

**COUNTY OF LAKE****Community Development Department
PLANNING DIVISION**

Courthouse - 255 N. Forbes Street
Lakeport, California 95453

Phone (707) 263-2221 FAX (707) 263-2225

Planning Division Application

(Please type or print)

Project name: Collier Ave. Road Vacate Application

Assessors Parcel # : 800 - 001 - 200 000

_____ - _____ - _____

APPLICANT:

NAME: Diane C. DeMichele

MAILING ADDRESS: PO Box 430

CITY: Nice

STATE: CA **ZIP:** 95464

PRIMARY PHONE: (707) 972-9774

SECONDARY PHONE: ()

EMAIL: dianecdem@yahoo.com

PROPERTY OWNER (IF NOT APPLICANT):

NAME: _____

MAILING ADDRESS: _____

CITY: _____

STATE: _____ **ZIP:** _____

PRIMARY PHONE: ()

SECONDARY PHONE: ()

EMAIL: _____

PROJECT LOCATION

2685 Lakeshore Blvd.

ADDRESS: Nice, CA 95464

PRESENT USE OF LAND:

Road Easement

DESCRIPTION OF PROJECT:

Application for Collier Ave. Road
Vacation

SURROUNDING LAND USES: N/A

North: _____

South: _____

East: _____

West: _____

PARCEL SIZE(S): N/A

Existing: _____

Proposed: _____

Existing/Proposed Water Supply: _____

Existing/Proposed Sewage Disposal: _____

Fire Protection District: _____

School District: _____

INITIAL FEES:

GPC 23-04 \$488.00

CE 23-41 \$610.00

Sub Total: \$1,098.00

Technology recovery 2% Cost \$21.96

General Plan Maintenance Fee \$61.00

Total: \$1,180.96

Zoning: CR-DR-WW-FF

General Plan: Cr-RC

Receipt # 69976

Initial: JLH

At-Cost Project Reimbursement

I, Diane C. DeMichele, the undersigned, hereby authorize the County of Lake to process the above referenced permit request in accordance with the County of Lake Code. I am paying an initial fee of \$ 1,180.96 as an estimated cost for County staff review, coordination and processing costs related to my permit (Resolution No. 2017-19, February 7, 2017). **In making this initial fee, I acknowledge and understand that the initial fee may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Reimbursement Agreement:

1. Time spent by County of Lake staff in processing my application and any direct costs will be billed against the available initial fee. **"Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, processing of any appeals, responding to public records act requests or responding to any legal challenges related to the application. "Staff" includes any employee of the Community Development Department.**
2. If processing costs exceed the available initial fee, I will receive invoices payable within 30 days of billing.
3. As the owner of the project location, I have the authority to authorize and I hereby do authorize the County of Lake or authorized representative(s) to make inspections at any reasonable time as deemed necessary for the purpose of review and processing this application.
4. If I fail to pay any invoices within 30 days, the County will stop processing my permit application. All invoices must be paid in full prior to issuance of the applied for permit.
5. If the County determines that any study submitted by the applicant requires a County-contracted consultant peer review, I will pay the actual cost of the consultant review. This cost

may vary depending on the complexity of the analysis. Selection of any consultant for a peer review shall be at the sole discretion of the Community Development Director or his designee.

6. I agree to pay the actual cost of any public notices for the project as required by State Law and the Lake County Zoning Ordinance.

7. I may, in writing, request a further breakdown or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.

8. I agree to pay all costs related to permit condition compliance as specified in any conditions of approval for my permit/entitlement including compliance monitoring.

9. I agree not to alter the physical condition of the property during the processing of this application by removing trees, demolishing structures, altering streams, and/or grading or filling. I understand that such alteration of the property may result in the imposition of criminal, civil or administrative fines or penalties, or delay or denial of the project.

10. I have checked the current Hazardous Waste and Substances Sites List pursuant to Government Code Section 65962.5(f). www.envirostor.dtsc.ca.gov/public/ The proposed project site is ☐ or is not ☐ included on the most recent list.

11. I understand that pursuant to State Fish and Games Code Section 711.4, a filing fee is required for all projects processed with a Negative Declaration or Environmental Impact Report unless it has been determined by the California Department of Fish (CDFW) that the project will have no effect on fish and wildlife. The fees are collected by the County Community Development Department, Planning and Environmental review Division (PER) for payment to the State. I understand that I will be notified of the fee amount upon release of the environmental document for the project.

12. I hereby agree that any drainage studies and/or drainage models that are provided to the County as part of the technical studies for this entitlement process will be provided with a license or other satisfactory release allowing the County to duplicate, distribute, and/or publish the studies and models to the general public without restriction. I understand that failure to provide such license or release to the satisfaction of the County may result in comment that the study and or model is inadequate to support the entitlement request.

The signature(s) below signifies legal authority and consent to file an application in accordance with the information above. The signature also signifies that the submitted information and accompanying documents are true and accurate, and that the items initialed above have been read and agreed to.

Note: This agreement does not include other agency review fees or the County Clerk Environmental Document filing fees.

APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE(S) OF LEGAL PROPERTY OWNERSHIP
OR OFFICIAL AGENT/AUTHORITY TO FILE (circle one)

Ownership
*Must Attach Evidence

Contract to Purchase*

Letter of Authorization*

Power of Attorney*

Name of Property Owner or Corporate Principal Responsible or Appointed Designee for Payment of all At-Cost Project Reimbursement Fees:

Diane C. DeMichele

(Please Print)

Name of Company or Corporation (if applicable):

(Please Print)

Mailing Address of the Property Owner or Corporation/Company responsible for paying processing fees:
(If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation)

Name: Diane C. DeMichele

Date: 10/16/2023

Email address: dianecdem@yahoo.com

Phone Number: (707) 972-9774

Diane DeMichele
Signature of Owners/Agent* Name

10-16-23
Date

Diane DeMichele
Signature of Applicant

10-16-23
Date

**INDEMNIFICATION AGREEMENT
BY AND BETWEEN COUNTY OF LAKE AND**

THIS AGREEMENT, made and entered into this 16th day of October, 2023, by and between COUNTY OF LAKE, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), and Diane C. DeMichele (hereinafter referred to as "APPLICANT").

WHEREAS, the Applicant has a legal and/or equitable interest in the certain real property located at Assessor Parcel Number(s): 800-001-200-000; and

WHEREAS, the Applicant has submitted an application to the County for an entitlement (Zoning Clearance Certificate, Special Permit, or Conditional Use Permit) for _____ pursuant to section(s) _____ of Chapter 21 of the County of Lake Code, section(s) _____ of the California Code of _____, and related CEQA approvals ("the Project"); and

WHEREAS the APPLICANT desires to indemnify the COUNTY from liability or loss connected with the Project approvals herein.

NOW, THEREFORE, pursuant to Chapter 21 of the Lake County Code and in consideration of the promises, covenants, and provisions set forth herein, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Nothing in this Agreement shall be construed to limit, direct, impede, or influence the County's review and consideration of the Project.
2. The APPLICANT shall defend, indemnify and hold harmless the COUNTY and its agents, officers and employees from any claim, action, or proceeding against the COUNTY or its agents, officers, or employees brought on account of any injury or damage sustained, or to attack, set aside, void, or annul the Project or any prior or subsequent related development approvals or Project condition imposed by the COUNTY or any of its agencies, departments, commissions, agents, officers or employees concerning the said Project, or to impose personal liability against such agents, officers or employees resulting from their involvement in the Project, which claim, action, or proceeding is brought within the time period provided by law, including any claim for private attorney general fees claimed by or awarded to any party from COUNTY. However, APPLICANT shall have no obligation to defend or indemnify the COUNTY against claims caused by the sole or active negligence or willful misconduct of the COUNTY, its agents, officers, or employees.
3. The County shall have the absolute right to approve any and all counsel employed to defend the County. To the extent that COUNTY uses any of its resources responding to such claim, action, or proceeding, APPLICANT will reimburse COUNTY upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at their regular rate for external or non-County agencies, or any other direct or indirect cost associated with responding to the claim, action, or proceedings.

4. The APPLICANT'S obligations under this agreement shall be effective regardless of the issuance of any permits or entitlements.
5. The COUNTY will promptly notify APPLICANT of any such claim, action, or proceeding.
6. The COUNTY may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the COUNTY defends the claim, action, or proceeding in good faith.
7. The APPLICANT shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved in writing by APPLICANT.
8. All notices to APPLICANT under this Agreement shall be deemed valid and effective five (5) calendar days following deposit in the United States mail, postage prepaid, by certified and / or registered mail, addressed to:

_____,

All notices to COUNTY under this Agreement shall be deemed valid and effective when personally served upon the Community Development Director or upon deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to the Director, Lake County Department of Community Development, 255 North Forbes Street, Lakeport, California 95453.

9. This Agreement represents the complete understanding between the parties with respect to matters set forth herein.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed on the date hereinabove first written.

COUNTY OF LAKE

By: _____
MIREYA TURNER (COMMUNITY DEVELOPMENT DIRECTOR)

APPLICANT

By: Diane Demicheli
(Applicant)

APPROVED AS TO FORM:

ANITA L. GRANT
County Counsel

By: _____
NICOLE JOHNSON (DEPUTY COUNTY COUNSEL)



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

File: _____
AP#: _____
Applicant: _____

**PLANNING DIVISION
SUPPLEMENTAL DATA FORM**

The following supplemental information is required for all applications requiring environmental review in accordance with the California Environmental Quality Act (CEQA). Please answer the following questions as thoroughly as possible. If questions do not apply to your project, indicate by writing "N/A" or check "no". Use separate sheets of paper if necessary. **IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE LAKE COUNTY PLANNING DIVISION.**

I. Project Description

Project Name: Collier Ave. Road Vacation Application

Address of Project: 2685 Lakeshore Blvd. Nice, CA 95464

Description of objective of project and its operational characteristics:

Collier Ave. easement/road vacation application

Type of business: Bar and Grill

Product or service provided: _____

Hours of operation _____

Days of operation _____

Number of shifts (normal) _____

Employees per shift (normal) _____

Number of shifts (peak) _____

Employees per shift (peak) _____

Number of deliveries per day _____

Number of pick-ups per day _____

Number of customer per day _____

Lot size _____

Number and type of company vehicles _____

Floor area of existing structures _____

Proposed floor area _____

Number of parking spaces _____

Number of floors _____

Type of loading facilities _____

Additional relevant information _____

II. Will the project involve any of the following? If yes, please explain on separate sheet.

N/A

YES

NO

1. Building or grading on steep slopes?

2. Extensive grading?

3. Building on fill or expansive soils?

4. Change in dust, ash, smoke, fumes or odors?

5. Alter any lakeshore, drainage course or waterway?

	<u>YES</u>	<u>NO</u>
6. Use of water well or surface water diversion?	_____	_____
7. Do portions of the site periodically flood?	_____	_____
8. Alteration of site drainage?	_____	_____
9. Result in loss of wetland or streamside vegetation?	_____	_____
10. Reduce acreage of any agricultural croplands or soils?	_____	_____
11. Include removal of trees or large amounts of brush?	_____	_____
12. Increase noise or vibration on or off site?	_____	_____
13. Be substantially different in size or character from surrounding development?	_____	_____
14. Have either a notice of violation or citation been issued concerning the project?	_____	_____
15. Could the project be controversial?	_____	_____
16. Substantially increase energy use?	_____	_____
17. Is there a risk of an explosion or release of hazardous substances in case of an accident?	_____	_____
18. Result in the loss of existing housing units?	_____	_____
19. Generate substantial additional traffic?	_____	_____
20. Increase traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	_____
21. Involve the use of toxic or hazardous substances, flammables or explosives?	_____	_____
22. Expose people to untreated or partially treated human wastes or chemical pollution?	_____	_____
23. Change a scenic view or vista from existing residential areas, or public lands or roads?	_____	_____
24. Involve large outdoor areas to be lit at night?	_____	_____
25. Do the site or buildings have any archaeological or historical significance?	_____	_____
26. Is the project part of a larger project or series of projects?	_____	_____

APPLICATION
REQUEST TO VACATE A ROAD FOR PUBLIC USE IN LAKE COUNTY

Date: August 3, 2023

County of Lake
Attn: County Surveyor
Department of Public Works
255 North Forbes Street, Rm 309
Lakeport, CA 95453

1. I would like to request the vacation of a road for public use in the Nice
area. (town)
2. Road name: Collier
3. The road is located (geographic location): North/south direction from Hwy 20 &
terminating at Lakeshore Blvd. with an easement across 2685 Lakeshore Blvd.
(Attach a map or sketch showing the portion of roadway to be vacated and any utilities and
improvements involved.)
4. Reason for vacation: Easement across 2685 Lakeshore Blvd. into Clear Lake
hasn't been maintained or used by the county in over 40 years.
5. Signatures of support for vacation (include signatures of all adjoining ownerships and those
who take access off the road to be vacated):

<u>Name</u>	<u>Signature</u>	<u>APN</u>	<u>Mailing Address</u>	<u>Phone #</u>
<u>None. The easement has only been used for client parking for use of</u>				
<u>The Boathouse at 2685 Lakeshore Blvd. No ingress/egress is useful to</u>				
<u>any adjoining property immediately to the east. Utilities don't transverse</u>				
<u>the easement & are accessed via Lakeshore Blvd. APN 800-001-200-000.</u>				
Fee Parcel Number: 031-071-090-000				

Signature of Applicant: 

Date: 8/3/2023

September 6, 2023

County of Lake
Public Works Department
255 N. Forbes Street
Lakeport, CA 95453

Re: Road Vacation Application 2685 Lakeshore Blvd. Nice, CA 95464

Please process, expeditiously, my application requesting to vacate a road for public use easement in Lake County.

The easement runs north/south in direction across my property at 2685 Lakeshore Blvd. Nice, CA 95464. The easement is a continuation of the roadway Collier Avenue which terminates at the southern end at Lakeshore Blvd. This easement has been maintained by me for parking of clients accessing The Boathouse. The Boathouse operates as a bar & grill which is owned and has been operated by me for 50 years.

There will be no changes to the land use as it exists today. The reason for the vacate request is that this easement deters my ability to expand docks for customer use. My business is heavily dependent on seasonal users of Clear Lake by bass fishing and recreational boat users. Every summer many boats turn away as there is not enough space for them to dock.

I currently have a permit for dock work active with the Public Works Department awaiting timing of piling installations.

Regards,



Diane C. DeMichele
DBA The Boathouse
2685 Lakeshore Blvd.
Nice, CA 95464
dianecdem@yahoo.com 707. 972. 9774

Hi Max

I would like to pave the portion of easement again, and would stripe it so it would be organized, and might get a few more cars in.

I would really like to put some more finger floats in on the east side of my pier, and a couple pilings. As it stands, I am not allowed to do that without getting the easement back.

I would like to store my floats there on the beach in winter. That easement is only area on my property where I can get floats in and out of the lake.

If I could get more boats into my place, it would help business immensely. There are so many that can't get into Boathouse because of not enough docking for people.

Also, if I could get the property back, I have always thought that there would certainly be enough room to add on to the dining room on the east side of the building. That would give me a larger dining room for our customers, which I really need.

I am not sure that I need a lot line adjustment, as the easement is on the original deed. As for the property on east side there has always been a large fence between me and neighbor. If you would like to come look, I can show you. I even paid for all the trees this past summer to be trimmed. They are all on the fence line between easement and neighbor. They were all hanging over fence on neighbor's roof. I felt that I should.

Getting that easement back would really enhance the property. I have always thought that with the extra portion of land on my east side of property, I could do a lot more to make the Boathouse Bar and Grill much busier, and I would advertise more to make it the destination place for the North Shore of Clearlake. I hope I can continue to make this happen with your help. Please let me know what you think. I hope I cleared it up more for you.

Thanks, Diane

2.2.2024

Collier Ave

Legend

collier ave

306S

Lakeshore Blvd

Lakeshore Blvd

Lakeshore Blvd

Collier Ave

Collier Ave

03128413

03128408

03107111

03107109

03107257

Collier Ave Vacation

Google Earth

200 ft

N

31-070

68-039

All Zoning
3.7(B)1.294

031-072-36
Drift Inn
Resort Conversion
NOV pending 12/3/09
Ber

2/3/09
Ben
WAS PREPARED FOR
MENT PURPOSES ONLY.
LITY IS ASSUMED FOR
URACY OF THE DATA
DELINEATED HEREON.

Assessor, Lake County

 $1'' = 200'$

 "SC"
 "FF"
 "WW" Riparian Canopy
 "WW" 20' buffer
 "W" Wetland

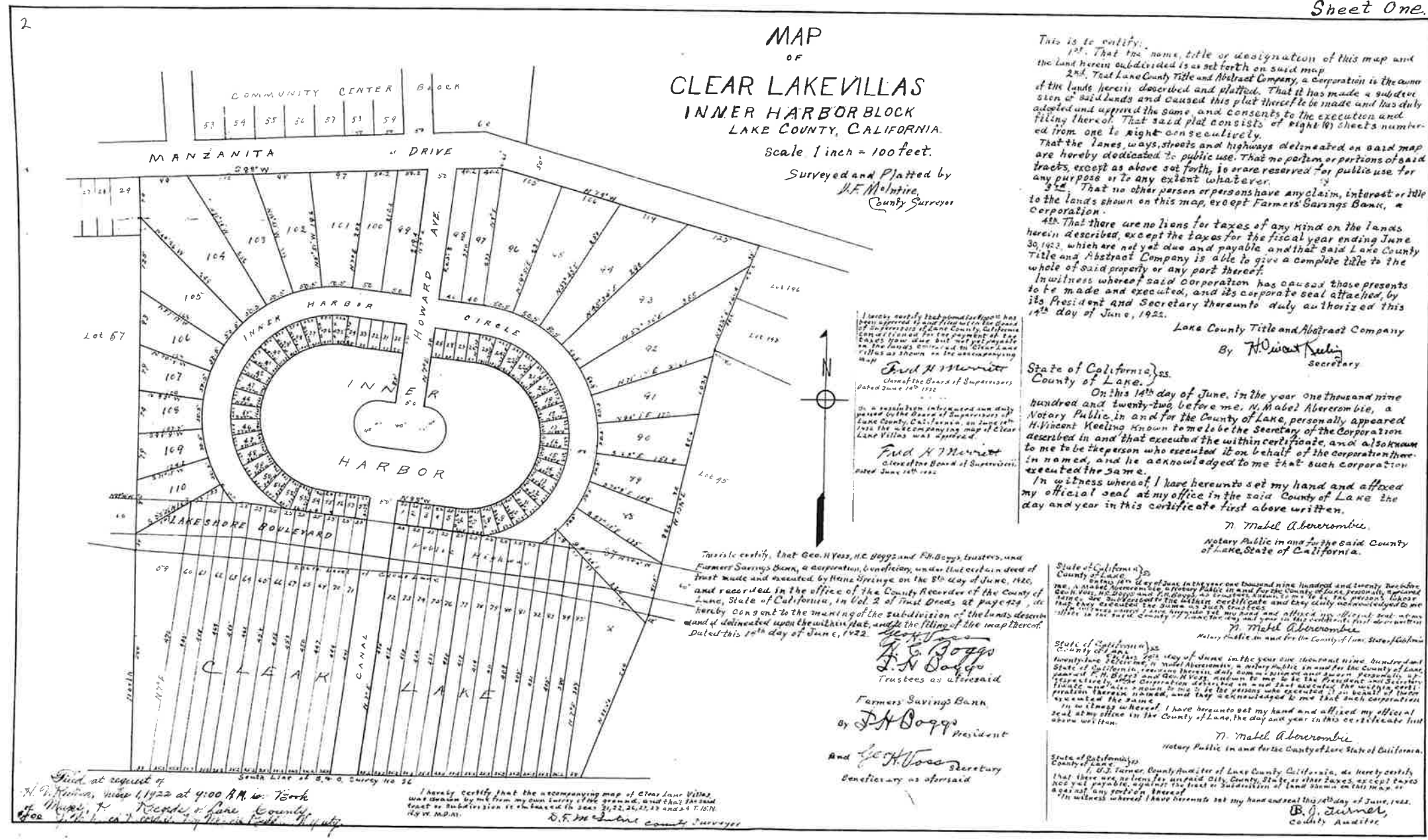
28 P. M. PG. 20
30 P. M. PGS 28 & 29

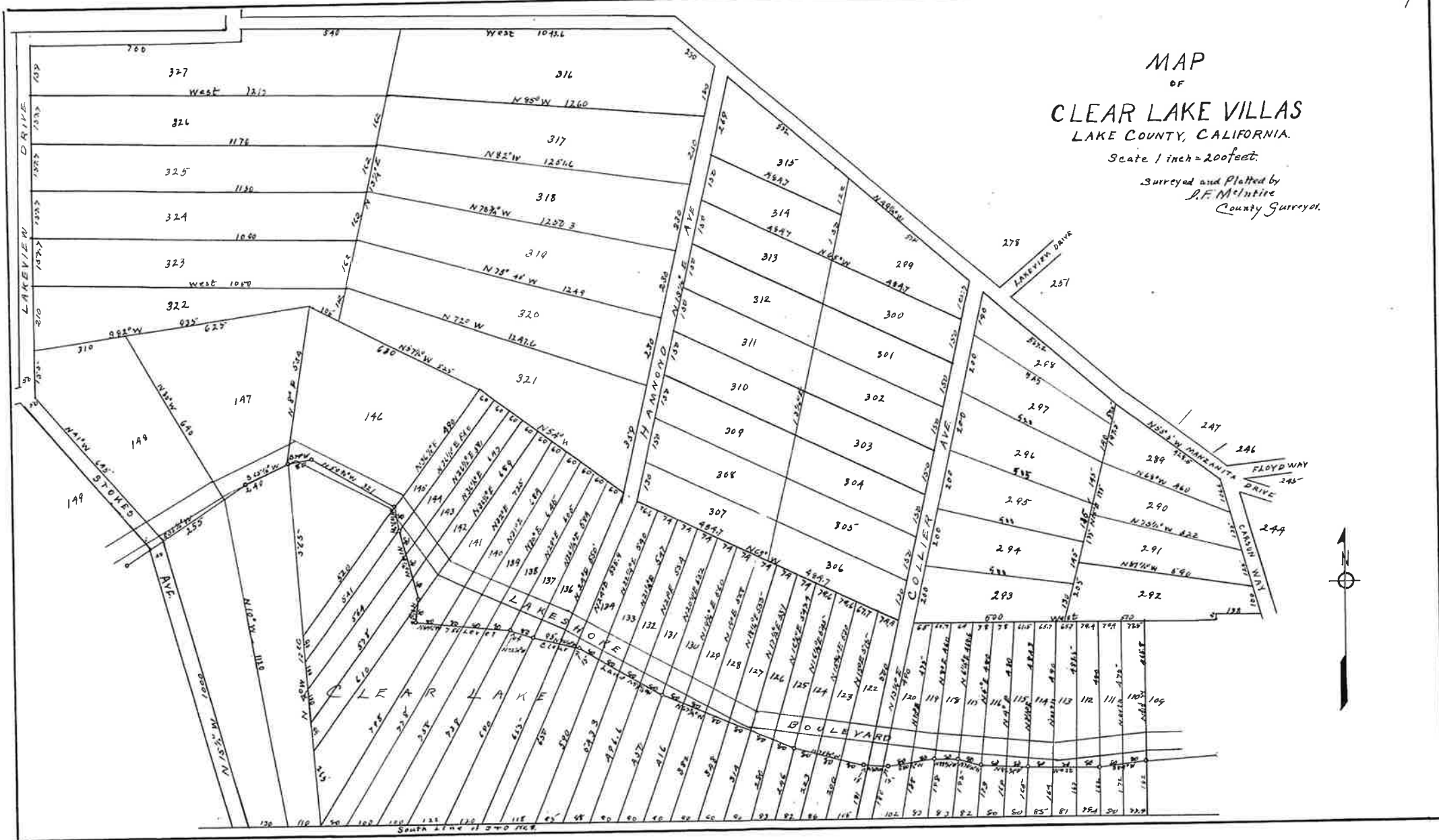
Per Lake / Nice Area Plan

LAKE

BK 30 P.M. PGS 17 & 18

WW ZERO RUMS
AS SHOWN ON SHEET
OF 68-
STATE LAND
SURVEY





ORDERED that said Road District No. 2 be allowed \$300.00
County Fund.

The above motion was passed by the following vote:

J. M. Adamson	-----Yes.
M. J. Boggs	-----Yes.
W. P. Mariner	-----Yes.
T. A. Read	-----Yes.
W. W. Woodruff	-----Yes.

The following resolution was offered by W. P. Mariner:

WHEREAS, Lake County Title and Abstract Company, a corporation, has had surveyed and platted a certain subdivision known and delineated as "Clear Lake Villas", and has submitted a map or plat thereof to this Board for approval upon which are reserved and indicated an offer for public dedication for public use for highway or right of way purposes those certain Streets designated and named on said map or plat as "Carson Way," "Hudson Avenue," "Floyd Avenue," "Buckingham Way," "Elliott Way," "Boggs Avenue," "Springe Street", "Lakeshore Boulevard," "Lakeview Drive," "Manzanita Drive," "Harbour Circle," "Crump Avenue," "Sayre Avenue," "Howard Avenue," "Keeling Avenue," "Levy Avenue" "Stokes Avenue", and "Hammond Avenue", AND, WHEREAS, it appears that each and all of the provisions and requirements of an act of the legislature of the State of California entitled, "An act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale by reference to said maps unless the same are recorded," approved March 15th, 1907, as amended, have been complied with; NOW, THEREFORE, be it RESOLVED, that said map or plat of said subdivision be and the same is hereby approved and that said named streets so offered for dedication and each of them be and the same are hereby accepted on behalf of the public.

The above resolution was passed by the following vote:

J. M. Adamson	-----Yes.
M. J. Boggs	-----Yes.
W. P. Mariner	-----Yes.
T. A. Read	-----Yes.
W. W. Woodruff	-----Yes.

**COUNTY OF LAKE**

Community Development Department
255 N. Forbes St.
Lakeport, CA 95453
(707) 263-2382

Receipt No.: **69976**
Receipt Date: **10/18/2023**

RECEIPT

RECORD & PAYER INFORMATION

Record ID: GPC23-04
Record Type: Planning Entitlement
Property Address: 2685 LAKESHORE BLVD, NICE 95464
Parcel Number: 031-071-09
Description of Work: CE 23-41
Road Vacation for Collier Ave - Road Easement
Job Value: \$0.00
Payer: The Boathouse
Applicant: Diane DeMichele
PO Box 430
Nice, CA 95464
Owner: DEMICHELE DIANE C TRUSTEE

PAYMENT DETAIL

Date	Payment Method	Reference	Cashier	Comments	Amount
10/18/2023	Check	5767	JHENRY	General Plan Conformity - Road Vacation	\$1,180.96

FEE DETAIL

Fee Description	Account	Fee Amount	Current Paid
TECH Recov Fee	001-2702-461.66-19	\$21.96	\$21.96
Categ Exemptn,PLN- InitFee	001-2702-461.66.12	\$610.00	\$610.00
Gen Plan Maint'c Fee	001-2702-461.66-21	\$61.00	\$61.00
Gen Plan Conformity- InitFee, PLN	001-2702-461.66-13	\$488.00	\$488.00
		\$1,180.96	\$1,180.96