



# County of El Dorado

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## Legislation Text

File #: 08-0156, Version: 2

Hearing to consider adoption of Resolution **88-2008** to Vacate a Portion of Old Highway 49 as described in said Resolution; and recommending Chairman be authorized to sign Quitclaim Deeds, as described in Exhibits A-1 and A-2 and depicted in Exhibits B-1 and B-2 to the two adjoining property owners. (Resolution of Intention adopted 4-29-08, Item 12) (Continued 5/20/08, Item 33)

BUDGET SUMMARY:		
Total Estimated Cost		\$0
Funding		
Budgeted	\$0	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost:  
There is no net County cost.

### Background:

On June 27, 2000, County entered into a Purchase and Sale Agreement between the County and James R. Kidder as Trustee of the James R. Kidder Trust Established April 17, 1998 whereby the County agreed that in the event the State of California relinquished back to the County a portion of Old Highway 49 superseded by the change in location of said highway, that the County would conduct a hearing to consider whether to vacate a portion of the Old Highway 49 abandoned by the State of California, subject to certain conditions inclusive of reciprocal easements from adjacent parcel owners for the use of the access road as a common commercial driveway.

On August 16, 2005, the El Dorado County Superior Court entered a Final Order of Condemnation and Judgment in Eminent Domain Proceeding in consolidated action number PC20000299 pursuant to settlement by and between Gloria Winstead Revocable Trust dated May 27, 1999, by its successor Trustee, Neil Winstead, Randy Green and Ginger Lich, and County, whereby the County agreed that upon relinquishment of a portion of Old Highway 49 by the State of California, the County's Department of Transportation would promptly propose to vacate to centerline of pavement a portion of Old Highway 49 subject to reciprocal access to both abutting property owners for acceptable commercial purposes.

On April 29, 2008 your Board adopted Resolution 87-2008 entitled "Resolution of Intention to Vacate a Portion of Old Highway 49". The Resolution set a public hearing date for May 20, 2008 at 9:00 AM

in the Board Chambers to receive public testimony in order to make the findings required under Section 8324 of the Streets and Highways Code that the said portion of Old Highway 49 is unnecessary for present or prospective public use.

Reason for Recommendation:

The California Transportation Commission has approved the relinquishment and the State of California has now relinquished a portion of Old Highway 49 to the County of El Dorado. It is now the intent of the El Dorado County Board of Supervisors to consider a vacation of a portion of Old Highway 49, located north of Pleasant Valley Road and east of the relocated Highway 49 in the Diamond Springs area. The vacation is pursuant of the provisions of the Streets and Highways Code Section 8320 et seq., Chapter 3 of Part 3, Division 9 (General Vacation Procedures).

Upon the Vacation of the Portion of Old Highway 49 by your Board, those portions of Old Highway 49 shown in the attached Quitclaim Deeds, Exhibits A and B, shall be delivered to the two adjoining property owners, Kidder and Winstead, et. al.

The Planning Commission conducted a Finding of Consistency hearing on March 13, 2008 to review the proposed vacation and voted unanimously that the proposed vacation is consistent with the General Plan as per Government Code Section 65402(a) (findings attached).

All utility companies that may possibly be impacted by this vacation have provided written notification that they have no objection to the proposed vacation; however, PG&E, AT&T, El Dorado Irrigation District, and Comcast have requested that a public utilities easement be reserved as per Streets and Highways Code Section 8340(a) (request attached). A reservation of such an easement is included in the proposed Resolution.

Legal notice of the proposed vacation has been given as directed by the previous Board action of April 29, 2008.

The Department of Transportation has reviewed the proposed vacation and has no objections to vacate the road known as Old Highway 49.

Action to be taken following Board approval:

1. Chairman of the Board to sign Quitclaim Deeds for Kidder and Winstead, et. al.
2. Clerk of the Board shall record the Resolution to Vacate as directed by the Resolution, then record the Quitclaim Deeds after the recording of the Resolution and forward copy of said Resolution to the Department of Transportation.
3. Department of Transportation shall mail a copy of the recorded Resolution to all affected property owners and interested parties.

Contact: Richard W. Shepard, P.E., Director DOT

Concurrences: County Counsel