



OFFICE OF COUNTY COUNSEL  
INTER-DEPARTMENT MEMORANDUM

2008 APR 25 PM 12:05

RECEIVED  
BOARD OF SUPERVISORS  
EL DORADO COUNTY

**TO:** Board of Supervisors  
**FROM:** Louis B. Green, County Counsel *LBG*  
**DATE:** April 25, 2008  
**RE:** Sleepy Hollow Road Vacation – Agenda Item No. 32

At its meeting of April 29, 2008, the Board will consider the vacation of roads within the Sleepy Hollow subdivisions. It has come to the attention of staff that most of the roads were dedicated to the County in fee ownership. Therefore, if the County is going to vacate the roadways, it is imperative that the County grant title to the property to someone other than the County. The value of the underlying parcels is, in the opinion of the County Assessor, less than \$25,000.00, so the Board can quitclaim the property or sell it upon such terms as the Board deems advisable, without putting the property up for auction or following other procedures.

Staff has not had time to prepare quitclaim deeds for the roads as they may have to have reservations for utilities. It appears that the Sleepy Hollow Homeowners Association would be the appropriate party to accept such conveyance. Therefore, if the Board approves the vacation of roads, we recommend that the Resolution of Vacation be amended to state that it is contingent upon the Homeowners Association accepting a quitclaim of the County's interest in the roadways. Staff will return to the Board with the quitclaim deeds for approval along with an agreement to maintain the roads.

We would be pleased to answer any questions the Board might have.

LBG/stl

cc: CAO  
Dir. of Transportation  
Dep. Dir. of Planning Services  
County Assessor

s://Bd. Of Supervisors/Correspondence/Sleepy Hollow Road Vacation mem



**RESOLUTION NO. \_\_\_\_\_**  
**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**  
**RESOLUTION OF VACATION**  
**General Vacation #05-0002**  
**Sleepy Hollow Unit Nos. 1, 2, 4 and 5**  
**Sleepy Hollow Homeowner's Association**

2008 APR 23 PM 12:03  
BOARD OF SUPERVISORS  
EL DORADO COUNTY  
RECEIVED

**WHEREAS**, Sleepy Hollow Subdivision Unit Nos. 1 through 5 located in Shingle Springs, were created by five separate subdivision maps, which recorded in the County of El Dorado Recorder's office between 1972 and 1978;

**WHEREAS**, Unit No. 1 recorded in March 1972 in Book E of subdivision maps at Page 114, Unit No. 2 recorded in October 1974 in Book F of subdivision maps at Page 36, Unit No. 3 is a re-subdivision of the lots shown in Unit No. 1, and recorded in November 1972 in Book F of subdivision maps at Page 8, Unit No. 4 recorded in July, 1976 in Book F of subdivision maps at Page 64, and Unit No. 5 recorded in July, 1978 in Book F of subdivision maps at Page 83;

**WHEREAS**, the roads within said subdivision maps were irrevocably offered for dedication to the County of El Dorado for any and all public uses, including the underlying fee thereto, on, over and across those strips of land designated as Mossy Glen Court, Quail Run Road, Oakvale Drive, Sleepy Hollow Drive, Skyline Drive, Starlight Court, Quail Cove Drive, and Golden Fawn Trail, and were accepted for public uses. Further, Deerwood Drive, was irrevocably offered for dedication to the County of El Dorado as part of Sleepy Hollow Unit No. 5 final map, but was rejected by the Board of Supervisors. The irrevocable offer of dedication remains in effect;

**WHEREAS**, the County of El Dorado did not accept the aforementioned roads into the County maintained system, and maintenance of said roadways has been performed solely by Sleepy Hollow Homeowner's Association;

**WHEREAS**, in May of 2005, the Department of Transportation received an application for the General Vacation of roadways in the Sleepy Hollow Unit Nos. 1, 2, 4 and 5, as described in Exhibit A and depicted in Exhibit B, C and D, from the Sleepy Hollow Homeowner's Association;

**WHEREAS**, the Department of Transportation has received letters from Comcast, El Dorado Irrigation District, Pacific Gas and Electric, and A T & T, indicating they have no objection to the proposed vacation provided that a public utilities easement is reserved and excepted to accommodate existing facilities; and

**WHEREAS**, a hearing was held on October 13, 2005 for a Finding of Consistency to the General Plan by the County of El Dorado Planning Commission pursuant to the requirements of Government Code 65402, and the Conformed Agenda report for that hearing is hereby submitted to the Board of Supervisors as Exhibit E. The Diamond Springs Fire District and County of El Dorado Sheriff's Department provided letters expressing concerns over public safety inclusive of slowed response times and impaired ability to deter crime if the roads were thereafter gated;

**WHEREAS**, the Planning Commission found the proposed vacation consistent with the General Plan, on the condition that emergency access to Buckeye Rancheros was provided; that an access easement was provided to the fire district and utility companies; and that there would be no gates now or in the future on the subject roads in order to address public health and safety concerns; and

**WHEREAS**, the Department of Transportation has reviewed the General Vacation request and has determined that there are no plans to extend or expand said roadways and has no objection to said vacation, so long as all conditions imposed by the Planning Commission are implemented and adhered to by the Sleepy Hollow Homeowner's Association, as described in Exhibit A and depicted in Exhibits B, C and D; and

**WHEREAS**, in accordance with the requirements of the Streets and Highways Code § 8320(b) et seq., on March 25, 2008, the Board of Supervisors adopted a Resolution of Intention to Vacate the subdivision roadways, specifically, Mossy Glen Court, Quail Run Road, Oakvale Drive, Sleepy Hollow Drive, Skyline Drive, Starlight Court, Quail Cove Drive, Deerwood Drive, and Golden Fawn Trail, as described in Exhibit A, and depicted in Exhibits B, C and D, attached hereto, and established the date for a public hearing on April 29, 2008; 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 April 14, 2008; 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 the subdivision roadways, specifically, Mossy Glen Court, Quail Run Road, Oakvale Drive, Sleepy Hollow Drive, Skyline Drive, Starlight Court, Quail Cove Drive, Deerwood Drive, and Golden Fawn Trail, and has no objection to said vacation.

**NOW, THEREFORE BE IT RESOLVED** that the County of El Dorado Board of Supervisors, pursuant to Section 8320, et seq. of the Streets and Highways Code, finds that said roadways described in Exhibit A and depicted in Exhibits B, C and D are not necessary for present or prospective public use or useful and hereby vacated so long as said vacation is subject to and governed by the public utility reservations and exceptions set forth in the Exhibits herein, subject to the Sleepy Hollow Homeowners Association acceptance of quitclaims by County to the Association of the subject roads currently held in fee title, and subject to the condition that gates are prohibited on said roads except as may be approved by the County pursuant to a special use permit.

///

///

The foregoing reservations and exceptions shall be reflected in any subsequent proceedings in relation to the vacation including any deed or conveyance of title, in accordance with Streets and Highways Code section 8341. 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 \_\_\_\_\_, 2008, by the following vote of said Board:

ATTEST  
CINDY KECK  
Clerk of the Board of Supervisors

Ayes:  
Noes:  
Absent:

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Rusty Dupray, Chairman  
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