



**Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: September 18, 2018

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
County Counsel Sign-Off	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010				

SUBJECT: Vacation of Effie Drive and Kermia Street between Betty Drive and Road 67 in the unincorporated community of Goshen

- REQUEST(S):**
That the Board of Supervisors:
1. Conduct a public hearing to approve a vacation of Effie Drive and Kermia Street between Betty Drive and Road 67, more particularly described in Exhibit A, Legal Description;
 2. Determine that Effie Drive and Kermia Street between Betty Drive and Road 67 is excess right of way and vacation thereof is in the public interest;
 3. Vacate said portion of Effie Drive and Kermia Street between Betty Drive and Road 67 and order that the public use is hereby vacated, reserving an easement and right necessary for public utilities and road maintenance;
 4. Determine that the vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to the adopted State of California CEQA Guidelines Section 15061(b)(3) and direct the Environmental Officer to sign and file a Notice of Exemption with the Tulare County Clerk; and,
 5. Direct the Clerk of the Board to cause a certified copy of the resolution to be recorded in the Office of the Tulare County Assessor Clerk/Recorder.

SUMMARY:
The location of Effie Drive and Kermia Street is shown on Attachment A, Vicinity Map, and Attachment B, Location Map, and is more particularly described in Attachment G, Exhibit A, Legal Description, and is graphically shown on Exhibits B,

SUBJECT: Vacation of Effie Drive and Kermia Street between Betty Drive and Road 67 in the unincorporated community of Goshen

DATE: September 18, 2018

C and D.

The petition to vacate Effie Drive and Kermia Street was submitted by Kruse Investment Company, Inc. The petitioner's reason for the vacation is the road has become a dead end after the construction of the Betty Drive overpass and does not serve abutting properties.

The vacation will not affect properties other than those owned by Kruse Investment Company, Inc., which abut the subject portions of Effie Drive and Kermia Street. The vacation will exclude a total of 0.17 miles from the Tulare County Maintained Mileage System, which includes 0.10 miles of Effie Drive and 0.07 miles of Kermia Street.

The Goshen Community Services District and other utility companies were contacted regarding the proposed vacation. Staff is not aware of any objection to the vacation. The area of the vacation will be reserved for an easement and right necessary for public utilities and road maintenance.

Two small parcels, owned by the County and located between the rights of way of Effie Drive and Kermia Street, are the subject of a separate request of your Board by the Property Management Office. Both parcels are essentially part of the rights of way and transfer of the real property is requested to complete the vacation.

The notice of public hearing, as shown on Attachment F, Notice of Public Hearing, was published and posted pursuant to Streets and Highways Code sections 8322 and 8323; was mailed to all property owners adjoining the right of way requested to be vacated; and was mailed to public utilities and public agencies.

The General Plan Referral, Administrative Decision No. 0493, as shown on Attachment D, determined the vacation is consistent with the adopted plans and policies of the County of Tulare. The Environmental Officer determined the vacation is exempt from the California Environmental Quality Act, as shown on Attachment E, Notice of Exemption.

FISCAL IMPACT/FINANCING:

There will be **No Net County Cost** to the either the General Fund or the Road Fund as a result of this action, other than that necessary for staff to prepare and process the petition for vacation.

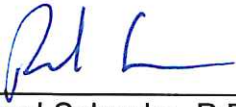
LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

Strategic Initiative 1: Safety and Security includes the goal of improving and maintaining adequate transportation infrastructure. This action promotes that goal by redirecting maintenance activities to active roadways. Strategic Initiative 2: Economic Well Being includes the goal of encouraging growth consistent with the County General Plan. This action corresponds with that goal by allowing self-determination of private property use.

SUBJECT: Vacation of Effie Drive and Kermia Street between Betty Drive and Road 67 in the unincorporated community of Goshen

DATE: September 18, 2018

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

cc: County Administrative Office

Attachment(s) Attachment A - Vicinity Map
Attachment B - Location Map
Attachment C - Petition for Vacation of Right of Way
Attachment D - Administrative Decision No. 0493
Attachment E - Notice of Exemption
Attachment F - Notice of Public Hearing
Attachment G - Exhibit A, Legal Description, Exhibit B, Plat

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF VACATION OF EFFIE)
DRIVE AND KERMIA STREET BETWEEN) Resolution No. _____
BETTY DRIVE AND ROAD 67 IN THE)
UNINCORPORATED COMMUNITY OF)
GOSHEN)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD SEPTEMBER 18,
2018, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

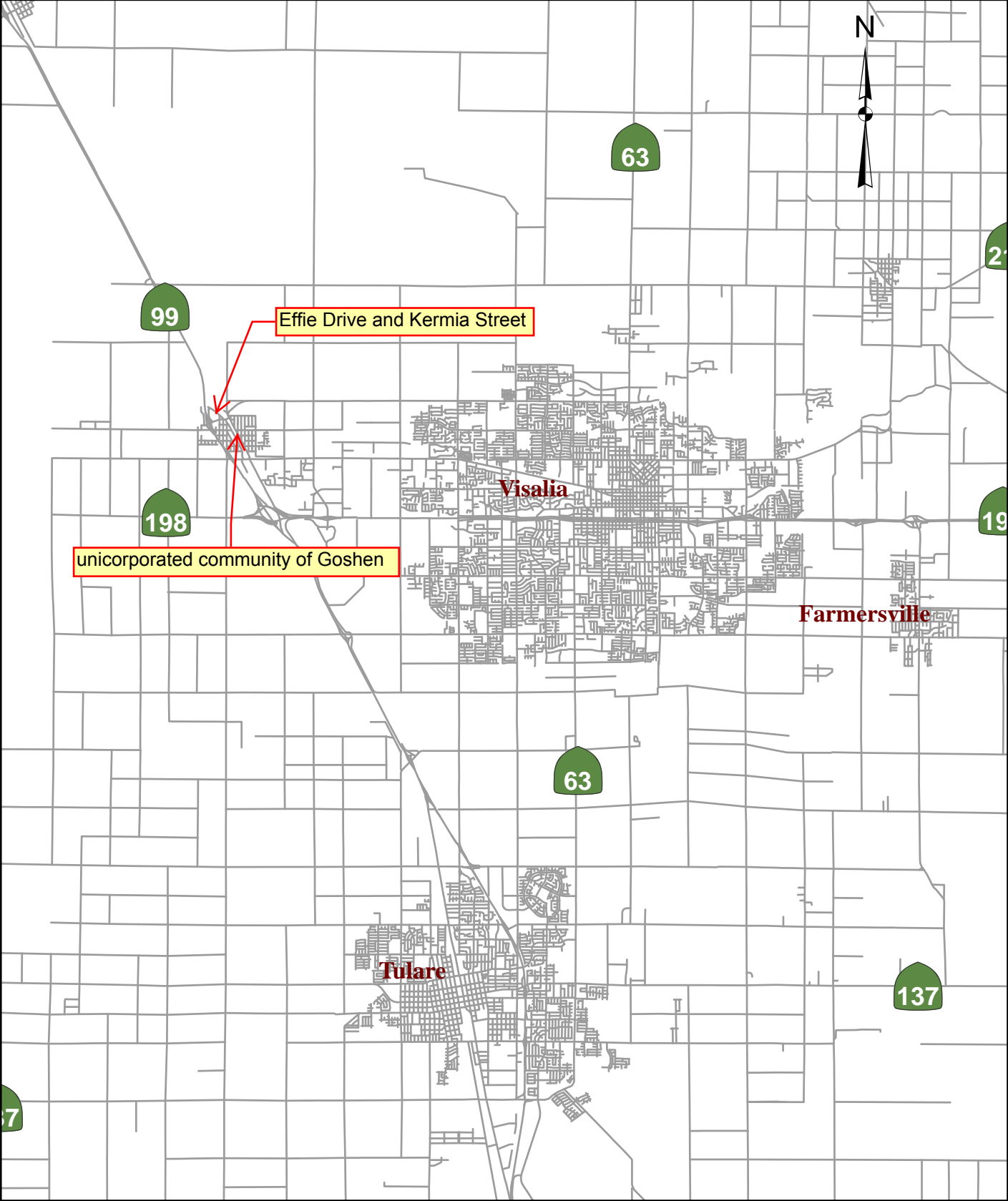
ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Conducted a public hearing to approve a vacation of Effie Drive and Kermia Street between Betty Drive and Road 67, more particularly described in Exhibit A, Legal Description;
2. Determined that Effie Drive and Kermia Street between Betty Drive and Road 67 is excess right of way and vacation thereof is in the public interest;
3. Vacated said portion of Effie Drive and Kermia Street between Betty Drive and Road 67 and ordered that the public use is hereby vacated, reserving an easement and right necessary for public utilities and road maintenance;
4. Determined that the vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to the adopted State of California CEQA Guidelines Section 15061(b)(3) and direct the Environmental Officer to sign and file a Notice of Exemption with the Tulare County Clerk; and,
5. Directed the Clerk of the Board to cause a certified copy of the resolution to be recorded in the Office of the Tulare County Assessor Clerk/Recorder.

Attachment A - Vicinity Map



unincorporated community of Goshen

Effie Drive and Kermia Street

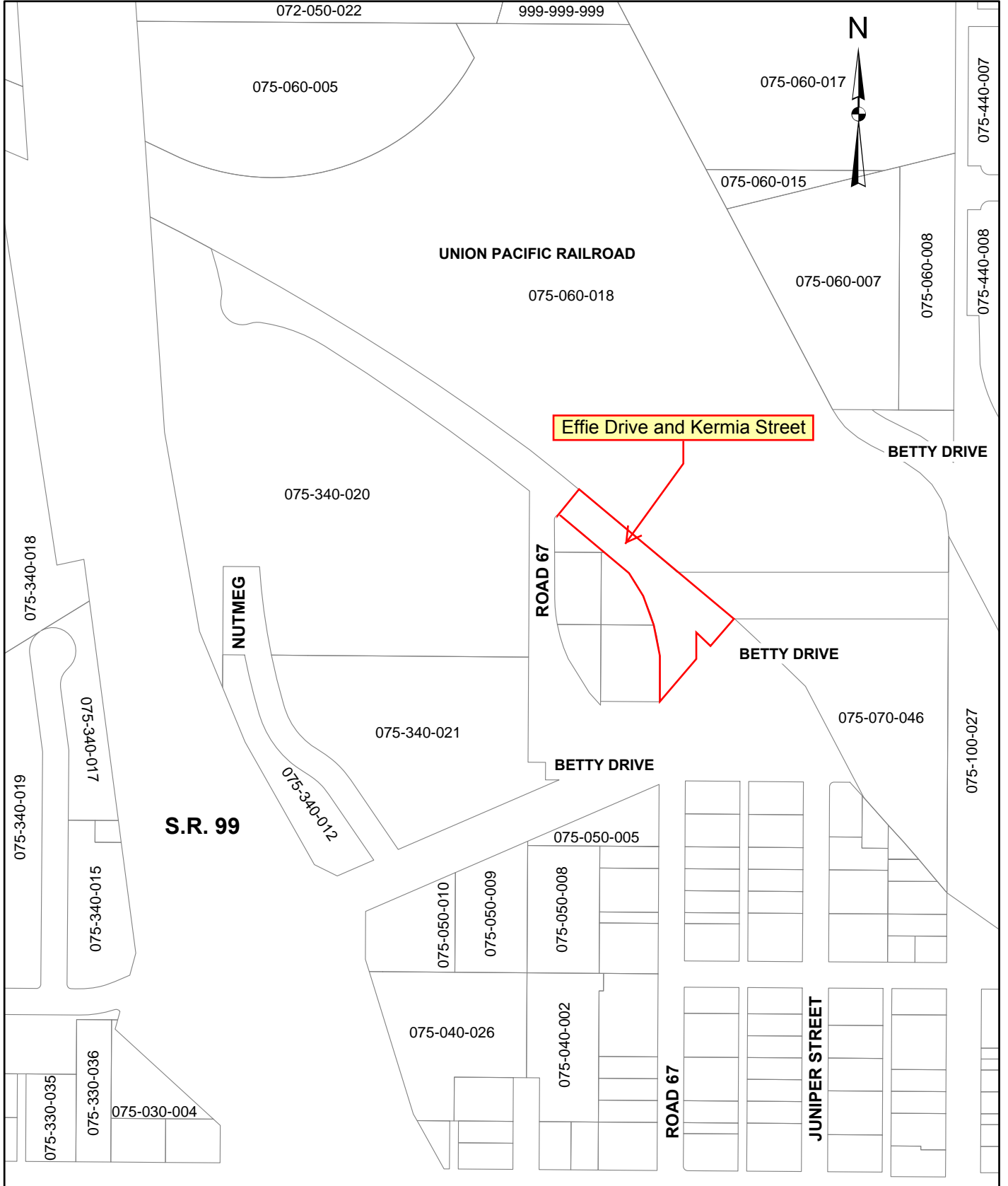
Visalia

Farmersville

Tulare

0 1 2 4 Miles

Attachment B - Location Map



Attachment C – Petition to Vacate Right of Way

COUNTY OF TULARE
STATE OF CALIFORNIA

PETITION FOR VACATION OF COUNTY ROAD

TO THE HONORABLE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE

The undersigned persons hereby petition the Board of Supervisors of the County of Tulare to vacate the County road or portion thereof, which is described as follows:

SEE ATTACHED EXHIBITS A, B, C & D, AND C.I.1 UTILITIES DRAWING.

Said petitioners request the Board of Supervisors to vacate the County road or portion thereof, which is described above, for the following reasons:

THE ROAD HAS BECOME A DEAD END STREET AFTER THE CONSTRUCTION OF THE BETTY DRIVE OVERPASS AND DOES NOT SERVE ANY PROPERTIES.

In accordance with Resolution No. 2009-0665 the petitioners herewith deposit with the Clerk of the Board of Supervisors the required fee of \$2148.00. The petitioners understand and agree that the \$2148.00 fee deposited with the Clerk shall cover the cost of preparing, publishing and posting notices of hearing, and investigation by the Resource Management Agency and other interested County officers and employees, and that no portion thereof shall be refunded.

Dated: November 16 2017.

1. print name Kevin Kruse
signature [Signature]
address 30983 Rd 67, Goshen, CA
phone (559) 302-1010

2. print name Kruse Investment Co
signature [Signature]
address 30981 Rd 67 Goshen, CA
phone (559) 302-1685

3. print name Deanna Fitzgerald
signature [Signature]
address 2401 N. Dukey St. Visalia CA 93291
phone 559-303-2885

4. print name Kris VanderMaal
signature [Signature]
address 5311 W. Harold St Visalia 93291
phone 559-799-9329

5. print name Jessica M Guenley
signature [Signature]
address 4218 WELBURN CT VISALIA, CA
phone (559) 734-1981

6. print name Tony F. Correia
signature [Signature]
address 408 N. RANCHO ST. VISALIA
phone 559-731-4840

7. print name Philip W Shannon
signature [Signature]
address 6701 W Hartner Ave
phone 559 303 4159

8. print name Chad Pinter
signature [Signature]
address 3735 W Woodside Ave, Visalia, CA
phone 559-804-6605

9. print name Stella Galagan
signature [Signature]
address 4737 Oriole Ct, Visalia Ca
phone 559-802-0818

10. print name CLAUDIO RIBEIRO
signature [Signature]
address 6132 W LAURA AVE
phone VISALIA-CA 93277
(559) 679-8740

In accordance with section 8321 of the streets and Highways Code of the State of California, this petition must be signed by not less than 10 freeholders, 2 of whom are residents of the road district in which some part of the county road affected is situated, and are taxable therein for highway purposes.

Attachment D

Administrative Decision No. 0493

BEFORE THE PLANNING DIRECTOR

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF INVESTIGATION AND)
REPORT OF PROPOSED VACATION OF) Administrative Decision No. 0493
EXCESS RIGHT OF WAY AND)
GENERAL PLAN REFERRAL)
NO. GPR 18-003)

Decision of the Planning Director of the County of Tulare regarding the proposed vacation of a portion of excess right-of-way requested by Kruse Investment Company, Inc., 31120 West Street, Goshen, CA 93227, the location of said vacation being a portion of Effie Drive and Kermia Street, between Road 67 and Betty Drive, in the Community of Goshen, in the County of Tulare State of California, Northwest ¼ of Section 24, Township 18 South, Range 23 East, Mount Diablo Meridian.

WHEREAS, pursuant to the formal notice procedures under Public Resource Code 21151.2 and Government Code section 65402 regarding the possible vacation of the right-of-way; and

WHEREAS, notice to surrounding property owners was also provided according to the law; and

WHEREAS, the subject vacation of a portion of Effie Drive and Kermia Street will exclude a total of 0.17 miles from the Tulare County Maintained Mileage System, which includes 0.10 miles of Effie Drive and 0.07 miles of Kermia Street; and

WHEREAS, said summary vacation of right of way was initiated by the adjacent property owner, Kruse Investment Company, Inc., because the road has become a dead end after the construction of the Betty Drive overpass and does not serve abutting properties. The vacation will not affect properties other than those owned by Kruse Investment Company, Inc.; and

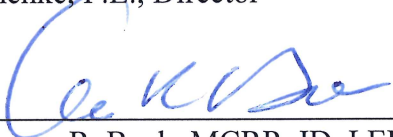
WHEREAS, pursuant to Government Code Section 65402 and Public Resources Code Section 21151.2, the Planning Director reviewed the written report prepared by the Resource Management Agency Staff in connection with General Plan Referral No. GPR 18-003; and

WHEREAS, the adjacent lands are situated in the M-1 (Light Manufacturing) Zone and the Land Use Designation is "Light Industrial," located within the adopted Urban Development Boundary of the Goshen Community Plan 2018 Update; and

NOW THEREFORE BE IT RESOLVED:


The Planning Director of the County of Tulare hereby adopts the report made by Resource Management Agency (RMA) Staff in Case No. GPR 18-003 finding that the vacation of right of way is consistent with the adopted plans and policies of the County of Tulare.

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
Reed Schenke, P.E., Director

By: 

Aaron R. Bock, MCRP, JD, LEED AP
Interim Assistant RMA Director
Economic Development & Planning

Date Approved: 7-18-18

By: 

Michael Washam, Associate Director
Tulare County Resource Management Agency

Date Approved: 7-18-18

Attachment E – Notice of Exemption

Notice of Exemption

Fee Exempt per Government Code Section 6103

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Tulare County Clerk
Room 105, Courthouse
221 South Mooney Boulevard
Visalia, California 93291

Lead Agency: Tulare County- Resource Management Agency
5961 South Mooney Blvd.
Visalia, Ca 93277 Ph.: (559) 624-7000

Applicant(s): Kruse Investment Company, Inc.
31120 West Street
Goshen, CA 93227 Phone: (559) 302-1000

Date Filed with Tulare County Clerk

Activity/Project Title: Vacation of Effie Drive and Kermia Street between Road 67 and Betty Drive, Tulare County, CA.

Activity/Project Location: Effie Drive and Kermia Street between Road 67 and Betty Drive, Tulare County, CA.

Activity/Project Location- Section, Township, Range: Northwest ¼ of Section 24, Township 18 South, Range 23 East, Mount Diablo Meridian.

Project Location - City: unincorporated community of Goshen

Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: Applicant benefits from vacation of County right-of-way, which would revert to applicant's properties at such time as a Board Resolution approving the vacation is officially recorded.

Exempt Status: *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- General Rule: CEQA guidelines (14 Cal. Code Regs. Section 15061 (b)(3)) (No Possibility of Significant Impact)
- Categorical Exemption:
- Statutory Exemptions:

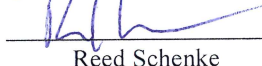
Reasons Why Activity/Project is exempt from CEQA: The activity is covered by the general rule Section 15061 (b)(3) "General Rule" or "common sense" exemption on the grounds that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Name of Public Agency Approving Activity/Project: County of Tulare Board of Supervisors

Activity/Project Representative: Mike Bond, County Surveyor

Area Code/Telephone: 559-624-7150

Signature:  _____ Date: 7/18/18 Title: Chief Environmental Planner
Hector Guerra

Signature:  _____ Date: 7/18/18 Title: Environmental Assessment Officer
Reed Schenke RMA Director

Signed by Lead Agency

Date received for filing at OPR: N/A

Attachment F – Notice of Public Hearing

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on September 18, 2018 at 9:30 a.m., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California.

The hearing will pertain to the approval of vacation of right of way:

That portion of Effie Drive and Kermia Street, between Road 67 and Betty Drive, located in the Northwest Quarter of Section 24, Township 18 South, Range 23 East, County of Tulare, which is depicted on the Tulare County Assessor's Maps, in Book 075 at Pages 05 and 07.

All interested persons may appear and be heard at said time and place.

If you challenge the decision of the Board of Supervisors on the foregoing matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors of the County of Tulare at, or prior to, the public hearing.

Michael C. Spata
County Administrator/Clerk,
Board of Supervisors

Attachment G

**Exhibit A, Legal Description
Exhibit B, Plat**

EXHIBIT 'A'

Legal Description

Vacation

Lane Project No. 13239.1

July 23, 2018

That portion of the Town of Goshen, according to the recorded map thereof, in Book 3 of Maps at Page 20, Tulare County Records in the NW1/4 of Section 24, Township 18 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, more particularly described as follows:

Commencing at a point on the easterly prolongation of the south line of Lot 5 of Block 100 of said Town of Goshen, said point being 10.00 feet easterly of the southeast corner of said Lot 5, said point also being on the westerly right of way line of Kermia Street, as abandoned and vacated by the County of Tulare by Resolution No. 60-528, recorded March 23, 1960, as Document No. 9837, in Book 2184 at Page 390, Tulare County Records;

thence northerly, along said westerly right of way line, assumed bearing N00°17'47"E 4.75 feet to the POINT OF BEGINNING, said point being on the toe of a slope of Betty Drive, as constructed;
thence continuing along said westerly right of way line, N00°17'47"E 77.34 feet, more or less, to a point as described in the Right of Way Acquisition for Betty Drive/Avenue 312 Realignment Improvements across APN 075-050-026, Dugan Property, recorded on May 9, 2003, as Document No. 2003-0041778, Tulare County Records;
thence along the southerly line of said Right of Way Acquisition, N89°42'13"W 0.22 feet, to the beginning of a non-tangent curve concave to the southwest, having a radius of 370.00 feet, a radial line to said curve bears S88°35'34"E;
thence northwesterly, continuing along the line of said Right of Way Acquisition, along said non-tangent curve, through a central angle of 18°24'43", 118.90 feet, to the beginning of a non-tangent curve, concave to the southwest, having a radius of 374.00 feet, a radial line to said curve bears N72°59'43" E;
thence northwesterly, continuing along the line of said Right of Way Acquisition, along said non-tangent curve, through a central angle of 10°14'18", 66.83 feet, to the southwesterly right of way line of Effie Drive, being a non-tangent curve concave to the southwest, having a radius of 5549.65 feet, a radial line to said curve bears N40°57'57"E;
thence northwesterly, along said southwesterly right of way line of Effie Drive, through a central angle of 02°21'23", 228.24 feet, to a point;
thence N38°36'34"E 80.00 feet, more or less, to a point on the northeasterly right of way line of Effie Drive, being the southwesterly right of way line of the Union Pacific Railroad, said point being on a non-tangent curve concave to the southwest, having a radius of 5,629.65 feet, a radial line to said curve bears N38°36'34"E;
thence southeasterly, along said northeasterly right of way line of Effie Drive, along said non-tangent curve, through a central angle of 04°41'50", 461.53 feet, to a point, said point being on said toe of slope;
thence S48°03'24"W 80.28 feet, along said toe of slope, to the southwesterly right of way line of Effie Drive, being the beginning of a non-tangent curve concave to the southwest, having a radius of 5549.65 feet, a radial line to said curve bears N43°14'16"E;
thence northwesterly, along said southwesterly right of way line of Effie Drive, along said non-tangent curve, through a central angle of 00°50'12", 81.04 feet, to the easterly right of way line of Kermia Street;
thence S00°17'47"W 109.01 feet, along said easterly right of way line of Kermia Street, to a point, said point being on said toe of slope;
thence S48°03'24"W 81.04 feet, along said toe of slope, to the Point of Beginning and there terminating.

Reserved therefrom an easement and right necessary for access for road maintenance and to construct, maintain, operate, replace, remove, or renew public utility facilities.

Consisting of 1.10 acres (47,751 S.F.), more or less.

SEE EXHIBIT 'B' ATTACHED HERETO.

EXHIBIT 'B'

SCALE: 1" = 60'



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 4, NAD 83, AS DETERMINED BY GPS OBSERVATIONS RELATIVE TO THE CALIFORNIA SURVEYING AND DRAFTING, INC. VIRTUAL SURVEY NETWORK, EPOCH DATE 2007.

CURVE	LENGTH	DELTA	RADIUS
C1	58.68	00°36'21"	5549.65

AREA = 1.10 AC.

