



**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 ENNIS
District Five

AGENDA DATE: April 2, 2013

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 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: Public Hearing to Abandon and Vacate a Portion of Road 236 South of Terra Bella

REQUEST(S):

That the Board of Supervisors:

1. Conduct a public hearing to consider the vacation of a portion of Road 236 from Avenue 84 north 1,950 feet, south of Terra Bella, more particularly described in Exhibit A attached hereto;
2. Determine that the vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to the adopted Tulare County CEQA Guidelines Section 15061(b)(3) 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 road is unnecessary for present or prospective public use and vacation thereof is in the public interest;
4. Approve the Resolution to vacate the aforementioned right of way described in Exhibit A attached hereto subject to reserving public utility easements for public utility companies within the limits of the vacated road right of way and subject to recording the Lot line Adjustment PLA 12-029; 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 concurrent with the recording of Lot Line Adjustment PLA 12-029.

SUBJECT: Public Hearing to Abandon and Vacate a Portion of Road 236 South of Terra Bella

DATE: April 2, 2013

SUMMARY:

The portion of Road 236 to be vacated is a 60 foot wide right of way and is 1,950 feet in length located north of Avenue 84 south of the community of Terra Bella. Road 236 was dedicated to Tulare County by Subdivision No. 7 of Terra Bella Lands in 1910.

Mr. Jim Duggins, owner of adjacent parcel APN 320-110-004, has requested by petition to vacate this portion of Road 236 for safety, security and to make better use of his property. Mr. Duggins has applied for a Lot Line Adjustment to merge the portion of Road 236 adjacent to his property and the abandoned railroad right of way east of Road 236, which he is in the process of acquiring. This Lot Line Adjustment, PLA 12-029, will remedy the loss of access to APN 320-110-004 created by the road vacation. Also, Mr. Nicolas Garcia, owner of the property to the south, APN 320-110-067, has requested that the portion of Road 236 adjacent to his property be included in this abandonment action.

This portion of Road 236 is not improved and is not within the Tulare County Maintained Mileage System. It is not a through road as other portions have been vacated and does not provide access to any other parcels. The County-Wide Planning Branch of the Resource Management Agency has determined, through General Plan Review 12-005, that the proposed vacation is not in conflict with the Tulare County General Plan. Public utility easements will be maintained.

FISCAL IMPACT/FINANCING:

There will be no net cost to the County General Fund as a result of this action. There will be no cost to the Road Fund as a result of this action.

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.

ADMINISTRATIVE SIGN-OFF:

Britt L. Fussel Digitally signed by Britt L. Fussel
DN: cn=Britt L. Fussel, o=RMA,
email=bfussel@co.tulare.ca.us,
c=US
Date: 2013.03.19 15:47:28 -07'00' **03/19/13**

Britt L. Fussel, P.E.
Assistant Director—Public Works
County Surveyor

Date

BLF:km

SUBJECT: Public Hearing to Abandon and Vacate a Portion of Road 236 South of
Terra Bella

DATE: April 2, 2013

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s) Attachment A – Location Map
Attachment B – Vicinity Map
Attachment C – General Plan Review
Attachment D – Petition for Vacation of County Road
Attachment E – Notice of Exemption

Recording Requested By
And Return to:

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

No Recording Fee
Government Code Section 6103

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

**IN THE MATTER OF A PUBLIC HEARING)
TO ABANDON AND VACATE A PORTION) Resolution No. _____
OF ROAD 236 SOUTH OF TERRA BELLA)**

WHEREAS, by Resolution No. 2013-0118, this Board fixed April 2, 2013 at 9:30 a.m., or thereafter, as the date and time for a public hearing to consider the request of Mr. Jim Duggins for the vacation of a portion of Road 236 south of Terra Bella, more particularly described in Exhibit A attached hereto; 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, at said hearing, Resource Management Agency Chief Engineer Kuna Muthusamy, 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. 12-005, it has been determined that the proposed vacation is not in conflict with the adopted Tulare County General Plan.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Conducted a public hearing to consider the vacation of a portion of Road 236 from Avenue 84 north 1,950 feet, south of Terra Bella, more particularly described in Exhibit A attached hereto;
2. 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 the Environmental Assessment Officer is directed to sign and file a Notice of Exemption with the Tulare County Clerk;
3. Determined that the hereinbefore described right of way is unnecessary for present or prospective use and vacation thereof is in the public interest;
4. Approved the Resolution to vacate the aforementioned right of way described in Exhibit A attached hereto subject to reserving public utility easements for public utility companies within the limits of the vacated road right of way and subject to recording the Lot line Adjustment PLA 12-029; 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 concurrent with the recording of Lot Line Adjustment PLA 12-029.

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 2, 2013, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

BY: _____
Deputy Clerk

* * * * *

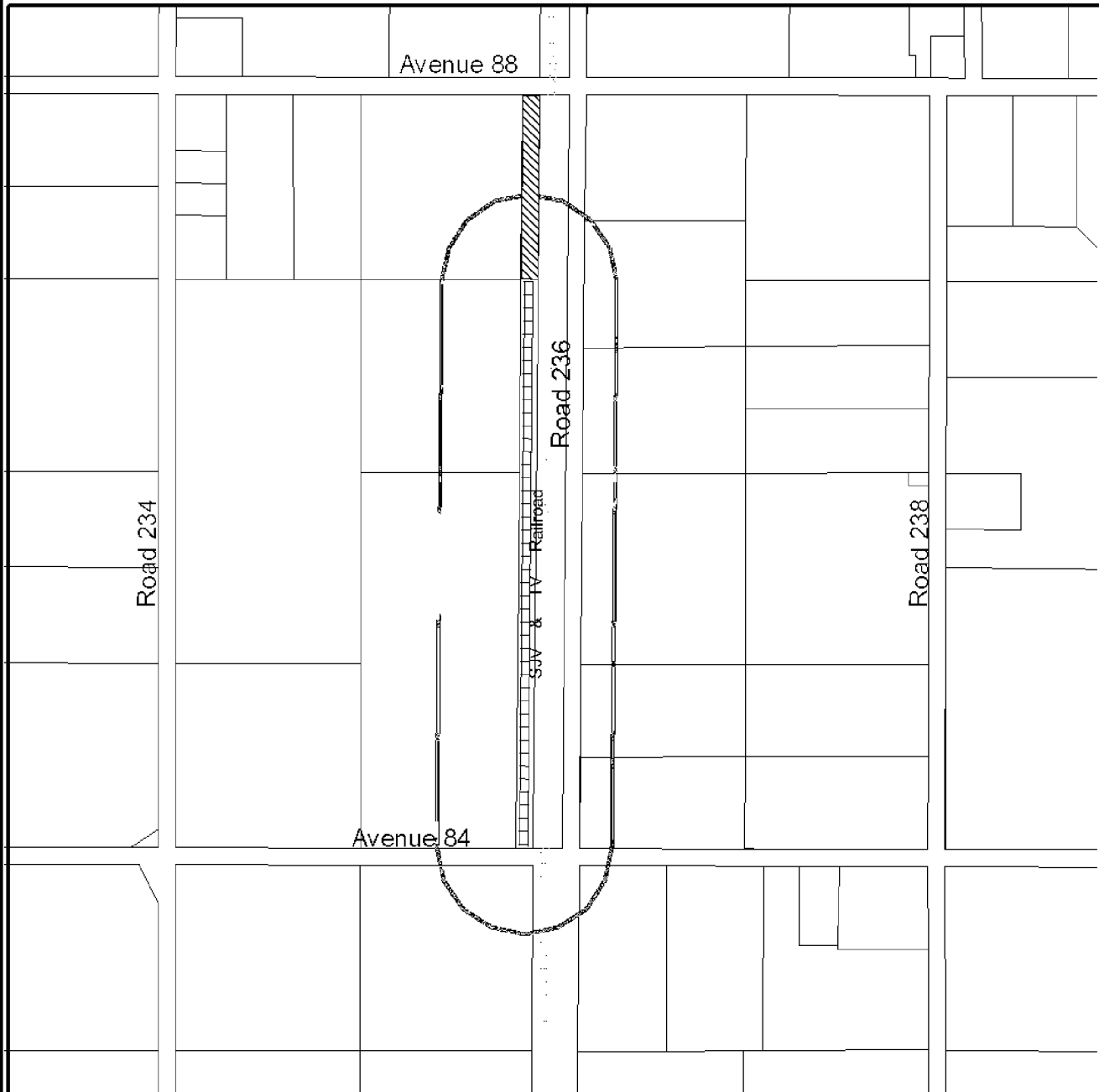
Exhibit A
Legal Description

That portion of County Road, 60 feet in width, adjacent to the East line of Lots 194 through 196 of Subdivision No. 7 of Terra Bella Lands per map recorded in Volume 9 of Maps at Page 5, Tulare County Records, situated in the East half of the Northwest quarter of Section 10, Township 23 South, Range 27 East, MDBM, in the County of Tulare, State of California.

County of Tulare



ATTACHMENT "A"
Location and Property Ownership Map
for Hearing Notification for
TERRA BELLA ROAD 236 ABANDONMENT



Owner: DUGGINS JIM
Address: 23553 AVE 88
City, State ZIP: TERRA BELLA CA 93270

Applicant: JIM DUGGINS

Supervisory District #5

250 0 250 500 750 1000 Feet



Project Site



Previously Vacated



1 - 10 Properties within 300' of project site,
to receive written notification of proposal
(as required by State Law)



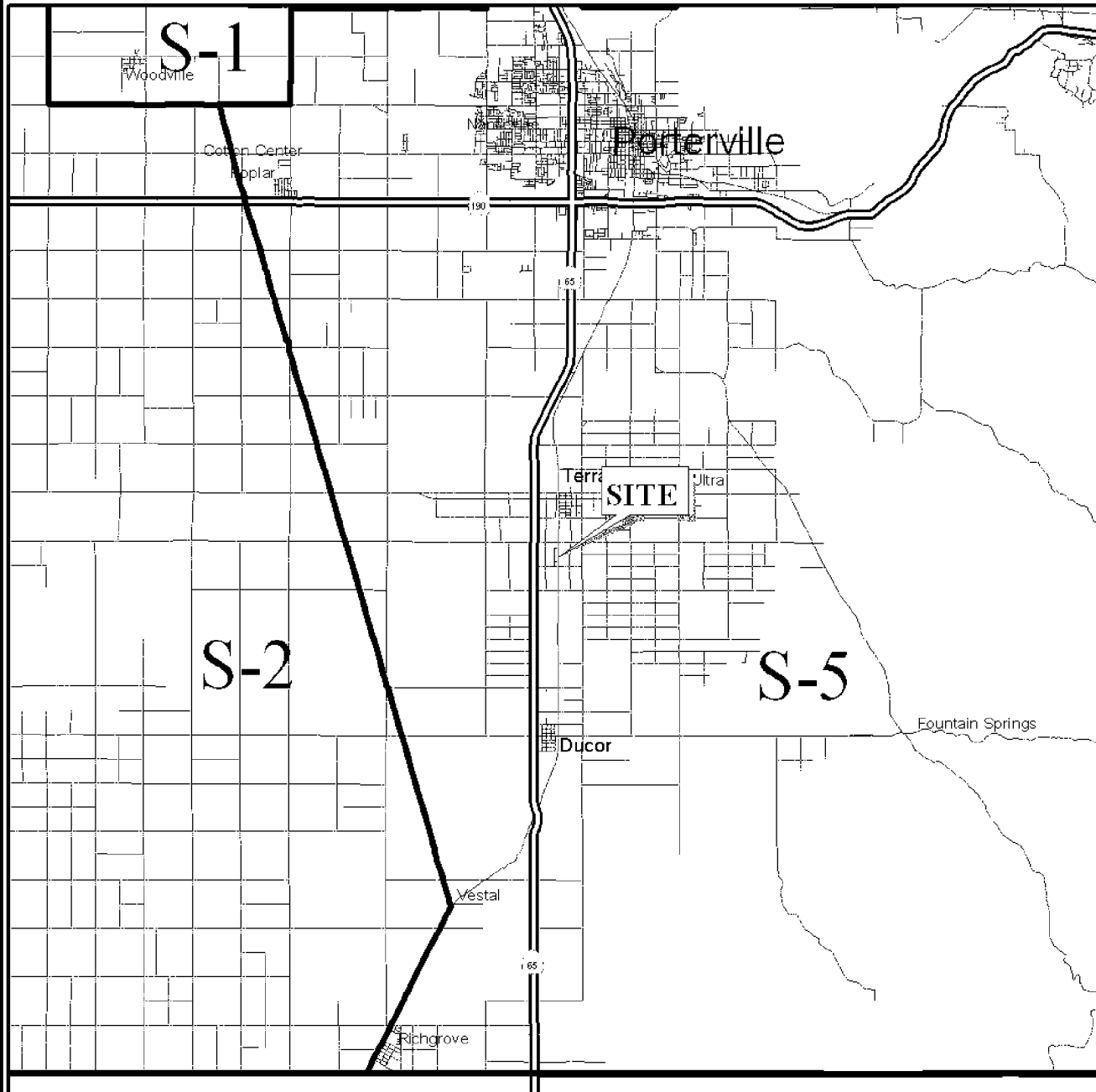
County of Tulare



ATTACHMENT "B" Vicinity Map for




TERRA BELLA ROAD 236 ABANDONMENT



1.5 0 1.5 3 4.5 6 Miles



 Supervisorial Districts
Site in District #5





RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Britt L. Fussel	Engineering
Jake Raper, Jr.	Planning
Roger Hunt	Admin Services

JAKE RAPER JR., AICP, DIRECTOR

January 15, 2013

Don Dwyer
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

SUBJECT: General Plan Referral No. GPR 12-005 (Vacation of Road)


Dear Mr. Dwyer:

The Resource Management Agency Countywide Planning Division has reviewed the proposal and made the necessary investigations to determine if the project is in conformance with the General Plan. The proposal is for the vacation of an approximately 1,950' north/south portion of Road 236, located west of the abandoned Union Pacific Tracks, approximately 635' south of Avenue 88 and the intersection of Avenue 88 and Old Highway 65 (Road 236), south of Terra Bella. Old Highway 65 east of the railroad tracks is the current thoroughfare. Board of Supervisors Resolution 88-0276 abandoned the 635' of Road 236 just north of this vacation up to Avenue 88. This vacation will continue this abandonment another 1,950' south.

I have reviewed staff's findings and in accordance with Section 65402 of the Government Code, I find the above described proposal is in not in conflict with the adopted Tulare County General Plan.

Enclosed is a copy of the staff report and associated maps. If you have any questions regarding the finding, please contact Henry Dong at (559) 624-7126.

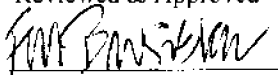
Sincerely,


Michael C. Spata
Assistant Director
Planning Branch

Enclosures

JR/mw

Reviewed & Approved


Fred Brusuelas, AICP
Chief Planner
Countywide Planning Division

1-16-13
Date



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277.
PHONE (559) 624-7000
FAX (559) 730-2653

Britt L. Fussel	Public Works
Jake Raper, Jr	Planning
Roger Hunt	Admin Services

JAKE RAPER JR., AICP, DIRECTOR

JANUARY 15, 2013

TULARE COUNTY RESOURCE MANAGEMENT AGENCY
STAFF REPORT
GENERAL PLAN REFERRAL, GPR NO. 12-005
(VACATION OF ROAD)

PROPOSAL:

Request for vacation of an approximately 1950' north/south portion of Road 236, located west of the abandoned Union Pacific Railroad tracks, approximately 635' south of Avenue 88 and the intersection of Avenue 88 and Old Highway 65 (Road 236), south of Terra Bella. Old Highway 65 east of the railroad tracks is the current thoroughfare. Board of Supervisors Resolution 88-0276 abandoned the 635' of Road 236 just north of this vacation up to Avenue 88. This vacation will continue this abandonment another 1950' south.

LOCATION:

The section of road proposed to be vacated runs south approximately 660' beginning at approximately 125' west and 660' south of the intersection of Avenue 88 and Old Highway 65, west and adjacent to the abandoned Union Pacific tracks, south of the community of Terra Bella. The road can be found in Section 10, Township 23 South, Range 27 East of the Mount Diablo Base & Meridian.

FACTS AND FINDINGS:

1. General Plan Elements: Rural Valley Lands Plan
 - a. Land Use: Agriculture
 - b. Circulation: Local
 - c. Open Space: Agriculture
 - d. Urban Boundaries: Outside and adjacent to the Terra Bella Urban Development Boundary
2. Zoning and Physical Use of the Land:

Site: Zoned AE-10 (Exclusive Agriculture – 10 acre minimum); agriculture

Westside: Zoned AE-10 (Exclusive Agriculture – 10 acre minimum); agriculture.

Eastside: Zoned RA-100 (rural Residential 100,000 sq. ft minimum); agriculture and rural residences.

Southside: Zoned AE-10 (Exclusive Agriculture – 10 acre minimum); agriculture.

3. Flooding:

According to the Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) dated June 16, 2009; Panel No. 1958, the road being vacated is located within Flood Zone X the area of 0.2% annual chance flood, areas of 1% chance of flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance food. There are no potential impacts from flood.

4. Agricultural Preserves:

The site and adjacent areas are not within Agricultural Preserves.

5. Access:

Access will not be eliminated or restricted for any parcels as a result of the vacation of this portion of the county right of way.

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.

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:

Staff recommends that the Planning Branch Director find GPR 12-005 is not in conflict with the Tulare County General Plan as amended.

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:

*That portion of Road 236 adjacent to Lot 194 of Terra Bella Land #7, also
known as APN 320-110-004.*

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

*Safety, security, make better use of property
Portion of Road 236 to the north has been abandoned.*

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: 3-14 2012

1. print name FRANK Hernandez
signature Frank Hernandez
address 24142 Ave 95, Terra Bella
phone 559-535-4013

2. print name Bruce Smith
signature Bruce Smith
address 17000 112 Ave 95, Terra Bella
phone (559) 735-1115

3. print name David Cain
signature David Cain
address 10010 1327-1 Terra Bella
phone 555 1706

4. print name James HANCOCK
signature James Hancock
address P.O. Box 10000, TB 93270
phone 559-280-7489

5. print name Phillip J. Smith
signature Phillip J. Smith
address 8789 Road 228 TB
phone 535-4278

6. print name Jeff Guetne
signature Jeff Guetne
address 11480 ROAD 261
phone 559-359-1501

7. print name Marlene Kay C
signature Marlene Kay C
address 24691 Ave 88 Terra Bella
phone (559) 788-9881

8. print name Dr. Penning
signature Dr. Penning
address 27374 AVE 88 TERRA BELLA
phone 559 361-0339

9. print name Larry Dwyson
signature Larry Dwyson
address 7918 Rd 260
phone 535-4121

10. print name Michael Ross
signature Michael Ross
address 21485 Ave 88
phone 559 909 2823

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.

*Tim Duggins 535-4939
23553 Ave 88
Terra Bella, CA call 920-0151*

Notice of Exemption

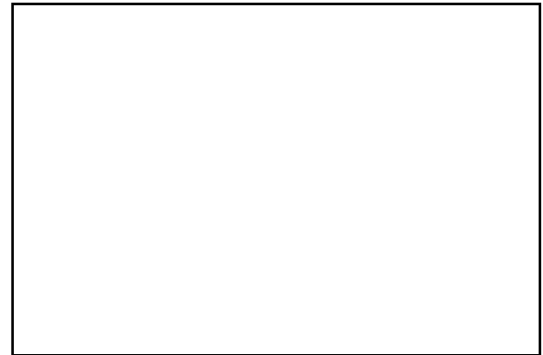
Attachment E

Fee Exempt per Government Code Section 6301

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



Applicant(s): ~ Mr. Jim Duggins, 23553 Avenue 88, Terra Bella, CA 93270 559-535-4939

Project Title: Vacation of a portion of Road 236 south of Terra Bella

Project Location - Specific: Road 236 from Avenue 84 north 1950 feet, south of Terra Bella

Project Location- Section, Township, Range: NW4 Sec. 10, Twp. 23 S., Rng 27 E., MDBM

Project Location - City: Terra Bella

Project Location - County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project:

Vacation of portion of Road 236 requested by Mr. Jim Duggins for safety, security, and better use of his property.

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 15061 (b)(3)
- ☐ Categorical Exemption: State type(s) and section number(s):
- ☐ Statutory Exemptions: State code number

Reasons why project is exempt: The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where 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 Project: County of Tulare, Resource Management Agency

Project Planner: Donn Dwyer Area Code/Telephone: 559-624-7152

Signature: _____ Date: _____ Title: Environmental Assessment Officer

Michael C. Spata

- ☒ Signed by Lead Agency
- ☐ Signed by Applicant

Date received for filing at OPR: _____

Date Sent to the Clerk of the Board: _____ You
have five days from project approval (or 5 days from
end of appeal period).

Notice of Exemption

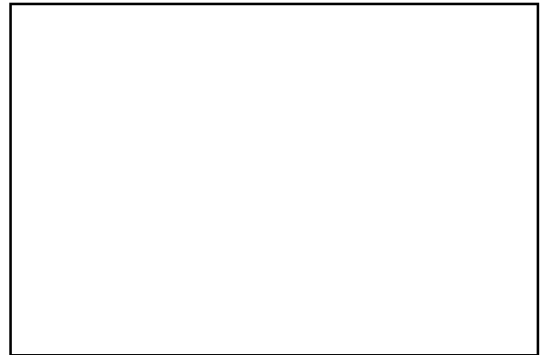
Attachment E

Fee Exempt per Government Code Section 6301

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.
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Project Planner: Donn Dwyer Area Code/Telephone: 559-624-7152

Signature: _____ Date: _____ Title: Environmental Assessment Officer
Michael C. Spata

- ☒ Signed by Lead Agency
- ☐ Signed by Applicant

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