



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/2/2010
Agenda Placement: 9G
Set Time: 2:00 PM PUBLIC HEARING
Estimated Report Time: 10 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Ridenhour, Don - Director
Public Works
REPORT BY: Rick Marshall, DEP DIR OF PW-CO ENGINEERING - (707) 259-8381
SUBJECT: Resolution abandoning excess right-of-way on White Lane

RECOMMENDATION

Director of Public Works requests adoption of a resolution abandoning excess right-of-way on White Lane, south of Saint Helena.

EXECUTIVE SUMMARY

Staff received a request from property owners along White Lane seeking abandonment of a portion of the road right-of-way which has excess width. The Board considered and adopted a Resolution of Intent to abandon this excess right-of-way on February 2, 2010, and set a public hearing for this date.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing.
2. Staff reports.
3. Public comment.
4. Close Public Hearing.
5. Motion, second, discussion and vote on the item.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Categorical Exemption Class 1: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

BACKGROUND AND DISCUSSION

Staff received a request from property owners along White Lane seeking abandonment of a portion of the road right-of-way which has excess width. White Lane is a non-county-maintained road, extending easterly from State Highway 29 south of Saint Helena, which is improved the full width of the 16.5-foot right-of-way which extends from Highway 29 to its eastern terminus. In its central area, an additional 39.5 feet was dedicated which brings the total to 56 feet. The additional width was depicted on the Record of Survey of property of Jack Moorman, recorded March 27, 1964, and on the Record of Survey of property of Bart Taylor, recorded on July 20, 1964. These records of survey were prepared during a period in which this was an allowable mechanism to implement land divisions of the type known today as Parcel Maps. This right-of-way may or may not be considered "public;" its status is unclear since land divisions by record of survey did not include the type of statements we currently use wherein the subdivider declares whether roads are to be public or private. In the absence of such statements, we can only infer that public status is potentially applicable to the entire width in question.

The additional 39.5-foot width shown in the two records of survey was never dedicated along properties at either end of White Lane, and the neighborhood in the vicinity is nearly entirely built out to the extent permitted by zoning. Thus, staff does not see a reasonable potential for obtaining additional right-of-way along White Lane, and the additional width in the central area may be considered "excess" right-of-way. No improvements have been constructed within the excess right-of-way area and it is not needed for present or prospective public use.

No change is proposed for the status of the 16.5-foot right-of-way which will remain along the entire length of White Lane. It is important to note the distinction between "public" right-of-way, as discussed above, and "county maintained" right-of-way, in which the County government takes an affirmative action to accept a given street or road into its maintenance system. White Lane is not eligible to be considered for adoption into the County-maintained road system, since the 16.5 feet at its beginning at the state highway is below the 40-foot minimum which is required by State law for public agency operation and maintenance.

The presence of the excess right-of-way presents an adverse situation for the property owners in the area, as it affects the determination of setbacks for uses of the property including wells and septic systems. Thus, they have submitted a petition for abandonment of this excess right-of-way. The petition is supported by the owners of all affected properties except one, which did not respond to contact attempts. All affected property owners have been notified of the public hearing.

In order to abandon the excess right-of-way, the following requirements are established in the Streets and Highways Code:

1. The Board must find that the right-of-way is unnecessary for present or prospective public use. This excess right-of-way has never been improved nor used for any public purpose, nor is it envisioned to be needed for any public purpose.
2. The abandonment must be in conformity with the General Plan. The Director of Conservation, Development and Planning has, by memo to Public Works staff, determined that the proposed abandonment is in

conformity with the adopted Napa County General Plan (June 2008). A copy of the memo is attached to this staff report.

Adoption of the resolution will complete the process of abandoning the public interest in the excess right-of-way in question.

SUPPORTING DOCUMENTS

- A . Resolution abandoning public road
- B . General Plan Conformity memo

CEO Recommendation: Approve
Reviewed By: Helene Franchi