



**RESOLUTION NO.116-2007
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

**RESOLUTION TO VACATE
A PORTION OF OLD RIVER ROAD
COLOMA TOWNSITE
General Vacation #2006-02**

WHEREAS, on August 15, 2006, Agenda Item #71, the El Dorado County Board of Supervisors directed the Department of Transportation to proceed with and determine the practicality of vacating the County road known as Old River Road, as shown on the Map of Coloma filed on May 28, 1873 in the County of El Dorado, pursuant to Streets and Highways Code § 8320 et seq.; and

WHEREAS, on June 13, 1949 the Map of Coloma Heights Resubdivision of Portions of Lots 2,5,6,7,8,10, & 11 Block 13 Coloma Townsite was recorded in Book A of Maps, Page 89, an error was created by not vacating the County road known as Old River Road that was superseded by relocation of the County road known as New River Road; and

WHEREAS, all utility companies that may possibly be impacted by this vacation have provided written notification that they have no objection to the proposed vacation of said road and have no underground facilities within the subject area; except that, AT&T and PG&E have over crossing facilities in the right of way and require the reservation and exception of Public Utilities Easements for their existing facilities as per Streets and Highways Code § 8340(c); and

WHEREAS, pursuant to Streets and Highways Code § 8313 et seq., the Planning Commission conducted a Finding of Consistency hearing on December 14, 2006 to review this application and voted unanimously that the proposed abandonment is consistent with the General Plan as per Government Code § 65402(a) et seq.; and

WHEREAS, in accordance with the requirements of Streets and Highways Code § 8320(b) et seq., on June 6, 2007, the Board of Supervisors adopted a Resolution of Intention to Vacate a portion of Old River Road, and established the date for a public hearing on June 26, 2007; and

WHEREAS, in accordance with the requirements of the Streets and Highways Code § 8322(a) et seq., the Clerk of the Board of Supervisors published notices of said public hearing two (2) weeks prior to said hearing; and

WHEREAS, in accordance with the requirements of Streets and Highways Code § 8323 et seq., Department of Transportation staff posted notices of said hearing on June 7, 2007; and

WHEREAS, the Department of Transportation staff mailed notices of said hearing to all affected property owners and interested parties; and

WHEREAS, the Department of Transportation has reviewed the proposed vacation of Old River Road and has no objection to said vacation.

WHEREAS, said hearing was duly held at the time and place specified in said notice, and evidence was taken at such hearing that the portion of the County street or highway, known as Old River Road, proposed for vacation is not necessary for present or prospective public use or useful as a nonmotorized transportation facility;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The County of El Dorado Board of Supervisors finds that all of the recitations made hereinabove are true and correct.
2. The portion of Old River Road proposed to be vacated is not necessary for present or prospective public use or useful as a nonmotorized transportation facility; however the County of El Dorado hereby reserves and excepts from the vacation all Public Utilities Easements for those existing facilities in the right of way, as depicted on Exhibit A, as per Streets and Highways Code § 8340(c), as follows:

"County reserves and excepts from the vacation the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over, and across a street or highway proposed to be vacated and, pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to protect these works from all hazards in, upon, and over the street or highway proposed to be vacated."
3. The proposed vacation of the portion of Old River Road is not in conflict with the General Plan.
4. Except as set forth in the Reservation hereinabove, the portion of Old River Road, described in Exhibit B, which is attached hereto and made a part hereof by this reference, is hereby ordered vacated and no longer constitutes a public roadway.
5. The Clerk of the Board of Supervisors is directed to record a certified copy of this Resolution in the Office of the El Dorado County Recorder.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2007, by the following vote of said Board:

ATTEST
CINDY KECK
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By _____
Deputy Clerk

Helen K. Baumann, Chairman of the Board
Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE _____
ATTEST: CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California

By _____
Deputy Clerk

EXHIBIT 'A'

3-1961-D'70
4-1125-D'75
3E98344'97

FK.

AMERICAN

EXISTING UTILITY FACILITIES
LOCATED IN RIGHT OF WAY

OLD RIVER ROAD
(abandonment)

PT 7979-2 30'
PT 7708-1 25'

350A TPX 3" JT
30478001'06

1194070'85

1783-1453
25 30473300'08
MLX 182862

3E98344'97
30050883'99

NEW RIVER ROAD

0-4662

350A TPX 3" JT
30478001'06

RD.

3/2-AR

12 KV

PT. 338

3/2-AR

3/2-AR

4 AR

PT. 1040-1

1-1510-F'63
1019-E'58

3-2021-6'71

0-1485079

PT. 10720-1
1775
1398

11528-A'85
15

1152-H'55
1-1129-B'61
5-1550-A'76

COLORADO

106
1-02T
30'

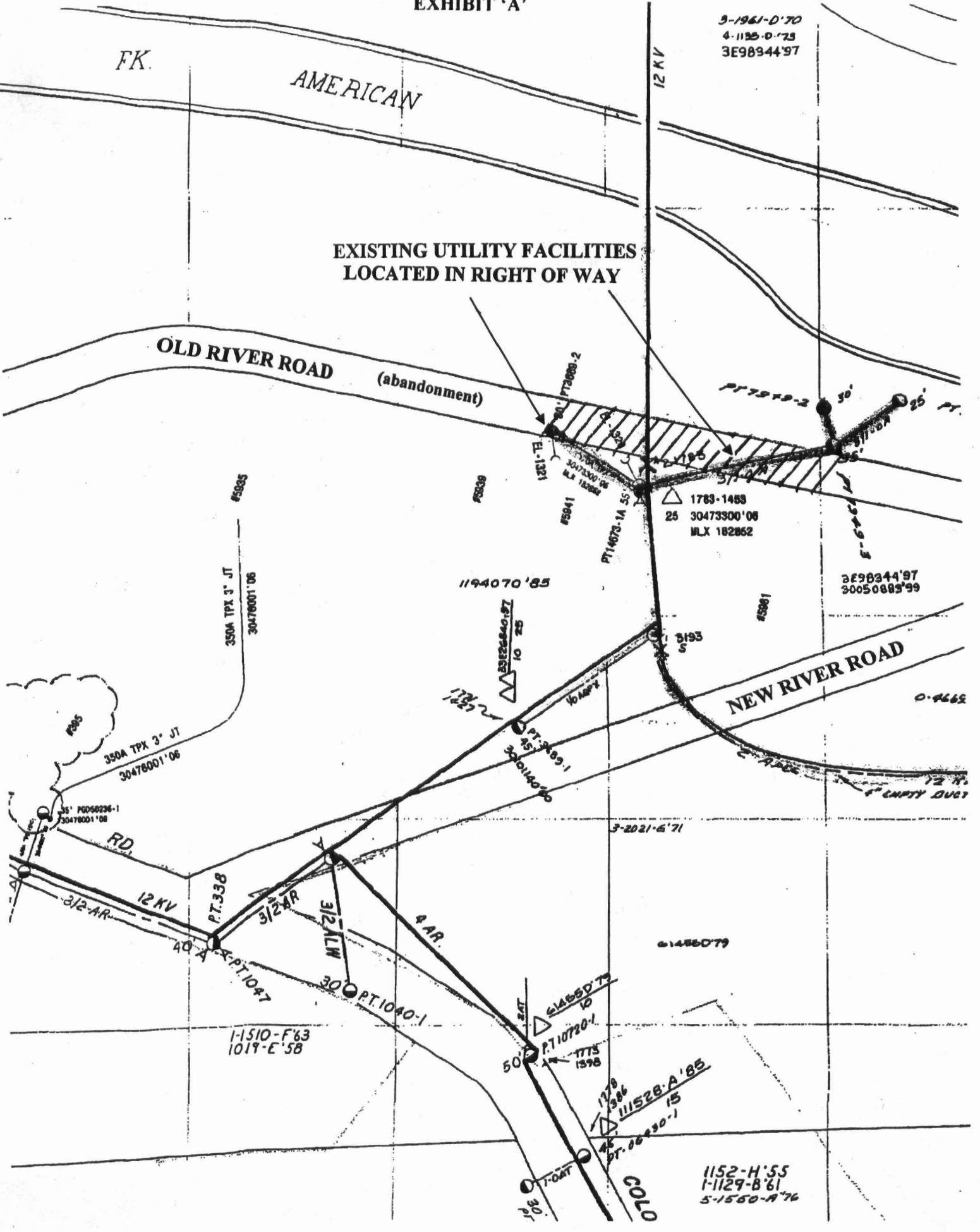


EXHIBIT 'B'
LEGAL DESCRIPTION

All that portion of Section 17, Township 11 North, Range 10 East, M.D.M., Townsite of Coloma, unincorporated area of the County of El Dorado, State of California, and more particularly described as follows:

All that portion of River Road, as said road is shown on the Official Plat of the Townsite of Coloma, on file in the office of the El Dorado County Recorder, lying westerly of the easterly Coloma Townsite boundary, and northerly of the westerly prolongation of the northerly boundary of Lot 11 of the Coloma Heights Subdivision, as recorded in Book A of Maps, at Page 89, in the office of the El Dorado County Recorder.

EXCEPTING THEREFROM that portion of said River Road abandoned by resolution of the Board of Supervisors on October 14, 1963, and recorded in Book 660, Official Records, at Page 324, in the office of the El Dorado County Recorder.

