



Agenda Date: 9/20/2005
Agenda Placement: 6G

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, Engineering Aide, 259-8379
SUBJECT: Summary abandonments of offers of dedication of Certain Rights-of-Way and Roadway Easements

RECOMMENDATION

Director of Public Works requests adoption of the following resolutions summarily vacating Offers of Dedication of certain road and utility easements across the lands of Domaine Chandon, Inc.:

1. Resolution abandoning easements over Assessor's Parcel No. 034-110-040; and
2. Resolution abandoning easements over Assessor's Parcel No. 034-110-059.

EXECUTIVE SUMMARY

These abandonments will remove offers of right-of-way from private properties, which have never been accepted by the County for public purposes, nor is anticipated ever to be needed for right-of-way purposes in the future.

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

Adoption of the two resolutions will abandon irrevocable offers of right-of-way offered by previous owners of the properties, which are now owned by Domaine Chandon, Inc. The offers were acknowledged by the County but the right-of-way was never accepted by the County.

Between 1974 to 1979, as a condition of every land division, building permit, use permit, and lot line adjustment, County policy was to require irrevocable dedications of right-of-way, but not to accept the dedicated right-of-way into the County road system. This policy enabled the County to guarantee standard width access to properties within the subject land as well as to adjacent properties if the County chose to use the right-of-way in the future. Since cessation of the policy, practice has been to abandon these offers of dedication when the affected property owner requests such abandonment, if the County has not accepted the right-of-way and if there is no future public necessity for the right-of-way. Abandonment of the subject irrevocable offers would not affect access to any parcels, and would have no affect on any private easements across the property. Property owners typically request abandonment of these offers of dedication because they encumber areas of their parcels they want to utilize for a variety of reasons, such as planting vineyard or erecting a structure.

The offer and the County's acknowledgement of the right of way over Assessor Parcel No. 034-110-040 was recorded on January 24, 1977, in Volume 1023 of Official Records at Page 615 and 616. (Lands Formerly of Benkiser, Board of Supervisor's Resolution No. 77-8).

The offer and the County's acknowledgement of the right of way over Assessor Parcel No. 034-110-059 was recorded June 8, 1976, in Volume 999 at Page 260 and 261. (Lands Formerly of Wright, Board of Supervisor's Resolution No. 76-71). A portion of this right-of-way is centered on the property line between APN 034-110-059 and APN 034-100-043. The attorney for Domaine Chandon Inc., and Public Works staff have contacted the owners of parcel APN 034-100-043 by mail, to see if they would like to participate in this abandonment. No response has been received. Therefore the abandonment includes only that portion of the right of way that lies on APN 034-110-059.

SUPPORTING DOCUMENTS

- A . Domaine040Abandonment reso.doc
- B . Domaine059Abandonment reso.doc
- C . RedwoodRdMtVeederROW3

CEO Recommendation: Approve

Reviewed By: Britt Ferguson