

Re

Agenda Item 14
December 7, 2005
File No. R05 -
820-30

AGENDA BILL

Subject: Resolution for the Vacation of Public Right of Way
along a Portion of Ranch Road South of Old
Mammoth Road

Initiated by: Jeffrey L. Mitchell, Supervising Administrative
Engineer

BACKGROUND:

The Town has received a request to vacate excess right of way along a portion of Ranch Road south of Old Mammoth Road, a publicly dedicated street (see Exhibit "A"). The Applicant collectively is the Fairway Ranch Homeowner's Association and the Ranch at Snowcreek Homeowner's Association. Specifically, the area requested for vacation is from the southerly terminus of the public right of way of Ranch Road to a point approximately 353 feet north. The width of the existing public right of way is 60 feet along the northern portion and tapers to a point at the southern end. The Applicant has requested the vacation in order to install a private gated entry.

The request for vacation of the excess right of way is in accordance with Sections 8310 through 8340 of the Streets and Highway Code and with Sections 66477.2 (a) and (c) of the Subdivision Map Act. On November 16, 2005 the Town Council adopted a resolution of intention setting the time and date for this matter to be heard at a scheduled public hearing. Easements shall be reserved for the benefit of all persons, entities and public utilities for access and to further conduct any maintenance or operation as deemed necessary.

ANALYSIS/DISCUSSION:

The Transportation and Circulation Element of the General Plan for the Town lists Ranch Road as a local street. In the Element local streets are described as "Public and private two lane streets, providing direct access to residential properties, and providing access from residential areas to

collector or arterial streets.” Ordinance 91-01, respecting street and highway widths, requires local streets to have a minimum right of way width of 60 feet, and a pavement width of no less than thirty feet. An analysis has been made by Engineering Staff that has determined that the right of way and pavement width is currently consistent with the General Plan and Ordinance 91-01. Upon vacation that portion of Ranch Road will become a private street.

Staff has sent letters requesting comments to the Mammoth Lakes Fire Protection District, the Police Department, the County of Mono, Caltrans and all affected public and private utility companies. No comments have been received that oppose the vacation. The Planning Division has determined that the vacation is consistent with the General Plan. On November 9, 2005 the Planning Commission heard the matter and determined that the vacation would be consistent with the General Plan.

The notice of this public hearing was posted for two weeks along the affected area. All property owners affected by the vacation were sent a letter advising them of this hearing.

The attached resolution provides for the vacation of the excess right of way over the subject areas, reserving and excepting easements for access purposes, and existing utilities.

OPTIONS ANALYSIS:

Option 1. Adopt the attached resolution for the vacation of excess right of way along a portion of Ranch Road.

Option 2. Do not adopt the attached resolution for the vacation of excess right of way along a portion of Ranch Road.

VISION CONSIDERATIONS:

The right of way of Ranch Road is not needed for circulation as a public street and that portion of Ranch Road will become a private street; therefore the vacation of this public right of way is consistent with the overall goal of providing a comprehensive circulation system.

FINANCIAL CONSIDERATIONS:

The Applicant is required to pay for the cost of Town staff time and materials and therefore there is no cost to the Town.

ENVIRONMENTAL CONSIDERATIONS:

This street vacation is exempt from CEQA under Guideline Section 15061(b)(3) given that there is no potential for adverse environmental impacts from the proposed action.

LEGAL CONSIDERATIONS:

None identified at this time.

RECOMMENDATION:

Therefore, it is recommended that the Town Council:

1. Adopt the attached resolution for the vacation of excess right of way along a portion of Ranch Road.

Recording Requested By:)	
)	
Town of Mammoth Lakes)	
)	
When Recorded Mail To:)	
Town Clerk)	
Town of Mammoth Lakes)	
P. O. Box 1609)	
Mammoth Lakes, CA 93546)	SPACE ABOVE FOR
)	RECORDER'S USE
<u>For the benefit of the Town</u>)	

RESOLUTION NO. 2005-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, FOR THE VACATION OF PUBLIC RIGHT OF WAY ALONG A PORTION OF RANCH ROAD SOUTH OF OLD MAMMOTH ROAD

WHEREAS, a request has been received from the Fairway Ranch Homeowner's Association and the Ranch at Snowcreek Homeowner's Association for the vacation of excess right of way along a portion of Ranch Road south of Old Mammoth Road, a publicly dedicated street, reserving and excepting easements for access, and existing utility related purposes; and,

WHEREAS, the Town has, as required by law, posted notices of time and place for a public hearing along the lines of the proposed vacation in accordance with Section 8335 of the Code: and,

WHEREAS, at the time and place fixed in such notices, a public hearing was held by the Town Council, and the Town Council gave all persons present an opportunity to be heard with respect to the proposed vacation; and,

WHEREAS, all such persons have been heard and the Town Council is fully informed of these premises;

NOW, THEREFORE, THE TOWN COUNCIL DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. Proceedings Pursuant to Streets & Highways Code. This vacation is accomplished and the proceedings taken therefor are pursuant to Chapter 3 and Chapter 5 of Part 3 of Division 9 of the Code.

SECTION 2. The Excess Right of Way Street has been Determined Unnecessary for Present or Prospective Public Road Use. The excess right of way requested to be vacated is determined to be unnecessary for present or prospective public road use and it is in the interest of public safety, convenience, and for the good of the general public to vacate said excess right of way.

SECTION 3. General Plan. The excess right of way considered for vacation has been determined to be unnecessary for present or prospective public road purposes and the vacation is therefore consistent with the General Plan.

SECTION 4. Portion of Excess Right of Way Vacated. That portion requested to be vacated is from the southerly terminus of the public right of way of Ranch Road to a point approximately 353 feet north. The width of the existing public right of way is 60 feet along the northern portion and tapers to a point at the southern end, as shown and described in Exhibit "A" attached.

SECTION 5. Reservation and Exception of Easements for Access and Existing Utility Purposes. The public convenience and necessity require the Town Council to reserve and except from the vacation an easement and right at any time, or from time to time, to maintain, operate, replace, remove and renew the exiting utilities in, upon, over and across a portion of the area to be vacated, and easements for access purposes to the adjacent property owners, as shown and described on EXHIBIT "B" attached.

SECTION 6. Recordation of Resolution. The Town Clerk of the Town of Mammoth Lakes is hereby directed to cause this Resolution of Vacation to be recorded in the Office of the Recorder of the County of Mono, State of California.

SECTION 7. Effective Date. The vacation of offer of dedication for street purposes shall be complete upon the date of recordation of this Resolution.

PASSED, APPROVED AND ADOPTED this 7th day of December 2005.

RICK WOOD, Mayor

ATTEST:

ANITA HATTER, Town Clerk

EXHIBIT "A"
LEGAL DESCRIPTION FOR
THE VACATION OF A PORTION OF RANCH ROAD

That portion of that 60.00 foot-wide strip of land in the Town of Mammoth Lakes, County of Mono, State of California, now known as Ranch Road as dedicated to the Town of Mammoth Lakes on the Final Map of Tract No. 36-166 per map filed in Book 10 of Tract Maps at Pages 21 through 21D in the Office of the County Recorder of said County described as follows:

Beginning at the southwesterly corner of Lot 1 of Tract No. 36-193C per map filed in Book 10 at Pages 93 through 93A in the Office of the County Recorder of said county, said point also being a point on the easterly line of said Ranch Road; thence N00°17'25"E 94.73 feet along said line; thence continuing along said line N00°14'17"E 150.03 feet; thence N89°45'43"W 60.00 feet to a point of the west line of said Ranch Road that bears N00°14'17"E 150.00 feet from the northeasterly corner of Tract No. 36-155 per map filed in Book 10 of Tract Maps at Page 2 in the Office of the County Recorder of said County; thence S00°14'17"W 150.00 feet along said line; thence S03°59'40"E 20.30 feet; thence S00°08'01"W 182.69 feet to a point on that 130.00 foot radius curve, concave northwesterly, in the easterly line of said Ranch Road, a radial line through said point bears S33°20'59"E; thence northeasterly and northerly along said curve an arc length of 127.88 feet through a central angle of 56°21'36" to the point of beginning.

Legal Description Prepared Under the
Supervision of:

David A. Lavery, LS 4587
Lic. Expires 9/30/06

EXHIBIT "A"
PARTIAL VACATION OF RANCH ROAD RIGHT
OF WAY

MAMMOTH CAMP TRACT NO. 2

ROAD

RANCH


PRIVATE ROADWAY
EASEMENT PER
TMB 10/93

LOT 1
TMB 10/93

LOT 17
TMB 10/2

WEST LINE OF
TRACT NO. 36-166
PER TMB 10/21

LEGEND

 AREA VACATED
HEREON

SCALE: 1"=50'



LLA PAR 2
INST. NO. 2003011728

JOB NO.
1040.24
DATE
11/16/05

EXHIBIT MAP

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EXHIBIT "B"
LEGAL DESCRIPTION FOR
UTILITY AND ACCESS EASEMENT OVER
PORTION OF RANCH ROAD STREET VACATION

That portion of that 60.00 foot-wide strip of land in the Town of Mammoth Lakes, County of Mono, State of California, now known as Ranch Road as dedicated to the Town of Mammoth Lakes on the Final Map of Tract No. 36-166 per map filed in Book 10 of Tract Maps at Pages 21 through 21D in the Office of the County Recorder of said County described as follows:

Beginning at the southwesterly corner of Lot 1 of Tract No. 36-193C per map filed in Book 10 at Pages 93 through 93A in the Office of the County Recorder of said county, said point also being a point on the easterly line of said Ranch Road; thence N00°17'25"E 94.73 feet along said line; thence continuing along said line N00°14'17"E 150.03 feet; thence N89°45'43"W 60.00 feet to a point of the west line of said Ranch Road that bears N00°14'17"E 150.00 feet from the northeasterly corner of Tract No. 36-155 per map filed in Book 10 of Tract Maps at Page 2 in the Office of the County Recorder of said County; thence S00°14'17"W 150.00 feet along said line; thence S03°59'40"E 20.30 feet; thence S00°08'01"W 182.69 feet to a point on that 130.00 foot radius curve, concave northwesterly, in the easterly line of said Ranch Road, a radial line through said point bears S33°20'59"E; thence northeasterly and northerly along said curve an arc length of 127.88 feet through a central angle of 56°21'36" to the point of beginning.

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Supervision of:

David A. Laverty, LS 4587
Lic. Expires 9/30/06

EXHIBIT "B"

UTILITY AND ACCESS EASEMENT OVER PORTION OF RANCH ROAD STREET VACATION

MAMMOTH CAMP TRACT NO. 2

ROAD

RANCH

PRIVATE ROADWAY
EASEMENT PER
TMB 10/93

LOT 1
TMB 10/93

LOT 17
TMB 10/2

WEST LINE OF
TRACT NO. 36-166
PER TMB 10/21

LEGEND

 AREA OF UTILITY
AND ACCESS
EASEMENT

SCALE: 1"=50'



JOB NO.
1040.24
DATE:
11/16/05

EXHIBIT MAP

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