

RECORDING REQUESTED BY:
Patrick J. Minturn, Director

WHEN RECORDED MAIL TO:
COUNTY OF SHASTA
Public Works Department
1855 Placer Street
Redding, CA 96001

Documentary Transfer Tax: None
Gov. Code § 6103, § 27383
Project: Abandonment of Public Easement
(Old Forty Four Drive)

-----**Space Above This Line For Recorder's Use Only**-----

RESOLUTION NO. 2017 -

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA
ORDERING THE VACATION OF PUBLIC EASEMENT
IN THE UNINCORPORATED AREA OF SHASTA COUNTY, CALIFORNIA**

WHEREAS, Shasta County accepted two offers of dedication (the "Offers") in conjunction with the Palo Cedro Bike and Pedestrian Improvements Project; and

WHEREAS, the Offers were recorded March 15, 2012, in Official Records Documents 2012-0008106 & 2012-0008107, Shasta County Records; and

WHEREAS, the legal description was ambiguous and potentially encompassed lands beyond the area intended to be dedicated for the Palo Cedro Bike and Pedestrian Improvements Project; and

WHEREAS, the public easement proposed to be vacated is described as a portion of Old Forty Four Drive (County Road No. 3H05) and more specifically described in Exhibits "A" and "B," attached hereto and incorporated herein (the "Property"); and

WHEREAS, sections 8320 et seq. of the Streets and Highways Code authorizes the Board of Supervisors to vacate public streets, highways, and service easements; and

WHEREAS, section 65402(a) of the Government Code provides, in general, that no real property shall be acquired or disposed of until the planning agency has made a general plan consistency finding unless such acquisition or disposal is minor in nature; and

WHEREAS, Resolution 83-271 provides that the acquisition, disposition or abandonment of real property for street widening or alignment projects and the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes are exempt from general plan consistency findings when the Director of Public Works finds that such actions are minor in nature; and

WHEREAS, pursuant to Government Code section 65402(a) and the authority set forth in Resolution No. 83-271, the Director of Public Works has determined the abandonment to be minor in nature and thereby exempt from a general plan consistency analysis; and

WHEREAS, notice of the hearing was published and posted in accordance with the procedures contained in sections 8322 and 8323 of the Streets and Highways Code; and

WHEREAS, the Board of Supervisors heard and considered all written and oral evidence offered to be considered at the hearing; and

WHEREAS, the Board of Supervisors finds, based on the evidence presented, that the Property is unnecessary for present or prospective public use.

NOW, THEREFORE, BE IT RESOLVED that the Property is unnecessary for present or prospective public use, and from and after the date this Resolution is recorded, the Property is hereby vacated and shall no longer constitute a public easement or right of way.

BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a certified copy of this Resolution to be recorded in accordance with Streets and Highways Code section 8325.

DULY PASSED AND ADOPTED this 3rd day of October, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy