

Attachment I

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ATTACHMENT I
Before the Board of Supervisors in and for the
County of Monterey, State of California

Resolution No. _____

Adopt a Resolution, pursuant to California Streets and Highways Code Section 8324:

1. Finding the vacation of roads involves existing highways and streets, and minor alterations to land which qualify respectively as Class 1 and Class 4 categorical exemptions under the CEQA Guidelines Sections 15301(c) – existing highways and streets; and 15304 – minor public alterations in the condition of the land, and there are no exceptions under Section 15300.2;
2. Vacating approximately 8.4 miles of public road right-of-way interest over certain Clark Colony roads, namely all of Fir Avenue, Pear Avenue, Pesch Avenue (portions also known as Peach Road), Canal Street, Fifteenth Street, Sixteenth Street and portions of Cedar Avenue, Pine Avenue and Oak Avenue, (said roads being 6.3 miles of public road right-of-way that are privately maintained and are not part of the County Road System, together with an additional 2.07 miles of County maintained roads that are part of the County Road System) subject to the reservation of easements for public utilities within said roads;
3. Finding that said Clark Colony roads are unnecessary for present or prospective public use;
4. Finding that the vacation of said Clark Colony roads is in the public interest because it furthers public health and safety by: (1) increasing food safety by limiting potential agricultural field contamination from unauthorized access and activities along said roads, including trespassing and illegal dumping; (2) reducing illegal poaching occurring in the Arroyo Seco River by controlling access to the river from said roads; and (3) eliminating a non-standard road intersection at the intersection of Peach Road with Thorne Road.
5. Accepting the Planning Commission resolution dated November 14, 2018 finding General Plan conformity, together with a memorandum from RMA-Planning Services

dated November 16, 2018 providing a list of specific General Plan policies that demonstrate such conformity;

6. Finding that the County's right-of-way interest of said Clark Colony roads is not useful as a nonmotorized transportation facility as required by California Streets and Highways Code section 892;
7. Authorizing the removal of said Clark Colony roads from the maintained County Road System, as applicable.

WHEREAS, the Board of Supervisors of the County of Monterey accepted the roads offered for dedication shown on the "Map of the Clark Colony," filed July 19, 1905 in Volume 1 of Cities and Towns, at Page 64; and

WHEREAS, a petition signed by 10 freeholders, in accordance with the requirements of California Streets and Highways Code (SHC) Section 8321, was received requesting the abandonment or vacation of the Peach Road and portions of Canal Street and Pine Avenue as shown on said filed map, and/or later deeded to the County for road purposes; and

WHEREAS, Monterey County Resource Management Agency (RMA) staff has identified additional segments of public road right-of-way that are unnecessary for present or prospective public use, and, pursuant to SHC Section 8320, requests the abandonment or vacation of these road segments, being all of Fir Avenue, Pear Avenue, Fifteenth Street, Sixteenth Street, and portions of Pesch Avenue (portions also known as Peach Road), Canal Street, Cedar Avenue, and Oak Avenue as shown on said filed map; and

WHEREAS, in accordance with SHC Section 8313, the Monterey County Planning Commission considered this vacation on November 14, 2018, pursuant to the procedure prescribed in California Government Code Section 65402, and (1) passed a resolution to report to the Board of Supervisors that this vacation is in conformity with the Monterey County General Plan and the Central Salinas Valley Area Plan, a part of the General Plan, and (2) found that the vacation will not have a significant impact on the environment and is exempt from environmental review in accordance with Section 15301(c) and 15304 of the CEQA Guidelines; and

WHEREAS, RMA-Public Works staff has identified the intersection of Peach Road and Thorne Road as a non-standard road intersection due to its unique horizontal and vertical geometrics, and the vacating of Peach Road, as petitioned, would eliminate the use of this intersection by the general public, thereby increasing public safety; and

WHEREAS, the subject Clark Colony roads are roads serving large agricultural parcels, with many being dead-end privately maintained roads that serve a limited number of parcels and, therefore, are not necessary for current or prospective public use; and

WHEREAS, landowners have complained that public use of these rural agricultural roads has encouraged illegal poaching, trespassing and illegal dumping along the right-of-way and the landowners' private properties; the landowners also desire to limit potential agricultural field contamination due to unauthorized access from said roads; and

WHEREAS, the County right-of-way interest in the subject Clark Colony roads located in the Clark Colony area of unincorporated Monterey County westerly of the City of Greenfield, is not useful as a nonmotorized transportation facility as required by SHC Section 892; and

WHEREAS, properties that currently use the subject Clark Colony roads will not be landlocked or without access pursuant to SHC Section 8353(a) which provides that vacating a street or highway does not extinguish a “private easement of ingress and egress to the lot from or to the street or highway”; and

WHEREAS, the Board of Supervisors is authorized to vacate public streets or roads pursuant to SHC Section 8312.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the County of Monterey hereby:

1. Finds that the foregoing recitals are true and correct and so declares and determines.
2. Accepts the Planning Commission resolution dated November 14, 2018 containing a report of General Plan conformity and a finding that the proposed road vacation is categorically exempt from environmental review in accordance with Section 15301(c) and 15304 of the CEQA Guidelines.
3. Pursuant to the provisions of California Streets and Highways Code Sections 8312 and 8340(a), vacates certain Clark Colony roads, namely all of Fir Avenue, Pear Avenue, Pesch Avenue (portions also known as Peach Road), Canal Street, Fifteenth Street, Sixteenth Street and portions of Cedar Avenue, Pine Avenue and Oak Avenue, excepting and reserving therefrom rights for all public utilities, existing and future, within said roads, as said roads and portions thereof are more particularly described in **Attachment A** and shown on **Attachment B**, which are attached hereto and incorporated herein.
4. Directs the County Surveyor to submit a certified copy of the Resolution to the County Recorder for recordation.
5. From and after the date that this resolution is recorded in the Office of the County Recorder, the vacated roads shall no longer constitute a public road and, as applicable, shall be removed from the County Road System and deleted from the list of County Maintained Roads.

PASSED AND ADOPTED on this 12th day of December 2018, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book ____, for the meeting on December 12, 2018.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____, Deputy