



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

APPROVE SUMMARY VACATION (ABANDONMENT) OF A PORTION OF THE REAL PROPERTY AND PUBLIC ROAD RIGHT-OF-WAY FOR NEVADA CITY HIGHWAY GRANTED TO THE COUNTY OF NEVADA IN THAT CERTAIN DEED IN VOLUME 445 AT PAGE 508, OFFICIAL RECORDS, WHILE MAINTAINING THE OVERHEAD AND/OR UNDERGROUND PUBLIC UTILITY EASEMENT RIGHTS. ASSESSOR'S PARCEL NUMBERS 035-221-010 – DISTRICT 3

WHEREAS, the California Streets and Highway Code Section 8334 allows the County to summarily vacate a street or highway if it is determined to be excess right-of-way and not required for street or highway purposes; and

WHEREAS, the California Streets and Highway Code Section 8355 allows the County to summarily vacate a street or highway if the legislative body of a public entity determines that property previously subject to a street, highway, or public service easement, title to which is owned by the public entity, is no longer needed by the public:

- (a) In the case of property owned by a local agency, the legislative body may sell or exchange the property in the manner, and upon the terms and conditions, approved by the legislative body; and

WHEREAS, the California Streets and Highway Code Section 960 allows the County to sell any real property whenever the Board of Supervisors determines that any real property, or interest therein, acquired by the county for highway purposes is no longer necessary for those purposes, the County may sell or exchange the real property, or interest therein, in the manner and upon the terms and conditions approved by the Board of Supervisors. Any conveyance under this section shall be executed on behalf of the county by the Chairman of the Board of Supervisors, and the money received for the real property shall be paid into the County treasury to the credit of any fund available for highway purposes, which the Board of Supervisors designates; and

WHEREAS, the County of Nevada obtained the right-of-way from the State of California by relinquishment as described in that certain Deed recorded April 30, 1968 in Volume 445 at Page 508, Official Records; and

WHEREAS, the County of Nevada has received a request from the property owner Cathy L. Dykstra, Trustee of the Cathy L. Dykstra 2011 Revocable Living Trust dated December 21, 2011, to abandon and obtain a portion of the Public Road right-of-way as described in attached Exhibit "A" and shown on attached Exhibit "B" (Assessor's Parcel No. 035-221-010); and

WHEREAS, the Nevada County Surveyor has reviewed the proposed vacation (abandonment) and finds that this right-of-way is no longer needed for the road purposes that it was originally provided; and

WHEREAS, this vacation (abandonment) relinquishes all the real property while maintaining the overhead and/or underground Public Utility Easement rights; and

WHEREAS, Daniel R. Ketcham, a California Certified General Appraiser, has evaluated the surrounding land values and has determined that the average land value for this area is approximately \$2.50 per square foot and, therefore, the total value of the right-of-way to be abandoned and sold is approximately \$16,200 for 6,482 square feet; and

WHEREAS, the right-of-way to be abandoned shall be deeded to Cathy L. Dykstra, Trustee of the Cathy L. Dykstra 2011 Revocable Living Trust dated December 21, 2011, for the sum of \$16,200; and

WHEREAS, the request has been circulated to the Nevada County Public Works Department and the Nevada Irrigation District and both have consented to the request; and

WHEREAS, the Nevada County Zoning Administrator has reviewed the request and found the vacation (abandonment) of the right-of-way is not in conflict with the Nevada County General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors has reviewed and considered this right-of-way vacation and hereby finds and determines as follows:

1. The above recitals are true and correct.
2. A portion of the existing public road right-of-way for Nevada City Highway as relinquished to the County of Nevada by the State of California on April 30, 1968, in that certain Deed in Volume 445 at Page 508, Official Records, as shown in the attached Exhibits A and B is hereby determined to be an excess right-of-way.
3. The abandonment relinquishes all the real property while maintaining all overhead and/or underground Public Utility Easement rights.
4. The Right-of-Way as described herein can be summarily vacated and sold pursuant to California Code Sections 8334, 8355 and 960.
5. The right-of-way shall be deeded to Cathy L. Dykstra, Trustee of the Cathy L. Dykstra 2011 Revocable Living Trust dated December 21, 2011, for the sum of \$16,200.

BE IT FURTHER RESOLVED that the Nevada County Board of Supervisors hereby:

1. Summarily vacates, abandons and sells a portion of the existing public road right-of-way for Nevada City Highway as relinquished to the County of Nevada by the State of California on April 30, 1968, in that certain Deed in Volume 445 at Page 508, Official Records, as shown in the attached Exhibits A and B.
2. Declares that from and after the date that this Resolution is recorded, the County relinquish all the real property while maintaining all overhead and/or underground Public Utility Easement rights.
3. Directs the Auditor Controller to deposit funds to the Nevada County Road Fund 1114-30101-701-1000 / 470600.
4. Directs the Clerk of the Board of Supervisors to record the Resolution of Summary Vacation and Grant Deed to Cathy L. Dykstra, Trustee of the Cathy L. Dykstra 2011 Revocable Living Trust dated December 21, 2011.