



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: January 23, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Directors Kirk Lagerquist, Director (805) 560-1011
Contact Info Skip Grey, Assistant Director, General Services, 805.568.3083
SUBJECT: Summary Vacation of Unused Portion of a County Road and Right of Way at 365 Main Street, Los Alamos; Fourth District (RP File #004061)

DocuSigned by:
Kirk Lagerquist
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County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management
As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute the original and certified copy and authorize staff to record the Resolution, Findings, and Summary Order to Vacate, thereby abandoning an unused 20-foot portion of a County Road and Right of Way for ingress and egress at Main Street, being that portion of Assessor’s Parcel Number 101-182-005 in Town of Los Alamos; and
- b) Determine that the recommended actions are exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3), no possibility of an Environmental Impact, and direct staff to file a Notice of Exemption on that basis.

Summary Text:

This item is being brought to the Board of Supervisors in order to vacate a portion of County road Right-of-Way (“ROW”). The portion of Main Street proposed for abandonment (herein “Portion”) is located adjacent to County Assessor’s Parcel Number 101-182-005 (herein the “Property”), which Portion is legally described and shown in the Resolution hereto and incorporated herein by this reference. This action will remove from the County inventory, an unimproved and underdeveloped portion of public rights-of-

way. Upon contacting all the utility companies in the area, the public utility companies servicing the area and the Property do not have facilities in the Portion requested to be vacated.

Background:

The project consists of a real property transaction to abandon and transfer fee ownership of a 20-foot by 50-foot portion of the ROW. The Jansen / Devine 2005 Trust is the current fee owner of the Property encumbered by the Road Right-of-Way and has petitioned the County to vacate the unused Portion on Main Street in the Town of Los Alamos. The portion of Main Street proposed for abandonment (herein “Portion”) is located adjacent to County Assessor’s Parcel Number 101-182-005 (herein the “Property”), which Portion is legally described and shown in Attachment 1, on Exhibits A and B attached hereto and incorporated herein by this reference.

In accordance with Section 8331 of the California Streets and Highways Code, a county may summarily vacate real property in the manner prescribed by law for such action by counties if the County Board of Supervisors for that county determines by resolution that the property has been impassable for vehicular travel for a period of five consecutive years and no public money was expended for maintenance during said period.

The County Public Works Department has determined that, in accordance with Section 892(a) of the California Streets and Highways Code, the Portion is not useful as a bicycle path or route. The County’s Public Works Department has also determined that the Portion is unnecessary for present or future public use as portions of County Roads and are no longer required to be utilized by the traveling public or the County.

At its regular meeting on October 11, 2023, the County’s Planning Commission determined that the abandonment of the County’s rights-of-way to be in conformity with the County’s Comprehensive Plan pursuant to Government Code Section 65402(a).

All public utility providers were informed of the proposed summary vacation and asked if they maintain any facilities in the Portion. Upon contacting all the utility companies in the area, the public utility companies servicing the area and the Property do not have facilities in the Portion requested to be vacated. No County Departments have objected to the proposed summary vacation.

The proposed action is exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15601(b)(3). The proposed action will have No Possibility of an Environmental Impact. Therefore, a Notice of Exemption has been prepared as Attachment 2.

Fiscal and Facilities Impacts:

Budgeted: Not applicable.

Narrative: The Board of Supervisors’ approval and authorization of the Chair to execute the original and certified copy approval and staff’s recordation of the Resolution, Findings, and Summary Order to Vacate will have no direct fiscal or facilities impacts. The applicant paid County’s staff time necessary to facilitate this action. There are no facilities nor impacts associated with the proposed actions. Other than paying for staff time, no compensation was received by the County in exchange for the unused road and right of way to be summarily vacated, as the applicant already owns the underlying real property in fee.

Key Risks:

None.

Staffing Impacts:

None.

Special Instructions:

After Board action, please distribute as follows:

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| 1. Original Board of Supervisors Resolution
Findings and Summary Order to Vacate | Clerk of the Board Files |
| 2. Certified Copy of Board of Supervisors
Resolution Findings and Summary
Order to Vacate & Minute Order | Real Property Division,
Attn: James Cleary |

Attachments:

1. Original and Copy of Resolution and Summary Order to Vacate County Road
2. CEQA Notice of Exemption