

R10 Conduct a public hearing and adopt a resolution which finds a public easement, being a portion of Tamarack Avenue, located in the Burney area (Easement), is not necessary for current or future public use and orders the vacation of the Easement for road and utility purposes, reserving the rights for any existing utilities, located in the unincorporated area of Shasta County.

STAFF REPORT

BOARD MEETING DATE: May 27, 2025

CATEGORY: Scheduled Hearings 10

SUBJECT: Conduct a public hearing and adopt a resolution which finds a public easement, being a portion of Tamarack Avenue, located in the Burney area (Easement), is not necessary for current or future public use and orders the vacation of the Easement for road and utility purposes, reserving the rights for any existing utilities, located in the unincorporated area of Shasta County.

DEPARTMENT: Public Works

SUPERVISORIAL DISTRICT #: District 2

DEPARTMENT CONTACT: Shawn Ankeny, Principal Engineer, (530) 225-5661

STAFF REPORT APPROVED BY: Troy Bartolomei, Public Works Director

<u>Vote Required?</u>	<u>General Fund Impact?</u>
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

Take the following actions: (1) Open a public hearing; (2) close the public hearing; and (3) adopt a resolution which finds a public easement, being a portion of Tamarack Avenue, located in the Burney area (Easement) and specifically identified in the Legal Description attached to the Resolution submitted herewith, is not necessary for current or future public use and orders the vacation of the Easement for road and utility purposes, reserving the rights for any existing utilities, located in the unincorporated area of Shasta County.

DISCUSSION

The County acquired the Easement for Tamarack Avenue in the unincorporated area of Burney via an Offer of Dedication in 1976. In 2001, as part of a safety project, Caltrans acquired an easement and realigned the southerly portion of Tamarack Avenue where it intersects with State Highway 299E. After completion of the safety project, a portion of the Easement is no longer needed. It is superseded by the new alignment. The Pit River Tribe (Tribe) recently purchased land along Tamarack Avenue and are in the process of placing the land in its trust. During this process, the Bureau of Indian Affairs requested the abandonment of the Easement. Staff has contacted local utility companies. There are existing underground utilities in the Easement. Public Works has no use or planned use of the Easement. Staff recommends abandoning the Easement with a reservation for the existing utilities.

The Public Works Director has determined the abandonment to be minor in nature, as it is no longer needed for street widening or alignment projects, as per Resolution No. 83-271. The abandonment is exempt from CEQA, as this is not a Public Works project. Public hearing notices were published and posted in accordance with Streets & Highways Code Sections 8322 & 8323.

ALTERNATIVES

The Board may decline to abandon the Easement. The Easement will remain. This would hinder the ability of the Tribe to place their property in trust.

OTHER AGENCY INVOLVEMENT

County Counsel has approved the resolution and public notice as to form. The recommendation has been reviewed by the County Administrative Office.

FISCAL IMPACT

Sufficient appropriations are included in the Fiscal Year 2024-25 Roads Budget for the abandonment process. Abandonment fee

revenue from the petitioner covers all costs.

ATTACHMENTS:

1: Draft Resolution

RESOLUTION NO. 2025-XXX

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
ORDERING THE VACATION OF A PUBLIC EASEMENT
FOR ROAD AND UTILITY PURPOSES
(PORTION OF TAMARACK AVENUE – BURNEY)
IN THE UNINCORPORATED AREA OF SHASTA COUNTY, CALIFORNIA**

WHEREAS, an easement was dedicated to the public for Tamarack Avenue as part of a condition for a Waiver Map 407-76, by an Offer of Dedication recorded July 29, 1976, in Official Records in Book 1355 at Page 129, Shasta County Records; and

WHEREAS, in 2001, the California Department of Transportation (Caltrans) acquired the necessary right-of-way to realign the southerly portion of Tamarack Avenue as it intersects with State Highway 299E, as part of a safety project; and

WHEREAS, a portion of the previously dedicated easement is no longer necessary and proposed to be vacated is more specifically described in Exhibit “A”, attached hereto and incorporated herein (the “Property”); and

WHEREAS, Section 8320 et seq. of the Streets and Highways Code authorizes the Board of Supervisors to vacate public streets, highways, and service easements; and

WHEREAS, Section 8340 of the Streets and Highways Code provides, in part, that if there are in-place public utility facilities that are in use, a public entity shall, unless the legislative body determines the public convenience and necessity otherwise require, reserve, and except from the vacation any easement and right necessary to maintain, operate, replace, remove, or renew the public utility facilities; and

WHEREAS, Section 65402(a) of the Government Code provides, in general, that no real property shall be acquired or disposed of until the planning agency has made a general plan consistency finding; and

WHEREAS, Resolution 83-271 provides that the acquisition, disposition or abandonment of real property for street widening or alignment projects and the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes are exempt from general plan consistency findings when the Director of Public Works finds that such actions are minor in nature; and

WHEREAS, pursuant to Government Code Section 65402(a) and the authority set forth in Resolution No. 83-271, the Director of Public Works has determined the abandonment to be minor in nature and thereby exempt from a general plan consistency analysis; and

WHEREAS, notice of the hearing was published and posted in accordance with the procedures contained in Sections 8322 and 8323 of the Streets and Highways Code; and

WHEREAS, the Board of Supervisors heard and considered all written and oral evidence offered to be considered at the hearing; and

WHEREAS, the Board of Supervisors finds, based on the evidence presented, that the Property is unnecessary for present or prospective public use; and

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WHEREAS, the Board of Supervisors finds that there are in-place public utility facilities that are in use that require that any easement or right necessary to maintain, operate, replace, remove, or renew the public utility facilities shall be reserved and excepted from the vacation.

NOW, THEREFORE, BE IT RESOLVED that the Property is unnecessary for present or prospective public use, and from and after the date this Resolution is recorded, the Property is hereby vacated and shall no longer constitute a public easement or right of way, **RESERVING AND EXCEPTING** from said vacation, however, any and all existing easements and rights at any time, or from time to time, to maintain, operate, replace, remove and renew existing sanitary sewers and storm drains and appurtenant structures, lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telegraphic and telephone lines, and for the transportation of distribution of electric energy, petroleum and its products, ammonia, water and for incidental purposes, including access to protect the property from all hazards in, upon, and over the said parcel or part thereof abandoned hereby.

BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a certified copy of this Resolution to be recorded in accordance with Streets and Highways Code § 8325.

DULY PASSED AND ADOPTED this 27th day of May, 2025, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

KEVIN W. CRYE, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

DAVID J. RICKERT
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

JOSEPH LARMOUR
County Counsel

By: _____
Deputy

DocuSigned by:
By: Alan Cox 04/25/2025 | 11:34 AM PDT
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Alan B. Cox
Senior Deputy County Counsel

Legal Description

Tamarack Ave. (Burney) Abandonment

EXHIBIT "A"
LEGAL DESCRIPTION

All that real property situated in the southeast one-quarter of section 19, Township 35 North, Range 3 East, M.D.B.&M., in the unincorporated territory of Shasta County, more particularly described as being the public easement dedicated to the public on an Offer of Dedication for Public Purposes recorded July 29, 1976 in Book 1355 of Official Records at Page 129, Shasta County Records, lying southerly of the south line of the real property granted to State of California by Grant Deed recorded April 11, 2001 in Official Records Document Number 2001-0013790, Shasta County Records.

