



**RESOURCE MANAGEMENT
AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE FENNIS
District Five

AGENDA DATE: August 18, 2009

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: (559) 733-6291						

SUBJECT: Public Hearing to Abandon and Vacate Batti Drive Between Stevenson Drive and Balaam Drive in Waukena

REQUEST(S):

That the Board of Supervisors:

1. Conduct a public hearing to consider vacation of Batti Drive between Stevenson Drive and Balaam Drive in the map of the Town of Waukena recorded July 8, 1909 in Volume 9 of Maps at Page 3, generally located in the southwest quarter of Section 32, Township 20 South, Range 23 East, Mount Diablo Base & Meridian;
2. Determine that the vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to the adopted Tulare County CEQA Guidelines as a Class 5(e), Abandonments of existing street, alley and utility easements which no road improvements exist, and the Environmental Assessment Officer is directed to sign and file a Notice of Exemption with the Tulare County Clerk;
3. Determine that the hereinbefore described portion of Batti Drive is unnecessary for present or prospective public use and vacation thereof is in the public interest;
4. Approve the Resolution to vacate the aforementioned portion of Batti Drive subject to the merger of the underlying lots including APN 225-060-016 with APN 225-060-003 said merger process to be completed by January 31, 2010 or the vacation becomes null and void;
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 concurrent

SUBJECT: Public Hearing to Abandon and Vacate a Portion of Batti Drive Between Stevenson Drive and Balaam Drive in Waukena

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with the action merging the underlying lots.

SUMMARY:

Batti Drive is a sixty foot wide right-of-way, 600 feet in length, dedicated to the County by the map of Town of Waukena recorded July 8, 1909 in Volume 9 of Maps at Page 3. Currently, the road is not within the county's maintained mileage system and is not considered to be a use that is necessary for circulation in the area.

The Countywide Planning Branch of the Resource Management Agency has determined through General Plan Referral 08-009 that this vacation would eliminate access to APN 225-060-016. To resolve this issue, as there are underlying lots created by the aforementioned Town of Waukena map, the property owner(s) to whom the vacated roadway will revert shall process with the Tulare County Resource Management Agency an action to merge all of the underlying lots under common ownership, including APN 225-060-016 with APN 225-060-003. Said action to merge all of the underlying lots shall be completed prior to the recordation of the resolution approving this abandonment. If the merger process is not completed by January 31, 2010, the vacation of Batti Drive shall become null and void.

The adjacent property owners wish to utilize this area in a more beneficial manner. This request is supported by a petition filed by all of the adjacent property owners.

In accordance with Resolution No. 2009-0484, the notice of public hearing was given by publication and posting pursuant to the Streets and Highways Code sections 8322 and 8323. The public hearing scheduled for July 21, 2009 was continued to August 18, 2009.

In accordance with the Tulare County California Environmental Quality Act (CEQA) guidelines, the vacation of Batti Drive is Categorically Exempt from CEQA. The proposal is classified as a Class 5(e), abandonments of existing street, alley and utility easements on which no road improvements exist.

FISCAL IMPACT/FINANCING:

There is no net County cost to the General Fund as a result of this action. Since this road segment is not in the maintained mileage system, there will be no impact to the Road Fund as well.

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 from unneeded alignments 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.

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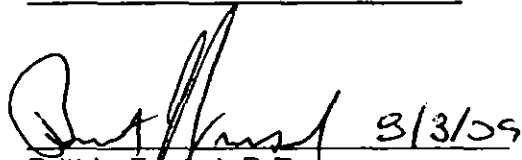
ALTERNATIVES:

Following the Public Hearing, the Board could decide to not allow this vacation,
thereby leaving the road in its current status.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

Other departments and agencies have been notified of this hearing date.

ADMINISTRATIVE SIGN-OFF:



Britt L. Fassel, P.E.
Assistant Director—Engineering
County Surveyor

cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment(s) Vicinity Map
Exhibit A Location Map
Petition for Vacation of County Road
General Plan Review

**RECORDING REQUESTED BY
AND RETURN TO:**

Clerk, Board of Supervisors
2800 W. Burrel Avenue
Visalia, CA 93291-4582

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

**IN THE MATTER OF VACATION OF)
BATTI DRIVE BETWEEN) RESOLUTION NO. _____
STEVENSON DRIVE AND BALAAM)
DRIVE IN WAUKENA)**

WHEREAS, by Resolution No. 2009-0484, this Board fixed July 21, 2009 at 9:30 a.m., or thereafter, as the date and time for a public hearing to consider the request of Ken Dawes for the vacation of a portion of Batti Drive between Stevenson Drive and Balaam Drive in Waukena; and

WHEREAS, due notice of said hearing was given by publication and posting pursuant to Streets and Highways Code sections 8322 and 8323, by mailed notice to all property owners adjoining the portion of Road proposed for vacation and by mailed notice to all affected public utilities and public agencies; and

WHEREAS, the public hearing was continued to August 18, 2009 at 9:30 a.m. or thereafter, as the date and time for a public hearing; and

WHEREAS, at said hearing, Resource Management Agency Assistant Director Britt Fussel, testified and presented a written report and recommendation; and

WHEREAS, at said hearing, there was no public testimony in opposition to the proposed vacation; and

WHEREAS, by General Plan Referral, G.P.R. No. 08-009, it has been determined that the proposed vacation is not in conflict with the adopted Tulare County General Plan as long as underlying lots are merged to provide access to a public roadway.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Conducted a public hearing to consider vacation of Batti Drive between Stevenson Drive and Balaam Drive in the map of the Town of Waukena recorded July 8, 1909 in Volume 9

THE FOREGOING RESOLUTION WAS ADOPTED UPON MOTION OF
SUPERVISOR _____, SECONDED BY SUPERVISOR _____,
AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD ON AUGUST 18,
2009, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: JEAN M. ROUSSEAU COUNTY
ADMINISTRATIVE OFFICER/
CLERK OF THE BOARD OF SUPERVISORS

BY: _____
Deputy

Copies sent to: RMA- Surveyor's Division
Assessor