

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

**Certified copy of portion of proceedings, Meeting on \_\_\_\_\_**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION TO SUMMARILY VACATE A PORTION OF FISHER ROAD (4G070) SOUTH OF STATE HIGHWAY 36 IN HYDESVILLE**

WHEREAS, a county street for purposes of the Public Streets, Highways, and Service Easements Vacation Law (Streets and Highways Code § 8300 et seq.) includes all or part of, or any right in, a public highway, road, street, avenue, alley or lane (Streets and Highways Code § 8308); and

WHEREAS, the hereafter described portion of Fisher Road (4G070), is an excess right of way not required for street or highway purposes and it lies within property under one ownership that does not continue through such ownership or end touching property of another, thereby meeting the requirements of Streets and Highways Code § 8334; and

WHEREAS, this summary vacation is made pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code; and

WHEREAS, the vacation will not cut off all access to any person's property; and

WHEREAS, the vacation is minor in nature and exempt from the Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code § 65402(a) and Resolution No. 72-69; and

WHEREAS, the vacation is not in conflict with the General Plan; and

WHEREAS, the vacation will have no significant environmental effect and is exempt from the California Environmental Quality Act (CEQA) as per the provisions in the Guidelines for Implementation of CEQA, 14 California Code of Regulations § 15305; and

WHEREAS, the vacation will not terminate any public service easement; and

WHEREAS, Pacific Gas and Electric (PG&E) requires the reservation and exception of an easement.

WHEREAS, the County of Humboldt requires the reservation and exception of a non-public, vehicular ingress/egress easement for maintenance and emergency access over a portion of Fisher Road.

WHEREAS, the County of Humboldt requires the reservation and exception of a public, non-vehicular access easement over a portion of Fisher Road.

**NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:**

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1. The Board of Supervisors finds that all of the recitations contained hereinabove are true and correct.
2. The summary vacation is made pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, and specifically § 8334.
3. PG&E has utility infrastructure within the portion of Fisher Road to be vacated. Therefore, an easement reservation is made for PG&E within the right of way described in the attached Exhibit A and shown on the attached Exhibit B.

*“Reserving therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code for the benefit of Pacific Gas and Electric Company and their successors or assigns, the permanent easement and the right at any time from time to time to construct, reconstruct, maintain, operate, replace, repair, renew and enlarge cables, wires, poles, electrical conductors, and other equipment fixtures and appurtenances for the operation of electrical, telephone and cable facilities, including access; and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; keep the property free from inflammable materials; and prevent any building or structure near said facilities.”*

4. The County desires to retain a non-public, vehicular ingress/egress easement for maintenance and emergency access over that portion of Fisher Road lying northerly of the Northwest Pacific Railroad (NWP RR) right of way as established per deed from A.C. Noe to California Midland Railroad Company, per document recorded on July 11, 1902 in Book 79, page 313 of Deeds in the Office of the County Recorder of Humboldt County.

*“Reserving therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code for the benefit of County of Humboldt and their successors or assigns, the permanent easement for non-public, vehicular ingress/egress for maintenance and emergency access on Fisher Road lying northerly of the Northwest Pacific Railroad right of way as established per deed from A.C. Noe to California Midland Railroad Company, per document recorded on July 11, 1902 in Book 79, page 313 of Deeds in the Office of the County Recorder of Humboldt County. Said easement is not part of the County maintained road system.”*

5. The County desires to retain a public, non-vehicular access easement over that portion of Fisher Road lying northerly of the Northwest Pacific Railroad (NWP RR) right of way as established per deed from A.C. Noe to California Midland Railroad Company, per document recorded on July 11, 1902 in Book 79, page 313 of Deeds in the Office of the County Recorder of Humboldt County.

*“Reserving therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code for the benefit of County of Humboldt and their successors or assigns, the permanent easement for public, non-vehicular access on Fisher Road*

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*lying northerly of the Northwest Pacific Railroad right of way as established per deed from A.C. Noe to California Midland Railroad Company, per document recorded on July 11, 1902 in Book 79, page 313 of Deeds in the Office of the County Recorder of Humboldt County. Said easement is not part of the County maintained road system.”*

6. The vacation will not cut off all access to any person’s property.
7. The vacation is minor in nature and exempt from the Planning Commission Report for Acquisitions, Dispositions and Abandonments pursuant to Government Code § 65402(a) and Resolution No. 72-69.
8. The vacation is not in conflict with the General Plan.
9. The vacation does not have a significant environmental effect and is exempt from CEQA as per the provisions in the Guidelines for Implementation of CEQA, 14 California Code of Regulations § 15305.
10. The portion Fisher Road proposed to be vacated is not necessary for present or prospective public use.
11. Said portion of Fisher Road is hereby ordered vacated.
12. From and after the date of recordation of this resolution, said portion Fisher Road as described in Exhibit A and shown on Exhibit B which are attached hereto and incorporated herein by reference, will no longer constitute a public right of way.
13. The Clerk of the Board of Supervisors is directed to record a certified copy of the Resolution in the Office of the County Recorder, via the Land Use Division.

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\_\_\_\_\_  
Virginia Bass, Chair  
Board of Supervisors, County of Humboldt

Adopted on motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_  
and the following vote:

AYES: Supervisors –  
NOES: Supervisors –  
ABSENT: Supervisors –  
ABSTAIN: Supervisors –

STATE OF CALIFORNIA )  
County of Humboldt )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed the Seal of  
said Board of Supervisors

KATHY HAYES

Clerk of the Board of Supervisors of  
the County of Humboldt, State of  
California

By \_\_\_\_\_

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**EXHIBIT A**

**FISHER ROAD VACATION**

All that real property located in Township 2 North, Range 1 East, Humboldt Meridian, Sections 21 & 28, in the County of Humboldt, State of California, described as follows:

That portion of Fisher Road, County Road No. 4G070, lying Southerly of the Southerly line of Parcel 2 as shown on Parcel Map No. 1535 recorded in Book 13 of Parcel Maps, Page 80, Humboldt County Records.

Basis of Bearings is Book 13 of Parcel Maps, Page 80, Humboldt County Records.

END OF DESCRIPTION



Kenneth R. Johnston, PLS 9194

Dated 9/22/2022



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