



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 3/8/2016  
Agenda Placement: 6DD

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Steven Lederer - Director of Public Works  
Public Works

**REPORT BY:** Danielle Goshert, Engineering Assistant II - 707.259.8380

**SUBJECT:** Acceptance of a Right of Way Easement along Greenfield Road and Summary Vacation of a Portion of an Existing Easement

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### **RECOMMENDATION**

Director of Public Works requests approval of the following:

1. Accept a Public Road Easement for right of way and public road purposes over a portion of APN 025-380-021 equaling approximately 76 square feet to ensure the legal description of the easement granted to the County matches the line of where Greenfield Road was constructed;
2. Adopt a resolution summarily vacating approximately 35 square feet of a public road easement previously granted to Napa County over APN 025-380-021 which is no longer needed for public road purposes; and
3. Authorize the Chairman to sign the Certificate of Acceptance, Resolution, and any related documents to complete the above transactions.

### **EXECUTIVE SUMMARY**

The underlying right of way for a stretch of Greenfield Road through Assessor's Parcel No. 025-380-021 (the "Parcel") was granted to the County pursuant to a 1971 Easement Deed. Recently, the County discovered (1) that a portion of an underground winery cave constructed on the Parcel is located under the existing easement granted for the right of way, and (2) that a separate portion of Greenfield Road was constructed over a portion of the Parcel outside of the area described in the 1971 Easement Deed.

The underground winery cave is not underneath the actual roadway of Greenfield Road and the portion of the right-of-way affected by the cave is, in fact, unnecessary for current or anticipated future roadway purposes. Therefore, TDL Wines, Inc., who are the current owners of the property, and staff determined it would be appropriate to simply re-align the legal description of the right-of-way to match the existing location of Greenfield Road. Accordingly, staff worked with the property owner to prepare appropriate documentation for this realignment of the existing easement

and recommends that the Board take the following actions: (1) accept a Public Road Easement for right of way and public road purposes over a portion of APN 025-380-021 equaling approximately 75 square feet where Greenfield Road currently exists, and (2) adopt a resolution summarily vacating approximately 35 square feet of a public road easement over that portion of the cave on APN 025-380-021 which is no longer needed for public road purposes.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: **Consideration and possible adoption of a 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**

Pursuant to an Easement Deed recorded in the Official Records of Napa County on April 27, 1971 as Book 848, Page 985 ("Original Easement Deed"), Napa County was granted right of way and easement for county road and highway purposes over what is now referred to as Assessor's Parcel No. 025-380-021 (the "Parcel"). Recently, the County discovered (1) that a portion of an underground winery cave constructed on the Parcel is located under the existing easement granted for the right of way, and (2) that a separate portion of Greenfield Road was constructed over a portion of the Parcel outside of the area described in the Original Easement Deed. Attached Exhibit D depicts the areas in question.

The underground winery cave is not underneath the actual roadway of Greenfield Road and the portion of the right-of-way affected by the cave is, in fact, unnecessary for current or anticipated future roadway purposes. Therefore, TDL Wines, Inc., who are the current owners of the property, and staff determined it would be appropriate to simply re-align the legal description of the right-of-way to match the existing location of Greenfield Road. Accordingly, staff worked with the property owner to prepare appropriate documentation for this realignment of the existing easement and recommends that the Board take the following actions: (1) accept a Public Road Easement for right of way and public road purposes over a portion of APN 025-380-021 equaling approximately 76 square feet where Greenfield Road currently exists, and (2) adopt a resolution summarily vacating approximately 35 square feet of a public road easement over that portion of the cave on APN 025-380-021 which is no longer needed for public road purposes.

### **SUPPORTING DOCUMENTS**

- A . Resolution
- B . Exhibit A
- C . Exhibit B
- D . Exhibit C

E . Exhibit D

CEO Recommendation: Approve

Reviewed By: Bret Prebula