KERN COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Board of Supervisors

STAFF REPORT

Date: September 1, 2015

FILE: 101-14 3 098
Streets and Highways
S.D.: #4 - Couph

TITLE: Streets and Highways - Nonsummary Vacation - Map No. 101

PROPOSAL: A nonsummary vacation of excess right-of-way along the west side of Santa Fe Way, located on the northwest corner of the Hageman Road and Santa Fe Way intersection in the Western Rosedale area

APPLICANT: Kern Land Company, LLC by McIntosh and Associates

LOCATION: Northwest corner of the Hageman Road and Santa Fe Way intersection in the Western Rosedale area

PROJECT ANALYSIS: The Kern County Planning and Community Development Department has been petitioned by McIntosh and Associates, on behalf of Kern Land Company, LLC, to vacate excess right-of-way along the west side of Santa Fe Way, north of Hageman Road in the Western Rosedale area. Surrounding properties are characterized as undeveloped land to the north, east, and west, and a mix of commercial uses and residential uses to the south.

Santa Fe Way (County Road No. 1008) is a County-maintained, 80-foot-wide major highway alignment created by an Indenture made the 15th day of November 1951, between Kern County Land Company and the County of Kern. The portion of the Santa Fe Way alignment that is subject to this request is the excess right-of-way created by the relocation of Santa Fe Way due to the separation of grade project at Hageman Road and, what was then, Allen Road. This portion of Santa Fe Way was granted back to the County by the Greater Bakersfield Separation of Grade District through a Grant Deed which recorded July 30, 2013 as Document No. 0213107501. The applicant has concluded the excess right-of-way is no longer needed for circulation due to the realignment of Santa Fe Way as a through roadway.

During the processing of this request, Staff has notified local agencies, County departments, and property owners who could be affected by the applicant’s request. At the time of writing, no comments have been received.

In reviewing the proposal, Staff has considered the applicable provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. Pursuant to Section 15061(b)(3) of the CEQA Guidelines, a project is exempt from CEQA if the activity is covered by the general rule that CEQA only applies 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 the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Based upon the information contained in the record to date, evaluation of the project does not require the preparation and review of an environmental document.

The California State Streets and Highways Code defines a vacation as the complete or partial abandonment or termination of the public right to use a street, highway, or easement. The excess right-of-way is no longer a part of an existing road network, and its vacation would not eliminate legal access to any affected parcels or disrupt circulation in the area. Based upon the lack of
comments to the contrary, it would also appear the referenced excess right-of-way is not necessary for use by pedestrians, bicycles, or equestrian uses. Consequently, approval of the vacation request would be in conformance with Section 892 of the California Streets and Highways Code and Section 8324 of that Code which states your Board may adopt a resolution to vacate an excess right-of-way that has been found to be unnecessary for present or prospective public use.

Based on the foregoing evaluation, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends approval of the vacation request, subject to excepting and reserving public utility easements for any existing utilities. Reserving and excepting necessary public utility easements from this vacation action is consistent with Section 8340 of the Streets and Highways Code and will assure utility agencies that adequate access to existing facilities will be retained.

PUBLIC INQUIRY OR CORRESPONDENCE: None at the time of writing

CEQA ACTION: Environmental Review: General Rule, Section 15061(b)(3)

DEPARTMENT RECOMMENDATION: Adopt resolution and recommended findings approving nonsummary vacation, excepting and reserving an easement for existing utilities

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS:

(1) Pursuant to Section 8324 of the California Streets and Highways Code, this Board hereby determines that the identified excess right-of-way is unnecessary for present or prospective public use.

(2) Reserving and excepting necessary public utility easements from this vacation action pursuant to Section 8340 of the Streets and Highways Code will assure utility agencies that adequate access to existing utility infrastructure will be retained.

(3) Approval of the requested vacation will not adversely affect adjacent properties.

(4) The right-of-way affected by this vacation is not necessary for use by pedestrians, bicycles, or equestrians, therefore, its vacation is in accordance with Section 892 of the California Streets and Highways Code.

(5) Approval of the requested vacation is consistent with the Circulation Element of the Western Rosedale Specific Plan.

(6) Under General Rule, Section 15061(b)(3) of the State CEQA Guidelines, there is no possibility that the activity in question may have a significant effect on the environment and, therefore, is not covered by the requirements set forth in the California Environmental Quality Act and the State CEQA Guidelines concerning the evaluation of projects and the preparation and review of environmental documents.
MONUMENT LEGEND:

A
POINT OF COMMENCEMENT
K.C.S. CONC. MON. WITH B.C.
MKD. 7-16-12 IN L.H., 12" DEEP,
PER R/S 3300, BK. 28, PG. 102.

B
K.C.S. CONC. MON. WITH B.C.
MKD. 7-17-12 IN L.H., 12" DEEP,
PER R/S 3300, BK. 28, PG. 102.

PORTION OF PARCEL B
L.L.A. No. 32-99
PER CERTIFICATE OF COMPLIANCE
RECORDED MARCH 27, 2000 AS
DOC. NO. 0200035184, O.R.

GREATER BAKERSFIELD
SEPARATION OF GRAND DISTRICT
STREET RIGHT-OF-WAY PER DOC.
NO. 0213107501, O.R.

EXHIBIT "B"

PORTION OF S.E. 1/4 OF SEC. 14, T.29S., R.26E., M.D.M.
STREET RIGHT-OF-WAY VACATION

COUNTY OF KERN, STATE OF CALIFORNIA
JOB NO. 14-031
DATE: 03/04/15
FILE NO. 14031EM01
DONE BY: EBT
AREA: 23,292 SQ.FT.