

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: February 5, 2019	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Department of Public Works and Transportation APPROVING PARTY: Tim H. Beals, Director PHONE NUMBER: 530-289-3201

AGENDA ITEM: Resolution of intent to abandon (vacate) a portion of an offer of dedication that was offered in perpetuity to the County as part of the approval of the Sierra Valley Senior Community located on Hill Street adjacent to the City of Loyalton.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
Letter of Request

BACKGROUND INFORMATION: The request from Bisnett Design Associates is attached as well as a copy of the offer of dedication and map. The Board directed preparation of a resolution of intent at the meeting of January 22, 2019.

FUNDING SOURCE: APPLICANT
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED?

 Yes, -- --
 No

IS THIS ITEM ALLOCATED IN THE BUDGET? Yes No

IS A BUDGET TRANSFER REQUIRED? Yes No

SPACE BELOW FOR CLERK'S USE

<p>BOARD ACTION:</p> <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2019- _____ Agreement 2019- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD

DATE

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF
DECLARING INTENT TO
VACATE AN OFFER OF DEDICATION**

RESOLUTION 2019-_____

RECITALS:

1. The Board of Supervisors intends to pursue the vacation of a portion of an offer of dedication for road and utility purposes that was offered in perpetuity; and,
4. The Board of Supervisors intends to conduct a public hearing to consider public testimony relative to the proposed vacation.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA
RESOLVE AS FOLLOWS:**

1. The Board of Supervisors hereby declares its intention to vacate a portion of an irrevocable offer of dedication for road and utility purposes as shown on Book 5, MS Page 76, affecting a portion of lot 1 of the Parcel Map for a Subdivision into Two Parts for Gwendolyn Lynch, March 1978, the parcel of land whereupon the Sierra Seniors Apartments are located; and
2. The vacation proceeding is conducted pursuant to Streets and Highways Code, Section 8300 and following; and,
3. The general location and extent of the offer of dedication to be vacated is the western 15 feet of an existing offer of dedication for 854.25 feet as shown on Book 5, MS Page 76 affecting a portion of lot 1 of the Parcel Map for a Subdivision into Two Parts for Gwendolyn Lynch, March 1978 as shown on Exhibit 1 to this resolution, and further identified as Sierra County Assessor Parcel 016-040-049-000; and,
4. A public hearing to allow all persons interested in the proposed vacation to offer testimony shall be held at the continued Board of Supervisors Meeting on Tuesday, March 5, 2018 at 10:00 a.m. in Downieville, California.

ADOPTED by the Board of Supervisors of the County of Sierra on the 5th day of February, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SIERRA

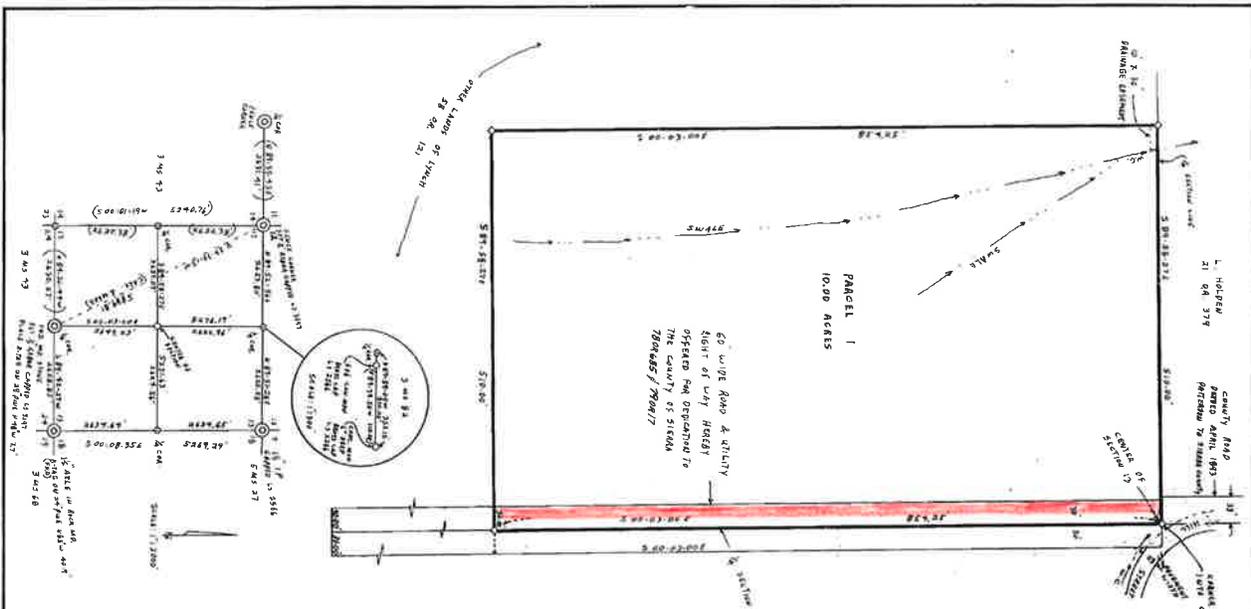
PAUL ROEN, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID PRENTICE
COUNTY COUNSEL



STAKE MAPS 2 2217
 COUNTY ROAD
 PARCELS 21 04 379
 COUNTY ROAD
 PARCELS 21 04 379
 STAKE MAPS 2 2217
 COUNTY ROAD
 PARCELS 21 04 379

SCALE: 1" = 100'

COUNTY TAX COLLECTION CERTIFICATE

1. Notice: In accordance with the provisions of the County of Sierra, State of California, do hereby certify that there are no liens against the parcel as shown herein, the unpaid state, county, municipal, or local taxes or special assessments collected as taxes hereon, taxes of special assessments for the parcel, taxes or special assessments which are a lien for the parcel and recorded on or by the County of Sierra.

PLANNING COMMISSION CERTIFICATE

THIS SUBDIVISION MAP WAS RECORDED ON JULY 18, 1978, AND HAS BEEN DEEMED TO BE IN COMPLIANCE WITH THE APPLICABLE REGULATORY MAP ACT AND THE CONDITIONS OF APPROVAL THEREON WHICH WERE REQUIRED BY AND APPROVED BY THE PLANNING COMMISSION OF THE COUNTY OF SIERRA, CALIFORNIA, ON JULY 18, 1978.

PLANNING COMMISSION
 COUNTY OF SIERRA, CALIFORNIA

NOTES

1. BASIS OF RECORDING IS THAT FROM THE CERTIFICATE MAP FILED IN BOOK 3 OF MAPS AND SURVEYS OF PAGE 43, SIERRA COUNTY RECORDS.

2. OWNER'S CERTIFICATE DATED IN VOLUME 79, AT PAGE 28 OF OFFICIAL RECORDS, SIERRA COUNTY, CALIFORNIA.

3. BUILDING SETBACK IS 60 FEET FROM ROAD CENTERLINES AND 20 FEET FROM PROPERTY LINES.

4. ALL UTILITY DISTRIBUTION LINES SHALL BE UNDERGROUND.

LEGEND

BOUND CORNER AS INDICATED HEREIN

BOUND SECTION CORNER OR CORNER AS SHOWN

CONVEYED CORNER LOCATION

SEE 1ST RECORD DATED 12 30 77

W.C.



COUNTY NOTARIAL CERTIFICATE

THIS SUBDIVISION MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES.

DATED: 7/18/78

SIGNED: *[Signature]*

NOTARIAL PUBLIC
 COUNTY OF SIERRA, CALIFORNIA

SURVEYOR'S CERTIFICATE

THIS SUBDIVISION MAP WAS PREPARED BY ME AND IS COMPILED FROM RECORDS AND THE SURVEYING DATA AND FIELD MEASUREMENTS OF THE SURVEYOR'S FIELD BOOKS AND THE SUBDIVISION MAP ACT AT THE BOUNDARY OF THE PARCEL HEREIN. I HEREBY STATE THAT THE SUBDIVISION MAP REPRESENTS OF THE COUNTY OF SIERRA HAS BEEN CORRECTLY MADE AND THAT THIS SUBDIVISION MAP CONFORMS TO THE APPLICABLE REGULATORY MAP ACT AND THE CONDITIONS OF APPROVAL THEREON WHICH WERE REQUIRED BY AND APPROVED BY THE PLANNING COMMISSION OF THE COUNTY OF SIERRA, CALIFORNIA.

MADE: 7/18/78

SIGNED: *[Signature]*

REGISTERED SURVEYOR
 COUNTY OF SIERRA, CALIFORNIA

COUNTY RECORDER CERTIFICATE

TITLED THIS 18th DAY OF JULY, 1978, AT 1:53 P.M. IN BOOK 4 OF MAPS AND SURVEYS, AT PAGE 76, OF THE RECORDS OF SIERRA COUNTY, CALIFORNIA.

RECORDED: 8/24/78

BY: *[Signature]*

CLERK OF COUNTY RECORDS

PARCEL MAP

OF A SUBDIVISION INTO TWO PARTS

CORDON ROSS LANCE FOR MARCH 1978

SECTION OF SECTION 13, T. 21N., R. 15E., 10W

SIERRA COUNTY, CALIFORNIA

GERALD C. HENDERSON
 LICENSED LAND SURVEYOR
 P. O. BOX 1577
 FERRIS, CALIFORNIA

Sierra County Board of Supervisors
101 Courthouse Square
P.O. Box 530
Downieville, CA 95936
Att: Tim H. Beals
Director of Planning and Building
Re: Offer of Dedication
Sierra Seniors Apartments
APN: 016-040-079-000

1/15/2019

Mr. Beals:

The purpose of this letter is to request that the Sierra County Board of Supervisors, at their earliest convenience, vacate a portion of the offer of dedication for road and utility purposes, which extends over the easterly 30' of the Sierra Seniors Apartments property, APN 016-040-079-000. The offer of dedication was recorded July 13, 1978, Book 78, Page 685 of Official Records, but subsequently has been neither accepted or rejected by the County. During initial construction of the project, in 1978-79 a portion of one of the units was built within the dedication area, though despite this potential "encroachment" the property was provided a Verification of Zoning by Planning Staff deeming it to be zoned for its intended use or existing legal non-conforming (see Verification of Zoning, attached.) Reducing the width of the offer of dedication from 30' to 15' would eliminate any conflict between the offer of dedication and the existing improvements on the property. In concert with the 30' offer of dedication on the adjoining property, APN 016-040-099-000, a corridor of 45' in width would still remain for potential future road and utility improvements.

It is the intent of the property owners, whom I represent, to obtain funding to upgrade the property, which provides affordable housing to qualifying seniors. This potential encroachment of one of the units into the area contained within the offer of dedication is of significant concern to the lender, and may jeopardize the owner's efforts to improve the property. A vacation of this portion of the offer of dedication would resolve the lender's concern, and would allow this project to move forward.

I am attaching an exhibit for your consideration. Please feel free to contact me if you have any questions.

Thank you,



Brian Bisnett
Owner
Bisnett Design Associates

Sierra County

64377

OFFER OF DEDICATION

I, Gwendolyn Lynch, offer to dedicate to the County of Sierra, a political subdivision, for road and all utility purposes, all that real property situated in the County of Sierra, State of California, described as follows:

a 30 foot wide strip of land over and across a portion of Section 13, Township 21 North, Range 15 East, M.D.M., situate in the unincorporated area of the County of Sierra, State of California, more particularly described as follows:

beginning at the center of said Section 13, thence from said point of beginning S 00° 03' 00" E. 1324.62 feet; thence N. 89° 39' 36" W. 30.00 feet; thence N. 00° 03' 00" W. 1324.46 feet; thence S. 89° 58' 27" E. 30.00 feet to the point of beginning.

This offer of dedication shall be irrevocable and remain in effect until either accepted or rejected by the Board of Supervisors of the County of Sierra.

IN WITNESS WHEREOF; I have signed my name this 28th day of June, 1978.

Gwendolyn Lynch
Gwendolyn Lynch

STATE OF CALIFORNIA)
COUNTY OF Sierra) ss

On this 28th day of June, 1978, before me, the undersigned, a Notary Public in and for said County, personally appeared

Gwendolyn Lynch

known to me to be the person whose name subscribed to the within instrument and acknowledged that she executed the same. WITNESS my hand and official seal.



Clyde Spradling
Clyde Spradling, Notary Public
MY COMMISSION EXPIRES APRIL 12, 1979

64377

OFFICIAL RECORDS
SIERRA COUNTY, CALIF.
Recording Requested by
Department of Public Works
DATE 7-13-78 TIME 8:30
VOL 78 PAGE 685
GEORGIE M. PETERMAN
COUNTY RECORDER
FEE 1/2 DEPUTY Jan Gallagher 685

64377