



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION FOR THE SUMMARY VACATION (ABANDONMENT) OF A PORTION OF THE COMBIE ROAD RIGHT-OF-WAY, SAID PORTION OF RIGHT-OF-WAY DECLARED EXEMPT SURPLUS LAND, AND SAID PORTION OF RIGHT-OF-WAY (1.09 ACRES) TO BE GRANTED TO THE NEVADA IRRIGATION DISTRICT (NID) FOR PUBLIC ACCESS AND UTILITY PURPOSES, ASSESSOR'S PARCEL NUMBER: NONE - DISTRICT II

WHEREAS, the California Streets and Highway Code Section 8331 allows the County to summarily vacate a street or highway if it is determined that the street or highway has been impassable to vehicular traffic for a period of at least five (5) consecutive years and that no public money was expended for maintenance of that street or highway during such period; and

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 by way of resolution; and

WHEREAS, the California Streets and Highway Code Section 960 allows the County to sell or exchange any real property whenever the Board of Supervisors determines that any real property, or interest therein, acquired by the county for highway or road 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 Chairperson of the Board of Supervisors; and

WHEREAS, land is considered Exempt Surplus Land under the Surplus Land Act if it is sold or transferred to another government agency pursuant to Government Code Section 54220(f)(1)(D).

WHEREAS, the County of Nevada obtained the right-of-way from Albertus O. Robles by Grant Deed recorded Map recorded November 3, 1975 in Volume 764 at Page 49 and shown on that certain map recorded November 3, 1975 in Book 9 of Parcel Maps at Page 231 and from Franklin & Bernice Schoellerman as dedicated to the County of Nevada and accepted by the Board of Supervisors on that certain Final Map No. 76-2 for the Lake Combie Estates recorded November 4, 1976 in Book 5 of Subdivisions at Page 42; and

WHEREAS, the County of Nevada has received a request from the Nevada Irrigation District (NID) to abandon a portion of the Combie Road right-of-way for public road purposes as described in the attached Exhibit "A" and shown on attached Exhibit "B" Map and grant said portion to NID for public access and utility purposes. The purpose of this abandonment is to allow for public access to Lake Combie; 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 intended; and

WHEREAS, the right-of-way to be abandoned shall be deeded to the Nevada Irrigation District; and

WHEREAS, the request has been circulated to the Nevada County Public Works Department and the department has consented to the request; and

WHEREAS, the Nevada County Zoning Administrator has reviewed the request and found that the sale of land 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 easement 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 Combie Road as obtained from Albertus O. Robles by Grant Deed recorded November 3, 1975 in Volume 764 at Page 49 and shown on that certain map recorded November 3, 1975 in Book 9 of Parcel Maps at Page 231 and from Franklin & Bernice Schoellerman as dedicated to the County of Nevada and accepted by the Board of Supervisors on that certain Final Map No. 76-2 for the Lake Combie Estates recorded November 4, 1976 in Book 5 of Subdivisions at Page 42, Official Records, and as shown in the attached Exhibits A and B is hereby determined to be an excess right-of-way and is not required for street or highway purposes.
3. The Right-of-Way as described herein has been impassable to vehicular traffic for a period of at least five (5) consecutive years and that no public money was expended for maintenance of that street or highway during such period.
4. The Right-of-Way as described herein is summarily vacated pursuant to Streets & Highways Code Section 8335.
5. The Right-of-Way as described herein is declared exempt surplus land pursuant to Government Code 54220(f)(1)(D).
6. The Right-of-Way as described herein shall be deeded to the Nevada Irrigation District.

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

1. Summarily vacates, abandons and exchanges a portion of the existing public road right-of-way for Combie Road as obtained from Albertus O. Robles by Grant Deed recorded November 3, 1975 in Volume 764 at Page 49 and shown on that certain map recorded November 3, 1975 in Book 9 of Parcel Maps at Page 231 and from Franklin & Bernice Schoellerman as dedicated to the County of Nevada and accepted by the Board of Supervisors on that certain Final Map No. 76-2 for the Lake Combie Estates recorded November 4, 1976 in Book 5 of Subdivisions at Page 42, Official Records, and as shown in the attached Exhibits A and B, incorporated herein by reference.
2. Declares that from and after the date that this Resolution is recorded, the County relinquishes all the real property as shown in the attached Exhibits A and B, and that the Right-of-Way as described herein shall no longer constitute a street, highway, or public service easement.
3. Directs the Clerk of the Board of Supervisors to record the Resolution of Summary Vacation and Grant Deed to the Nevada Irrigation District.