

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

MEETING DATE: April 16, 2019	TYPE OF AGENDA ITEM: <input type="checkbox"/> Regular <input checked="" 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: Continued discussion and direction to staff and/or final determination, including possible adoption of resolution, on the proposed road abandonment of the county road/alley located south of and behind Los Dos Restaurant.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION: See attached background memorandum.

FUNDING SOURCE:
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: <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</p>	<p><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: _____</p>	<p>Resolution 2019- _____ Agreement 2019- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus</p>
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COMMENTS:

CLERK TO THE BOARD _____
DATE

Agenda Item: Continued discussion and direction to staff and/or final determination on the proposed road abandonment of the county road/alley located south of and behind Los Dos Restaurant.

Background: The background on this item has been forwarded in previous Board packets and the remaining task is to have an open discussion with the potential impacted property owners adjacent to the road proposed for vacation. While the Board approved a resolution of vacation, the Clerk advises that the resolution has not been recorded which signifies the effective date of the vacation. The opportunity now exists for the Board to have an open discussion with property owners to determine if the vacation should be advanced by having the resolution recorded or if the proceeding should be terminated. Mailed notice of the April 16 Board discussion has been sent and the only two that have discussion points may be Rafael from Los Dos and Brendan McCormack, property owner south of Los Dos. Unless the two owners completely agree, I now feel that the matter should be terminated and should the parties ever decide to pursue it in the future, a new application can be advanced to consider it at that time.

Counsel should weigh in so that assurance exists that the determination recommended by the Board is properly accomplished as this is a somewhat odd set of circumstances leading to the April 16 discussion and possible action. A resolution terminating proceedings will be included in your packet to allow the flexibility or option to terminate further consideration if the Board so determines. If it determines to stay the course, then based on the input from adjacent property owners, the Board can determine how and when the resolution ordering vacation should be recorded.

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF TERMINATING
VACATION PROCEEDINGS FOR
VACATION OF A STREET, HIGHWAY,
OR PUBLIC SERVICE EASEMENT
IN THE COMMUNITY OF SIERRAVILLE**

RESOLUTION 2019-_____

RECITALS:

1. Abandonment proceedings for a portion of an existing public access strip of land under jurisdiction of Sierra County as shown on Sierra County Assessor's Parcel Map Book 15, Page 5, situated between Sierra County Assessor Parcels 015-052-003-0 and 015-052-004-0 commenced on January 22, 2019 and a resolution of abandonment was adopted on March 19, 2019, and due to concerns regarding lack of notice and community concerns, subsequently has not been recorded; and,
2. Due to potential and undetermined impacts to the adjacent property owners it has been determined to terminate vacation proceedings.

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

1. The Board of Supervisors hereby rescinds Resolution 2019-041.
2. Based on the public record established through the vacation process, the Board of Supervisors hereby directs termination of vacation or abandonment proceedings for this portion of an existing public access strip of land under jurisdiction of Sierra County as shown on Sierra County Assessor's Parcel Map Book 15, Page 5, situated between Sierra County Assessor Parcels 015-052-003-0 and 015-052-004-0.

ADOPTED by the Board of Supervisors of the County of Sierra on the 16th day of April, 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

Brendan McCormack
Megan Meschery
The Valley House
PO Box 261
Sierraville, CA 96126

April 15, 2019

Dear Sierra County Board of Supervisors,

Regarding the Resolution to abandon the alley between parcels 015-052-002-0 and 015-052-013-0 in Sierraville. Resolution 2019-14. We would like to request that the abandonment of this alley not be approved, or if it has been already approved by the board, to rescind the approval.

Our reasons are as follows:

1. We were not aware that a request for abandonment had been made, and were not notified, nor did we see or receive any notifications about the abandonment of the alley, and any meetings concerning the issue. This is not to say that an attempt to notify was not made by Sierra County, but for many reasons, all notices avoided our attention. Hopefully, Tim Beals and Miriam Dines can provide more detail to the board regarding how notifications avoided our attention. We are pretty attentive to our surroundings and our business. Although we can't promise that we read every notice at the post office we actually do check the board frequently and never saw a notice regarding this issue. We read the Mountain Messenger occasionally, but not all the time. Even the snowy weather seems to have played a part in us not knowing. It was a perfect storm of small mishaps that took place for this to happen. However, it happened. The first we had ever heard of the issue was by phone call from the Planning Director after the Resolution to abandon the alley had been approved.
2. For the two parcels of ours that connect to this alley an abandonment by the county is not something we would have supported. The alley gets used as it is, and could see more usage if we were to further develop either, or both, of our parcels in this vicinity. In the future, if an agreement could be made by ourselves and the other parcel owners who share the alley usage, an abandonment may be a good idea. However, no such agreement exists and we do not see the urgency of creating one at this time. We believe our time and money could be spent pursuing other improvements and plans. If the abandonment of the alley were to be approved and proceed it would throw us into situation that would require money, time, and legal work to create an

agreement to share the alley with our neighbors. Something we see as totally unnecessary and undesirable at this time.

3. Many meetings and discussions regarding the abandonment of the alley have proceeded without our participation. We wonder about the qualifications for the alley to even be a candidate for abandonment. Unlike other sections of the same alley that have been abandoned in the past, the section of alleyway in question here gets used a fair amount and serves more than a few purposes for the public and adjacent land owners. We are sorry we missed that conversation if it took place previously, but we believe any conversation on this topic would have to include our presence and input.

For these reasons we urge the board to to rescind the Resolution to abandon the alley.

Thank you,
Brendan McCormack
Megan Meschery