



Agenda Date: 12/13/2005

Agenda Placement: 6J

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Michael Stoltz for Robert Peterson - Director  
Public Works  
**REPORT BY:** Kim Henderson, Staff Services Manager, 259-8382  
**SUBJECT:** Abandonment of Washington Avenue

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### **RECOMMENDATION**

Director of Public Works requests adoption of a resolution summarily vacating an Offer of Dedication of certain road easements. (Assessor's Parcel No.'s 057-010-037, 057-020-017, 057-020-018, 057-020-019, 057-020-020, 057-210-002, and 057-250-005)

### **EXECUTIVE SUMMARY**

This vacation of an Offer of Dedication will remove this potential right-of-way encumbrance from several properties, which has never been accepted by the County for public purposes. The original offer of dedication was made on a subdivision map in 1889 and no roadways have ever been constructed within the dedicated area.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

On March 21, 2005 the Board approved a settlement with the Schlies Family Trust and its successors in interest for

the acquisition of property needed for the construction of the Devlin Road Extension Project. As part of that settlement, the Trustees of the Schlies Family Trust and HCV Napa Associates, LLC, which has an option to purchase the Schlies properties, requested that the Napa County Public Works Department initiate the process and recommend the approval of the vacation and abandonment of the offer of dedication of Washington Avenue depicted in the Map of Subdivision of Thompson's Soscol Ranch dated June 1889 ("Map") and filed with Napa County on June 20, 1889. Washington Avenue as depicted in the Map crosses and/or borders a total of seven parcels including those owned by Schlies and property owned by the Napa Sanitation District. Staff from Public Works has contacted all the property owners affected and the Napa Sanitation District to inform them of this action and there is no objection to this abandonment. The request was made so that title of each property impacted would be clear of the encumbrance.

The request is based on the fact that Washington Avenue was dedicated in 1889 to facilitate the development of ranchette-style agricultural lots (as shown in the Map) and the fact that the road is unnecessary for future county needs. Abandonment of this subject offer of dedication would not affect access to any parcels and would not have an affect on any private easements across the property.

Additionally, the County never accepted Washington Avenue. Washington Avenue is merely a paper road that was never physically used as a road. Code of Civil Procedure section 771.010 provides that there is a conclusive presumption that a proposed dedication was not accepted by the county if:

- a. The proposal was made by map only;
- b. No acceptance of the dedication was made and recorded within 25 years after the map was filed;
- c. The real property was not used for the purpose for which the dedication was proposed within 25 years after the map was filed; and
- d. The real property was sold to a third person after the map was filed and used as if free of the dedication.

In this situation, it appears that all of the conditions exist so that it is quite likely that the offer of dedication has already been rejected.

Therefore, for the reasons set forth above, staff recommends that the Board adopt the resolution abandoning the offer of dedication of Washington Avenue.

### **SUPPORTING DOCUMENTS**

- A . Resolution
- B . Exhibit "A"
- C . Plat

CEO Recommendation: Approve

Reviewed By: Andrew Carey