

**EL DORADO COUNTY BOARD OF SUPERVISORS**

**AGENDA ITEM TRANSMITTAL**

**Meeting of October 3, 2006**

**AGENDA TITLE:** Abandonment of Easement #2006-11; Angora Highlands Unit No. 2, Lot 80; Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan and Kathleen M. Fagan

<b>DEPARTMENT:</b> Transportation / <i>L3D</i>	<b>DEPT SIGNOFF:</b> <i>[Signature]</i>	<b>CAO USE ONLY:</b>
<b>CONTACT:</b> Deborah Gruber		<i>C-128</i>
<b>DATE:</b> 8/14/2006	<b>PHONE:</b> XT 6519/5982	

**DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:**  
The El Dorado County Department of Transportation recommends the Board of Supervisors:

1. Adopt the Resolution of Vacation.
2. Authorize the Chairman to sign the Resolution.

**CAO RECOMMENDATIONS:** *Recommend approval Laura A. Hill 9/25/06*

<b>Financial impact?</b> ( ) Yes (X) No	<b>Funding Source:</b> ( ) Gen Fund ( ) Other
<b>BUDGET SUMMARY:</b>	<b>Other:</b>
Total Est. Cost _____	<b>CAO Office Use Only:</b>
<b>Funding</b>	4/5's Vote Required ( ) Yes ( ) No
Budgeted _____	Change in Policy ( ) Yes ( ) No
New Funding _____	New Personnel ( ) Yes ( ) No
Savings _____	<b>CONCURRENCES:</b>
Other _____	Risk Management _____
Total Funding _____	County Counsel _____
<b>Change in Net County Cost</b> _____	Other _____

**\*Explain**

**BOARD ACTIONS:**

<b>Vote:</b> Unanimous _____ Or _____	<b>I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors</b>	
<b>Ayes:</b>		<b>Date:</b> _____
<b>Noes:</b>		<b>Attest:</b> Cindy Keck, Board of Supervisors Clerk
<b>Abstentions:</b>		<b>By:</b> _____
<b>Absent:</b>		



**MAINTENANCE DIVISION:**  
2441 Headington Road  
Placerville CA 95667  
Phone: (530) 642-4909  
Fax: (530) 642-9238

**RICHARD W. SHEPARD, P.E.**  
Director of Transportation  
  
**Internet Web Site:**  
<http://co.el-dorado.ca.us/dot>

**MAIN OFFICE:**  
2850 Fairlane Court  
Placerville CA 95667  
Phone: (530) 621-5900  
Fax: (530) 626-0387



August 14, 2006

Board of Supervisors  
330 Fair Lane  
Placerville, California 95667

**Title: Abandonment of Easement #2006-11;  
Angora Highlands Unit No. 2, Lot 80;  
Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan and Kathleen M. Fagan**

**Meeting Date: October 3, 2006 \ District V \ Supervisor: Norma Santiago**

Dear Members of the Board:

**Recommendations:**

The Department of Transportation recommends the Board of Supervisors:

1. Adopt the Resolution of Vacation.
2. Authorize the Chairman to sign the Resolution.

**Reasons for Recommendations:**

Public utility easements, as shown on the Angora Highlands Unit No. 2 final map, filed for record in Book E of Subdivision Maps at Page 2, were irrevocably offered in perpetuity to the County of El Dorado in November of 1967. The Board of Supervisors accepted the offer for public utility easements in January of 1968.

An application has been submitted by Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan and Kathleen M. Fagan, requesting a setback variance, being more particularly described in Exhibit A and depicted in Exhibit B of the attached Resolution, reducing the minimum front yard setback to ten-feet, upon the condition that a Notice of Restriction Hold Harmless Agreement be executed and recorded in favor of the County of El Dorado. Owner acknowledges that the real property will be benefited by this action, and thus it is the intent that this deed restriction and indemnity covenant be recorded, be included in each subsequent conveyance of the property and shall be binding on all successors and assigns of the Owner.

The subject property is identified as Assessor's Parcel Number 032-341-02, Angora Highlands Unit No. 2, Lot 80, and is located on Glenmore Way, west of Tahoe Mountain Road, and north of US Highway 50, in South Lake Tahoe. Said action is necessary in order to accommodate construction of additional dwelling space over a garage on the subject lot.

All utility companies and agencies that may possibly be impacted by this vacation have supplied the Department of Transportation with written notification that they have no facilities within the subject area and have no objection to the proposed abandonment. All other existing easements will remain. The Department of Transportation's staff has reviewed the request and has no objection.

**Fiscal Impact:**

None.

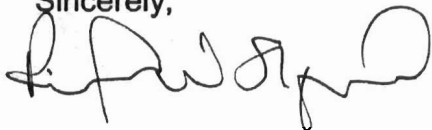
**Net County Cost:**

There is no net County cost.

**Action to be Taken Following Approval:**

1. Said Resolution will be recorded.
2. A copy of the recorded Resolution will be sent to the property owner.
3. A Notice of Deed Restriction and Covenant to Indemnify the County of El Dorado will be recorded.
4. A Certificate of Correction may be recorded.

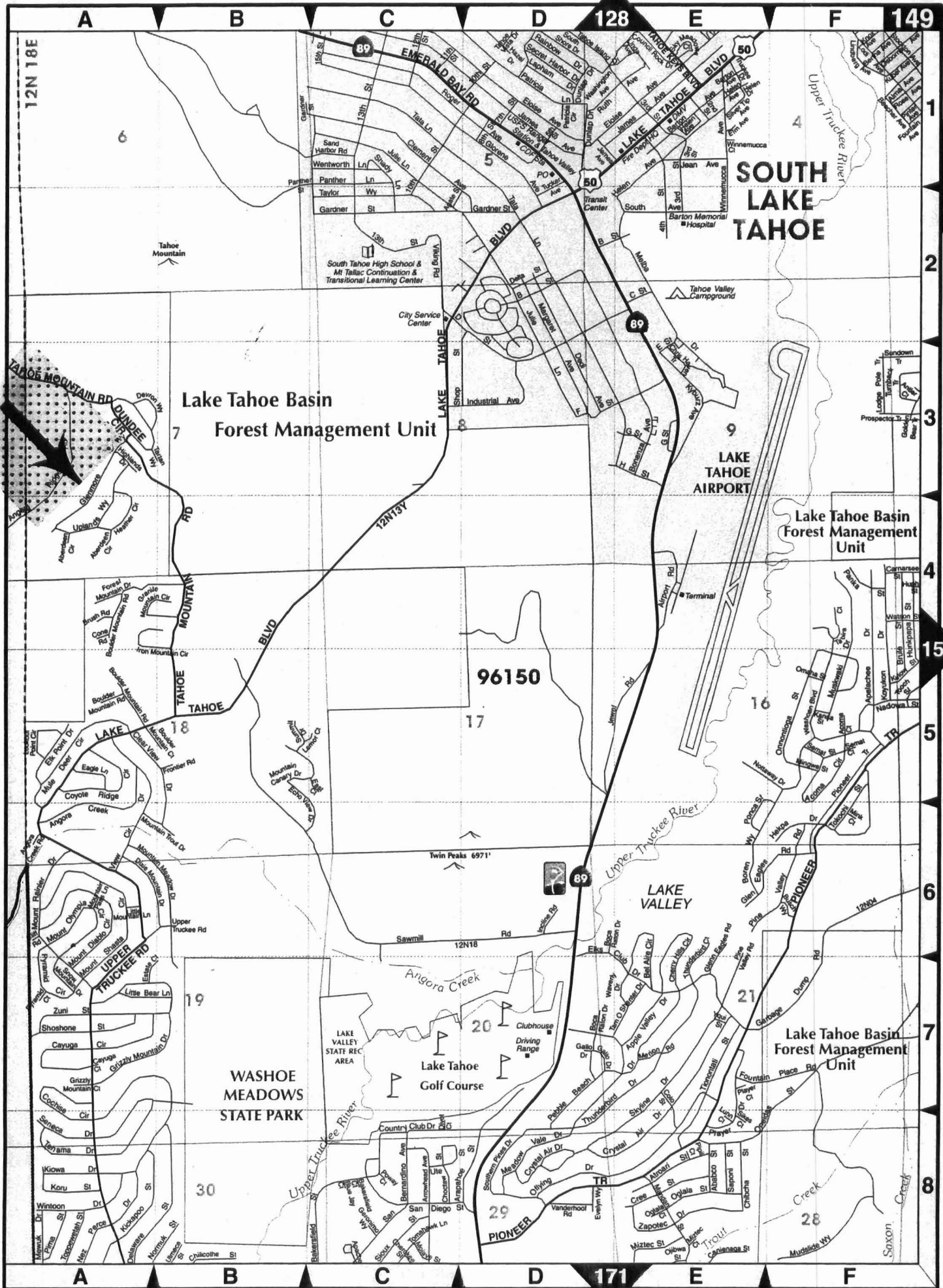
Sincerely,



Richard W. Shepard, P. E.  
Director of Transportation

RWS: PF/dg

Attachment(s): Vicinity Map  
Resolution  
Exhibits  
Notice of Deed Restriction and Covenant to Indemnify the County of El Dorado



EL DORADO

See Page 150



**RESOLUTION NO. \_\_\_\_\_**  
**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**  
**Resolution of Vacation**

**Abandonment of Easement #2006-11**  
**Angora Highlands Unit No. 2, Lot 80**  
**Assessor's Parcel Number 032-341-02**

**Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan and Kathleen M. Fagan**

**WHEREAS**, the El Dorado County Board of Supervisors exercises the authority established by Section 8333 of the Streets and Highways Code, which authorizes the Board of Supervisors to summarily vacate public service easements by Resolution adopted in accordance with Section 8335 of the Streets and Highways code; and

**WHEREAS**, public utility easements, as shown on the Angora Highlands Unit No. 2 final map, were irrevocably offered in perpetuity to the County of El Dorado in November of 1967; and

**WHEREAS**, the Board of Supervisors accepted said offer for public utility easements in January of 1968; and

**WHEREAS**, the Department of Transportation has received an application from Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan and Kathleen M. Fagan requesting that the County of El Dorado vacate a portion of a twenty-foot wide public utility easement, located along the front boundary line of the property identified as Assessor's Parcel Number 032-341-02; and

**WHEREAS**, A. T. & T., Charter Communications, Sierra Pacific Power, South Tahoe Public Utility District and Southwest Gas Corporation have not used said public utility easement for the purpose for which it was dedicated or acquired; and

**WHEREAS**, the above noted utility companies find no present or future need exists for said easement and do not object to its vacation; and

**WHEREAS**, all other existing easements will remain; and

**WHEREAS**, the Department of Transportation has determined that said easement herein described in Exhibit A and depicted in Exhibit B, and made a part hereof has not been used for the purpose for which it was dedicated preceding the proposed vacation, and has no objection.

**NOW, THEREFORE BE IT RESOLVED**, that from and after the date this Resolution is recorded, said portion of the public utility easement which is described in Exhibit A and depicted in Exhibit B is vacated and no longer constitutes a public utility easement.

**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 \_\_\_\_\_, 2006, by the following vote of said Board:

<b>ATTEST</b>	<b>Ayes:</b>
<b>CINDY KECK</b>	<b>Noes:</b>
<b>Clerk of the Board of Supervisors</b>	<b>Absent:</b>

By \_\_\_\_\_

Deputy Clerk

\_\_\_\_\_  
James R. Sweeney, 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

August 10, 2006  
04310

DESCRIPTION  
Portion of Public Utility Easement Abandonment

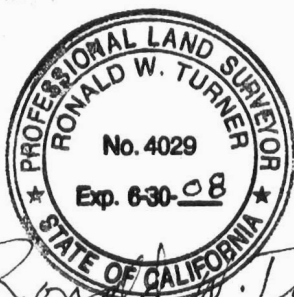
All that real property situate in the County of El Dorado, State of California,  
described as follows:

All that portion of Lot 80, as shown on that Subdivision Map, Angora Highlands  
Unit No.2, filed for record on January 23, 1968 in Map Book E at page 2, in the  
office of the El Dorado County Recorder.

Beginning at a point which bears North 68°23'28" West 10.00 feet from the  
southerly corner of said Lot 80;  
thence North 68°23'28" West 10.00 feet;  
thence along a non tangent curve, the radius point of which bears South  
68°23'30" East, having a radius of 2,145.00 feet, a delta of 2°45'00" and an arc  
length of 102.96 feet to the northerly boundary;  
thence along said boundary South 65°38'27" East 10.00 feet;  
thence along a non tangent curve, the radius point of which bears South  
65°38'27" East, having a radius of 2,135 feet, a delta of 2°45'00" and an arc length  
of 102.48 feet, to the Point of Beginning.

Containing 1,027 square feet, more or less.

The Basis of Bearings for this description is said Subdivision Map Angora  
Highlands No. 2.



*Ronald W. Turner*



**TURNER & ASSOCIATES, INC.**

LAND SURVEYING

(775) 588-5658

308 DORLA COURT, SUITE 203

ROUND HILL, NEVADA

P.O. BOX 5067 - STATELINE, NEVADA 89449

PROJECT FILE 04310

DATE 10 APRIL 2006 JOB No. 04310

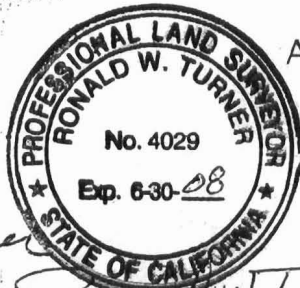
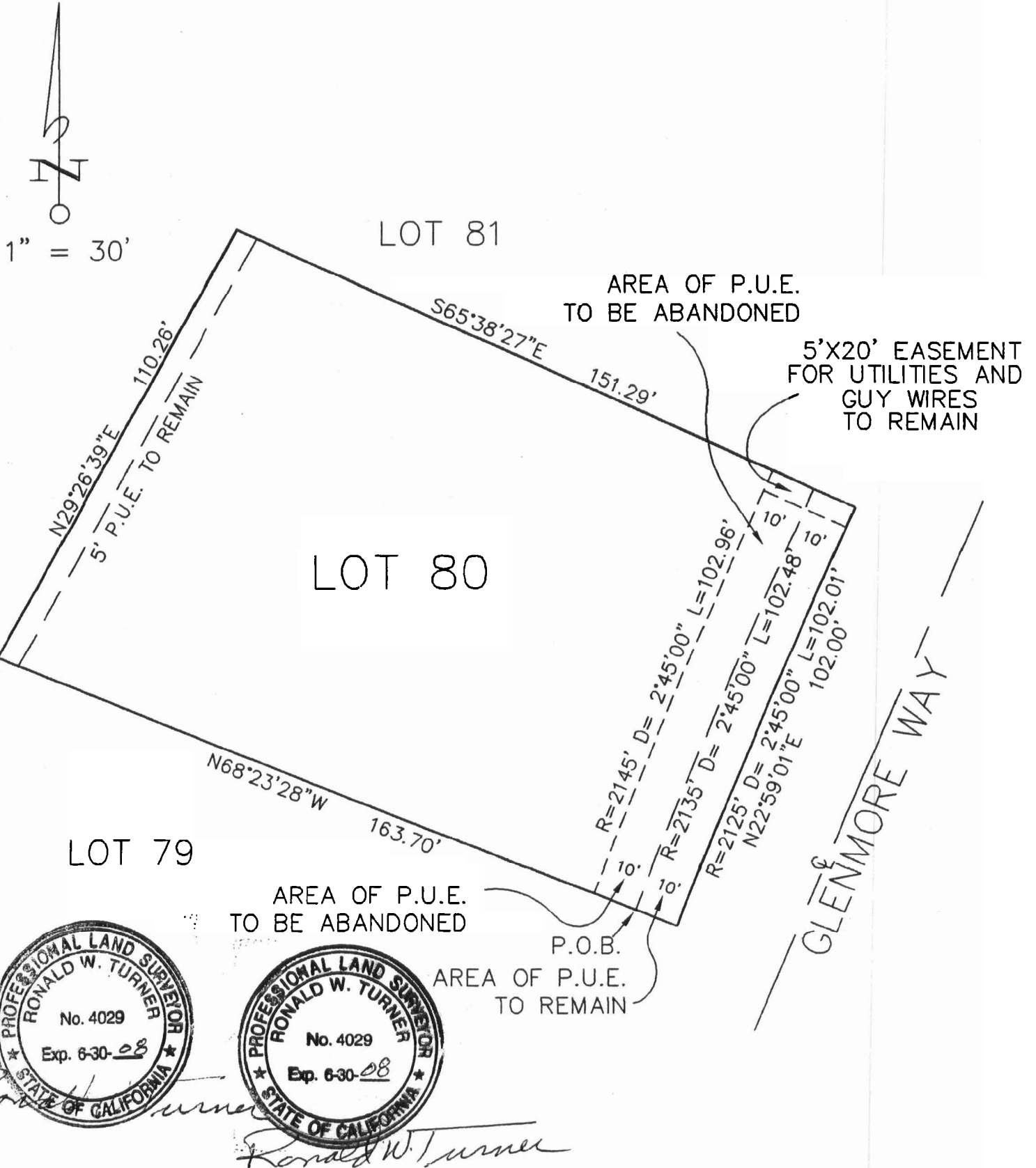
PROJECT SETBACK ABANDONMENT

BY JWT PAGE 1 OF 1

LOT 80, ANGORA HIGHLANDS No. 2

A.P.N. 032-341-02, 244 GLENMORE

EL DORADO Co., CA.



*Ronald W. Turner*



RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:  
Steve Kooyman, P.E. Supervising Civil Engineer  
Tahoe Engineering  
El Dorado County  
924 B Emerald Bay Road  
South Lake Tahoe, CA 96150  
APN 032-341-02

Above section for Recorder's use

## NOTICE OF DEED RESTRICTION AND COVENANT TO INDEMNIFY THE COUNTY OF EL DORADO

**WHEREAS**, the undersigned **Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan, and Kathleen M. Fagan** (hereinafter referred to as "Owners") are the legal and record owners of the real property described as El Dorado County Assessor's Parcel Number 032-341-02, which legal description is as follows:

**See Exhibit A attached hereto and made a part hereof.**

**WHEREAS**, the aforementioned real property adjoins a County road right-of-way, specifically Glenmore Way, owned and maintained by the County of El Dorado; and

**WHEREAS**, Owners applied to the County of El Dorado to reduce the minimum 20-foot front yard building setback, required pursuant to Section 17.56.040(A) of County Code, to 10-feet to allow the construction of dwelling space over the garage on Lot 80; and

**WHEREAS**, all other setbacks and easements applicable to Lot 80, whether originating in the zoning code or by the subdivision map itself, remain in effect; and

**WHEREAS**, on **October 3, 2006**, the County of El Dorado granted the owners of the aforementioned real property the requested setback variance reducing the minimum front yard setback to ten-feet upon the condition that a Notice of Restriction Hold Harmless Agreement shall be executed and recorded in favor of the County of El Dorado, which places restrictions on the property in accordance with the conditions. Owner acknowledges that the real property will be benefited by this action, and thus it is the intent of the parties that this deed restriction and indemnity covenant be recorded, be included in each subsequent conveyance of the property and shall be binding on all successors and assigns of the Owner.

**NOW, THEREFORE**, for valuable consideration inclusive of the benefits conferred on the real property, the receipt of which is hereby acknowledged, we, Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan, and Kathleen M. Fagan, Owners of the herein described property, on behalf of ourselves, our heirs, assigns and successors, do hereby agree that, to the fullest extent allowed by law, we shall defend, indemnify, and hold harmless the County of El Dorado, its officers, employees, agency and representatives from and against any and all claims, actions, losses, injuries, damages and liability for damages, demands, actions, losses, costs, penalties and expenses or every name, kind, and description, including litigation cost and attorneys fees incurred, directly or indirectly arising out of, casually connected with, or resulting from the existence of the dwelling space over the garage within the setback from the right-of-way on Glenmore Street, adjacent to the aforementioned real property, excepting only loss, damage or other liability solely attributable to the gross negligence or willful misconduct of the County of

El Dorado. This duty to indemnify, hold the County of El Dorado free and harmless, includes the duties to defend, inclusive of this set forth in California Civil Code Section 2778. This duty of defense and indemnity shall run with the land and be binding upon any successor owner of the aforementioned real property, and shall inure to the benefit of the County of El Dorado and successor public agency owning or maintaining the aforementioned right-of-way.

We, Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan, and Kathleen M. Fagan, Owners of the herein described real property, on behalf of ourselves, our heirs, assigns, and successors, do further covenant and agree that all subsequent grant(s) of an interest in this aforementioned real property, in whole or in part, shall be made on the condition that the aforementioned indemnity and defense provision shall be included in its entirety in the grant of deed to the successive owner such that the successive owner shall likewise indemnify and hold harmless the County of El Dorado.

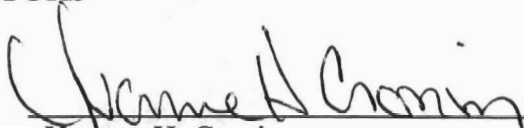
This instrument shall be recorded in the Office of the El Dorado County Recorder-Clerk as provided in Civil Code Section 1468.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names this  
12th day of July, 2006.



Timothy G. Cronin

GRANTORS



Yvonne H. Cronin

Benjamin L. Fagan

Kathleen M. Fagan

(A Notary Public must acknowledge all signatures)

## **EXHIBIT A**

Lot 80, as shown upon that certain map entitled "Angora Highlands Unit No. 2", filed in the office of the County Recorder of El Dorado County, State of California, on January 23, 1968, in Map Book "E", at page 2.

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

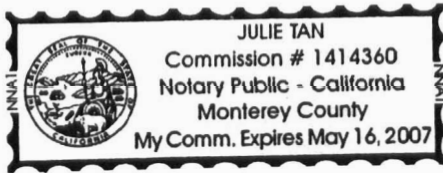
County of Monterey } ss.

On July 12, 2006 before me, Julie Tan, Notary Public,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Timothy G. Cronin and Yvonne H. Cronin  
Name(s) of Signer(s)

- personally known to me  
 ~~proved to me on the basis of satisfactory evidence~~

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Julie Tan  
Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- Individual  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_

Signer Is Representing \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:  
Steve Kooyman, P.E. Supervising Civil Engineer  
Tahoe Engineering  
El Dorado County  
924 B Emerald Bay Road  
South Lake Tahoe, CA 96150  
APN 032-341-02

Above section for Recorder's use

## NOTICE OF DEED RESTRICTION AND COVENANT TO INDEMNIFY THE COUNTY OF EL DORADO

WHEREAS, the undersigned **Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan, and Kathleen M. Fagan** (hereinafter referred to as "Owners") are the legal and record owners of the real property described as El Dorado County Assessor's Parcel Number 032-341-02, which legal description is as follows:

**See Exhibit A attached hereto and made a part hereof.**

WHEREAS, the aforementioned real property adjoins a County road right-of-way, specifically Glenmore Way, owned and maintained by the County of El Dorado; and

WHEREAS, Owners applied to the County of El Dorado to reduce the minimum 20-foot front yard building setback, required pursuant to Section 17.56.040(A) of County Code, to 10-feet to allow the construction of dwelling space over the garage on Lot 80; and

WHEREAS, all other setbacks and easements applicable to Lot 80, whether originating in the zoning code or by the subdivision map itself, remain in effect; and

WHEREAS, on **October 3, 2006**, the County of El Dorado granted the owners of the aforementioned real property the requested setback variance reducing the minimum front yard setback to ten-feet upon the condition that a Notice of Restriction Hold Harmless Agreement shall be executed and recorded in favor of the County of El Dorado, which places restrictions on the property in accordance with the conditions. Owner acknowledges that the real property will be benefited by this action, and thus it is the intent of the parties that this deed restriction and indemnity covenant be recorded, be included in each subsequent conveyance of the property and shall be binding on all successors and assigns of the Owner.

**NOW, THEREFORE**, for valuable consideration inclusive of the benefits conferred on the real property, the receipt of which is hereby acknowledged, we, Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan, and Kathleen M. Fagan, Owners of the herein described property, on behalf of ourselves, our heirs, assigns and successors, do hereby agree that, to the fullest extent allowed by law, we shall defend, indemnify, and hold harmless the County of El Dorado, its officers, employees, agency and representatives from and against any and all claims, actions, losses, injuries, damages and liability for damages, demands, actions, losses, costs, penalties and expenses of every name, kind, and description, including litigation cost and attorneys fees incurred, directly or indirectly arising out of, casually connected with, or resulting from the existence of the dwelling space over the garage within the setback from the right-of-way on Glenmore Street, adjacent to the aforementioned real property, excepting only loss, damage or other liability solely attributable to the gross negligence or willful misconduct of the County of

El Dorado. This duty to indemnify, hold the County of El Dorado free and harmless, includes the duties to defend, inclusive of this set forth in California Civil Code Section 2778. This duty of defense and indemnity shall run with the land and be binding upon any successor owner of the aforementioned real property, and shall inure to the benefit of the County of El Dorado and successor public agency owning or maintaining the aforementioned right-of-way.

We, Timothy G. Cronin, Yvonne H. Cronin, Benjamin L. Fagan, and Kathleen M. Fagan, Owners of the herein described real property, on behalf of ourselves, our heirs, assigns, and successors, do further covenant and agree that all subsequent grant(s) of an interest in this aforementioned real property, in whole or in part, shall be made on the condition that the aforementioned indemnity and defense provision shall be included in its entirety in the grant of deed to the successive owner such that the successive owner shall likewise indemnify and hold harmless the County of El Dorado.


This instrument shall be recorded in the Office of the El Dorado County Recorder-Clerk as provided in Civil Code Section 1468.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names this  
23<sup>RD</sup> day of August, 2006.

**GRANTORS**

\_\_\_\_\_  
Timothy G. Cronin

\_\_\_\_\_  
Yvonne H. Cronin

  
Benjamin L. Fagan

  
Kathleen M. Fagan

**(A Notary Public must acknowledge all signatures)**

## EXHIBIT A

Lot 80, as shown upon that certain map entitled "Angora Highlands Unit No. 2", filed in the office of the County Recorder of El Dorado County, State of California, on January 23, 1968, in Map Book "E", at page 2.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

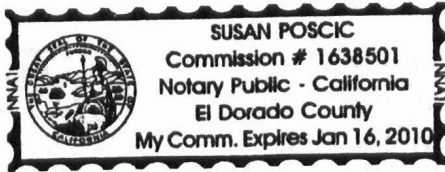
County of El Dorado

On 8-23-06 before me, Susan Poscic Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Benjamin L. Fagan  
Name(s) of Signer(s)  
Kathleen M. Fagan

personally known to me

(or proved to me on the basis of satisfactory evidence)



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Susan Poscic  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_