



# RESOLUTION No. 20-516

## 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 NUMBER 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 15th day of December, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By:



Heidi Hall, Chair

12/15/2020 cc: Recorder(1)

12/23/2020 cc: DPW\*  
AC\*(release)

**EXHIBIT A**  
**Legal Description**  
**Street Right-of-Way Vacation**  
**Dykstra Trust**

**ALL THAT PORTION** of the southwest quarter of Section 13, Township 16 North, Range 8 East, M.D.M., being a portion of the lands conveyed and relinquished to the County of Nevada by the California Department of Transportation, as shown and designated as Segment No. 2, on Sheet 4-A of 8 sheets, on Relinquishment Map 20279-X, filed in State Highway Mapbook No. 3, Page 158-A, on March 14, 1968, Nevada County Recorder's Index No. 2374; **BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.**

**BEGINNING AT** a point on said Segment 2, being the northeast corner of the lands now or formerly owned by the Cathy L. Dykstra 2011 Revocable Living Trust dated 12/21/2011, as described in the deed filed as Document No. 2012-0003936, Nevada County, California, a point on the right-of-way boundary of the Highway 20 and 49 Golden Center Freeway; **THENCE FROM SAID POINT OF BEGINNING** leaving said Freeway along the lines common to said Segment 2 and said Dykstra Trust, North  $78^{\circ}16'05''$  West 116.21 feet; thence leaving said Dykstra Trust boundary North  $29^{\circ}59'26''$  West 28.25 feet to the beginning of a non-tangent curve to the left concave to the northwest having a radius of 205.00 feet and from which the radius point bears North  $15^{\circ}57'24''$  West; thence along said curve in the northeasterly direction through a central angle of  $01^{\circ}22'58''$  for an arc length of 58.62 feet; thence South  $63^{\circ}08'50''$  East 17.89 feet; thence South  $73^{\circ}18'00''$  East 63.43 feet; thence South  $52^{\circ}50'02''$  East 28.94 feet to a point on said Freeway and Segment 2 boundary; thence along said Freeway and Segment 2 boundary South  $38^{\circ}21'15''$  West 42.78 feet to the point of beginning and containing 6,481 square feet, more or less.

**RESERVING THEREFROM** an easement over the entire above described parcel for any and all underground public utilities together with only necessary above ground appurtenances.

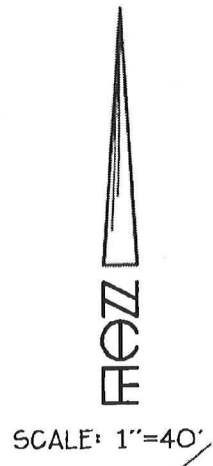
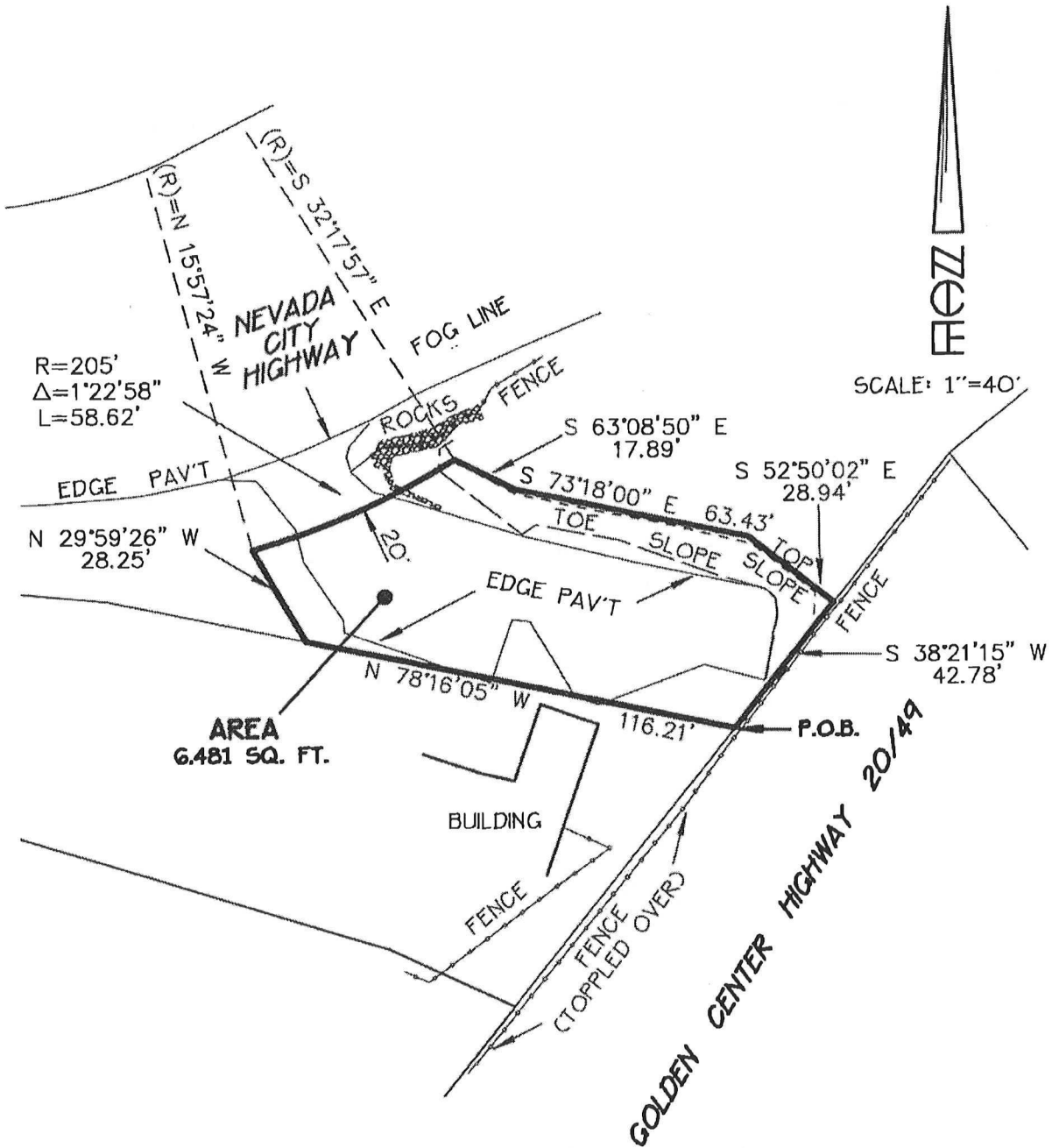
**THE HEREIN DESCRIBED PARCEL** is not established as a separate, legal building site parcel, but is hereby legally combined with said Dykstra Trust lands, with the line in between being hereby merged and eliminated.

**THIS LEGAL DESCRIPTION** was prepared by me based on a field survey in April 2020.



Andrew R. Cassano, PLS 4370 05/05/20  
Professional Land Surveyor  
Nevada City Engineering, Inc.





**EXHIBIT "B"**  
**PROPOSED RIGHT-OF-WAY ABANDONMENT**  
 SCALE: 1"=40' APRIL 2020  
 NEVADA COUNTY, CA  
 NEVADA CITY ENGINEERING, INC.

**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#: 20200035861  
Monday December 21 2020, at 03:06:05 PM**

**Paid: \$0.00 AM**

**DOCUMENT TITLE**

**NEVADA COUNTY BOARD OF SUPERVISORS  
RESOLUTION 20-516**

**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 NUMBER 035-221-010 – DISTRICT 3**

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





# RESOLUTION No. 20-516

## 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 NUMBER 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.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 15th day of December, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: Julie Patterson Hunter

Heidi Hall

Heidi Hall, Chair

12/15/2020 cc: Recorder(1)

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

Res 20-516

ATTEST: Dec 21, 2020

**Julie Patterson Hunter, Clerk of the Board  
County of Nevada**

BY: Julie Patterson Hunter

**EXHIBIT A**  
**Legal Description**  
**Street Right-of-Way Vacation**  
**Dykstra Trust**

**ALL THAT PORTION** of the southwest quarter of Section 13, Township 16 North, Range 8 East, M.D.M., being a portion of the lands conveyed and relinquished to the County of Nevada by the California Department of Transportation, as shown and designated as Segment No. 2, on Sheet 4-A of 8 sheets, on Relinquishment Map 20279-X, filed in State Highway Mapbook No. 3, Page 158-A, on March 14, 1968, Nevada County Recorder's Index No. 2374; **BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.**

**BEGINNING AT** a point on said Segment 2, being the northeast corner of the lands now or formerly owned by the Cathy L. Dykstra 2011 Revocable Living Trust dated 12/21/2011, as described in the deed filed as Document No. 2012-0003936, Nevada County, California, a point on the right-of-way boundary of the Highway 20 and 49 Golden Center Freeway; **THENCE FROM SAID POINT OF BEGINNING** leaving said Freeway along the lines common to said Segment 2 and said Dykstra Trust, North 78°16'05" West 116.21 feet; thence leaving said Dykstra Trust boundary North 29°59'26" West 28.25 feet to the beginning of a non-tangent curve to the left concave to the northwest having a radius of 205.00 feet and from which the radius point bears North 15°57'24" West; thence along said curve in the northeasterly direction through a central angle of 01°22'58" for an arc length of 58.62 feet; thence South 63°08'50" East 17.89 feet; thence South 73°18'00" East 63.43 feet; thence South 52°50'02" East 28.94 feet to a point on said Freeway and Segment 2 boundary; thence along said Freeway and Segment 2 boundary South 38°21'15" West 42.78 feet to the point of beginning and containing 6,481 square feet, more or less.

**RESERVING THEREFROM** an easement over the entire above described parcel for any and all underground public utilities together with only necessary above ground appurtenances.

**THE HEREIN DESCRIBED PARCEL** is not established as a separate, legal building site parcel, but is hereby legally combined with said Dykstra Trust lands, with the line in between being hereby merged and eliminated.

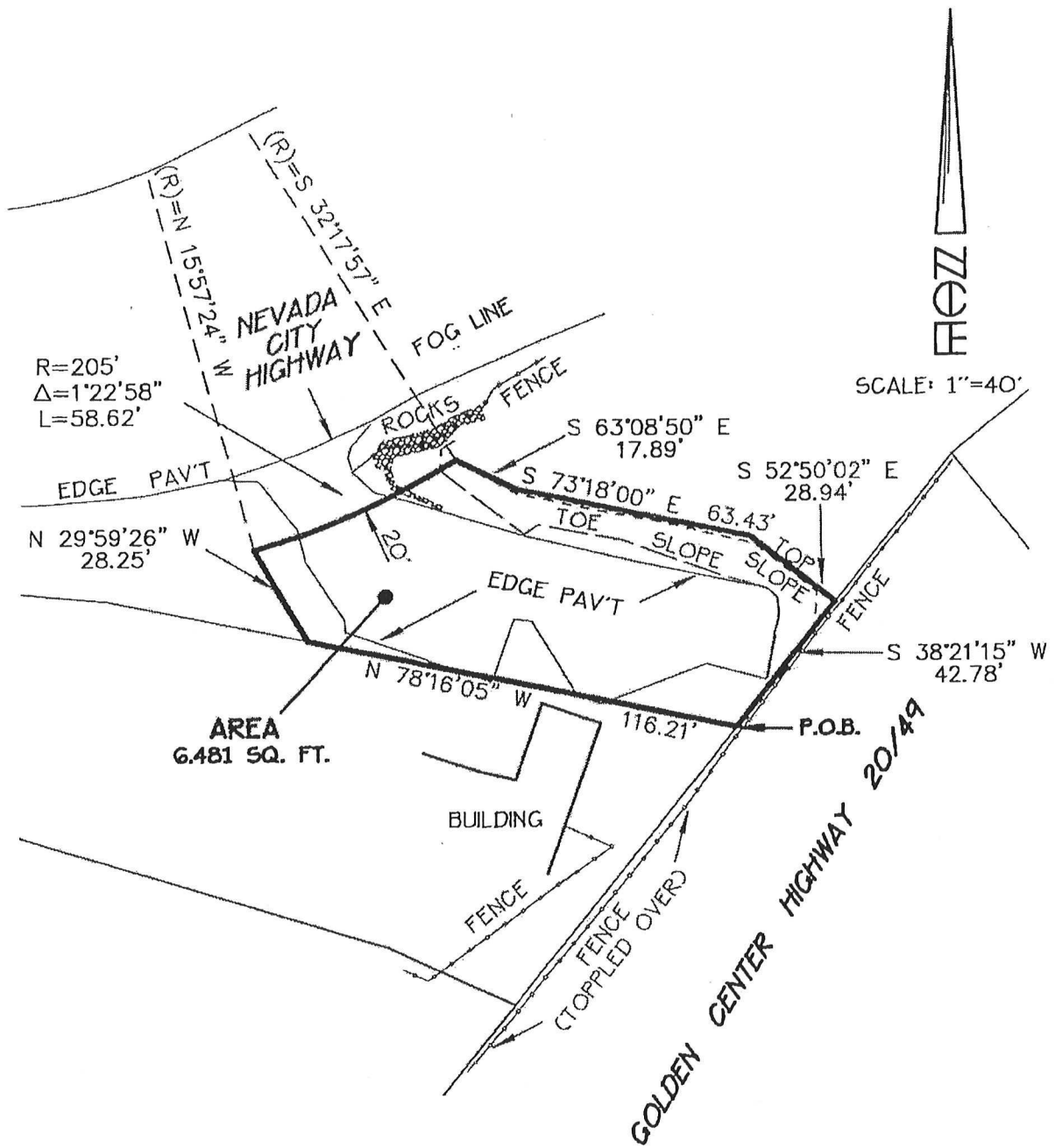
**THIS LEGAL DESCRIPTION** was prepared by me based on a field survey in April 2020.



Andrew R. Cassano, PLS 4370  
Professional Land Surveyor  
Nevada City Engineering, Inc.

05/05/20





**EXHIBIT "B"**  
**PROPOSED RIGHT-OF-WAY ABANDONMENT**  
 SCALE: 1"=40' APRIL 2020  
 NEVADA COUNTY, CA  
 NEVADA CITY ENGINEERING, INC.