



RESOLUTION No. 20-435

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

APPROVE SUMMARY VACATION (ABANDONMENT) OF THE 10-FOOT PUBLIC UTILITY EASEMENT (PUE), 5-FEET ON EACH SIDE OF THE COMMON PROPERTY LINE BETWEEN LOTS 151 AND 152 OF THE "DARKHORSE PHASE III" SUBDIVISION, AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 8 OF SUBDIVISIONS AT PAGE 119, ASSESSOR'S PARCEL NUMBERS 011-191-048 & 011-191-049 DISTRICT 2

WHEREAS, the California Streets and Highway Code Section 8333(c) allows the County to summarily vacate or abandon a Public Utility Easement if it is determined to be excess by the easement holder and there are no other public facilities located within the easement; and

WHEREAS, the County of Nevada has a Public Utility Easement as described in that certain Map known as Darkhorse Phase III and recorded in Book 8 of Subdivisions at Page 119; and

WHEREAS, the County of Nevada has received a request from the property owner, Donald Ray Walters and Connie Sue Walters, Trustees of the Walters Family Trust, to abandon the 10-foot Public Utility Easement (PUE) centered along the common property line of Lots 151 and 152 of the "Darkhorse Phase III" subdivision as shown in Book 8 of Subdivisions at Page 119, Assessor's Parcel Number 011-191-048 and 011-191-049; and

WHEREAS, the Nevada County Surveyor has reviewed the proposed vacation (abandonment) and finds that this easement is no longer needed for the purpose that it was originally provided, and there are no public utilities located within the easement; and

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

WHEREAS, the Nevada County Zoning Administrator has reviewed the request and found the vacation (abandonment) of the easement 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. The 10-foot Public Utility Easement centered on the property boundary between Lots 151 and 152 of the Darkhorse Phase III subdivision as shown in Book 8 of Subdivisions at Page 119, as shown in the attached Exhibit Map is hereby determined to be an excess easement and there are no public facilities located within the easement.

3. The Public Utility Easement as shown herein can be summarily vacated pursuant to California Code Section 8333(c).

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

1. Summarily vacates and abandons the 10-foot Public Utility Easement centered on the property boundary between Lots 151 and 152 of the Darkhorse Phase III subdivision as shown in Book 8 of Subdivisions at Page 119, and as shown in the attached Exhibit Map.
2. Declares that from and after the date that this Resolution is recorded, the subject easement no longer constitutes a legal encumbrance.
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 October, 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.

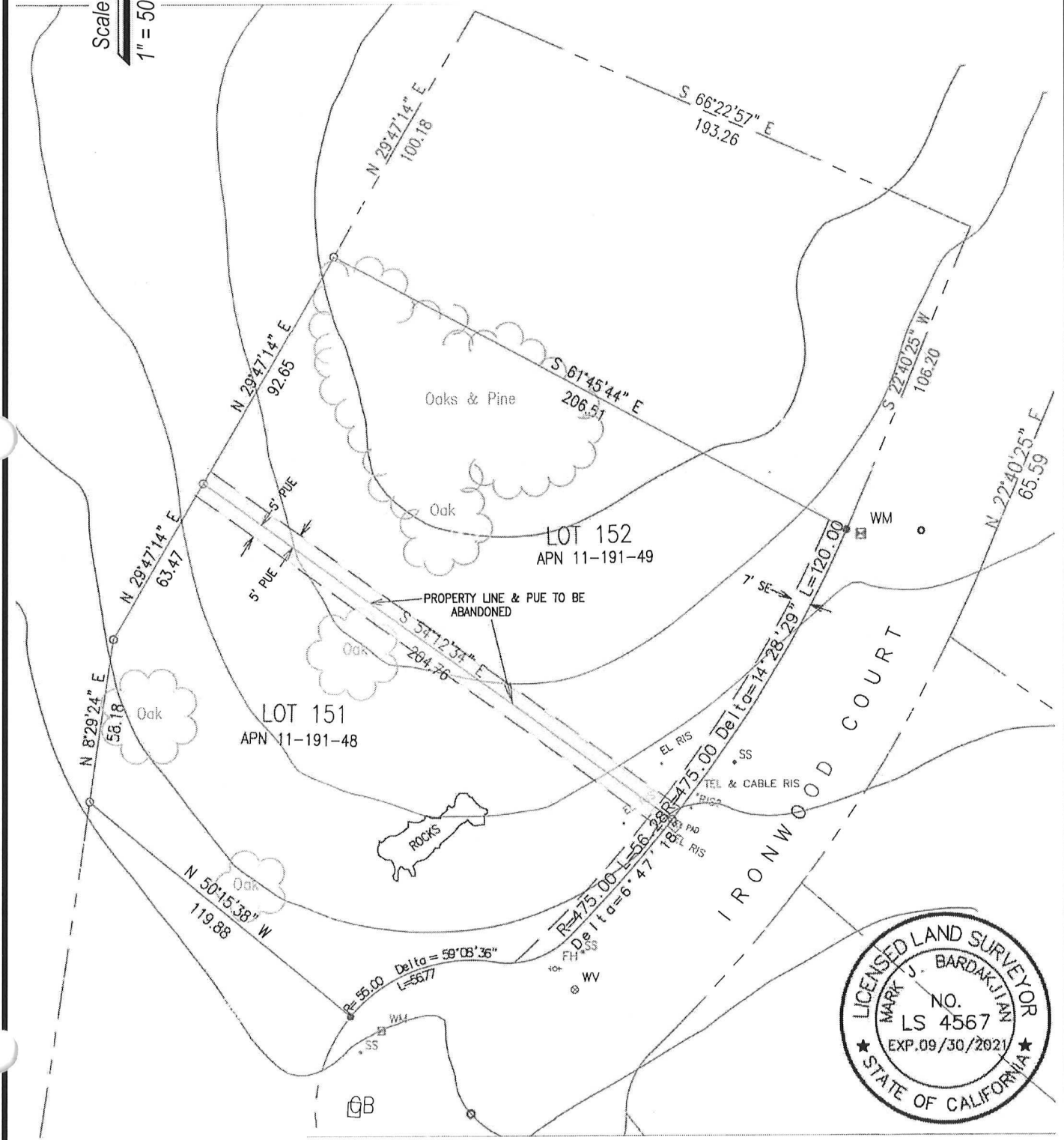
ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Heidi Hall, Chair

Exhibit Map
Easement Abandonment
 for
Walters Family Trust
 Lots 151 & 152, Darkhorse Phase III



June 10, 2020

EXHIBIT A
Walters Family Trust
Merged Parcels Resultant Legal Description

Lot 151 and Lot 152, as shown on that certain map entitled "Final Map No. FM 97-08, Darkhorse Phase III" recorded in the office of the Nevada County Recorder on May 19, 2004, in Book 8 of Subdivisions, at Page 119, and more particularly described as follows;

Beginning at the most Northerly corner of Lot 152, of said Final Map No. FM97-08, Darkhorse Phase III; thence Southwest along the Westerly boundary of Lot 152, South 29°47'14" West, a distance of 92.65 feet to the Southwest corner of Lot 152 and the most Northerly corner of Lot 151;

thence along the Westerly boundary of Lot 151, South 29°47'14" West, a distance of 63.47 feet to the angle point in the Westerly boundary line of Lot 151;

thence, continuing along the Westerly boundary of Lot 151, South 08°29'24" West, a distance of 58.18 feet to the Southwest corner of Lot 151;

thence, along the Southwesterly boundary of Lot 151, South 50°15'38" East, a distance of 119.88 feet to the North line of Ironwood Court and the beginning of a curve, concave to the South;

thence, along the North line of Ironwood Court and the Southerly boundary of Lot 151, along the arc of a curve having a radius of 55.00 feet, a central angle of 59°08'36", an arc length of 56.77 feet, a chord bearing of North 69°18'40" East, and a chord distance of 54.29 feet to the beginning of a reverse curve, concave to the North;

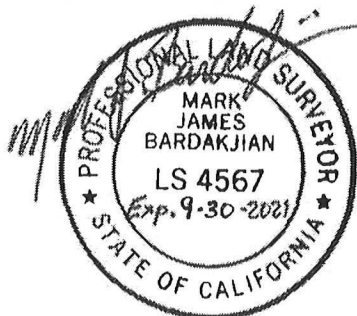
thence, continuing along the North line of Ironwood Court and the Southerly boundary of Lot 151, along the arc of a curve having a radius of 30.00 feet, a central angle of 53°44'02", an arc length of 28.13 feet, a chord bearing of North 72°00'57" East, and a chord distance of 27.12 feet to the beginning of a curve concave to the Northwest;

thence, continuing along the North line of Ironwood Court and the Easterly boundary of Lot 151, along the arc of a curve, having a radius of 475.00 feet, a central angle of 6°47'18", an arc length of 56.28 feet, a chord bearing of North 41°45'17" East, and a chord distance of 56.24 feet to the South corner of Lot 152 and the beginning of a curve concave to the Northwest;

thence, continuing along the Northerly line of Ironwood Court and the Easterly boundary of Lot 152, along the arc of a curve having a radius of 475.00 feet, a central angle of 14°28'29", an arc length of 120.00 feet, a chord bearing of North 31°07'24" East, and a chord distance of 119.68 feet to the Northeast corner of Lot 152;

thence, along the Northerly boundary of Lot 152, North 61°45'44" West, a distance of 206.51 feet to the Point of Beginning.

Containing 0.97 Acres, more or less.





COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY

Building
Planning
Public Works
Sanitation
Environmental Health
Agricultural Commissioner

DATE: September 22, 2020 **FILE:** MIS20-0005, PLN20-0094

TO: Brian Foss, Zoning Administrator

FROM: Kevin J. Nelson, County Surveyor

SUBJECT: Abandonment of the 10-foot Public Utility Easement (PUE), 5-feet on each side of the common property line between Lots 151 and 152 of the "Darkhorse Phase III" subdivision, as shown on that certain map recorded in Book 8 of Subdivisions at Page 119, Assessor's Parcel Numbers 011-191-048 & -049.

Owners: APN 011-191-048 and 011-191-049
Donald Ray Walters and Connie Sue Walters, Trustees of the Walters Family Trust
25190 Table Meadows Road
Auburn, CA 95602

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 9/22/20, 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

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#: 20200027458
Thursday October 15 2020, at 11:31:26 AM

Paid: \$0.00 AM

DOCUMENT TITLE

NEVADA COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 20-435

APPROVE SUMMARY VACATION (ABANDONMENT) OF THE 10-FOOT PUBLIC UTILITY EASEMENT (PUE), 5-FEET ON EACH SIDE OF THE COMMON PROPERTY LINE BETWEEN LOTS 151 AND 152 OF THE "DARKHORSE PHASE III" SUBDIVISION, AS SHOWN ON THAT CERTAIN MAP RECORDED IN BOOK 8 OF SUBDIVISIONS AT PAGE 119, ASSESSOR'S PARCEL NUMBERS 011-191-048 & 011-191-049 DISTRICT 2

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



RESOLUTION No. 20-435

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

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WHEREAS, the County of Nevada has a Public Utility Easement as described in that certain Map known as Darkhorse Phase III and recorded in Book 8 of Subdivisions at Page 119; and

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WHEREAS, the Nevada County Surveyor has reviewed the proposed vacation (abandonment) and finds that this easement is no longer needed for the purpose that it was originally provided, and there are no public utilities located within the easement; and

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

WHEREAS, the Nevada County Zoning Administrator has reviewed the request and found the vacation (abandonment) of the easement 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:

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2. The 10-foot Public Utility Easement centered on the property boundary between Lots 151 and 152 of the Darkhorse Phase III subdivision as shown in Book 8 of Subdivisions at Page 119, as shown in the attached Exhibit Map is hereby determined to be an excess easement and there are no public facilities located within the easement.

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1. Summarily vacates and abandons the 10-foot Public Utility Easement centered on the property boundary between Lots 151 and 152 of the Darkhorse Phase III subdivision as shown in Book 8 of Subdivisions at Page 119, and as shown in the attached Exhibit Map.
2. Declares that from and after the date that this Resolution is recorded, the subject easement no longer constitutes a legal encumbrance.
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 October, 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

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

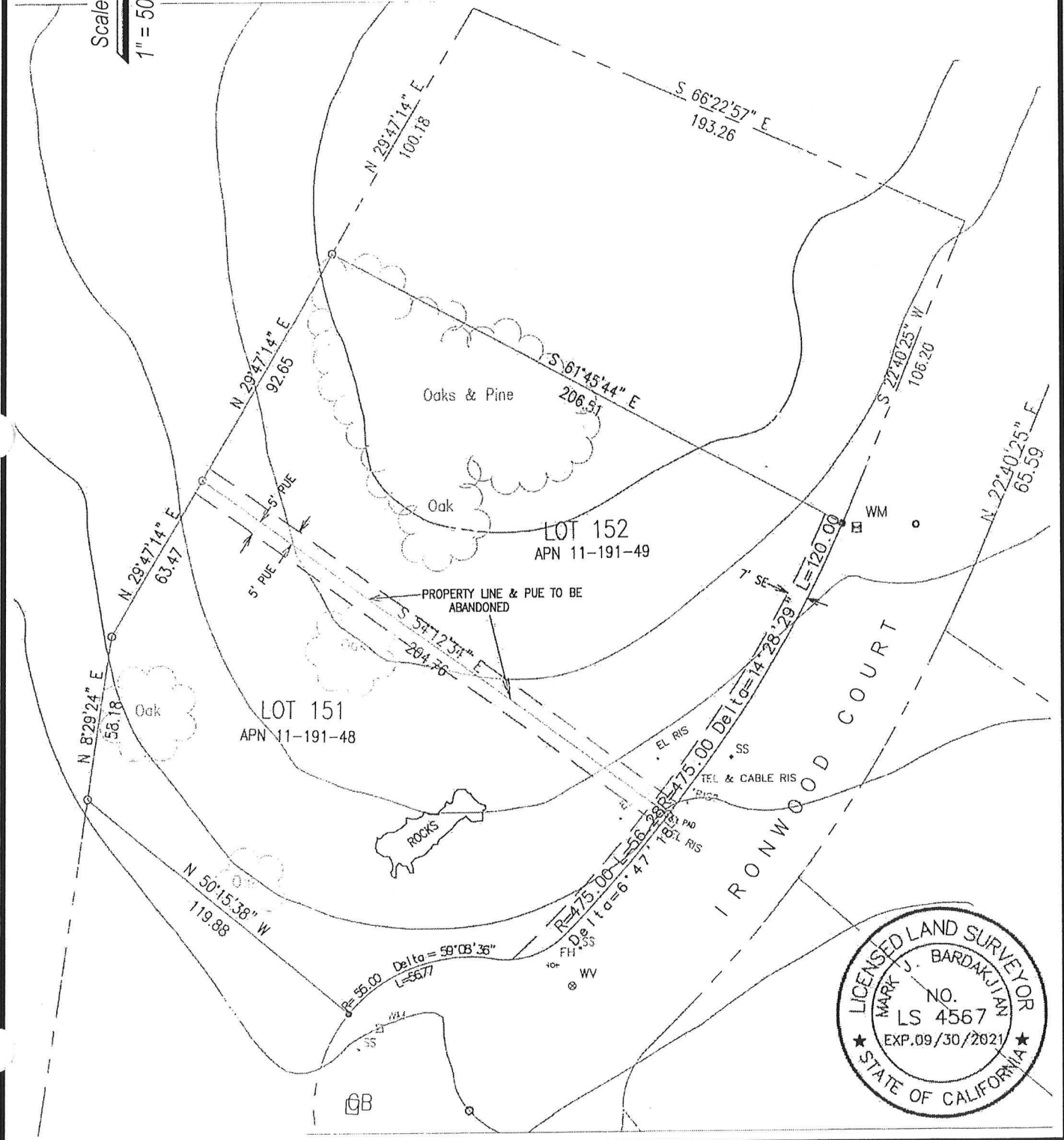
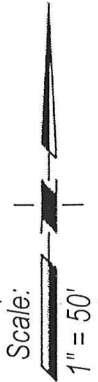
Heidi Hall
Heidi Hall, Chair

Res 20-435

ATTEST: Oct 14, 2020
Julie Patterson Hunter, Clerk of the Board
County of Nevada

BY: [Signature]

Exhibit Map
Easement Abandonment
 for
Walters Family Trust
 Lots 151 & 152, Darkhorse Phase III



COPY

RECORDED AT THE REQUEST OF:
THE NEVADA COUNTY
ZONING ADMINISTRATOR

Nevada County Recorder
Gregory J. Diaz
Document#: 20200017091
Thursday July 23 2020, at 09:54:35 AM
Paid: \$0.00 AM

RETURN TO:
Planning Department
950 Maidu Avenue
Nevada City, CA 95959

**NOTICE OF VOLUNTARY MERGER
(FILE NO.: PLN20-0094; NOM20-0002)**

Acting at the request of **Donald Ray Walters and Connie Sue Walters, Trustees of the Walters Family Trust, dated 4/20/2007**, the Nevada County Zoning Administrator, pursuant to Government Code, Chapter 3, Article 1.5, commencing with Section 66451.10, and Section L-IV 3.11 of the Nevada County Subdivision Ordinance, does hereby merge into one parcel all that real property situated in the unincorporated territory of the County of Nevada, State of California, and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR FULL LEGAL DESCRIPTION AND SHOWN ON EXHIBIT "B" MADE A PART HEREOF.

Title to said property or interest at the date hereof is vested to Donald Ray Walters and Connie Sue Walters, Trustees of the Walters Family Trust, dated 4/20/2007

Assessor's Parcel Numbers 011-191-048 and 011-191-049

This merger is based on the Zoning Administrators findings:

1. Donald Ray Walters and Connie Sue Walters, Trustees of the Walters Family Trust, dated 4/20/2007 are the record owners of the herein described properties.
2. Assessor's Parcel Numbers 011-191-048 and 011-191-049 were legally acquired by the record owners by Grant Deeds recorded on October 12, 2010, (Doc-2010-0024613) and May 2, 2007 (Doc-2007-0014140);
3. This merger is voluntary and has been initiated by all record owner(s) of the herein described property;
4. All persons having record title interest in the herein described real property have filed a waiver of right to hearing before the Board of Supervisors and have consented to the merger of these Lots; and
5. The merger will not influence any easements and/or other encumbrances affecting the subject real property.

**NEVADA COUNTY ZONING
ADMINISTRATOR**

7/20/20
Date

Brian Foss
Brian Foss, Planning Director

June 10, 2020

EXHIBIT A
Walters Family Trust
Merged Parcels Resultant Legal Description

Lot 151 and Lot 152, as shown on that certain map entitled "Final Map No. FM 97-08, Darkhorse Phase III" recorded in the office of the Nevada County Recorder on May 19, 2004, in Book 8 of Subdivisions, at Page 119, and more particularly described as follows;

Beginning at the most Northerly corner of Lot 152, of said Final Map No. FM97-08, Darkhorse Phase III; thence Southwest along the Westerly boundary of Lot 152, South $29^{\circ}47'14''$ West, a distance of 92.65 feet to the Southwest corner of Lot 152 and the most Northerly corner of Lot 151;

thence along the Westerly boundary of Lot 151, South $29^{\circ}47'14''$ West, a distance of 63.47 feet to the angle point in the Westerly boundary line of Lot 151;

thence, continuing along the Westerly boundary of Lot 151, South $08^{\circ}29'24''$ West, a distance of 58.18 feet to the Southwest corner of Lot 151;

thence, along the Southwesterly boundary of Lot 151, South $50^{\circ}15'38''$ East, a distance of 119.88 feet to the North line of Ironwood Court and the beginning of a curve, concave to the South;

thence, along the North line of Ironwood Court and the Southerly boundary of Lot 151, along the arc of a curve having a radius of 55.00 feet, a central angle of $59^{\circ}08'36''$, an arc length of 56.77 feet, a chord bearing of North $69^{\circ}18'40''$ East, and a chord distance of 54.29 feet to the beginning of a reverse curve, concave to the North;

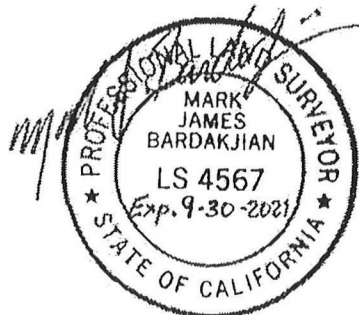
thence, continuing along the North line of Ironwood Court and the Southerly boundary of Lot 151, along the arc of a curve having a radius of 30.00 feet, a central angle of $53^{\circ}44'02''$, an arc length of 28.13 feet, a chord bearing of North $72^{\circ}00'57''$ East, and a chord distance of 27.12 feet to the beginning of a curve concave to the Northwest;

thence, continuing along the North line of Ironwood Court and the Easterly boundary of Lot 151, along the arc of a curve, having a radius of 475.00 feet, a central angle of $6^{\circ}47'18''$, an arc length of 56.28 feet, a chord bearing of North $41^{\circ}45'17''$ East, and a chord distance of 56.24 feet to the South corner of Lot 152 and the beginning of a curve concave to the Northwest;

thence, continuing along the Northerly line of Ironwood Court and the Easterly boundary of Lot 152, along the arc of a curve having a radius of 475.00 feet, a central angle of $14^{\circ}28'29''$, an arc length of 120.00 feet, a chord bearing of North $31^{\circ}07'24''$ East, and a chord distance of 119.68 feet to the Northeast corner of Lot 152;

thence, along the Northerly boundary of Lot 152, North $61^{\circ}45'44''$ West, a distance of 206.51 feet to the Point of Beginning.

Containing 0.97 Acres, more or less.



All future construction on this property is subject to the Darkhorse Phase III requirements as outlined on the map recorded in Nevada County Records as Book 8 of Subdivisions at Page 119.

CURVE TABLE

No.	RADIUS	DELTA	LENGTH	CHORD BEARING	DIST.
C24	55.00	59°08'36"	56.77	N69°18'40"E	54.29
C23	30.00	53°44'02"	28.13	N72°00'57"E	27.12
C22	475.00	6°47'18"	56.28	N41°45'17"E	56.24
C21	475.00	14°28'29"	120.00	N31°07'24"E	119.68

Area greater than 30% Slope as shown on Page 12 of Subdivision Map Book 8

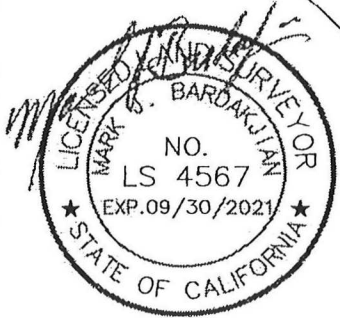
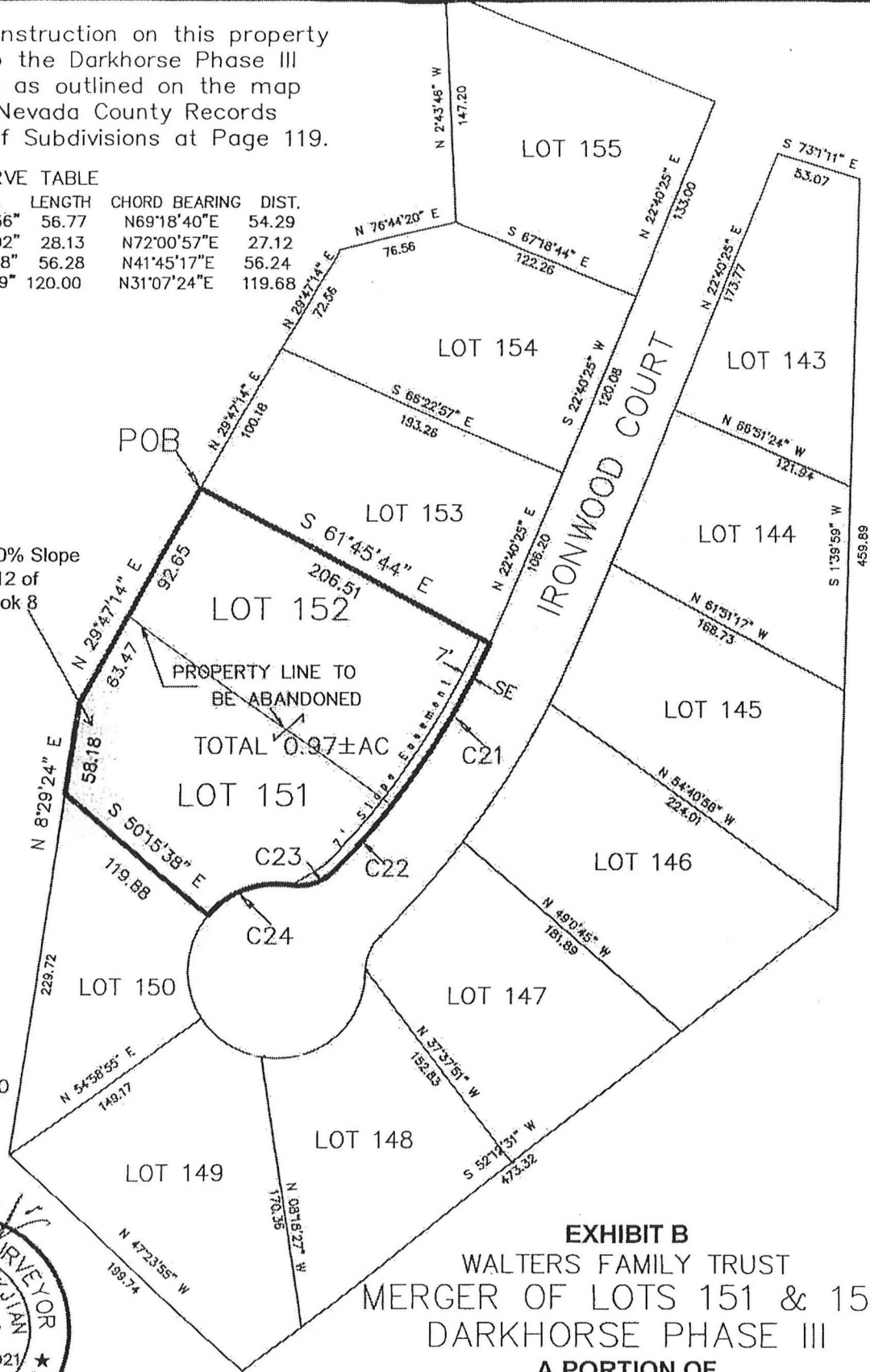
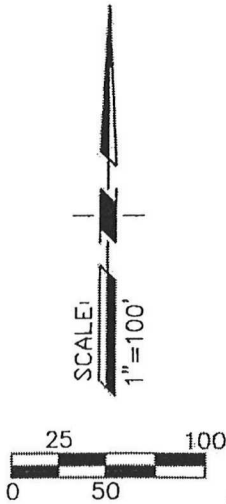


EXHIBIT B
 WALTERS FAMILY TRUST
 MERGER OF LOTS 151 & 152
 DARKHORSE PHASE III
 A PORTION OF
 SECTION 25, T.14 N., R.08 E., M.D.M.
 NEVADA COUNTY, CALIFORNIA
 SCALE: 1"=100' June 10, 2020



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY

Building
Planning
Public Works
Sanitation
Environmental Health
Agricultural Commissioner

DATE: September 22, 2020 FILE: MIS20-0005, PLN20-0094

TO: Brian Foss, Zoning Administrator

FROM: Kevin J. Nelson, County Surveyor

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Nevada County Zoning Administrator

Enclosures