County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS – REAL PROPERTY SECTION

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
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JOHN J. PRESLEIGH
DIRECTOR OF PUBLIC WORKS

TRAVIS CARY
CHIEF REAL PROPERTY AGENT

AGENDA: DECEMBER 6, 2011

November 22, 2011

SANTA CRUZ COUNTY BOARD OF SUPERVISORS
701 Ocean Street
Santa Cruz, California 95060

SUBJECT: PUBLIC HEARING FOR GENERAL VACATION OF A PORTION OF AN UNNAMED PUBLIC RIGHT-OF-WAY ACROSS A PORTION OF APN: 093-061-09

Members of the Board:

On November 15, 2011, your Board approved several actions related to an application to vacate a portion of right-of-way across privately owned property commonly known as APN: 093-061-09, located in the 4100 block of Glenwood Drive near the intersection of Glenwood Drive and Eagle Road (see attached survey map and legal description). The approved actions included scheduling a public hearing for today's date, directing the Clerk of the Board to advertise the public hearing as required by Streets and Highways Code §8322, and authorizing the Real Property section to post the notice of public hearing along the right-of-way as required by Streets and Highways Code §8323. All of these actions have been completed.

In addition to the preliminary actions approved by your Board, the Real Property section has inspected the property, reviewed the survey map and legal description of the proposed vacation, reviewed relevant title documents affecting the right-of-way, and notified relevant utility providers. The right-of-way was created in 1953 through Superior Court Judgment No. 25,235 recorded in Volume 237, Page 337 of the Official Records of the County of Santa Cruz. The right-of-way was not purchased by or dedicated to the County. The subject right-of-way is currently unimproved and located in wooded, steep terrain that is not appropriate for development into a publicly maintained road. Vacation of the subject right-of-way will not impact access to private property, and the County has not expended any funds to construct, maintain, or repair any improvements in the right-of-way. All of these conditions meet or exceed the requirements to allow a general vacation of the right-of-way under Streets and Highways Code §8300 et seq.

It is therefore recommended that the Board of Supervisors take the following actions:

1. Open the public hearing, hear any objections, if any, related to the proposed right-of-way vacation, and close the public hearing.

2. Adopt the attached resolution vacating the right-of-way across a portion of APN: 093-061-09.

3. Authorize the Clerk of the Board to record a certified copy of the resolution as required by Streets and Highways Code § 8352.

Yours truly,

JOHN J. PRESLEIGH
Director of Public Works

JJP:TC:rw

Attachments

RECOMMENDED FOR APPROVAL:

County Administrative Officer

Copy to: Public Works (Real Property)

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

Replacement
0487
Underline Copy

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted:

RESOLUTION FOR GENERAL VACATION OF A PORTION OF
AN UNNAMED PUBLIC RIGHT-OF-WAY ACROSS A PORTION OF APN: 093-061-09

RESOLVED by the Board of Supervisors of the County of Santa Cruz, State of California:

WHEREAS, the County has received an application to vacate a portion of unnamed right-of-way across Assessor's Parcel Number 093-061-09 as depicted in Exhibit A, Survey Map, and more particularly described in Exhibit B, Legal Description, each attached hereto and made a part hereof; and

WHEREAS, the subject right-of-way is currently unimproved and located in wooded, steep terrain that is not appropriate for development into a publicly maintained road; and

WHEREAS, from all the evidence submitted, that the street, highway, or petition is unnecessary for present or prospective public use; and

WHEREAS, vacating the subject right-of-way will not deny access to any adjoining private property; and

WHEREAS, the right-of-way was not purchased by or dedicated to the County, and the County has not expended any funds to construct, maintain, or repair any improvements in the right-of-way; and

WHEREAS, the County has posted a notice at the site, and properly noticed and conducted a public hearing for the proposed general vacation pursuant to Streets and Highways Code §8300 et seq.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the portion of the unnamed right-of-way legally described in Exhibit B is hereby vacated by the County of Santa Cruz.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 6th day of December, 2011, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

ATTEST: _____
Clerk of said Board

_____
Chairperson of said Board

Approved as to form:

_____
Office of County Counsel

Distribution: County Counsel, Public Works (Real Property)
general_vacation_glenwoodrw.doc

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

Replacement
0487
Clean Copy

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted:

RESOLUTION FOR GENERAL VACATION OF A PORTION OF
AN UNNAMED PUBLIC RIGHT-OF-WAY ACROSS A PORTION OF APN: 093-061-09

RESOLVED by the Board of Supervisors of the County of Santa Cruz, State of California:

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WHEREAS, the subject right-of-way is currently unimproved and located in wooded, steep terrain that is not appropriate for development into a publicly maintained road; and

WHEREAS, from all the evidence submitted, that the street, highway, or petition is un-necessary for present or prospective public use; and

WHEREAS, vacating the subject right-of-way will not deny access to any adjoining private property; and

WHEREAS, the right-of-way was not purchased by or dedicated to the County, and the County has not expended any funds to construct, maintain, or repair any improvements in the right-of-way; and

WHEREAS, the County has posted a notice at the site, and properly noticed and conducted a public hearing for the proposed general vacation pursuant to Streets and Highways Code §8300 et seq.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the portion of the unnamed right-of-way legally described in Exhibit B is hereby vacated by the County of Santa Cruz.

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NOES: SUPERVISORS
ABSENT: SUPERVISORS

ATTEST: _____
Clerk of said Board

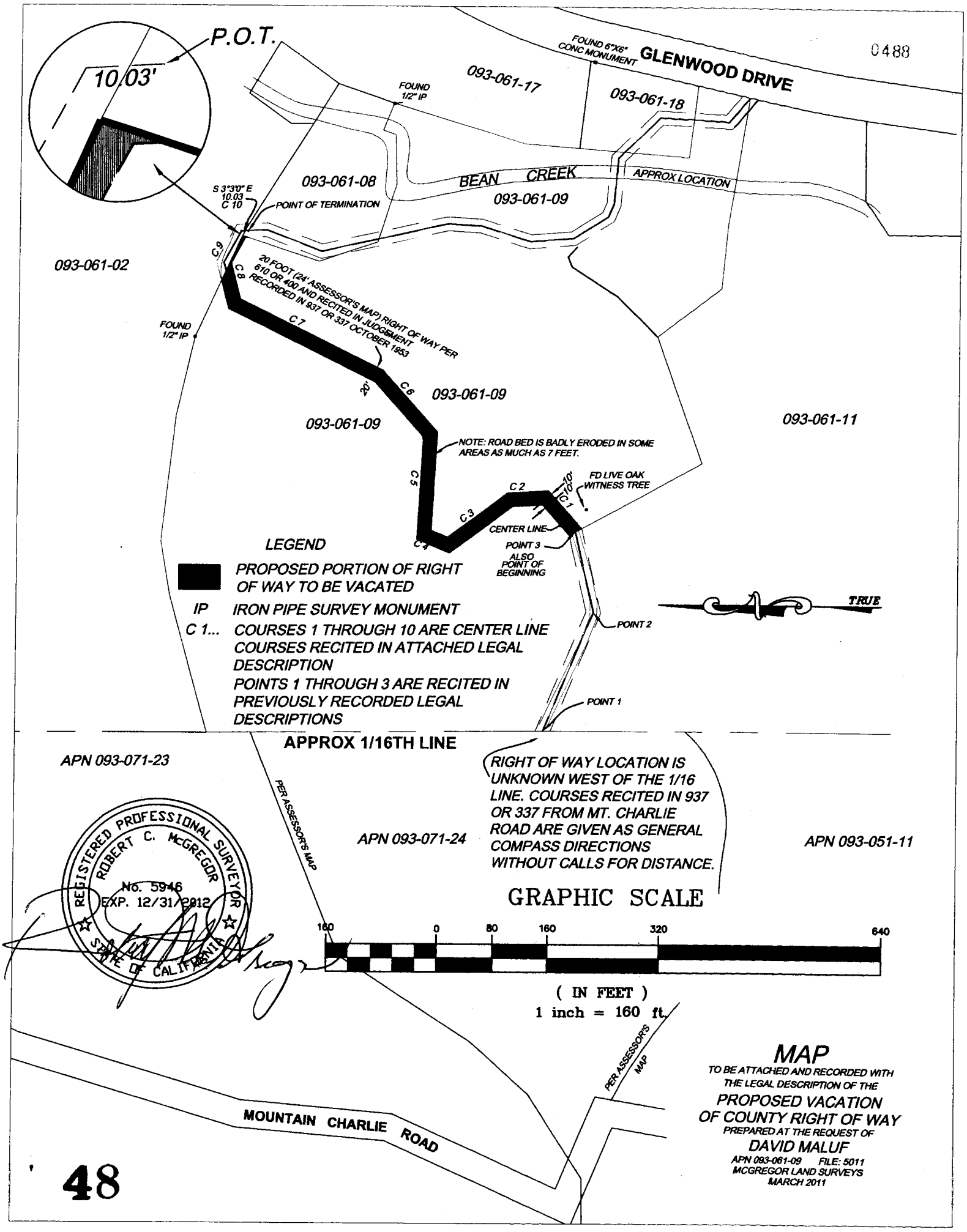
_____
Chairperson of said Board

Approved as to form:

_____
Office of County Counsel

Distribution: County Counsel, Public Works (Real Property)
general_vacation_glenwoodrw.doc

Exhibit A


P.O.T.
10.03'
0488
FOUND 6"X6" CONC MONUMENT
GLENWOOD DRIVE
093-061-17
093-061-18
FOUND 1/2" IP
093-061-08
BEAN CREEK
APPROX LOCATION
093-061-09
S 3°3'0" E 10.03 C 10
POINT OF TERMINATION
093-061-02
C 9
C 8
20 FOOT (24' ASSESSOR'S MAP) RIGHT OF WAY PER 610 OR 400 AND RECITED IN JUDGMENT RECORDED IN 937 OR 337 OCTOBER 1953
FOUND 1/2" IP
C 7
20'
C 6
093-061-09
093-061-09
093-061-11
NOTE: ROAD BED IS BADLY ERODED IN SOME AREAS AS MUCH AS 7 FEET.
C 5
C 2
10'
10'
C 1
FD LIVE OAK WITNESS TREE
C 3
CENTER LINE
C 4
POINT 3
ALSO POINT OF BEGINNING
LEGEND
PROPOSED PORTION OF RIGHT OF WAY TO BE VACATED
IP IRON PIPE SURVEY MONUMENT
C 1... COURSES 1 THROUGH 10 ARE CENTER LINE COURSES RECITED IN ATTACHED LEGAL DESCRIPTION
POINTS 1 THROUGH 3 ARE RECITED IN PREVIOUSLY RECORDED LEGAL DESCRIPTIONS
TRUE
POINT 2
POINT 1
APPROX 1/16TH LINE
APN 093-071-23
PER ASSESSOR'S MAP
APN 093-071-24
RIGHT OF WAY LOCATION IS UNKNOWN WEST OF THE 1/16 LINE. COURSES RECITED IN 937 OR 337 FROM MT. CHARLIE ROAD ARE GIVEN AS GENERAL COMPASS DIRECTIONS WITHOUT CALLS FOR DISTANCE.
APN 093-051-11
REGISTERED PROFESSIONAL SURVEYOR
ROBERT C. MCGREGOR
No. 5946
EXP. 12/31/2012
STATE OF CALIFORNIA
GRAPHIC SCALE
160 0 80 160 320 640
(IN FEET)
1 inch = 160 ft.
PER ASSESSOR'S MAP
MOUNTAIN CHARLIE ROAD
MAP
TO BE ATTACHED AND RECORDED WITH THE LEGAL DESCRIPTION OF THE
PROPOSED VACATION OF COUNTY RIGHT OF WAY
PREPARED AT THE REQUEST OF
DAVID MALUF
APN 093-061-09 FILE: 5011
MCGREGOR LAND SURVEYS
MARCH 2011

VACATION OF PORTION OF RIGHT OF WAY

PARCEL ONE:

Real property in the unincorporated area of the County of Santa Cruz, State of California, being a portion of a 20-foot wide right of way created in document recorded January 7, 1948 in Book 610 of Official Records, Page 400, Santa Cruz County Records, and also reserved in document recorded March 30, 1948 in Book 634 of Official Records, Page 482, Santa Cruz County Records, described as follows:

A right of way twenty feet in width, being ten feet at right angles on each side of a centerline described as follows:

A portion of the NE ¼ of Section 32, Township 9 South, Range 1 West, M.D. B. & M described as follows: Commencing at the northwest corner of the lands conveyed from Edwin S. Martin, Et Ux, to Cyril S. Henson, by deed recorded August 2, 1941, in Volume 407 of Official Records, at Page 391, Santa Cruz County Records, and running from said point northerly along the 1/16 section running North and South through the center of the NE ¼ of Section 32, Township 9 South, Range 1 West, 922.4 feet to the northwest corner of lands conveyed from Margaret Martin, also known as Margaret M. Martin, to Edward C. Koch and Margaret R. Koch, his wife, by deed recorded January 7, 1948 in Volume 610 of Official Records, at Page 400, Santa Cruz County Records, also known in said deed as Point 1 in the center of a private road; thence run South 67° 22' East 185.9 feet to Point 2; thence run North 77° 04" East 118.8 feet to Point 3 in the center of said private road from which a 24" Live Oak Witness Tree bears South 87° 01' West 27.8 feet and a 30" Live Oak Witness Tree bears South 65° 48' East 33.8 feet, which is the POINT OF BEGINNING of the parcel of land described herein. Thence along the following COURSES:

1. **North 48° 28' East 65.7 feet; thence**
2. **North 3° 33' West 51.4 feet; thence**
3. **North 36° 33' West 110.7 feet; thence**
4. **North 22° 45' East 38.7 feet; thence**
5. **South 86° 43' East 144.9 feet; thence**
6. **North 47° 42' East 114.0 feet; thence**
7. **North 26° 07' East 233.4 feet; thence**
8. **North 75° 14' East 62.4 feet; thence**
9. **South 61° 45' East 51.00 feet; thence**
10. **South 3° 03' East 10.03 feet to the POINT OF TERMINATION of this portion of said recorded 20 foot wide right of way.**

EXCEPTING THEREFROM that portion of the above-described parcel of land that lies within the boundaries of the real property described in Grant Deed to Joyce E. Anderson recorded April 12, 2004, Document No. 2004-24018, Santa Cruz County Records.

ALSO EXCEPTIING THEREFROM that portion of the above-described parcel of land that lies within the boundaries of the real property described in Grant Deed to Mercedes Garde recorded May 25, 2004, Document No. 2004-0037373, Santa Cruz County Records.

PARCEL TWO:

All that portion of the public road and right of way which was the subject of that Judgment dated October 20, 1953, Santa Cruz Superior Court Case No. 26,235, a certified copy of which was recorded October 26, 1953 in Volume 937, Page 337, Santa Cruz County Records, lying within 50 feet of the center line of PARCEL ONE above.

END OF DESCRIPTION

Part of APN 093-061-09
Date of Writing: 03-31-11