

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

MEETING DATE: September 17, 2019	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Public Works APPROVING PARTY: Tim H. Beals PHONE NUMBER: 530-289-3201
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AGENDA ITEM: 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.

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:
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

**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):

Name

Assessor's Parcel Number

Name: Elise D. Ostrom

APN: 008-161-006

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

Book 11, Page 113 of Maps and Surveys recorded November 27, 2006 in the Office of the County Recorder and further identified as Exhibit 1 attached hereto and made a part hereof. This grant shall be along the alignment of the existing road and shall be for the purpose of use of said road by the County and the public.

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

APN: 008-161-006

COUNTY OF SIERRA

PAUL ROEN
Chairman, Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

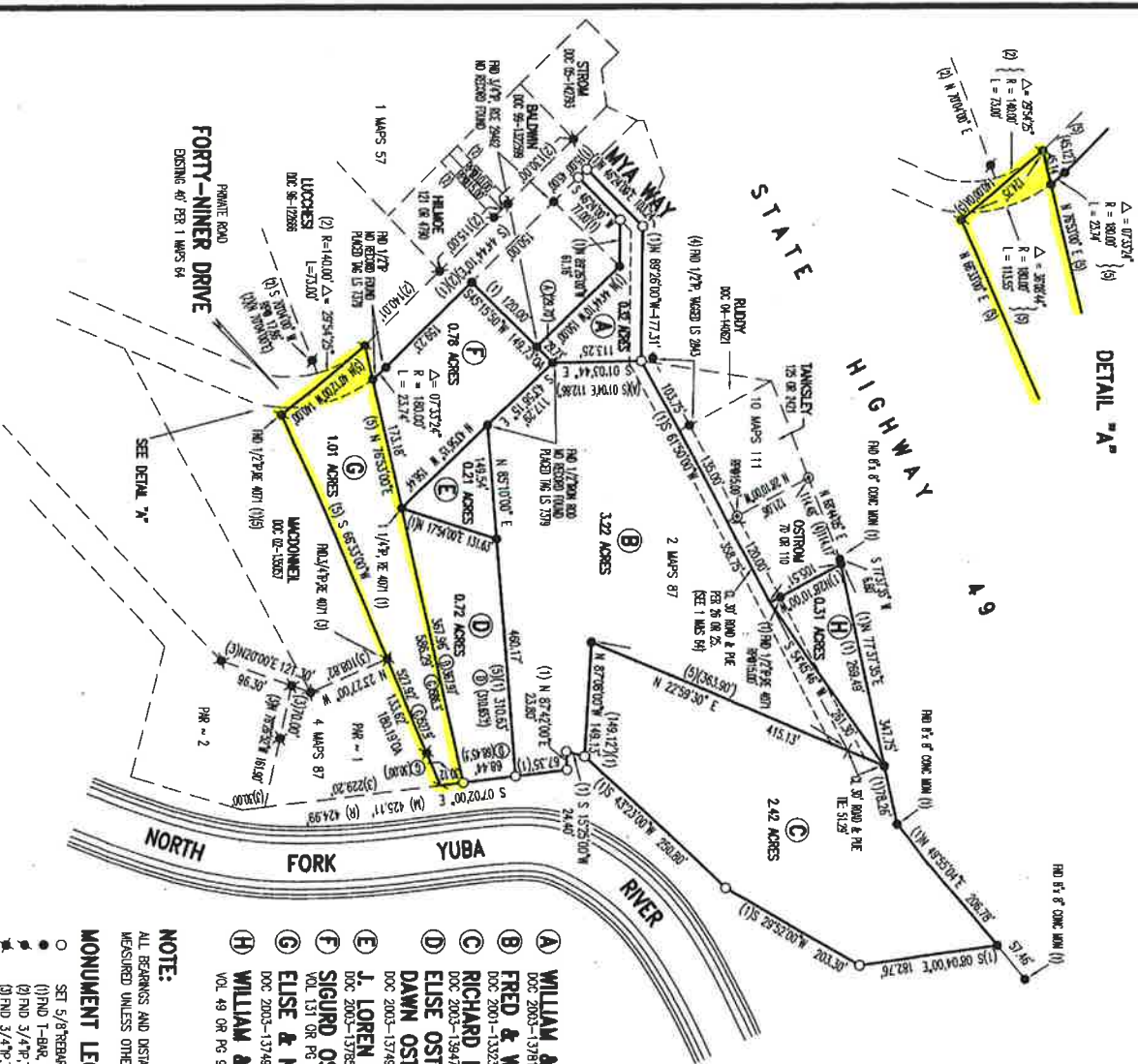
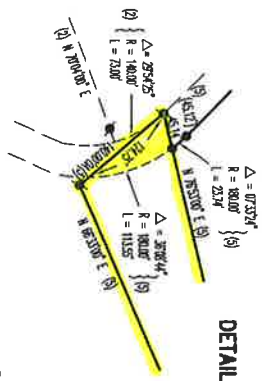
HEATHER FOSTER
Clerk of the Board

DAVID PRENTICE
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 WILLIAM & PAULA OSTROM**
DOC 2003-137818
- B FRED & WILLIAM OSTROM**
DOC 2001-130235
- C RICHARD LUCCHESI**
DOC 2003-138478
- D ELISE OSTROM & DAWN OSTROM BROWN**
DOC 2003-137492
- E J. LOREN & DAWN BROWN**
DOC 2003-137856
- F SIGURD OSTROM**
VOL 131 OR PG 1011
- G ELISE & NORDIS OSTROM**
DOC 2003-137494
- H WILLIAM & PAMELA OSTROM**
VOL 49 OR PG 99

NOTE:
ALL BEARINGS AND DISTANCES SHOWN ARE RECORDED AND MEASURED UNLESS OTHERWISE NOTED.

MONUMENT LEGEND:

- SET 5/8" REBAR & CAP STAMPED L.S. 7379
- (1) 1" DIB, PER 2 SURVEYS 87, UNLESS NOTED
- ★ (2) 1" DIB, 3/4" P, TAGGED RE 4071, UNLESS NOTED
- ⊙ (3) 1" DIB, 3/4" P, TAGGED L.S. 3961, UNLESS NOTED
- ⊕ (4) 1" DIB, 5/8" REBAR & ALUMINUM CAP STAMPED L.S. 2843
- ⊕ NOTHING FOUND, NOTHING SET

RECORD OF SURVEY FOR THE OSTROM FAMILY

SITUATE WITHIN A PORTION OF SECTION 27, T.20 N., R.12 E., M.D.M. IN THE UNINCORPORATED TERRITORY OF SIERRA COUNTY, CALIFORNIA

SCALE 1" = 100'

APRIL 2008

JKL SURVEYING
CALIFORNIA

SHEET 1 OF 1

11-113

SURVEYOR'S STATEMENT:

THIS MAP CURRENTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS ACT AT THE REQUEST OF THE OSTROM FAMILY IN APRIL, 2008.

Daniel B. Bastian
DANIEL B. BASTIAN
REGISTERED EXPENSE: 12-31-07

COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS ACT THIS 27th DAY OF December, 2008.

Daniel B. Bastian
DANIEL B. BASTIAN, L.S. 7045
COUNTY SURVEYOR
REGISTERATION EXPENSE: 12-31-06



RECORDERS STATEMENT:

FILED THIS 27th DAY OF December, 2008, AT 11:51 A.M. IN BOOK 11 OF MAPS AND SURVEYS, AT PAGE 113. AT THE REQUEST OF JKL SURVEYING.

DOC. NO. 2003-142893

FE \$ 600

March 1, 2009
MARTY J. JAWOZI
COUNTY CLERK
DEPUTY

BASIS OF BEARING:

THE BEARING OF N 27°59'37" E FOR THE WESTERLY LINE OF PARCEL "C" AS SHOWN ON THE RECORD OF SURVEY FOR F. OSTROM RECORDED IN VOLUME 2 OF MAPS AND SURVEYS AT PAGE 87, AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS MAP. SAID BEARINGS REFERS TO THE TRUE MERIDIAN.

RECORD DATA:

- (1) 2 WAPS AND SURVEYS 87
- (2) 1 WAPS AND SURVEYS 87
- (3) 4 WAPS AND SURVEYS 87
- (4) 10 WAPS AND SURVEYS 111
- (5) 1 WAPS AND SURVEYS 64

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)