



Legislation Details (With Board Report)

File #: RES 12-0061 **Name:** Vacate PUE Jeffers Sub Crml
Type: BoS Resolution **Status:** Passed
File created: 5/29/2012 **In control:** Board of Supervisors
On agenda: 6/12/2012 **Final action:** 6/12/2012

Title: Adopt a Resolution:
a. Determining summary vacation of public utility easements along Lots 2, 6 and 7, of the Jeffers Estates Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed, and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
b. Summarily vacating the public utility easements along Lots 2, 6 and 7, of the Jeffers Estates Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed;
c. Quitclaiming any interest Monterey County has in said easements to the property owner;
d. Directing the Director of Public Works to file a Notice of Exemption with the County Clerk;
e. Authorizing the Chair of the Board to execute the Quitclaim Deed; and
f. Directing the Department of Public Works to submit a certified copy of the Resolution and the Quitclaim Deed to the County Recorder for recordation.

Sponsors: Public Works / RMA

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Notice of Exemption, 3. Quit Claim Deed, 4. Planning Department Memo dated February 17, 2012, 5. Location Map, 6. Completed Board Order and Resolution

Date	Ver.	Action By	Action	Result
6/12/2012	1	Board of Supervisors	adopted	Pass

Adopt a Resolution:
a. Determining summary vacation of public utility easements along Lots 2, 6 and 7, of the Jeffers Estates Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed, and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
b. Summarily vacating the public utility easements along Lots 2, 6 and 7, of the Jeffers Estates Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed;
c. Quitclaiming any interest Monterey County has in said easements to the property owner;
d. Directing the Director of Public Works to file a Notice of Exemption with the County Clerk;
e. Authorizing the Chair of the Board to execute the Quitclaim Deed; and
f. Directing the Department of Public Works to submit a certified copy of the Resolution and the Quitclaim Deed to the County Recorder for recordation.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors adopt a Resolution:
a. Determining summary vacation of public utility easements along Lots 2, 6 and 7, of the Jeffers Estates Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed, and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
b. Summarily vacating the public utility easements along Lots 2, 6 and 7, of the Jeffers Estates Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed;
c. Quitclaiming any interest Monterey County has in said easements to the property owner;
d. Directing the Director of Public Works to file a Notice of Exemption with the County Clerk;

- e. Authorizing the Chair of the Board to execute the Quitclaim Deed; and
- f. Directing the Department of Public Works to submit a certified copy of the Resolution and the Quitclaim Deed to the County Recorder for recordation.

SUMMARY/DISCUSSION:

At its August 31, 2011 meeting, the County of Monterey Planning Commission approved a Coastal Development Permit (PLN100211, Keech Properties LLC) for a lot line adjustment that merged three legal lots of record into one single lot in order to allow construction of a single-family residence on the newly consolidated lot. As a condition of approval (Condition 29), the applicant is required to provide evidence of vacation of certain utility easements across the new consolidated lot. These public utility easements were dedicated for public use at the time of the original subdivision, and accepted by the Board of Supervisors in 1963. Consequently, the Department of Public Works received the request for vacation from the property owner.

The property is located at 26264 Ocean View Avenue. This property consists of Lots 2, 6 and 7 (APNs 009-432-014, -018 and -019) of the Jeffers Estates Subdivision, Tract 435 in the Community of Carmel, which was approved by the Board of Supervisors in 1963 and recorded in Volume 7 Cities and Towns at Page 93. The public utility easements are located along a portion of the perimeter of Lots 2, 6, and 7, and traverse the middle of the new lot, as shown on Attachment A of the Quitclaim Deed, in the location of the approved new residence structure. The public utility easements were required with the original subdivision. The new lot will still have utility service via an existing easement to remain along the north side of the property. Existing utility easements on the adjacent properties will remain for service to those adjacent properties. Public Works contacted the utility providers for this area, and no opposition was received. As such, we are not aware of any existing or planned utility line within this easement area. Any utility found after-the-fact will be the property owner's responsibility to relocate as required by the affected utility provider.

The County proposes to summarily vacate the public utility easements that have not been used and are not needed, and quitclaim all interest in the easements to the current property owner.

The Planning Department considered this vacation per Section 8313 of the Streets and Highways Code and recommends to the Board that the proposed vacation is not inconsistent with the Monterey County General Plan and Carmel Land Use Plan. Said vacation will not have a significant impact on the environment and is exempt from environmental review in accordance with Section 15305(a) of the California Environmental Quality Act Guidelines

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the Quitclaim Deed as to form. The Monterey County Assessor's Office, Planning Department, Building Inspection Department, Environmental Services, AT&T, Pacific Gas and Electric Company, Carmel Wastewater District and the Water Resources Agency reviewed the proposed vacation. No recommendation or opposition to the vacation has been received.

FINANCING:

There is no financial impact to the General Fund or the Road Fund.

Prepared by: Enrique M. Saavedra, P.E., Senior Civil Engineer, (831) 796-6043

Approved by:

Paul H. Greenway, P.E, Acting Director of Public Works

Approved by:

Benny J. Young, RMA Director

Dated: June 1, 2012

Attachments: Resolution; Notice of Exemption; Quitclaim Deed; Planning Department Memo dated February 17, 2012; Location Map