



County of El Dorado

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Legislation Text

File #: 08-0155, Version: 1

Transportation Department recommending Resolution of Intention to Vacate a Portion of Old Highway 49 in Diamond Springs; and set a public hearing for May, 20 2008 at 9:00 a.m. for consideration of the proposed General Vacation.

RECOMMENDED ACTION: Adopt Resolution **87-2008**.

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|---------------------------|-----|-----|
| BUDGET SUMMARY: | | |
| Total Estimated Cost | | \$0 |
| Funding | | |
| Budgeted | \$ | |
| New Funding | \$ | |
| Savings | \$ | |
| Other | \$ | |
| Total Funding Available | \$0 | |
| 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the County agreed that in the event the State of California relinquished back to the County a portion of Old Highway 49 superseded by the change in location of said highway, that the County would conduct a hearing to consider whether to vacate a portion of the Old Highway 49 abandoned by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.

Reason for Recommendation:

The California Transportation Commission has approved the relinquishment and the State of California has now relinquished a portion of 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 (Exhibits Attached). 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).

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

Action to be taken following Board approval:

1. Clerk of the Board shall publish for two successive weeks the Notice of Public Hearing in accordance with the requirements of the Streets and Highways Code Section 8322(a).
2. Department of Transportation shall post the Resolution of Intention to Vacate and Notice of Public Hearing in accordance with the requirements of the Streets and Highways Code Section 8323 and shall mail notices to all affected property owners and interested parties.

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

Concurrences: County Counsel