

**R11** Conduct a public hearing and adopt a resolution which finds the previously relinquished access rights (Access Rights) onto Bear Mountain Road (County Road No. 5H04) not necessary for current or future public use and orders the vacation of the Access Rights.

## STAFF REPORT

**BOARD MEETING DATE:** May 27, 2025

**CATEGORY:** Scheduled Hearings 11

**SUBJECT:** Conduct a public hearing and adopt a resolution which finds the previously relinquished access rights (Access Rights) onto Bear Mountain Road (County Road No. 5H04) not necessary for current or future public use and orders the vacation of the Access Rights.

**DEPARTMENT:** Public Works

**SUPERVISORIAL DISTRICT #:** District 4

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

**STAFF REPORT APPROVED BY:** Troy Bartolomei, Public Works Director

<b><u>Vote Required?</u></b>	<b><u>General Fund Impact?</u></b>
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 the previously relinquished access rights (Access Rights) onto Bear Mountain Road (County Road No. 5H04) and specifically identified in the Legal Description attached to the Resolution submitted herewith, are not necessary for current or future public use and orders the vacation of the Access Rights.

### **DISCUSSION**

A local property owner, Mario Callegari (Owner), has petitioned the Board of Supervisors to abandon a portion of relinquished Access Rights onto Bear Mountain Road (County Road No. 5H04). The Access Rights were dedicated on Tract Map No. 1922 filed on June 26, 2006, in Book 24 Recorded Maps at Page 4, Shasta County Records. The Owner currently utilizes the Access Rights as access to the southerly portion of his parcel and is in the process of obtaining a building permit to build a shop in the southerly portion of his parcel. The abandonment of the Access Rights would provide access to the planned improvements.

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 California Environmental Quality Act (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 Access Rights. The Owner would be unable to continue with their planned improvements.

### **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**

There is no General Fund impact as a result of the recommended actions. 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 RELINQUISHED ACCESS RIGHTS  
ALONG BEAR MOUNTAIN ROAD (COUNTY ROAD NO. 5H04)  
IN THE UNINCORPORATED AREA OF SHASTA COUNTY, CALIFORNIA**

**WHEREAS**, the Board of Supervisors has been petitioned to abandon the relinquishment of access rights to Bear Mountain Road (County Road No. 5H04) in the unincorporated area of Shasta County; and

**WHEREAS**, the relinquishment of access rights to Bear Mountain Road (County Road No. 5H04) proposed to be vacated is more specifically described in Exhibits “A1” and “A2”, attached hereto and incorporated herein (the “Property”); and

**WHEREAS**, the Property was dedicated on Tract Map No. 1922, filed on June 26, 2006 in Book 24 of Maps at Page 4, Shasta County Records; and

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

**WHEREAS**, Section 65402(a) of the Government Code provides 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.

**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 access rights to Bear Mountain Road (County Road No. 5H04) restored.

**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 Section 8325.

Resolution No. 2025-XXX

May 27, 2025

Page 2 of 2

**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:

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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

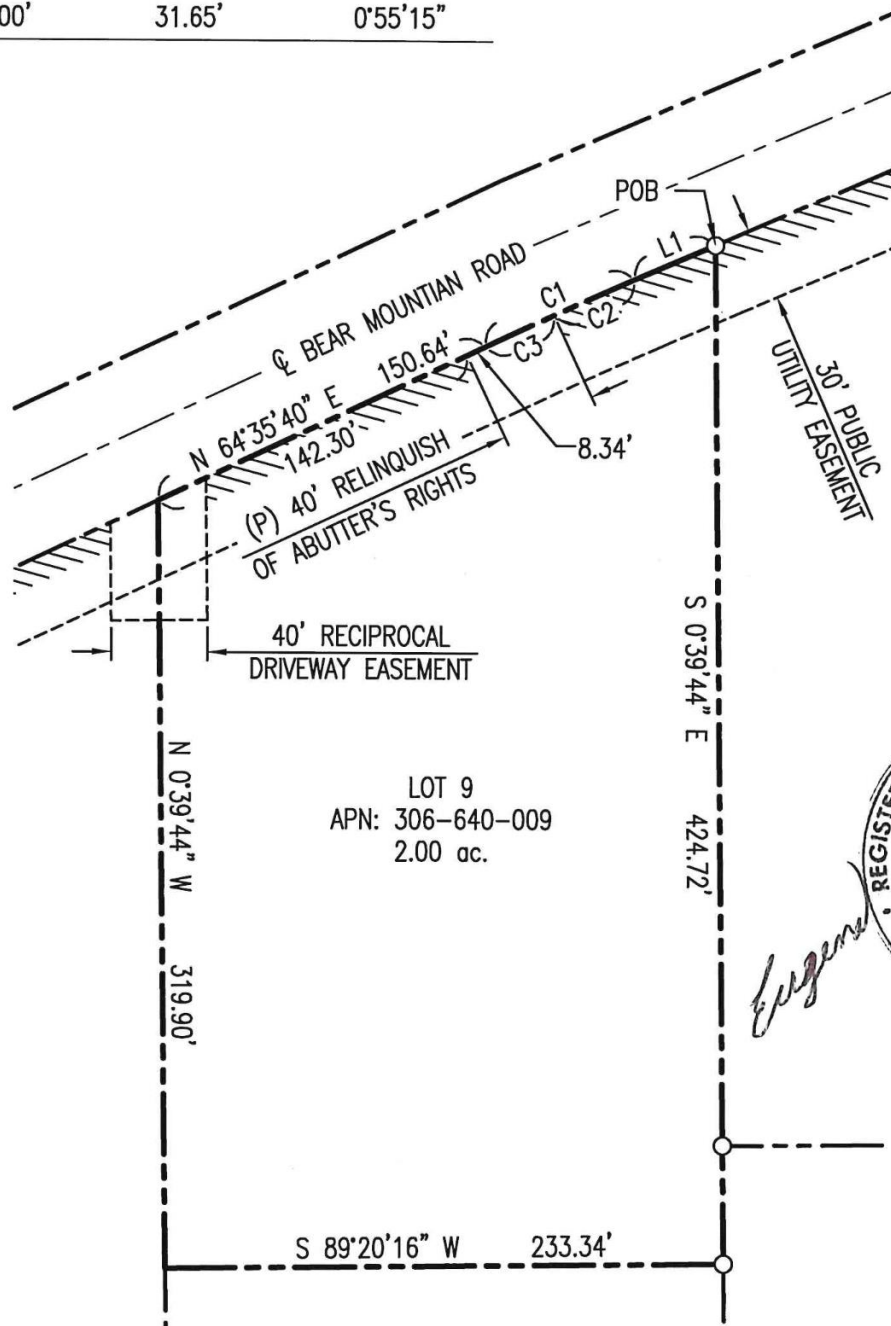
By:  04/29/2025 | 9:43 AM PDT  
Alan B. Cox  
Senior Deputy County Counsel

## CURVE TABLE

CURVE #	RADIUS	LENGTH	DELTA
C1	1970.00'	68.38'	1°59'20"
C2	1970.00'	36.73'	1°04'05"
C3	1970.00'	31.65'	0°55'15"

## LINE TABLE

LINE #	DIRECTION	LENGTH
L1	N 66° 35' 00" E	36.80'



Scale : 1" = 80'

○ = FOUND PLASTIC CAP MARKED  
RCE 16093 PER 24-RM-4



= ACCESS RIGHTS TO BEAR MOUNTAIN  
ROAD DEDICATED PER 24-RM-4



**butler** ENGINEERING GROUP  
CIVIL • STRUCTURAL • SURVEYING

8837 AIRPORT ROAD, SUITE A • REDDING, CALIFORNIA 96002  
T. 530.222.5211 F. 530.226.3345 WWW.BUTLER-GROUP.ORG

DRAWN BY

PCM

CHECKED BY

EWP

DATE ISSUED

02.11.25

RECLAIMED ENCROACHMENT  
APN: 306-640-009  
13553 BEAR MOUNTAIN ROAD  
REDDING, CALIFORNIA

EXHIBIT

A1

OF 2 SHEETS

JOB NUMBER

24.353

# RECLAIMED ENCROACHMENT PERMIT

## LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE SOUTHWEST QUARTER OF SECTION 26,  
TOWNSHIP 33 NORTH, RANGE 4 WEST,  
IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SHASTA, STATE OF CALIFORNIA,  
AND IS DESCRIBED AS FOLLOWS:


LOT 9, AS SHOWN ON THE MAP OF TRACT #1922 MANZANILLO ORCHARD TRACT, FILED FOR RECORD JUNE 26, 2006 IN  
BOOK 24 OF MAPS AT PAGE 4, SHASTA COUNTY RECORDS.

### METES & BOUNDS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF BEAR MOUNTAIN ROAD, SAID POINT BEING THE  
NORTHERLY MOST CORNER OF SAID LOT 9 MARKED BY A  $\frac{5}{8}$ " REBAR W/ A PLASTIC CAP MARKED RCE 16093 PER  
24-RM-4, THE FORE MENTION TRACT MAP;  
THENCE SOUTH 66°35'00" WEST 36.80' ALONG THE SOUTHERLY RIGHT-OF-WAY OF BEAR MOUNTAIN ROAD;  
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A 1970' RADIUS WITH A TANGENT CURVE TO THE LEFT AND A  
DELTA ANGLE OF 1°04'05" BEING A DISTANCE OF 36.73' TO THE END OF RELINQUISHED ABUTTER'S RIGHTS & A POINT  
OF ACCESS TO BEAR MOUNTAIN ROAD;  
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A 1970' RADIUS WITH A TANGENT CURVE TO THE LEFT AND A  
DELTA ANGLE OF 0°55'15" BEING A DISTANCE OF 31.65';  
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 64°35'40" WEST 8.34' TO END ACCESS TO BEAR MOUNTAIN  
ROAD & A POINT OF BEGINNING OF RELINQUISHED ABUTTER'S RIGHTS.

END DESCRIPTION



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	CHECKED BY EWP		
	DATE ISSUED 02.11.25		
		LEGAL DESCRIPTION	JOB NUMBER 24.353