



Agenda Date: 9/12/2006
Agenda Placement: 6N

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Michael Stoltz for Robert Peterson - Director
Public Works
REPORT BY: Gail Forward, SENIOR ENGINEERING AIDE , 259-8379
SUBJECT: Grant of Easements to George O. Hendry and Ronald V. & Rebecca A. Stradiotto

RECOMMENDATION

Director of Public Works requests the following:

1. Grant private road easements to George Orr Hendry and Ronald V. Stradiotto and Rebecca A. Stradiotto across County-owned property (Assessor's Parcel No. 041-100-001) located at 2808 Redwood Road to provide legal access from Redwood Road for the benefit of Assessor's Parcel No. 035-101-019 (Stradiotto) and Assessor's Parcel Nos. 035-101-008 and 035-101-017 (Hendry); and
2. Authorize the Director of Public works to sign the necessary Easement Deeds and any related documents.

EXECUTIVE SUMMARY

The purpose of the requested action is to remove a cloud on title by providing recordable legal rights to private road easements originally acquired by adverse possession prior to County ownership of the underlying land in 1957. The easements have been used continuously to the present day without objection by the County. The action will authorize the Director of Public Works to execute Deeds by which the County will grant private road easements to George Orr Hendry and Ronald V. Stradiotto and Rebecca A. Stradiotto across County-owned property (Assessor's Parcel No. 041-100-001), located at 2808 Redwood Road, for the benefit of Assessor's Parcel No. 035-101-019, owned by Ronald and Rebecca Stradiotto, and Assessor's Parcel Nos. 035-101-008 and 035-101-017, owned by George Orr Hendry.

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

When George Orr Hendry and Ronald V. and Rebecca A. Straddiotto submitted a lot line adjustment application to the Department of Public Works, a title search was made as required by the lot line adjustment procedures. It was discovered that there were no recorded deeds showing easement rights over Assessor's Parcel No.041-100-001 owned by the County of Napa adjacent to Redwood Road for the benefit of Assessor's Parcel No. 035-101-019 owned by Ronald and Rebecca Straddiotto and Assessor's Parcel Nos. 035-101-008 and 035-101-017 owned by George Orr Hendry.

Investigation by staff indicates that these parcels may have acquired access over this County property through adverse possession against the owners of the property prior to conveyance of the property to the County in 1957. The owners of the parcels have used and maintained the road, which includes one-half of the span of a bridge over Redwood Creek, continuously since at least the early 1950's and without objection by the County, since 1957.

To resolve the resulting uncertainty in access rights, Mr. Hendry and the Straddiottos have requested, and the Public Works Director is recommending, that the Board authorize execution of deeds to formally grant such access in the recordable form of easement deeds. It is a condition of the proposed easement deeds that, by accepting delivery of and recording the deeds the grantees, will be agreeing:

1. the deeds describe the maximum extent of the disputed rights;
2. the County will not be responsible for maintenance of the road and bridge or any related costs; and
3. the grantees shall hold the County harmless from any claims which might arise from the design, maintenance or use of the portion of the road and bridge which crosses the County property in the location specified in the easement description.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey