



# **RESOLUTION No. 16-570**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**SUMMARY VACATION (ABANDONMENT) OF A PORTION OF THE PUBLIC RIGHT-OF-WAY SHOWN AS CHARLES DRIVE ON THAT CERTAIN MAP FOR THE LOMA RICA INDUSTRIAL PARK RECORDED JUNE 23, 1960 IN BOOK 1 OF SUBDIVISION MAPS AT PAGE 121, AND AS ACCEPTED BY THE NEVADA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 09-047 – DISTRICT I**

WHEREAS, the California Streets and Highway Code Section 8331 allows the County to summarily vacate a street or highway if, for a period of five consecutive years, the street or highway has been impassable for vehicular travel and no public money was expended for maintenance on the street or highway during such period; and

WHEREAS, the County of Nevada owns the 80-foot wide right-of-way for Charles Drive as shown on that certain map for the Loma Rica Industrial Park recorded June 23, 1960 in Book 1 of Subdivision Maps at Page 121 and as accepted by the Nevada County Board of Supervisors Resolution No. 09-047; and

WHEREAS, the County of Nevada has received a request from Ronald & Katherine Rodecker to vacate (abandon) a 10-foot strip of Charles Drive along the frontage of their Lot 10 of the English Mountain Park-Phase One subdivision as shown on that certain map in Book 8 of Subdivision Maps at Page 71 and being Assessor's Parcel Number 06-920-04; and

WHEREAS, the Nevada County Surveyor and the Department of Public Works has reviewed the proposed vacation (abandonment) and finds that this portion of right-of-way is excess right-of-way and is no longer needed for the purpose that it was originally provided, and there are no public improvements or utilities located within this area and is in conformance with Nevada County Board of Supervisors Resolution No. 09-047; and

WHEREAS, the request has been circulated to AT&T, the Nevada Irrigation District, the Pacific Gas and Electric Company, and the Nevada County Department of Sanitation and all have consented to the request; and

WHEREAS, the Nevada County Zoning Administrator reviewed the request and found the vacation 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. The 10-foot strip of right-of-way for Charles Drive along the frontage of Lot 10 of the English Mountain Park-Phase One subdivision as shown on that certain map in Book 8 of Subdivision Maps at Page 71 and as described in the attached Exhibit "A" and shown on the attached Exhibit "B" is hereby determined to be excess property and there are no public improvement or facilities located within the property.
3. The right-of-way as described herein can be summarily vacated pursuant to California Code Section 8331.

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

1. Summarily vacates the 10-foot strip of right-of-way for Charles Drive along the frontage of Lot 10 of the English Mountain Park-Phase One subdivision as shown on that certain map in Book 8 of Subdivision Maps at Page 71, and as described in the attached Exhibit "A" and shown on the attached Exhibit "B".
2. Declares that from and after the date that this Resolution is recorded, the subject property no longer is public lands.
3. Directs the Clerk of the Board of Supervisors to record the Resolution of Summary Vacation.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 13th day of December, 2016, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Dan Miller, Chair

12/13/2016 cc: Recorder(1)  
DPW\*



COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY

Building  
Planning  
Public Works  
Sanitation  
Environmental Health  
Agricultural Commissioner

DATE: November 15, 2016

FILE: U16-001

TO: Brian Foss, Zoning Administrator

FROM: Kevin J. Nelson, County Surveyor

**SUBJECT: Summary Vacation (Abandonment) of a 10-foot portion of the Public Right-of-Way on Charles Drive adjacent to Assessor's Parcel Number 06-920-04 and being Lot 10 of the English Mountain Ranch-Phase 1 subdivision recorded in Book 8 of Subdivisions at Page 71 and as shown on the attached Exhibit "A", Assessor's Parcel Numbers 06-920-04.**


Owners: Assessor's Parcel No. 06-920-04  
Ronald & Katherine Rodecker  
13860 Climbing Way  
Nevada City, CA 95959

AT&T, the Nevada Irrigation District, the Pacific Gas and Electric Company, and the Nevada County Public Works Department have been duly notified and do not object to the subject abandonment.

Enclosed is the exhibit map for the subject abandonment.

Before abandonment of any right-of-way, Government Code Section 65402 requires that the Planning Department review the above request for compliance with the General Plan. After the Zoning Administrator has completed the review, please fill out the statement below and return it to me so that I can continue with the processing of the subject easement abandonment.

On 11/23/16, the Nevada County Zoning Administrator reviewed this Abandonment of Easement and finds that it is in conformance with the General Plan and the easement is not needed for public purposes. The project can now be scheduled for the Nevada County Board of Supervisors to take final action.

  
\_\_\_\_\_  
Nevada County Zoning Administrator

Enclosures

**EXHIBIT A**

All that certain portion of land located within the 80-foot County of Nevada right-of-way in the unincorporated area of the County of Nevada, State of California, within Section 30, Township 16 North, Range 9 East, M.D.B.&M., and being more particularly described as follows:

Beginning at the Northwest corner of Lot 10 as shown on that certain map recorded on August 19, 1999 in Book 8 of Subdivision Maps at Page 71, Nevada County Recorder's Office; thence from said Point of Beginning and southerly along the west line of said Lot 10, South 1° 18' 00" East, 330.14 feet to the Southwest corner of said Lot 10; thence leaving said Lot 10 and westerly along an extension of the south line of said Lot 10, North 88° 35' 18" West, 10.01 feet; thence northerly and parallel to the west line of said Lot 10, North 1° 18' 00" West, 329.43 feet; thence easterly and along an extension of the north line of said Lot 10, North 87° 21' 27" East, 10.00 feet to the Point of Beginning.


The herein described easement contains an area of 3,298 square feet, more or less.

The herein described easement is shown on Exhibit "B" attached hereto and made a part hereof.

The herein described easement affects a portion of APN 06-920-04.

This description has been prepared by me, or under my direct supervision, in conformance with the Professional Land Surveyors Act, on September 28, 2016



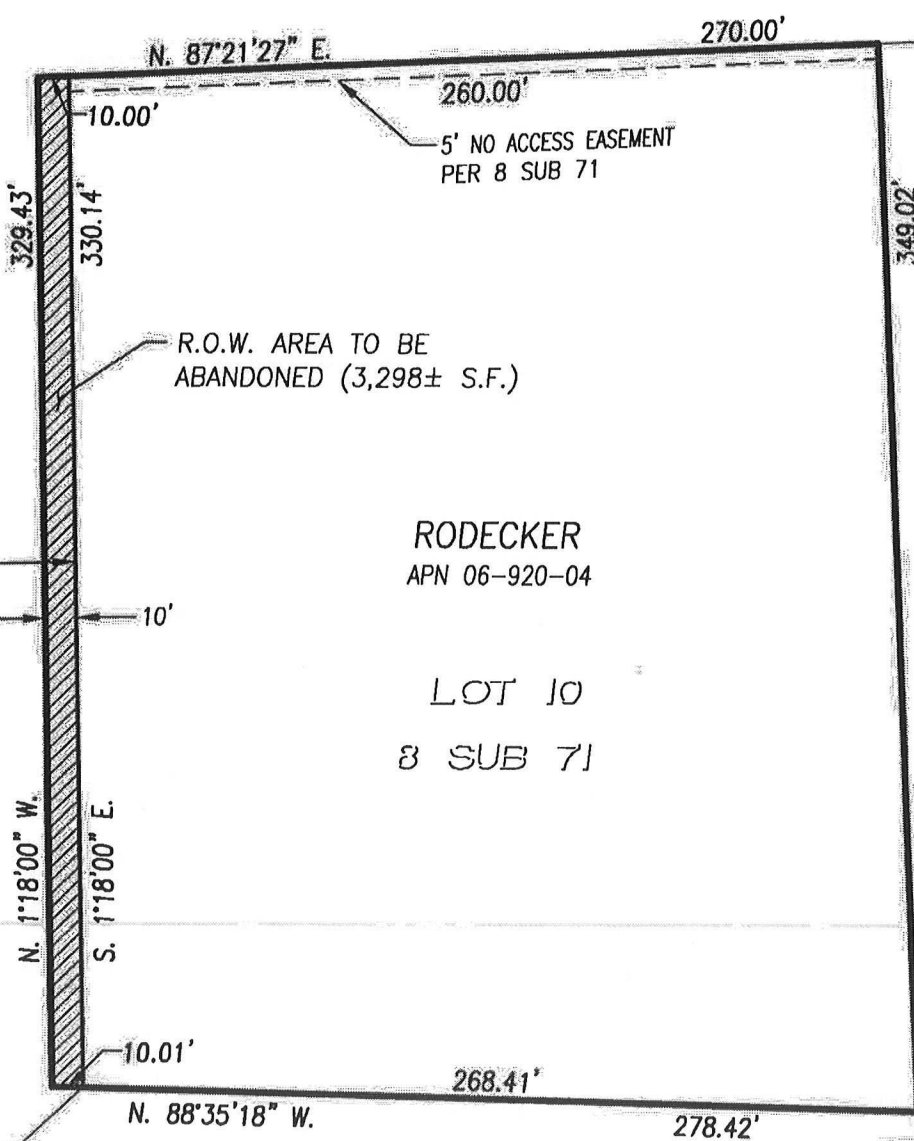
  
Kevin J. Nelson, P.L.S. 8423  
Expires 12-31-16

# EXHIBIT "B"

SCALE: 1" = 60'

## LOMA RICA DRIVE

## CHARLES DRIVE



N. 87°21'27" E.

270.00'

260.00'

5' NO ACCESS EASEMENT  
PER 8 SUB 71

10.00'

329.43'

330.14'

R.O.W. AREA TO BE  
ABANDONED (3,298± S.F.)

RODECKER  
APN 06-920-04

LOT 10  
8 SUB 71

349.02'

YUBA SIERRA LLC  
APN 06-920-05

80'

70'

10'

N. 1°18'00" W.

S. 1°18'00" E.

10.01'

N. 88°35'18" W.

268.41'

278.42'

N. 2°38'33" W.

LOT 11

CORKINS  
APN 06-920-18

LOT 6  
8 SUB 150





COPY

RECORDING REQUESTED BY:  
&  
RETURN TO:

Board of Supervisors  
County of Nevada  
950 Maidu Avenue  
Nevada City, CA 95959-8617

Nevada County Recorder  
Gregory J. Diaz  
Document#: 20160029073  
Wednesday December 14 2016, at 10:19:47 AM

Paid: KP

**DOCUMENT TITLE**

NEVADA COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 16-570

SUMMARY VACATION (ABANDONMENT) OF A PORTION OF  
THE PUBLIC RIGHT-OF-WAY SHOWN AS CHARLES DRIVE ON  
THAT CERTAIN MAP FOR THE LOMA RICA INDUSTRIAL PARK  
RECORDED JUNE 23, 1960 IN BOOK 1 OF SUBDIVISION MAPS AT  
PAGE 121, AND AS ACCEPTED BY THE NEVADA COUNTY BOARD  
OF SUPERVISORS RESOLUTION NO. 09-047 – DISTRICT I

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(Govt. Code 27361.6)  
Additional Recording Fee Applies



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Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

12/13/2016 cc: Recorder(1)  
DPW\*



Dan Miller, Chair

The foregoing instrument is a correct copy of the original on file in this office.

Res 16-570

ATTEST: December 14, 2016

Julie Patterson Hunter, Clerk of the Board  
County of Nevada

RV. 





COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY

Building  
Planning  
Public Works  
Sanitation  
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