

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

Batti Drive. Between Stevenson Drive and Balaam Drive. Found on map SLY. Por. Sec 31 and 32 T. 20 S., R. 23 E. M. D. B. M

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

This road has never been used. It was created in 1909 for the future growth of Waukena. We are attempting to remodel are home, and this road is only 47 feet from the existing structure are plans are drawn to rebuild that portion of the house at the same point. The county code states we must be 50 feet from the center of the road.

In accordance with Resolution No. 93-0484 the petitioners herewith deposit with the Clerk of the Board of Supervisors the required fee of \$778.00. The petitioners understand and agree that the \$778.00 fee deposited with the Clerk shall cover the cost of preparing, publishing, and posting notices of hearing, and the costs of investigation by the Resource Management Agency and other interested County officers and employees, and that no portion thereof shall be refunded.

Dated: 1/29/09 2009

1 David Gordon
2853 Hodson Dr
93274

2 Shirley L. L. L.
19275 BALAAM DR
93274

These two signatures are the last two parties that own land that joins Batti Drive.





RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD.
VISALIA, CA 93277
PHONE (559) 733-6291
FAX (559) 730-2653

Britt L. Fussel	Engineering
William Hayter	Comm. & Dev. Services
Jean P. Brou	Transportation
Jake Raper, Jr.	Planning
Hal Cypert	Support Services
Roger Hunt	Administrative Services

HENRY HASH, DIRECTOR

ASSOCIATE DIRECTOR

April 7, 2009

Donn Dwyer
Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

SUBJECT: General Plan Referral No. GPR 08-009 (Vacation of Road / Waukena)

Dear Mr. Dwyer:

The Resource Management Agency Countywide Planning Division has reviewed the proposal and made the necessary investigations to determine project conformance with the General Plan.

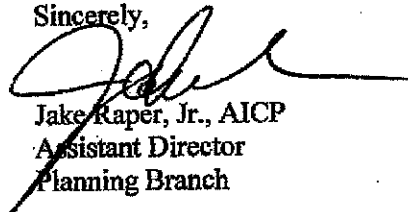
I have reviewed staff's findings and in accordance with Section 65402 of the Government Code, I find the above described proposal is in conflict with the adopted Tulare County General Plan. If allowed to go forward the required legal access will be eliminated to Assessors Parcel Number (APN 225-060-016) which consists of Lots 27 - 34 of the Townsite of Waukena, Recorded Map No. 9-3, recorded on July 8, 1909.

This proposal, GPR 08-009 will remain in conflict with the General Plan until such time that either one of following actions has taken place:

1. Creation of a Private Vehicle Access Easement (PAVE) to allow the proper access to APN 225-060-016.
2. Merger of contiguously owned parcels APNs 225-060-016 & 225-060-003 (or other contiguous parcels) which will create a parcel which has the required access to a County road.

Enclosed is a copy of the staff report and associated maps. If you have any questions regarding the finding, please contact Michael Washam at (559) 733-6291.

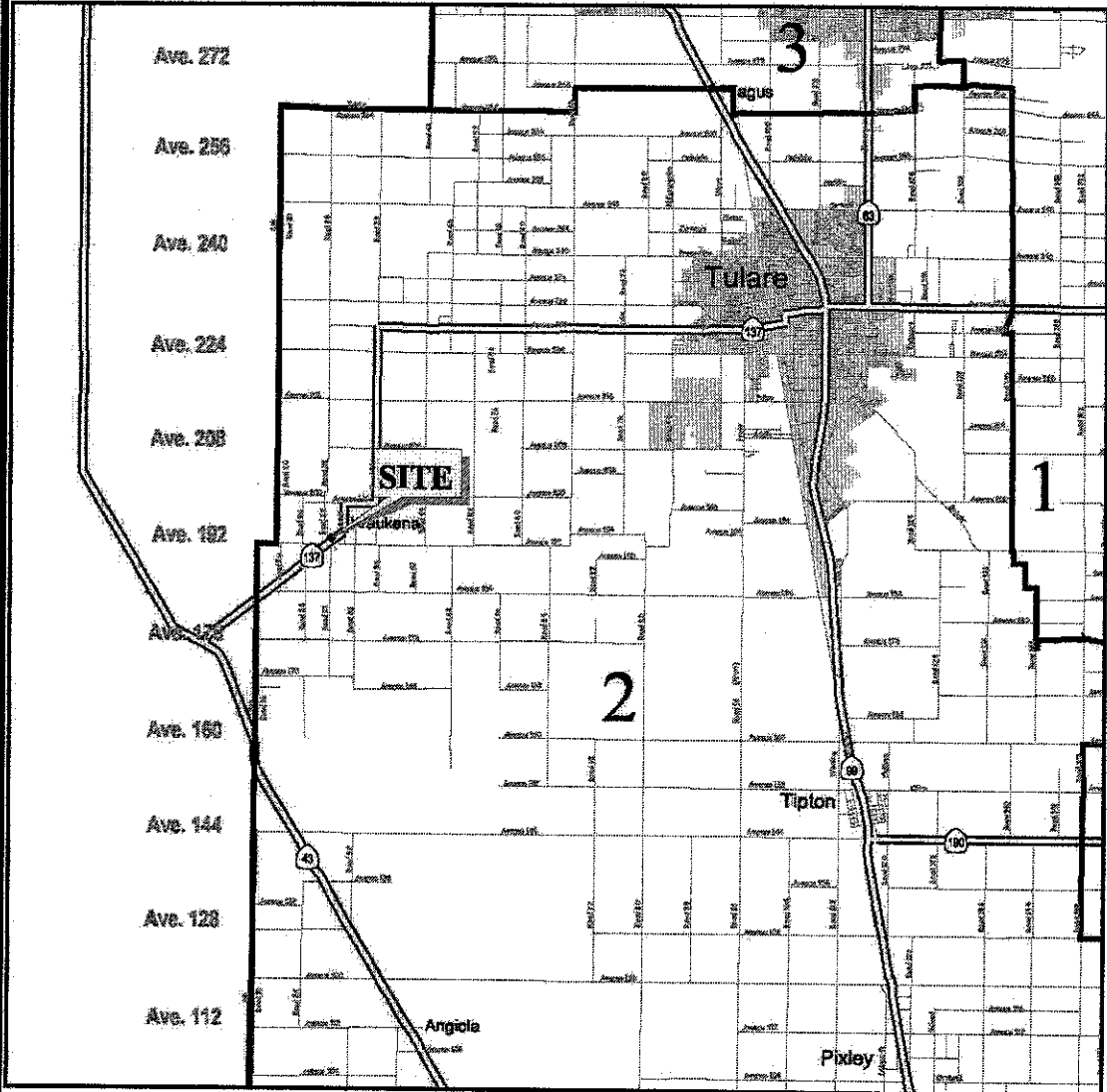
Sincerely,


Jake Raper, Jr., AICP
Assistant Director
Planning Branch

Enclosures

JR/mw

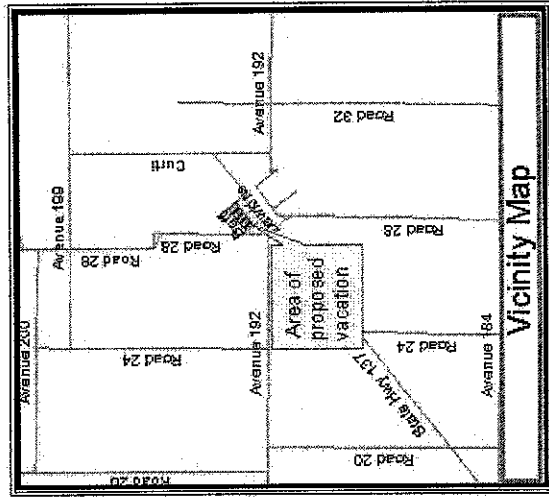
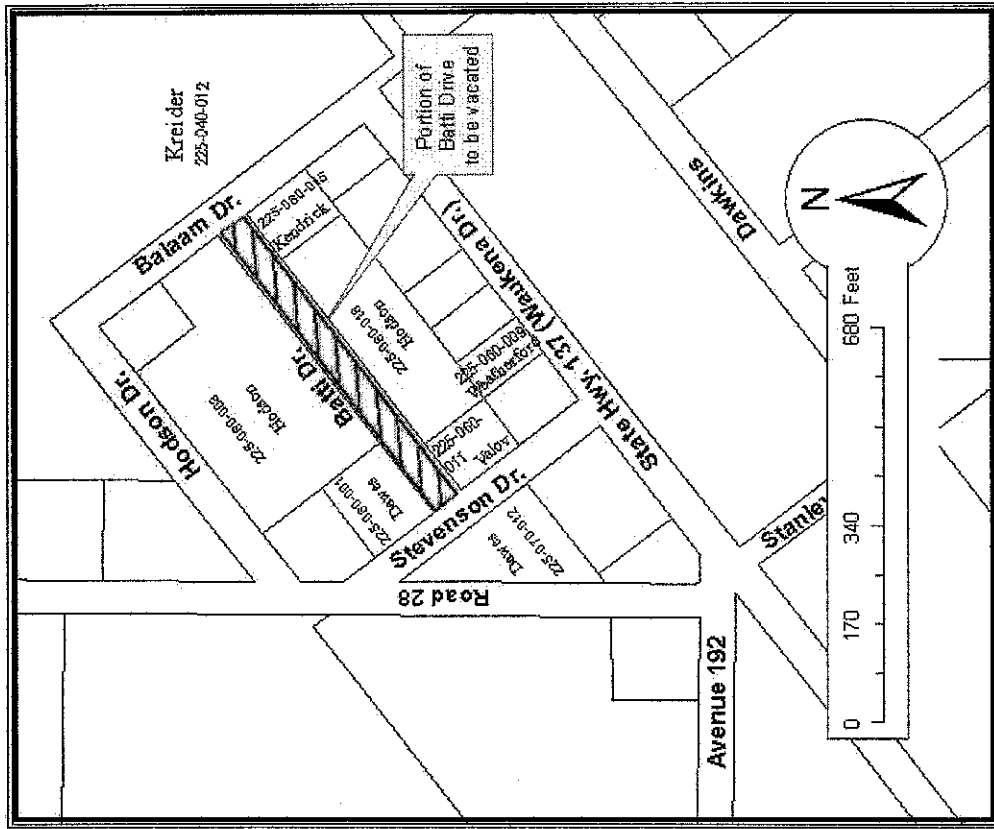
Vicinity Map for BATTI DRIVE ABANDONMENT



Supervisorial Districts
Site in District #2



EXHIBIT A



Map of Proposed
Vacation of Batti Drive
in Waukena

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5778 In accordance with Resolution No. 93-0484 the petitioners herewith deposit with the Clerk of the Board of Supervisors the required fee of \$506.00. The petitioners understand and agree that the 5778 \$506.00 fee deposited with the Clerk shall cover the cost of preparing, publishing, and posting notices of hearing, and the costs of investigation by the Resource Management Agency and other interested County officers and employees, and that no portion thereof shall be refunded.

Dated: JUNE 20 2008

1 KEN DAVES
Ken Daves
19276 STEVENSON DR TULARE

6 Waldo A. Puns
28710 Rd 48
Tulare Calif.

2 TERRY WALTON
Terry Walton
STEVENSON 19278 TULARE CA
93274

7 Donna Jean
19094 Rd 20
Tulare, CA

3 Donna E. Bransen
Donna Bransen
19258 STEVENSON DR

8 Russell Harmon
30005 Rd 38
Tulare CA 93274

4 Lawanda Weatherford
Lawanda Weatherford
2898 Wankema Dr.

Stephen Knoider
19301 Rd 28
Tulare Ca 93274

5 Betty Daves
Betty Daves
19276 Rd 28 Tulare, Ca 93274

10 John W. Cox
2997 Ave 192
Tulare Ca 93274

(In accordance with section 2321 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.)

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ASSOCIATE DIRECTOR

April 7, 2009

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Resource Management Agency
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Dear Mr. Dwyer:

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I have reviewed staff's findings and in accordance with Section 65402 of the Government Code, I find the above described proposal is in conflict with the adopted Tulare County General Plan. If allowed to go forward the required legal access will be eliminated to Assessors Parcel Number (APN 225-060-016) which consists of Lots 27 - 34 of the Townsite of Waukena, Recorded Map No. 9-3, recorded on July 8, 1909.

This proposal, GPR 08-009 will remain in conflict with the General Plan until such time that either one of following actions has taken place:

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Enclosed is a copy of the staff report and associated maps. If you have any questions regarding the finding, please contact Michael Washam at (559) 733-6291.

Sincerely,

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Assistant Director
Planning Branch

Enclosures

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April 7, 2009

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
STAFF REPORT
GENERAL PLAN REFERRAL, GPR NO. 08-009
(DISPOSITION OF PROPERTY)

PROPOSAL:

Request to vacate a portion of Batti Drive northeast of Stevenson Drive, southwest of Balaam Drive, and in north central Waukena.

LOCATION:

The portion of Batti Drive that is being vacated is located northeast of Stevenson Drive, southwest of Balaam Drive, and in north central Waukena described as Section 32, Township 20 South, Range 23 East of the Mount Diablo Base & Meridian.

FACTS AND FINDINGS:

1. General Plan Elements: 1964 General Plan, Rural Valley Lands Plan, and Environmental Resources Management Element.
 - a. Land Use: N/A County right of way
 - b. Circulation: Not a County maintained right of way
 - c. Open Space: Extensive Agriculture
 - d. Urban Boundaries: The project site is not within a County adopted Urban Development Boundary or an Urban Area Boundary.
2. Zoning and Physical Use of the Land:

Site: Non-maintained County right of way

North: A-1 – Agriculture (Field Crops) and Residential Units

South: A-1 – Agriculture (Field Crops) and Residential Units

East: A-1 – Agriculture (Field Crops) and Residential Units

West: A-1 – Agriculture (Field Crops) and Residential Units

3. Flooding:

According to the Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) for Community No. 065066 dated September 29, 1986; Panel No. 0800B, the portion of Batti Drive that is proposed to be vacated is located within Flood Zone C areas with minimal flooding; based on elevations and flood hazard factors not determined.

4. Agricultural Preserves:

N/A

5. Access:

The portion of Batti Drive that is being vacated will be incorporated into the adjacent lots. If Batti Drive is vacated, access will be eliminated to APN 225-060-016 (parcels 27 – 34 of the R.M.9-3; Townsite of Waukena).

6. Public Utilities:

All rights-of-way and easements of record for public utilities are reserved and accepted pursuant to Section 8340 of the Streets and Highways Code.

7. Other:

The site is within the proposed General Plan 2030 hamlet boundary for Waukena. The proposed hamlet boundaries may be used to define developable areas around certain communities in the county. Therefore upon completion of the GP 2030 Update, adjacent parcels could be eligible for non-agricultural development. Although policies have not been developed to date, it's likely that areas within Hamlet Boundaries could be rezoned without being subject to the RVL P checklist.

8. Signatures:

All adjacent property owners along the length of Batti Drive have signed the request to vacate petition.

CEQA REQUIREMENTS:

The Engineering Division of the Tulare County Resource Management, as the lead agency, will prepare the environmental documents under the provisions of the California Environmental Quality Act.

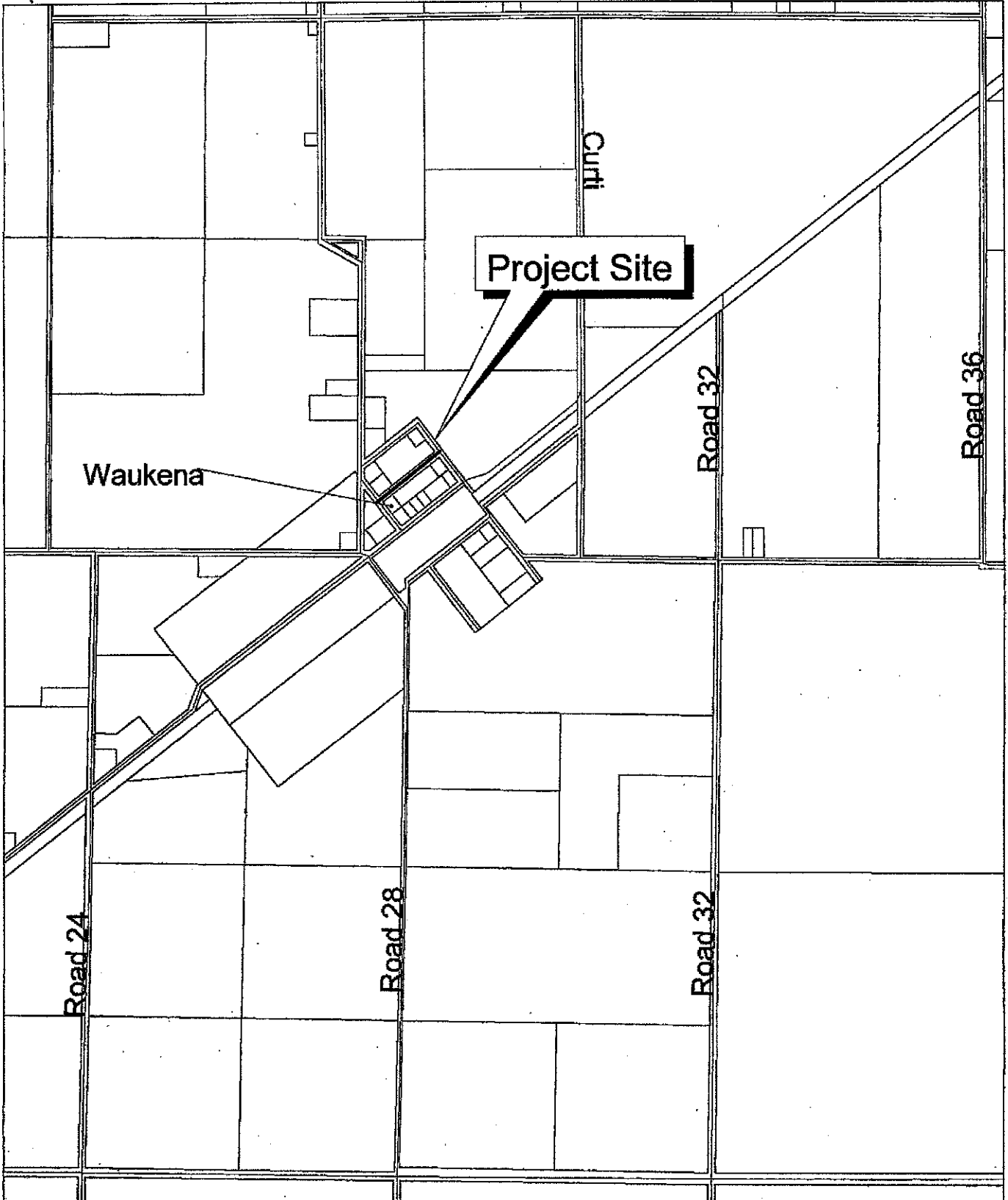
RECOMMENDATION:

Currently the road is not maintained by the County, and is not considered to be a use that would limit circulation in the area. However, if Batti Drive is vacated access will be eliminated to APN 225-060-016 (parcels 27 - 34 of the R.M.9-3; Townsite of Waukena).

Staff recommends that the Planning Director find this GPR 08-009 is in conflict with the Tulare County General Plan and will remain in conflict until such time that either one of following actions has taken place:

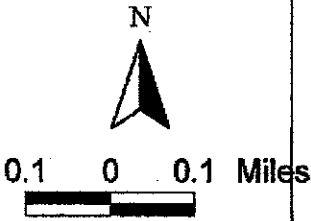
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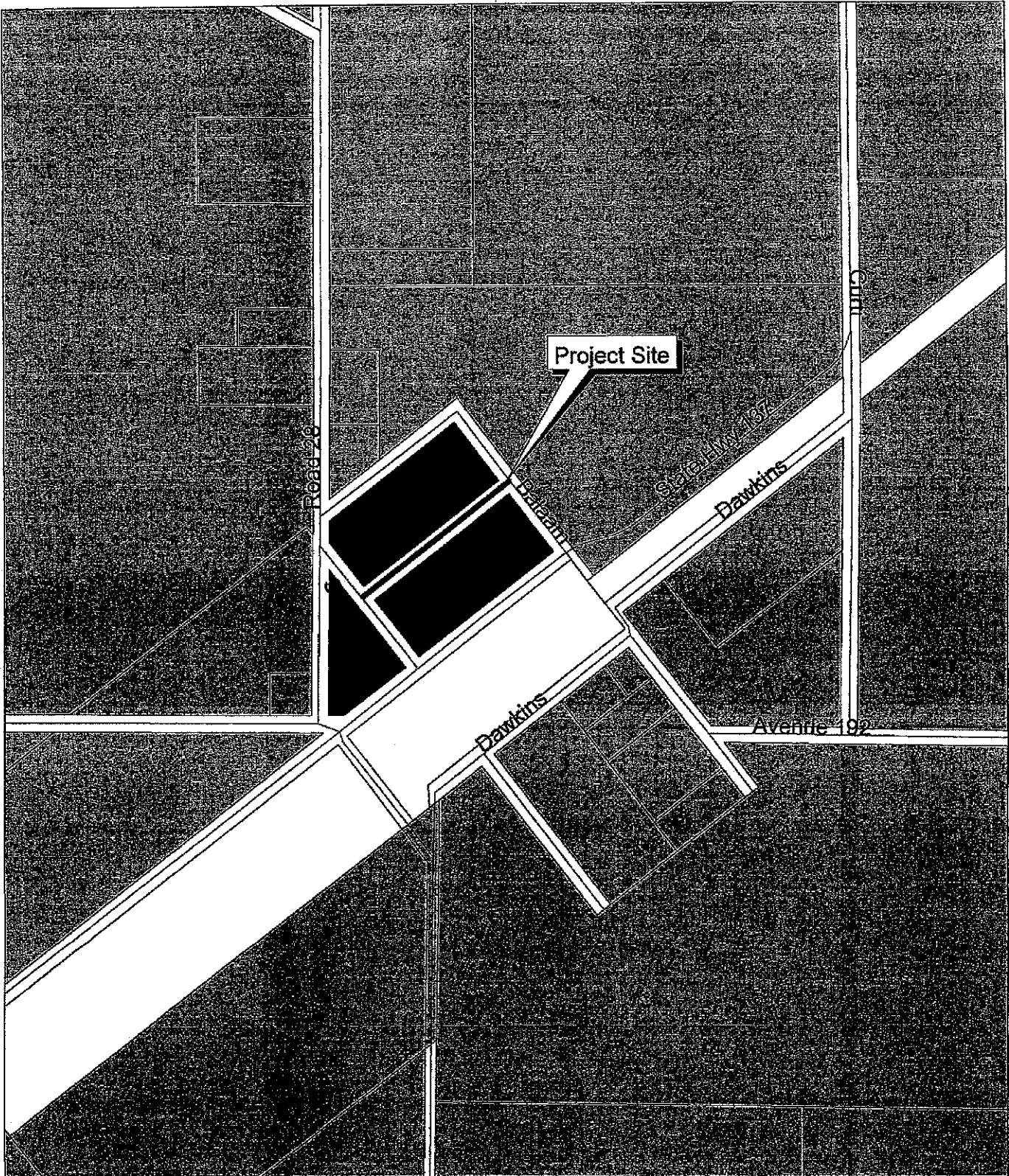
Attachments: Maps, Refferal Letter and Petition



Streets
Parcels

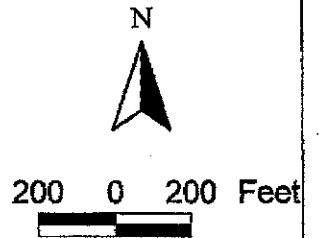
GPR 08-009 REGIONAL VIEW

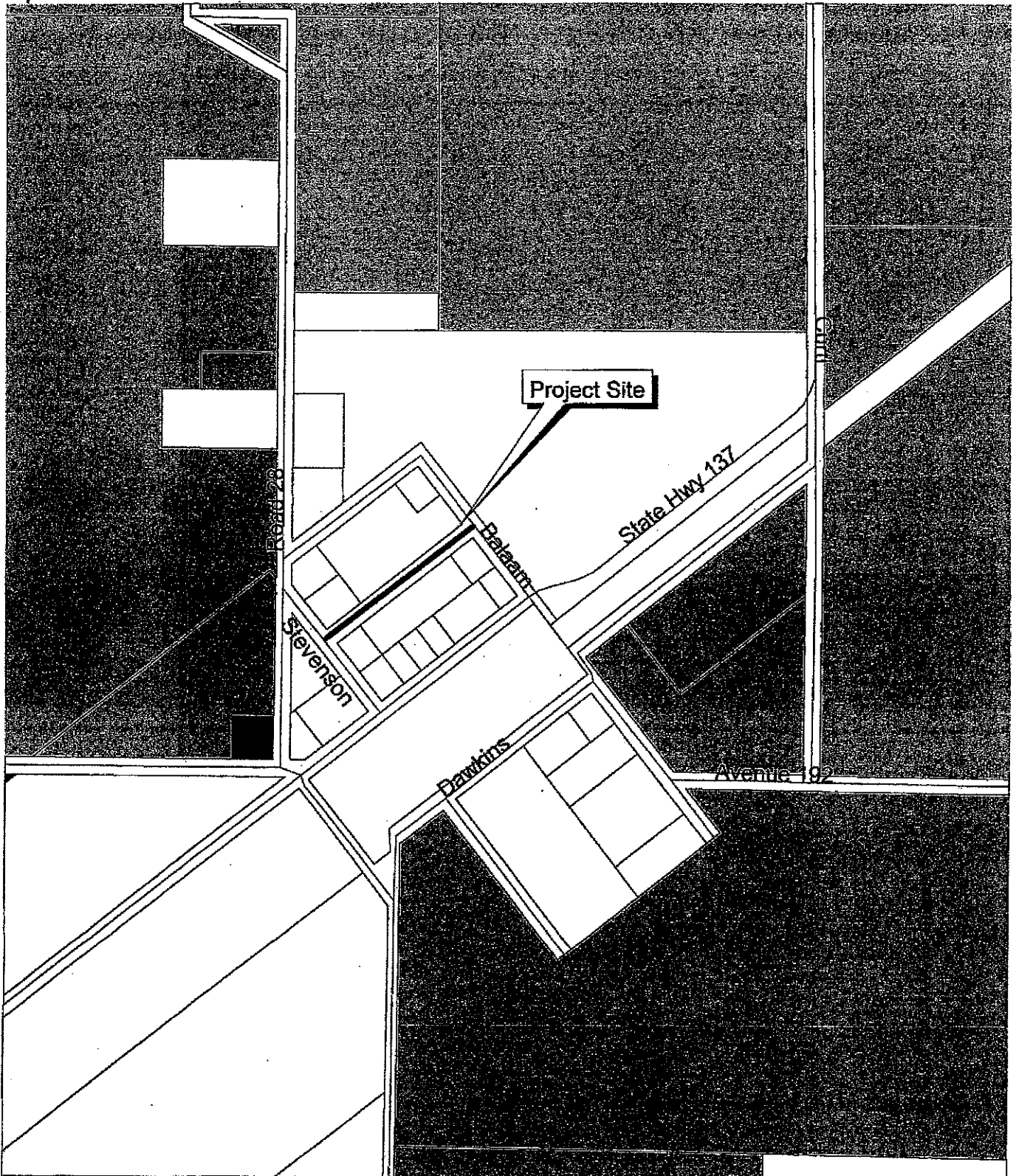









-  Parcels
-  Streets
- Zoning**
-  A-1
-  AE-40

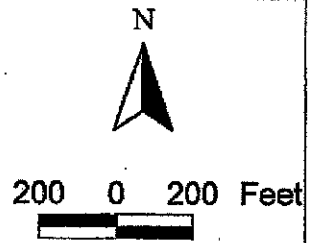
GPR 08-009 ZONING

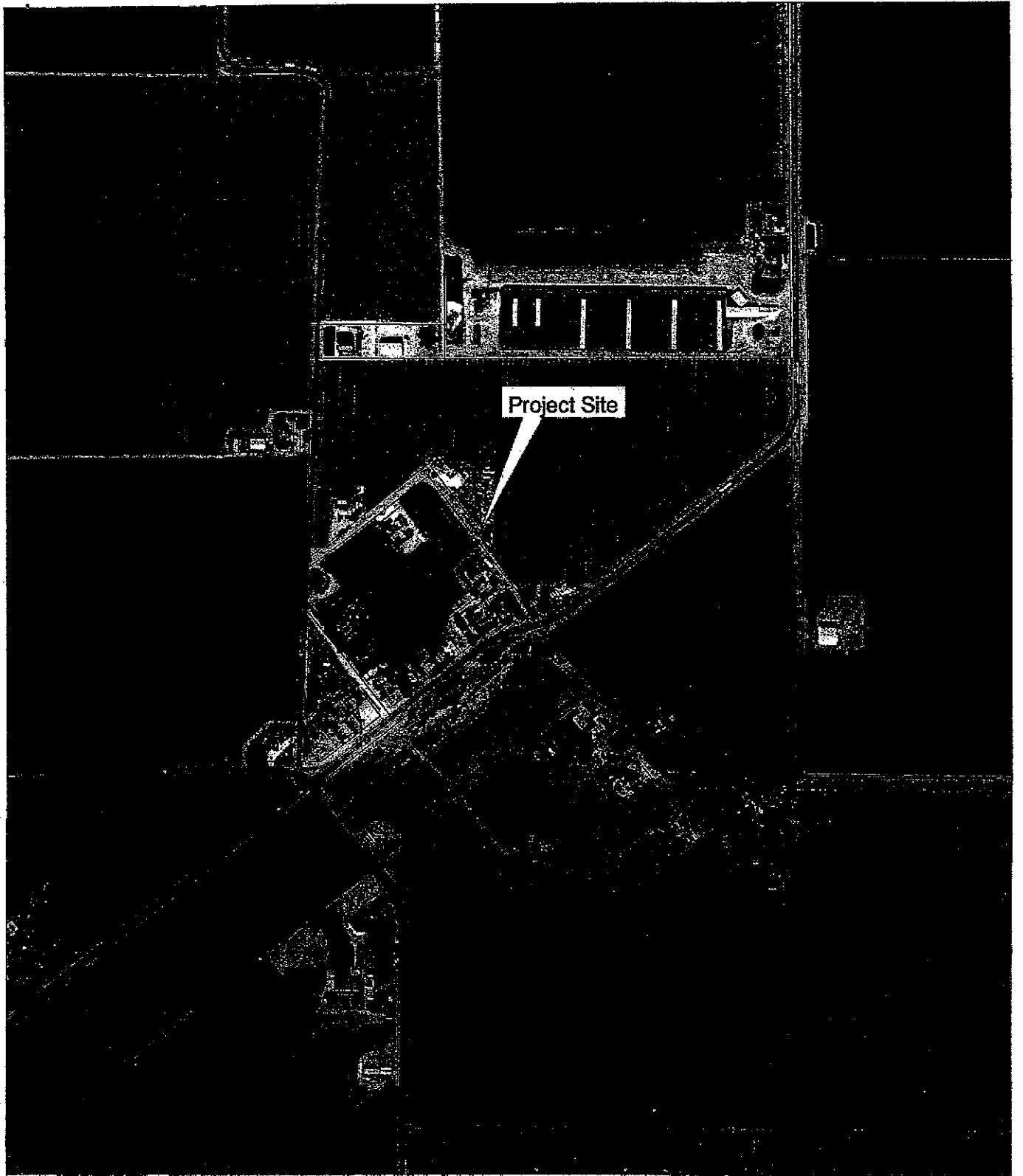




-  Parcels
-  Agricultural Preserve
-  Williamson Act - Prime Farmland
-  Williamson Act - Homesteads
-  Streets

GPR 08-009
WILLIAMSON ACT



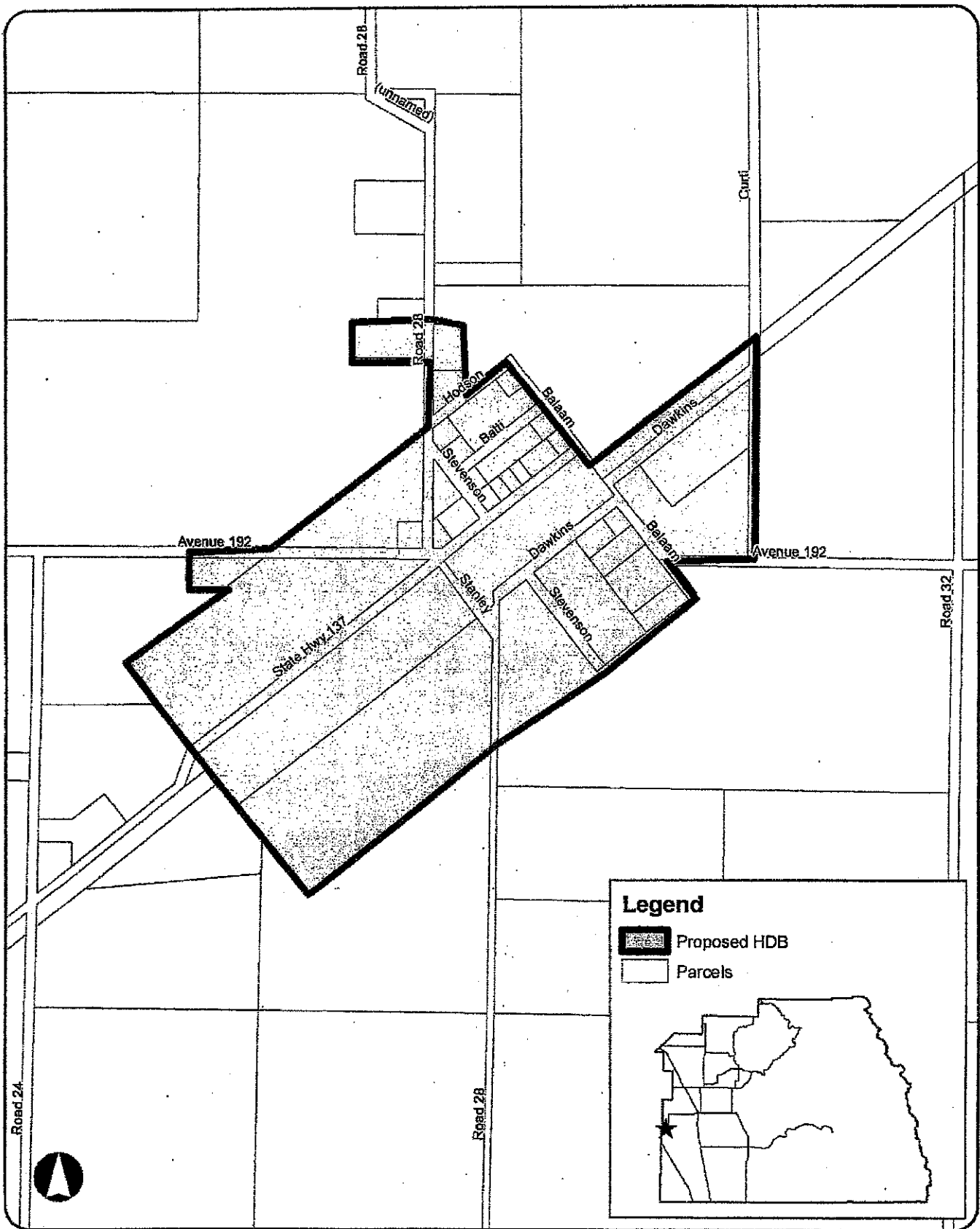


AERIAL VIEW GPR 08-009



200 0 200 Feet

A horizontal scale bar with three segments: a dark segment on the left, a white segment in the middle, and a dark segment on the right.

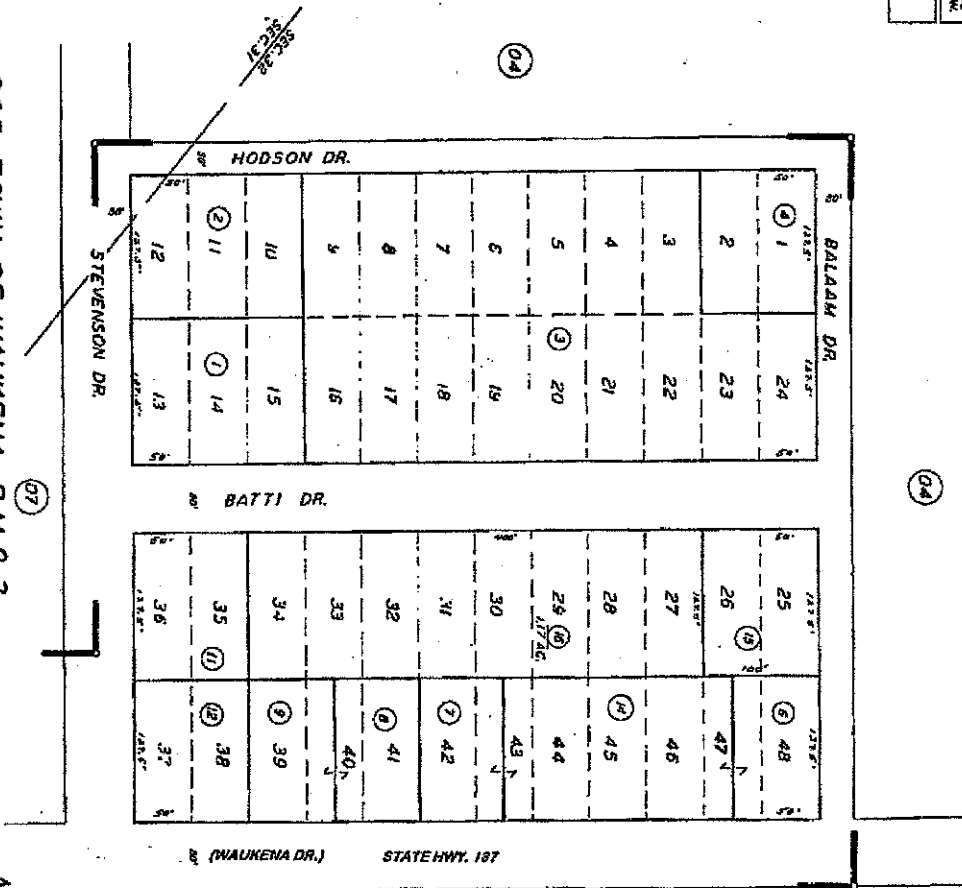


0 500 1,000 Feet
Waukena Hamlet Development Boundary | Figure 2.3-10

DISCLAIMER
 THIS MAP HAS BEEN PREPARED FROM LOCAL PROPERTY TAX MAPS AND RECORDS. THE LOCAL PROPERTY TAX MAPS AND RECORDS ARE THE SOURCE OF THE INFORMATION SHOWN ON THIS MAP. THE LOCAL PROPERTY TAX MAPS AND RECORDS ARE THE SOURCE OF THE INFORMATION SHOWN ON THIS MAP. THE LOCAL PROPERTY TAX MAPS AND RECORDS ARE THE SOURCE OF THE INFORMATION SHOWN ON THIS MAP.

SLY POR. SEC'S 31 & 32, T. 20 S., R. 23 E., M. D. B. & M.

TAX CODE AREA 225-06
 155-003



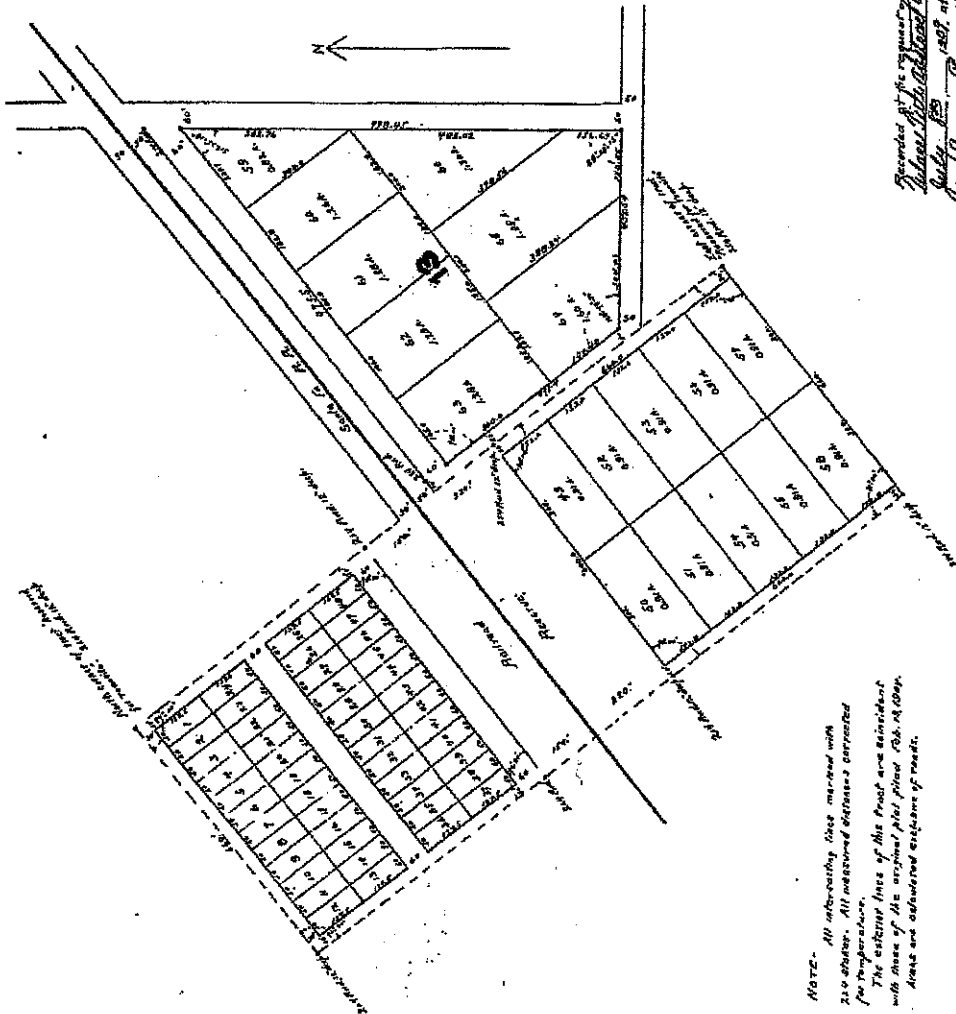
POR. TOWN OF WAUKENA R.M. 9-3.

NOTE -- ASSESSOR'S BLOCK NUMBERS SHOWN IN ELLIPSES
 ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES

VICINITY OF WAUKENA
 ASSESSOR'S MAPS BK. 225, PG. 06
 COUNTY OF TULARE, CALIF.



I hereby certify that the map in
 this and documents connected therewith
 made by me in the month of June 1899
 H. H. Phelps
 Recorder of Talbot County



NOTE: All intervening lines marked with
 210 shaler. All measured distances corrected
 for temperature.
 The existing lines of the tract are coincident
 with those of the original plat filed Feb. 18, 1899.
 Areas and calculated volumes of tracts.

Recorded by the Registrar
 Talbot County, Md.
 July 12, 1899 at 7 o'clock
 of Miss A. J. ... in Vol. 2
 Talbot County
 J. C. ...
 Recorder of Talbot County
 230

Know all Men by These Presents:

That I, Edmund J. Johnson, of the County of Talbot, State of Maryland, do hereby certify that the map in this and documents connected therewith made by me in the month of June 1899, is a true and correct copy of the original plat filed in the office of the Registrar of Talbot County, Maryland, on the 12th day of July, 1899, and that the same is a true and correct copy of the original plat filed in the office of the Registrar of Talbot County, Maryland, on the 12th day of July, 1899.

Edmund J. Johnson

State of California,
 County of Talbot.

On this 12th day of June, 1908 before me,
 a Notary Public in and for the said County of
 Talbot, State of California, duly commissioned and sworn, personally appeared
Edmund J. Johnson, known to me to be the person
 described, whose name is subscribed to, and who executed the within instrument, and
 acknowledged to me that he executed the same
 in witness whereof, I hereunto set my hand and seal, at my office in said
 County of Talbot, State of California, on this 12th day of June, 1908.

My Comm. Expires ...
 My Notary Public in and for Talbot
 County, State of California.

State of California,
 County of Talbot.

I hereby certify that according to the records in my office
 there are no liens for unpaid State, County or other taxes, except those not yet
 payable against the land described within map or any part thereof,
 which are on hand and official seal the 12th day of July, 1908.

Thomas H. Lewis
 County Auditor of Talbot County,
 Talbot County, California.

TOWN OF WAUKENA

BEING A PORTION OF THE TRACT DESCRIBED
 FOR TOWNITE AND TOWN COMPANY OF LOT 12
 IN THE 300 FT. OF THE PALMERS, ALL AS SHOWN
 ON THE MAP OF THE FIRST SUBDIVISION OF WASHINGTON
 COUNTY TRACT, FILED FEB. 18, 1899,
 WITHIN THE SECS. 31 & 32, T. 28 S., R. 23 E., AND SECS. 5
 & 6, T. 28 S., R. 23 E., M. D. C. 27 M.
 SURVEYED UNDER THE
 ACT OF MARCH 3, 1857,
 CHAP. 17, SECS. 1 & 2.

State of California,
 County of Talbot.

I hereby certify that the map of the Town of Waukena
 in said County of Talbot, State of California, filed in the
 office of the Registrar of Talbot County, Maryland, on the 12th day of July, 1899, is a
 true and correct copy of the original plat filed in the office of the Registrar of Talbot County,
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Edmund J. Johnson
 Clerk of the County of Talbot,
 Talbot County, California.
Edmund J. Johnson
 Recorder of Talbot County

RESOURCE MANAGEMENT AGENCY



INTEROFFICE MEMORANDUM

March 10, 2009

TO: Mike Washam
FROM: Donn Dwyer
SUBJECT: General Plan Referral

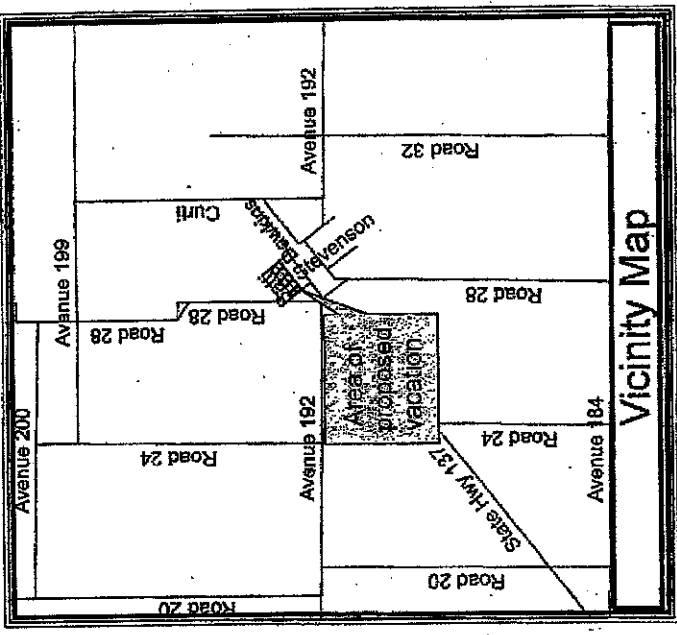
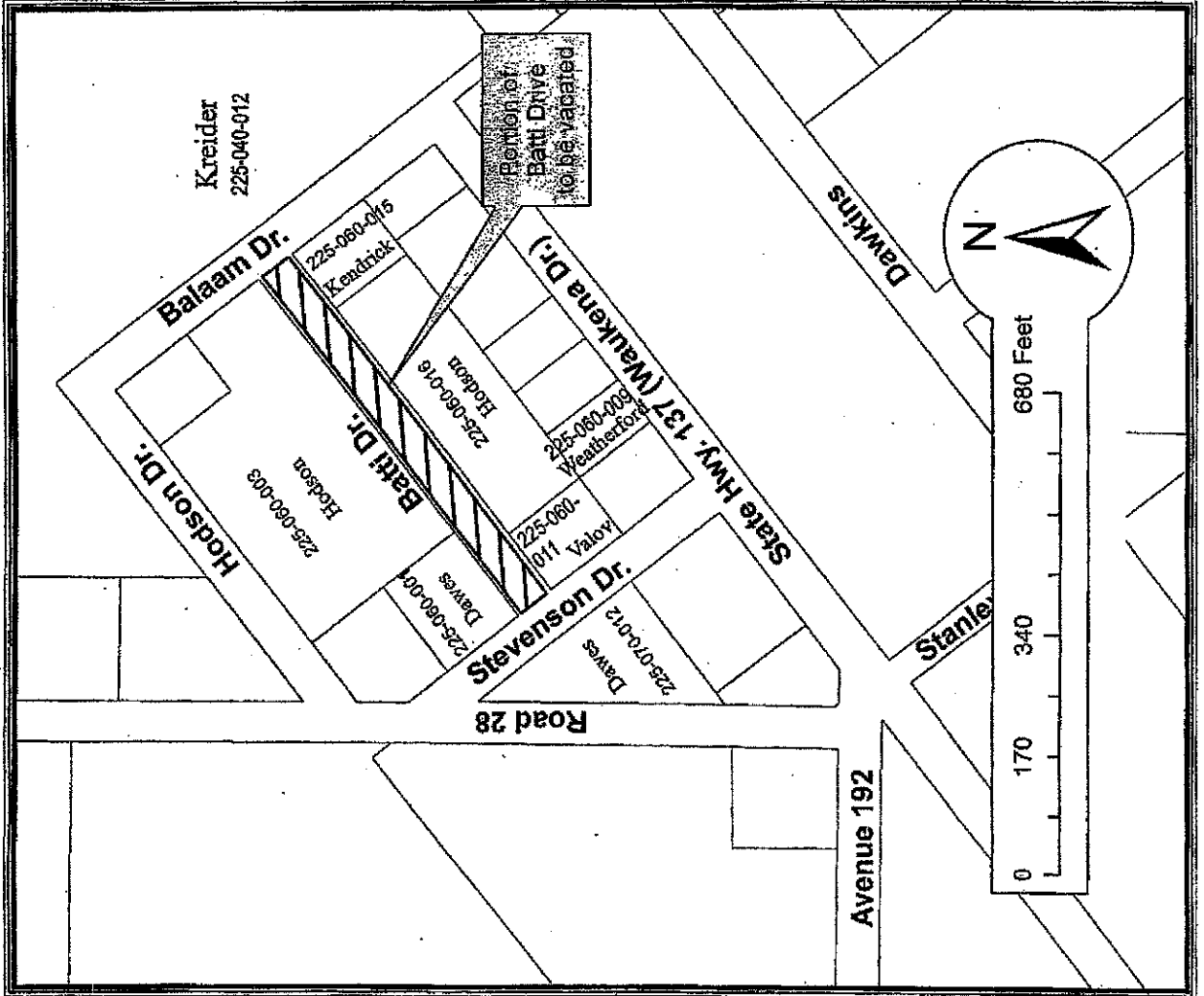
The Board of Supervisors has received a petition requesting the vacation of Baati Drive between Stevenson Drive and Balaam Drive in Waukena.

Attached is a copy of the completed petition and a map showing the proposed vacation.

Please review this proposed vacation for conformance with applicable sections of the Government Code and forward your report to me at your earliest convenience.

I think you have looked at this already, but we now have received petition signatures from all the adjoining property owners.

EXHIBIT A



**Map of Proposed
Vacation of Batti Drive
in Waukena**

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Dated: JUNE 20 2008

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