Approval of right-of-way agreement for 49er Drive affecting ownership of property owned by Elise Ostrom of Sierra City and direction to the County Clerk-Recorder to record the agreement.

**AGENDA ITEM:**

**Supportive Documents Attached:**
- Memo
- Resolution
- Agreement
- Other

**Background Information:** Resolution, Agreement, Cover Sheet (Recorded) and notary certificate attached

**Funding Source:** Road

**General Fund Impact:** No General Fund Impact

**Other Fund:** $ N/A

**Are Additional Personnel Required?**
- Yes, -- --
- No

**Is This Item Allocated in the Budget?**
- Yes
- No

**Is a Budget Transfer Required?**
- Yes
- No

**Resolution 2019- ____________**

**Agreement 2019- ____________**

**Ordinance ____________**

**Vote:**
- Ayes: ____________
- Noes: ____________
- Abstain: ____________
- Absent: ____________
- By Consensus

**Comments:**

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

_____________________________  ____________________________
Clerk to the Board          Date
RESOLUTION APPROVING AGREEMENT FOR
GRANT OF RIGHT OF WAY AND ROAD MAINTENANCE

RESOLUTION 2019-_______

NOW THEREFORE BE IT RESOLVED, that the Sierra County Board of Supervisors hereby approves the execution of an Agreement for Grant of Right of Way and Road Maintenance as to 49er Drive in Sierra City from Elise D. Ostrom and accepts the Grant of Right of Way as to said road.

The Sierra County Clerk, as the ex-officio Clerk of the Board of Supervisors, is hereby directed to duly record said Agreement and Grant of Right of Way in the official records of the County of Sierra.

ADOPTED by the Board of Supervisors of the County of Sierra on the 17th day of September, 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
COMPLETE THIS INFORMATION

RECORDING REQUESTED BY AND WHEN RECORDED MAIL DOCUMENT AND TAX STATEMENT TO:

Sierra County Department of Transportation
PO Box 98
Downieville, California 95936

THIS SPACE FOR RECORDER'S USE ONLY

TITLE OF DOCUMENT:

Agreement for Grant of Right of Way and Road Maintenance-49er Drive, Sierra City
Agreement for Grant of Right of Way and Road Maintenance
49er Drive, Sierra City

This Agreement is made on this 17th day of September, 2019 by and between the County of Sierra and the following listed individual, who is the record owner of a certain parcel of real property located within the unincorporated area of Sierra County and containing a portion of 49er Drive, a County maintained highway in Sierra City, California:

Property Owner: Elise D. Ostrom

APN: 008-161-006

Recitals

The property owner owns the fee title to the portion of the road bed of 49er Drive, Sierra City, Sierra County, California as reflected in the property owner’s respective deeds and has a right to use by way of easement over 49er Drive or by ownership; and,

Whereas, the property owner recognizes and agrees that APN 008-161-006 and known as situs address 220 49er Drive, Sierra City, California, which is generally depicted as shown on Exhibit "1", attached hereto and incorporated herein, is located in an area in Sierra County that annually receives a significant amount of snow fall which must be removed by public or private efforts in order to sustain the property owners' ability to access their properties and the public's ability to access the area served by this road; and

Whereas, pursuant to the provisions of California Streets and Highway Code Section 969.5, the County is authorized to expend public funds for the purpose of maintaining (including but not limited to snow removal) privately owned roads within the County, upon the grant or lease of a right of way from the property owner to the County; and

Whereas, in executing this Agreement it is the intent of the County and the property owner to grant the County a right of way for public use of 49er Drive, in accordance with the provision of Streets and Highways Code Section 969.5.

NOW THEREFORE IN CONSIDERATION OF THE MUTUAL OBLIGATIONS AND PROMISES OF THE PARTIES HERETO, IT IS HEREBY AGREED THAT:

1. The individual property owners that are parties to this agreement own the following respectively identified real property (as identified by Sierra County Assessor's Parcel Numbers):

<table>
<thead>
<tr>
<th>Name</th>
<th>Assessor's Parcel Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elise D. Ostrom</td>
<td>008-161-006</td>
</tr>
</tbody>
</table>

2. Each of the above identified property owners hereby grants to County a right of way on 49er Drive consisting of a portion of property 113’ in length by 23.74’ wide as to the portion of said road lying within their respective real property as is represented and highlighted on the attached map which is a copy of that certain record of survey found at
3. Upon execution of this Agreement by each and every one of the above identified property owners, County hereby accepts said grants of right of way and based thereon agrees to provide snow removal and maintenance on said road. The snow removal and maintenance shall be provided in accordance with the policies, procedures, and priorities as may from time to time be established by appropriate action of the Board of Supervisors, the County Public Works Department and is subject to the funding limitations and priorities as may from time to time be established by the Board of Supervisors. The County shall also have the right to make such improvements within the right of way as the County may from time to time determine is appropriate.

4. This Agreement, together with its specific references and attachments, constitutes the full and complete agreement of the parties.

5. No modification or waiver of any provisions of this Agreement or its attachments shall be effective unless such waiver or modification shall be in writing, signed by all parties.

6. This Agreement shall be binding upon and inure to the benefit of such party, its successors and assigns.

Approved and executed on the dates shown below:

Dated: September 17, 2019

Property Owner

COUNTY OF SIERRA

PAUL ROEN
Chairman, Board of Supervisors

ATTEST: APPROVED AS TO FORM:

HEATHER FOSTER DAVID PRENTICE
Clerk of the Board County Counsel
Exhibit "1"

Map of 49er Drive

Subject property of Elise Ostrom as highlighted and represented on the attached copy of that certain record of survey recorded in the Office of the Sierra County Recorder on November 27, 2006 and which carries Record of Survey number 11-113 and entitled “Record of Survey for the Ostrom Family” filed in Book 11, Page 113 of Maps and Surveys.
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )
County of ___________ )

On __________________ before me, ____________________________ personally appeared ____________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_________________________ (Seal)