

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone - (530) 749-5430 • Fax - (530) 749-5434
915 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us



08-578

BUILDING
749-5440 • Fax 749-5616

CODE ENFORCEMENT
749-5455 • Fax 749-5464

ENVIRONMENTAL HEALTH • CUPA
749-5450 • Fax 749-5454

HOUSING AND COMMUNITY SERVICES
749-5460 • Fax 749-5464


PLANNING
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION
749-5430 • Fax 749-5434

DATE: October 28, 2008

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL LEE, DIRECTOR OF PUBLIC WORKS 

SUBJECT: SUMMARY VACATION OF OFFER OF DEDICATION FOR ROAD RIGHT OF WAY OF PRIVATE ROAD EASEMENT

RECOMMENDATION: Approve resolution declaring a summary vacation of a portion of that certain 70-foot private road easement described in deed of right of way (easement) for road purposes, including an offer of dedication to the County of Yuba, as contained in deed recorded in Book 578 of the Official Records of Yuba County at page 627.

BACKGROUND: Attached is a petition letter requesting the vacation from Mr. Howard Coffey, the owner of the property affected by the easement. This proposal is in conjunction with a lot line adjustment application (LLA 2008-01) submitted by Mr. Coffey and approved by the County Staff Development Committee. The subject easement located within Assessor Parcel Map 005-270-177 (Exhibit A) was originally created to provide access to Parcel 3 of Parcel Map 1.35, filed in Book 16 of Maps at page 13, Yuba County Records (Exhibit B).

A lot line adjustment (LLA 98-21) certificate recorded at Document number 99-872 relocated Parcel 3 to the location shown as Parcel A on Record of Survey Map 2004-10 (Exhibit C). The lot relocation eliminated the necessity of the easement to Parcel 3. A current approved lot line adjustment (LLA 2008-01, Exhibit D) proposes to expand the boundaries of Parcel 2 northerly to Parcel A, southerly to the south line of the easement proposed to be vacated and westerly to create a resultant 6.95 acre parcel.

DISCUSSION: The portion of the easement proposed to be vacated is an encumbrance to the proposed resultant parcel being created and is no longer necessary to provide access to a nonexistent parcel. PG & E and AT&T have indicated that none of their facilities are located within the portion of the easement to be vacated at that they have no objections to the vacation.

COMMITTEE: The Land Use and Public Works Committee recommends approval of the vacation.

FISCAL IMPACT: None known.

Recorded at the Request of:
After Recording Return to:

Clerk of the Board of Supervisors
915 8th Street, Suite 107
Marysville, CA 95901

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA**

RESOLUTION SUMMARILY)
VACATING ROAD RIGHT OF WAY) RESOLUTION NO. _____
AND OFFER OF DEDICATION)
FOR A PORTION OF PRIVATE ROAD)

WHEREAS, the vacation which is the subject of this resolution is made pursuant to Division 9, Part 3, Chapter 4 of the California Streets and Highways Code commencing at section 8330; and

WHEREAS, the County of Yuba acquired an offer of dedication for a 70 foot public right of way and easement for public street and road purposes from Lamar H. Coward and Hattiebelle Coward by deed recorded July 29, 1974, in Book 578, Official Records of Yuba County at page 627; and

WHEREAS, such easement was created to provide access to Parcel 3 and the other parcels of Parcel Map 1.35, filed in Book 16 of Maps at page 13, Yuba County Records; and

WHEREAS, as a result of a subsequent lot line adjustment (LLA 98-21) approved by Staff Development Committee on October 13, 1998, Parcel 3 was adjusted to a new location which is depicted as Parcel "A" on Record of Survey Map 2004-10, filed in the office of the Recorder of Yuba County in Book 79 of Maps at page 22; and

WHEREAS, the portion of the easement proposed to be vacated is described as follows:

Being a portion of the southeast quarter of Section 23, Township 16 North, Range 3 East, M.D.M., being more particularly described as follows:

BEGINNING at a point located on the easterly line of said Section 23, distant thereon South 00° 16' 19" West a distance of 1820 feet from the east one-quarter corner of said Section 23, said point being the southeast corner of that certain 70-foot easement described in "Deed of Right of Way for Road Purposes" granted to the County of Yuba, recorded July 29, 1974, in Book 578 of the Official Records of Yuba County at page 627; thence North 89° 43' 41" West for 795.00 feet; thence North 00° 16' 19" East for 70.00 feet; thence South 89° 43' 41" East for 725.00 feet; thence North 00° 16' 19" East for 620.00 feet to the southeast corner of Parcel "A" as shown on that certain Record of Survey Map 2004-10, filed in the office of the Recorder of Yuba County in Book 79 of Maps at page 22; thence South 89° 43' 41" East for 70.00 feet to said easterly line of said Section 23; thence South 00° 16' 19" West for 690.00 feet to the point of beginning; and

WHEREAS, the purpose for which the portion of the easement proposed to be vacated no longer exists and that no roadway was ever constructed to provide access to Parcel 3; and

WHEREAS, such vacation will not cut off all access to any entitled adjoining property owner; and

WHEREAS, the Yuba County General Plan has no application to an interest of this type, the proposed vacation has not been submitted to the Yuba County Planning Commission for review under the provisions of Section 65402(a) of the Government Code; and

WHEREAS, under the terms of said offer of dedication to the County of Yuba, when any change in alignment, length or width of roadway approved by the County of Yuba or its successor agencies results in vacation of any part of the real property dedicated herein, such vacation shall terminate the dedication as to the part vacated.

NOW, THEREFORE, the Yuba County Board of Supervisors hereby finds, declares, orders and resolves:

1. That the foregoing recitals are true and correct.
2. That this vacation is made pursuant to Streets and Highways Code section 8330 et seq.
3. That the right of way and easement for a public street and road purposes hereinabove described is hereby summarily vacated.
4. That from and after the date this resolution is recorded, the right of way and easement for public street and road purposes hereby summarily vacated shall no longer constitute a public road, street or highway.
5. The Clerk of the Board of Supervisors shall cause a certified copy of this resolution to be recorded in the office of the County Recorder, County of Yuba.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the _____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

Chairman of the Board of Supervisors

ATTEST: Donna Stottlemeyer
Clerk of the Board of Supervisors

APPROVED AS TO FORM
Dan Montgomery, County Counsel

By: _____

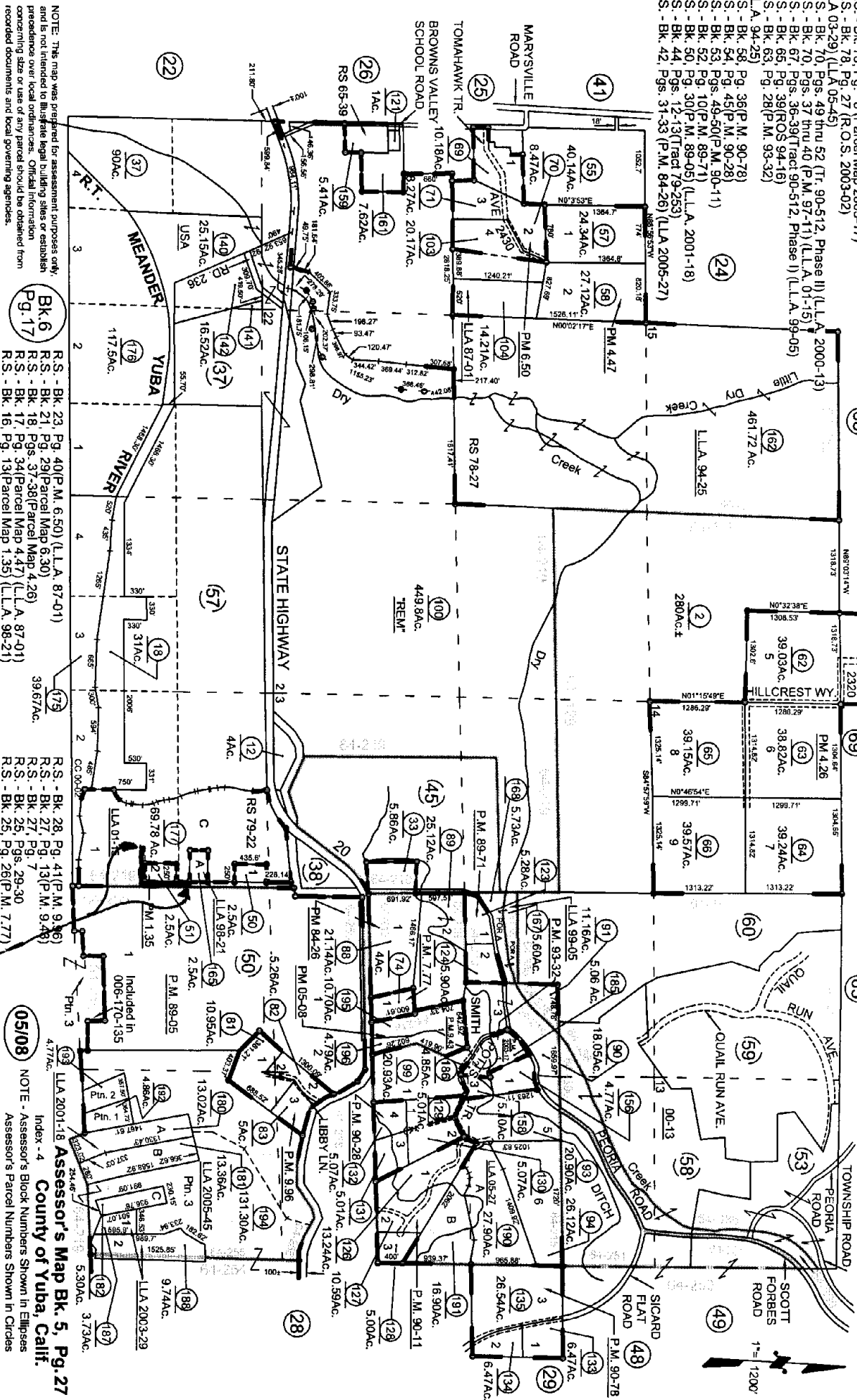
By: Pat Aronson, Deputy

SEC. 13, 14, 23, 24 & POR. SEC. 15, 22, T.16N., R.5E., M. D. B. & M.

Tax Rate Area
 64-129 64-216 64-250 64-255
 64-215 64-219 64-251 64-386 64-390

5-27

- R.S. - Bk. 88, Pg. 40 (P.M. 05-08)
- R.S. - Bk. 79, Pg. 22 (R.O.S. 2004-10)
- R.S. - Bk. 78, Pg. 8 (Parcel Map 2003-17)
- R.S. - Bk. 78, Pg. 27 (R.O.S. 2003-02)
- (L.L.A. 03-29) (L.L.A. 05-45)
- R.S. - Bk. 70, Pgs. 49 thru 52 (Tr. 90-512, Phase II) (L.L.A. 2000-13)
- R.S. - Bk. 70, Pgs. 37 thru 40 (P.M. 97-11) (L.L.A. 01-15)
- R.S. - Bk. 67, Pgs. 36-39 (Tract 90-512, Phase I) (L.L.A. 99-05)
- R.S. - Bk. 65, Pg. 39 (R.O.S. 94-16)
- R.S. - Bk. 63, Pg. 28 (P.M. 93-32)
- (L.L.A. 94-25)
- R.S. - Bk. 58, Pg. 36 (P.M. 90-78)
- R.S. - Bk. 54, Pg. 45 (P.M. 90-28)
- R.S. - Bk. 53, Pgs. 49-50 (P.M. 90-11)
- R.S. - Bk. 52, Pg. 10 (P.M. 89-71)
- R.S. - Bk. 50, Pg. 30 (P.M. 89-05) (L.L.A. 2001-18)
- R.S. - Bk. 44, Pgs. 12-13 (Tract 79-253)
- R.S. - Bk. 42, Pgs. 31-33 (P.M. 84-26) (L.L.A. 2005-27)



NOTE: This map was prepared for assessment purposes only and is not intended to constitute legal building sites or establish precedence over local ordinances. Official information concerning size or use of any parcel should be obtained from recorded documents and local governing agencies.

Bk. 6
Pg. 17

- R.S. - Bk. 23, Pg. 40 (P.M. 6.50) (L.L.A. 87-01)
- R.S. - Bk. 21, Pg. 29 (Parcel Map 6.30)
- R.S. - Bk. 18, Pgs. 37-38 (Parcel Map 4.26)
- R.S. - Bk. 17, Pg. 34 (Parcel Map 4.47) (L.L.A. 87-01)
- R.S. - Bk. 16, Pg. 13 (Parcel Map 1.35) (L.L.A. 96-21)

(175)
39.67 AC.

- R.S. - Bk. 28, Pg. 41 (P.M. 9.46)
- R.S. - Bk. 27, Pg. 13 (P.M. 9.43)
- R.S. - Bk. 27, Pg. 7
- R.S. - Bk. 25, Pgs. 29-30
- R.S. - Bk. 25, Pg. 26 (P.M. 7.77)

(05/08)

NOTE: Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 5, Pg. 27
 Index - 4
County of Yuba, Calif.

PORTION TO BE
VACATED

EXHIBIT 'A'

- LEGEND**
- Monument found as indicated.
 - Set 3/4" iron pipe w/plastic plug (3.376) or as indicated.
 - Nothing found or set.
 - () Record data.

BASIS OF BEARINGS
Bearings identical to those shown on Parcel Map No. 213.

SURVEYOR'S CERTIFICATE
This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act of the request of Lamar H. Coward on July 23, 1974. I hereby certify that it conforms to the approved "Tentative Map" and the conditions of approval thereof; that all provisions of applicable state law and local ordinances have been complied with.

Dean P. Chellis
Dean P. Chellis, L.S. 5761



COUNTY SURVEYOR'S CERTIFICATE
This map has been examined this 22nd day of July, 1974, for conformance with the requirements of Section 11575 of the Subdivision Map Act.

Donald B. Smith
Yuba County Surveyor

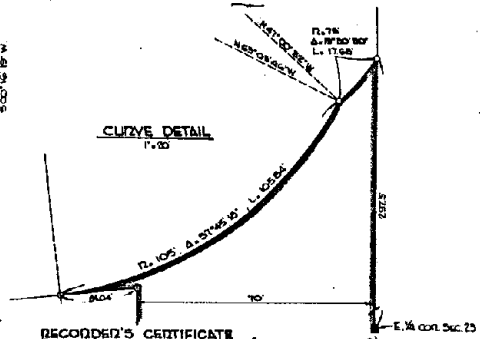
PLANNING DIRECTOR'S CERTIFICATE
This map has been examined this 29th day of July, 1974, and has been found to be in conformity with the approved "Tentative Map".

Hubert C. Walend
Yuba County Planning Director

PARCEL MAP No. 135

BEING PORTIONS OF THE EAST HALF OF THE SOUTHWEST QUARTER AND THE EAST HALF OF THE NORTHEAST QUARTER, OF SECTION 25, T. 16 N., R. 25 E., M. 1 N., IN YUBA COUNTY, CALIFORNIA.

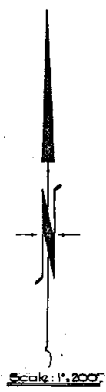
VON GELDETH ENGINEERING CO.
JULY, 1974



RECORDER'S CERTIFICATE
Filed this 27th day of July, 1974, at 2:45 A.M., in Book 16 of Maps at page 13 at the request of Lamar H. Coward.

Karl A. Ozog
Yuba County Recorder
Recording No. 961

By: M. J. ...
Deputy
Fee \$5.00



FD 1/4" IRON PIPE
N.E. COR. SEC. 25
BURIED & BELOW
ROAD SURFACE.
TAGGED L.S. 5761

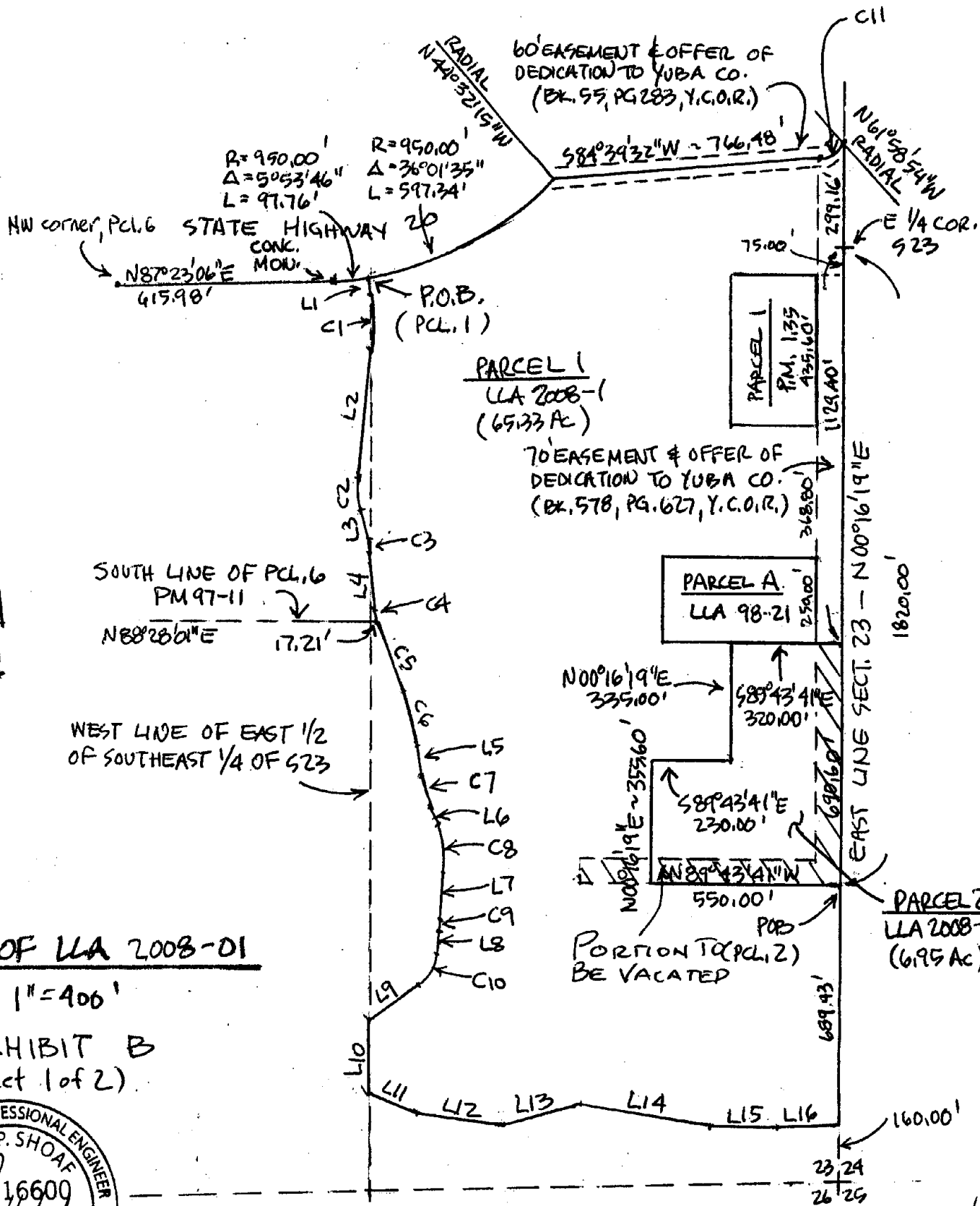
FD 1/4" IRON PIPE
E. 1/4 COR. SEC. 25
TAGGED L.S. 5761

FD 1/4" IRON PIPE W/PLG
N.E. COR. REMAINDER COR. 4
N.E. COR. YUBA CO. 16, No. 12

FD CONC. MON. ON
D.A.F.S. BOUNDARY

Book 16 page 13

EXHIBIT "B"



PLAT OF LLA 2008-01

1" = 400'

EXHIBIT B
(sheet 1 of 2)

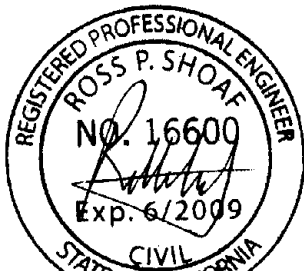


EXHIBIT D

5/16/08
JPD

9 June 2008

Yuba County Board of Supervisors
915 8th Street
Marysville, California 95901

Attn: Public Works Department

Reference: LLA2008-0001


To Whom It May Concern:

We are requesting that the Yuba County Board of Supervisors approve the partial abandonment of an easement granted to Yuba County in 1974.

Attached to this request is a legal description and plot map describing the requested change.

Your timely response to this request will be greatly appreciated.

Thank you,


Howard Coffey
6332 Hwy 20
Browns Valley, CA 95918-9686
530.749.2721