



Agenda Date: 12/4/2007
Agenda Placement: 6L

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Martha Burdick for Robert Peterson - Director
Public Works
REPORT BY: Larry Bogner, Civil Engineer, 253-4351
SUBJECT: Resolution accepting two one-foot wide strips of land for public use for street purposes

RECOMMENDATION

Director of Public Works requests adoption of a resolution accepting two one-foot strip parcels shown on the final map of the Circle Oaks Unit No. 1 for public use for street purposes, but not as part of the County-maintained road system.

EXECUTIVE SUMMARY

The developer of the Circle Oaks subdivision offered the County three one-foot strips of land at the terminus of three of the roads within the subdivision at the time the final subdivision map was approved and recorded. The three roads are Circle Oaks Drive, Lookout Drive and Juniper Drive. When the County approved the subdivision map, the Board did not accept these rights-of-way but instead reserved the right to accept them in the future.

Both the District and the neighboring landowner believe they have acquired the right to use these strips to access their respective roads and easements on the other side of these strips through adverse possession against the underlying fee owner (the developer or its successors). Acceptance of these strips by the County for public use for street purposes without including the strips into the County-maintained system, will allow these uses to continue at no cost to the County and will remove an impediment to the financing of the District's project which will enhance the water resources available to the County's fire fighting system.

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 because it can be determined with certainty that the action has no potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical general in the environment. This is because as a practical matter the only persons who can use the parcels to be accepted for public use for street purposes are the adjacent property owner and a local water district who have already obtained through adverse possession rights to cross the strips of land to access existing private roads on the far side of the parcels from the existing county roads.

BACKGROUND AND DISCUSSION

The developer of the Circle Oaks subdivision offered the County three one-foot strips of land at the terminus of three of the roads within the subdivision at the time the final subdivision map was approved and recorded. The three roads are Circle Oaks Drive, Lookout Drive and Juniper Drive. When the County approved the subdivision map, the Board did not accept these rights-of-way but instead reserved the right to accept them in the future.

The Circle Oaks County Water District and the neighboring property owner, Hall Brambletree LLC, have now requested the County to accept two of these three parcels for public use for street purposes. These are the strips at the end of Circle Oaks Drive and the strip at the end of Juniper Drive, which were described as Parcels "C" and "A", respectively, on the final subdivision map. The Water District has crossed these strips for more than five years in order to access easements which it acquired from the predecessors in interest of Hall Brambletree LLC, to be able to build and maintain District water tanks and other water facilities. Hall Brambletree LLC and its predecessors in interest have also crossed these strips for many years to access certain portions of their properties in the vicinity of the Circle Oaks subdivision and which are now developed with vineyards.

However, because these access rights acquired through adverse possession are not recorded, the existence of the unexercised offers of dedication to the County over small strips whose fee owner is an unknown successor in interest of the original developer, has created a cloud on the recorded rights of the District and the neighboring property owner. A governmental agency to whom the District is applying for a major infrastructure improvement loan to upgrade the water facilities accessed via crossing of these strips, is requiring that these clouds be removed. Acceptance of these strips by the County for public use for street purposes without including the strips into the County-maintained system, will allow these uses to continue at no cost to the County and will remove an impediment to the financing of the District's project which will enhance the water resources available to the County's fire fighting system. No similar issues are pertinent to the third strip of land on Lookout Drive and therefore it is not included for consideration in this requested action.

SUPPORTING DOCUMENTS

A . ROW Acceptance Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi