order to best

effect and provide for the cleanest transfer of all interests and responsibilities, additional conveyance instruments are recommended, including as needed to account for the fact that the roadway exists as a fee parcel that County will no longer have any interest in owning. Such instruments include a formal quitclaim deed, to record the fact of the transfer (including via recordation with the County Recorder) and formally memorialize the City as on title for the subject roadway. The requested delegated authority will allow the Department Head to negotiate and execute all such instruments consistent with the intent of this item and to satisfy the conditions of the County's consent.

Pursuant to Government Code Section 25365, the County may convey real property interests to another public agency upon a 4/5ths vote and if the subject property interest is not required for County use. The proposed conveyance involves a roadway not actively used for County purposes and is situated in the Cloverdale sphere of influence. Conveyance to the City is advantageous to both the County and the City in that it clarifies roles and responsibilities for a roadway that would otherwise be landlocked and mixed within another agency's jurisdiction. County has no current or long-term plans to improve this roadway or change its use and as a public right of way, the roadway would remain open for public use notwithstanding any transfer of ownership.

Strategic Plan:

N/A

Prior Board Actions:

None.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

There are no direct fiscal impacts associated with this Board Item. In the event the annexation is approved, ownership of Kelly Road would be transferred to the City of Cloverdale. As currently proposed, the annexation would be a non-cash transaction.

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Exhibit A, Map of Kelly Road
Resolution

Related Items "On File" with the Clerk of the Board:

None.