COUNTY OF SUTTER
PUBLIC WORKS DEPARTMENT

DATE: January 5, 2006

TO: HONORABLE BOARD OF SUPERVISORS

SUBJECT: ABANDONMENT OF ROAD EASEMENTS – SUNSET COLONY NO. 1

Background: The Public Works Department has received a request to abandon the following road easements as shown on Map of Sunset Colony No. 1 filed in Book 1 of Surveys, Page 51 as shown in Exhibits A and B:

1. The east-west road running between Lot 114 and Blocks J and N lying east of the irrigation canal.

2. The east-west road running between Blocks J and N and Blocks K and O and lying east of the irrigation canal.

3. The north-south road running between Blocks J and K and Blocks N and O.

In accordance with the Streets and Highways Code, the Board of Supervisors may summarily vacate a street or highway that has been impassable for vehicle travel and no public money was expended for maintenance of the streets or highway during the past five consecutive years. The subject roads have not been used for any vehicular travel. Photos of the area are attached.

The request for vacating the road easements went before the Planning Commission on November 16, 2005 and the proposed abandonment was found to be consistent with the Sutter County General Plan, as stated in the attached Community Services memo.

The Public Works/Support Services Committee has reviewed this item and recommends approval.

Fiscal Impact: Since the summary abandonment does not require publishing and posting notices, the cost to the County is minimal.

Action Requested: The Board of Supervisors adopt a resolution to summarily vacate the subject road easements as shown on the Map of Sunset Colony No. 1 filed in Book 1 of Surveys, Page 51.

Respectfully submitted,

GEORGE L. MUSALLAM
PUBLIC WORKS DIRECTOR

ALBERT L. SAWYER, P.E.
ASST. PUBLIC WORKS DIRECTOR

JEW:jah
393:SUNSET
Attach.

JAN 24 2006

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BEFORE THE BOARD OF SUPERVISORS
COUNTY OF SUTTER, STATE OF CALIFORNIA

RESOLUTION TO SUMMARILY
VACATE A COUNTY ROAD

RESOLUTION NO. _____

WHEREAS, pursuant to the provisions of Chapter 4, Part 3, Division 9 of the Streets and Highways Code, the Board of Supervisors may summarily vacate a street or highway that has been impassable for vehicular travel, and

WHEREAS, the Board of Supervisors of the County of Sutter finds that it is in the public interest to vacate those certain road easements on the west side of Sinnard Avenue, north of Paseo Avenue, and

WHEREAS, the aforesaid portion of those road easements proposed to be vacated is more particularly described in the attached Exhibits A and B, and

WHEREAS, for a period of five consecutive years those road easements have been impassable for vehicular travel, and

WHEREAS, no public money was expended for maintenance on these road easements, hereinabove described, during the past five consecutive years, and

WHEREAS, the Board of Supervisors of the County of Sutter hereby finds that the aforementioned road easements are not needed or useful as a non-motorized transportation facility, as those facilities are defined in Section 156 of the Streets and Highways Code, and

WHEREAS, said vacation will not terminate any public service easements, and

WHEREAS, the Board of Supervisors of the County of Sutter has considered the General Plan and finds that this vacation is not inconsistent with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Sutter, State of California hereby vacates and abandons all interest that the County of Sutter may have for County highway purposes in, upon, over and across those road easements as hereinabove described, subject to the reservation and exception described below.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Sutter reserves and excepts from the vacation, an easement in, upon, over and across all that portion of those road easements as hereinabove described, and the whole thereof, for all of those purposes as set forth in Section 8340(a) of the Streets and Highways Code of the State of California.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors of the County of Sutter shall cause a certified copy of this resolution, attested by the Clerk under the seal of the Board, to be recorded in the office of the County Recorder.

BE IT FURTHER RESOLVED that from and after the date the resolution is recorded, those road easements herein described is vacated and no longer constitutes a street or highway.

PASSED AND ADOPTED by the Board of Supervisors of the County of Sutter, State of California, this _____ day of _____, 2006, by the following vote:

AYES:

NOES:

ABSENT:

COUNTY OF SUTTER

_____
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

JOAN BECHTEL
COUNTY CLERK

BY:_____
DEPUTY

EXHIBIT B

The real property in the known unincorporated area of the County of Sutter, State of California, described as follows:

Parcel 1

That parcel of land within the southeast quarter of Section 8 and within the southwest quarter of Section 9, T. 16 N., R. 3 E., M.D.B.M., as projected into Boga Rancho in Sutter County, California and being described as follows:

That portion of Lot 114 that lies east of the Sunset Lateral Ditch as shown on that certain map entitled "Sunset Colony No. 1" filed in Book 1 of Surveys, Page 5, Sutter County Records.

Portion of Assessor's Parcel No. 9-280-023.

Parcel 2

That parcel of land within the southeast quarter of Section 8 and within the southwest quarter of Section 9, T. 16N., R. 3 E., M.D.B.M, as projected into Boga Rancho in Sutter County, California and being described as follows:

That portion of Block "J" that lies east of the Sunset Lateral Ditch as shown on that certain map entitled "Sunset Colony No. 1", filed in Book 1 of Surveys, Page 5, Sutter County Records.

Portion of Assessor's Parcel No. 9-280-023.

Parcel 3

That parcel of land within the southeast quarter of Section 8 and within the southwest quarter of Section 9, T. 16 N., R. 3 E., M.D.B.M., as projected into Boga Rancho in Sutter County, California and being described as follows:

That portion of Block "K" that lies east of the Sunset Lateral Ditch as shown on that certain map entitled "Sunset Colony No. 1" filed in Book 1 of Surveys, Page 5, Sutter County Records.

Portion of Assessor's Parcel No. 9-280-023.

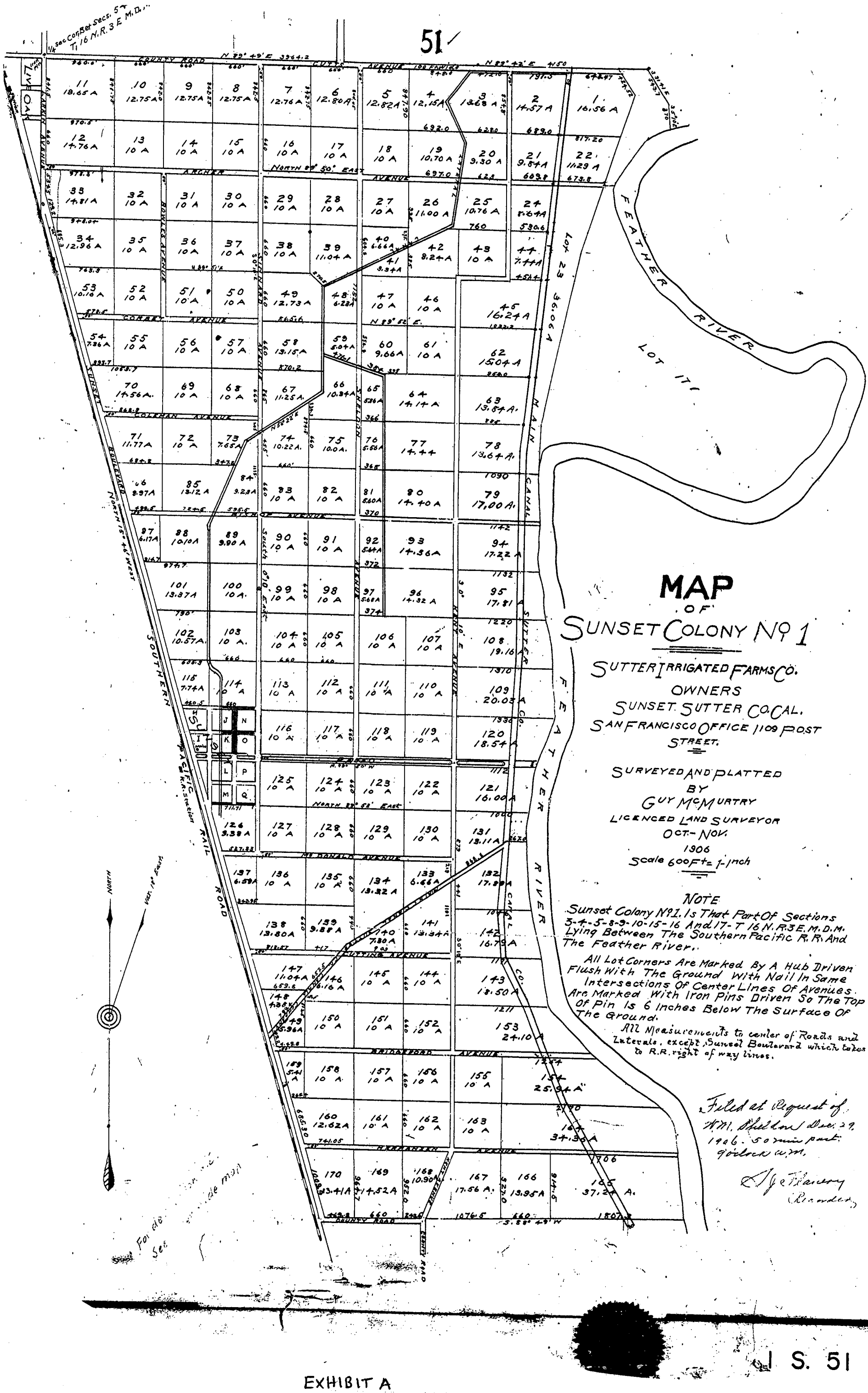
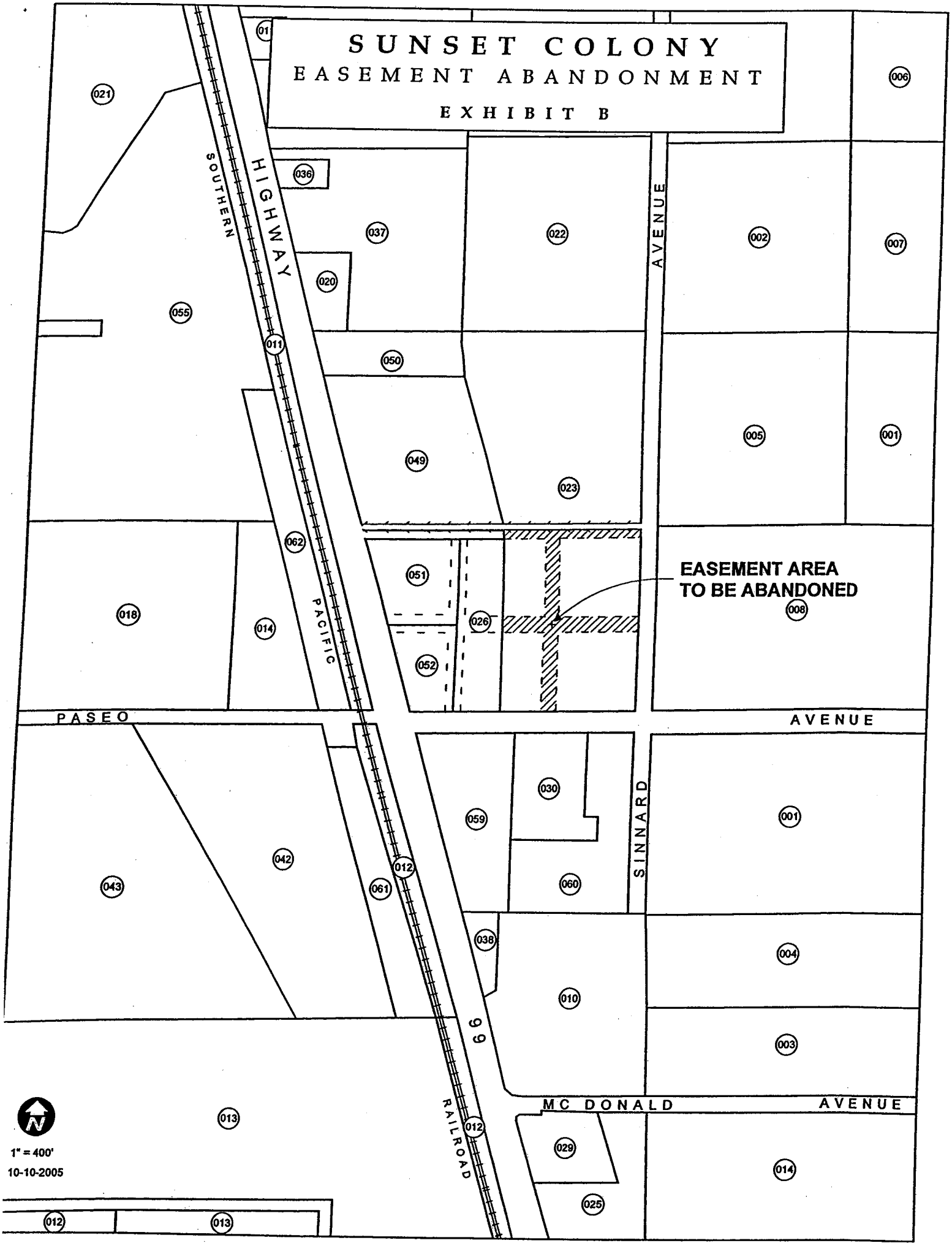
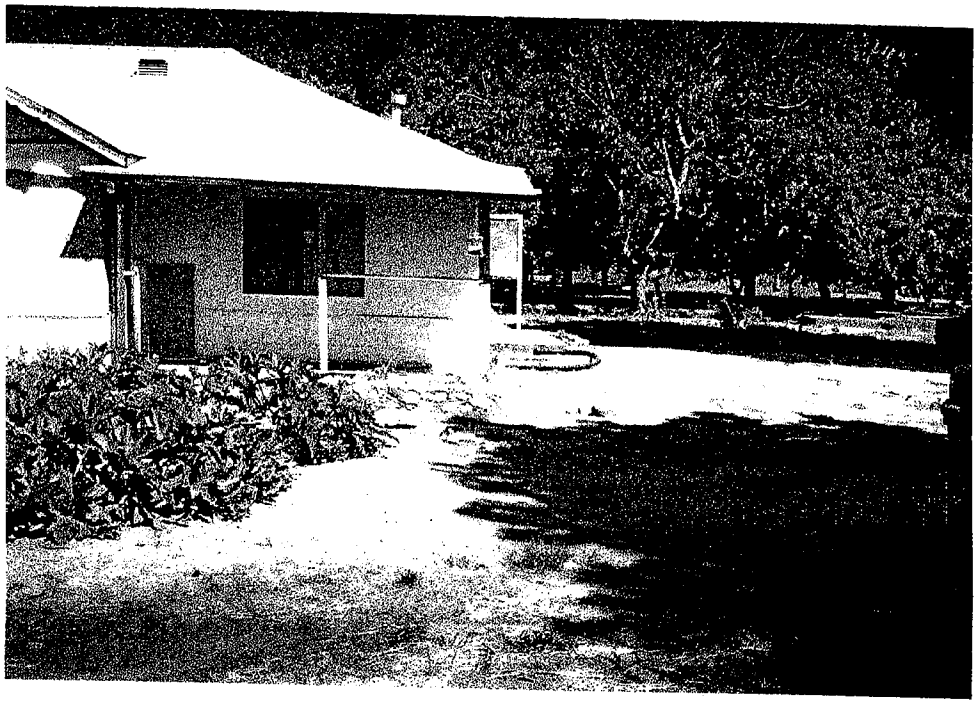

51
MAP
OF
SUNSET COLONY Nº 1
SUTTER IRRIGATED FARMS CO.
OWNERS
SUNSET SUTTER CO. CAL.
SAN FRANCISCO OFFICE 1109 POST STREET.
SURVEYED AND PLATTED
BY
GUY McMURTRY
LICENCED LAND SURVEYOR
OCT.-NOV.
1906
Scale 600 Ft = 1-inch
NOTE
Sunset Colony Nº 1. Is That Part Of Sections 3-4-5-8-9-10-15-16 And 17-T 16 N. R. 3 E. M. D. M. Lying Between The Southern Pacific R. R. And The Feather River.
All Lot Corners Are Marked By A Hub Driven Flush With The Ground With Nail In Same Intersections Of Center Lines Of Avenues. Are Marked With Iron Pins Driven So The Top Of Pin Is 6 Inches Below The Surface Of The Ground.
All Measurements to center of Roads and Laterals, except Sunset Boulevard which takes to R.R. right of way lines.
Filed at Request of Wm. Sheldon Dec. 29. 1906. 50 min past 9 o'clock a.m.
J. E. Flaherty
Recorder
COUNTY ROAD
ARCHER AVENUE
CORBY AVENUE
COLEMAN AVENUE
BISHOP AVENUE
CUTTING AVENUE
MEADOWBROOK AVENUE
MEKRANSEN AVENUE
MCDONALD AVENUE
SUNSET BOULEVARD
SOUTHERN PACIFIC R.R. Station
RAIL ROAD
FEATHER RIVER
LOT 171
LOT 23
MAIN CANAL
SUTTER CANAL
SHELDON AVENUE
KENT AVENUE
BOWLES AVENUE
NORTH 15° 46' WEST
NORTH
VAR. 16° EAST
S. 51

EXHIBIT A


SUNSET COLONY
EASEMENT ABANDONMENT
EXHIBIT B
SOUTHERN PACIFIC RAILROAD
HIGHWAY 99
AVENUE
SINNARD
PASEO
AVENUE
MC DONALD
AVENUE
EASEMENT AREA
TO BE ABANDONED
1" = 400'
10-10-2005



SUTTER COUNTY
COMMUNITY SERVICES DEPARTMENT

Animal Control
Building Inspection
Emergency Services
Environmental Health
Fire Services
Planning

Rich Hall, Director
Larry Bagley, Assistant Director, Permitting Services
Chuck Vanevenhoven, Fire Services
Mike Harrold, Emergency Services

MEMO

November 17, 2005

To: George Musallam, Public Works Director

From: Lisa Wilson, Senior Planner LW

Re: Road abandonment for an easement on the west side of Sinnard Avenue, north of Paseo Avenue, Live Oak area.

On November 16, 2005, the Sutter County Planning Commission reviewed the above proposal and made the following findings regarding the projects consistency with the General Plan:

A. The abandonment of an undeveloped road easement does not meet the definition of a "project" as defined in Section 15378 of the CEQA Guidelines. CEQA defines a project as a whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This project will not result in either a direct or indirect physical change in the environment.

B. The proposed abandonment of a road easement on the west side of Sinnard Avenue, north of Paseo Avenue is in conformance with the applicable policies of the Sutter County General Plan.

The findings satisfy the statutory requirements of the California Government Code §65402 as part of a road abandonment process. The proposed abandonment may now be taken to the Board of Supervisors for final action. Please contact me if you have any questions.

1130 Civic Center Blvd. • Yuba City, California 95993 • (530) 822-7400 • FAX: (530) 822-7109