



Legislation Text

File #: 17-676, **Version:** 1

MEMORANDUM

TO: Board of Supervisors

FROM: Scott De Leon, Public Works Director

DATE: August 1, 2017

SUBJECT: PUBLIC HEARING (a) Consideration of a Resolution Vacating a Portion of a Roadway, with Reservations, Summer Drive in the Anderson Springs Subdivision, in the County of Lake; and (b) Approve Certificate of Acceptance of the Irrevocable Offer of Dedication.

EXECUTIVE SUMMARY: A Resolution of Intent to vacate a portion of the roadway known as Summer Drive was adopted by the Board, on July 11, 2017 establishing today's hearing. All required notices were posted.

Leroy and Jennie Rossotti, owners of property in the Anderson Springs Subdivision, Tract Number One, have petitioned the Board of Supervisors (Board) for the vacation of a portion of the roadway known as Summer Drive. The portion to be vacated is approximately 200 feet in length and extends from the North line of Anderson Springs Road (C.R. #112) to the intersection with the extended westerly line of Lot 13 of the Rossotti ownership. The remainder of Summer Drive northerly to the intersection with Alder Lane will not be vacated. The Rossotti ownership as well as the proposed vacation is shown on Exhibit "B" of the attached resolution.

The reason for the vacation as stated in the Rossotti's letter is the portion of roadway has only been used as a driveway for many years to serve homes on their property and a neighbor and the vacation of the roadway will allow additional room for setbacks for the new homes that are being planned. Currently, the portion to be vacated is blocked off at the northwesterly end of the vacated portion at the intersection with an existing road which serves as access from Anderson Springs Road to Alder Lane. This portion of roadway, which crosses the Rossotti property, will be offered for dedication by the Rossotti's, concurrently with and dependent upon the outcome of the vacation. In short, the vacated portion will be replaced by the dedicated portion to allow continued public access.

Summer Drive, formerly shown as "Road F" on the map of Anderson Springs Subdivision Tract Number One, was offered for dedication for public use in 1937. However, the Board rejected the offer of dedication of all roads shown on the map with the exception of the county road (Anderson Springs Road). This vacation will serve to terminate the 'open' offer of dedication which may still exist on this

portion of Summer Drive. The public utility easements currently in place will be reserved from the vacation and specifically addressed in the Resolution.

On July 13, 2017, the Planning Commission heard the request for the proposed vacation (GPC 17-04) and found it to be in conformance with the County's General Plan. Those findings will be available for review prior to the final hearing for vacation before the Board. During the public hearing there was no public opposition to the proposed vacation.

Also attached is a map and description of the vacated portion labeled "Exhibits A and B"

Summary:

In considering the vacation of a roadway, The Board must make the following findings:

- 1) The portion of roadway being vacated is no longer needed for present or prospective public use, and no property owner will be "landlocked" from their property. In this case, all property owners will retain access off Anderson Springs Road or Summer Drive, in addition to private easement rights over the vacated portion, as per Section 8353 of the Streets and Highways Code.
- 2) The proposed vacation will "clean up" a situation that has been in place for years by formally recognizing the vacated portion as no longer needed for public use. At the same time, the attached "Irrevocable Offer of Dedication", describing the existing road, which has been used for public access, will be formally accepted to replace the vacated portion.

FISCAL IMPACT: __ None __ Budgeted __ Non-Budgeted
Estimated Cost:
Amount Budgeted:
Additional Requested:
Annual Cost (if planned for future years):

FISCAL IMPACT (Narrative):

STAFFING IMPACT (if applicable):

RECOMMENDED ACTION: The following actions are available to the Board regarding this vacation request:

- 1) Adopt the Resolution and Irrevocable Offer of Dedication and direct the Clerk to file a certified copy for recordation with the County Records.
- 2) Deny the request for vacation. If denied, the Irrevocable Offer of Dedication cannot be accepted.

