



Legislation Text

File #: 2019-1559, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Leonard "Gabe" Gabrielson, (707) 565-3711

Vote Requirement: Majority

Supervisory District(s): Second

Title:

Sonoma Mountain Road Right of Way Vacation RWV19-0001

Recommended Action:

Adopt a resolution (1) finding that the project is exempt from CEQA, and (2) ordering vacation of a portion of a right-of-way easement adjacent to Sonoma Mountain Road, over and across Pfendler's property, APN 136-220-018 and Tavernetti's property, APN 136-160-018 lands as shown on the 1866 County Road Survey at Book 1, Official Surveys, Pages 389 and 390, that portion lying within Lot 362 and Lot 352. (Second District)

Executive Summary:

The application is a petition to summarily vacate (permanently abandon), a portion of a public right-of-way easement adjacent to Sonoma Mountain Road. Approval of the resolution would authorize the vacation. The vacation would be complete when County staff records the attached resolution.

Discussion:

Analysis:

The County owns several right-of-way easements over, across and adjacent to Sonoma Mountain Road near Petaluma, in the unincorporated County. A homeowner with property burdened by a right-of-way easement on her property has requested the County vacate a portion of the right-of-way easement on her property, which dates to 1866. The homeowner is attempting to sell her house, which is currently in escrow. However, the alignment of the 1866 right-of-way easement overlays the existing building house footprint, which is causing title issues and is delaying her ability to sell her home. This vacation will remove the title issues.

County survey staff reviewed public records and the materials submitted on behalf of the petitioners to determine the nature of the County's interest in the right-of-way easement requested to be vacated, which is near of Sonoma Mountain Road, over and across Pfendler, APN 136-220-018 and Tavernetti, APN 136-160-018 lands as shown on the 1866 County Road Survey at Book 1, Official Surveys, Pages 389 and 390, that portion lying within Lot 362 and Lot 352 (Vacation Petition Area). Staff verified that the County has a public right-of-way interest in the Vacation Petition Area. Staff determined that the Vacation Petition Area has been impassable for vehicular travel for a period of five (5) or more consecutive years, and that no public money was expended for maintenance of this easement for a period of more than five (5) consecutive years, thus allowing for "Summary Vacation" as provided for in the California Streets and Highways Code. Additionally, and the County no longer requires the Vacation Petition Area for public use. The proposed vacation does not affect any portion of Sonoma Mountain Road that is paved and/or is maintained by the County.

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CEQA Determination:

Staff determined that the proposed vacation is exempt from California Environmental Quality Act (CEQA) pursuant to the "general rule" of CEQA Guidelines Section 15061 (b)(3), which provides that CEQA applies only to projects that have a potential for causing a significant effect on the environment. The proposed vacation would terminate a road easement that has not been used by the public for decades. No change in the existing use of the Vacation Petition Area is proposed. There is no possibility that the proposed vacation may have a significant effect on the environment, and therefore the project is exempt from CEQA.

Conclusions and Recommendation:

Staff concludes that the Board may make all of the required findings to approve the Petition. The Vacation Petition Area not been used as a public right-of-way for decades. The requested vacation is consistent with the General Plan, it is not part of a street grid, does not connect to arterial streets and is not near parks, schools, or other public uses. Granting the vacation will serve the public interest by returning land not needed for public use to private ownership, and by eliminating any potential County liability related to the subject portion of right-of-way easement. Staff recommends the Board approve the Petition.

The attached resolution will authorize the vacation of the Vacation Petition and be recorded with the County Recorder's office.

Prior Board Actions:

None

FISCAL SUMMARY

N/A

Narrative Explanation of Fiscal Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Att 1 RWV19-0001 Sonoma Mountain Rd Resolution

Att 2 RWV19-0001 Sonoma Mountain Rd Exhibit 1 1866 Alignment

Att 3 RWV19-0001 Sonoma Mountain Rd Exhibit 2 Property Corner Map

Att 4 RWV19-0001 Sonoma Mountain Rd Exhibit 3 Legal Description

Related Items “On File” with the Clerk of the Board:

N/A