



# Napa County

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## Legislation Text

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File #: 22-2327, Version: 1

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**TO:** Board of Supervisors  
**FROM:** Steven Lederer, Director of Public Works  
**REPORT BY:** Danielle Goshert, County Surveyor  
**SUBJECT:** Resolution abandoning excess right-of-way adjacent to 1301 Milton Road

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### RECOMMENDATION

PUBLIC HEARING 9:00 AM (PORTION OF ROAD ABANDONMENT)

Director of Public Works requests adoption of a Resolution abandoning excess right-of-way on Milton Road, lying easterly of 1301 Milton Road. (STAFF REQUESTS A CONTINUATION TO TUESDAY, JANUARY 24, 2022, AT 9:00 AM.)

### EXECUTIVE SUMMARY

Staff received a request from the property owner at 1301 Milton Road seeking abandonment of a portion of the road right-of-way that has excess width. The Board considered and adopted a resolution of intent to abandon this excess right-of-way on November 29, 2022, and set a public hearing for this date.

### PROCEDURAL REQUIREMENTS

1. Open Public Hearing.
2. Staff reports.
2. Public comment.
4. Close Public Hearing.
5. Motion, second, discussion and vote on the item.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?	No
Is it currently budgeted?	No
Where is it budgeted?	N/A
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The proposed abandonment of excess right-of-way will relieve the County of a maintenance obligation for right-of-way that is unnecessary for public use.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	If not approved, the County will continue to maintain this portion as part of the public right-of-way.
County Strategic Plan pillar addressed:	Effective and Open Government

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]. The proposed action involves abandonment of right-of-way that has no potential to result in a change to the environment, and therefore is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. Further, it has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 (“Existing Facilities”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

### **BACKGROUND AND DISCUSSION**

The subject resolution affects an approximate 2,100-square-foot portion of the Milton Road right-of-way. County staff has determined there is excess right-of-way easement in this area, beyond what is needed to support current or future activities on Milton Road, and therefore desires to abandon said excess easement.

Staff received a request from Mrs. Anna Ahmann-Reed seeking abandonment of the excess portion of the Milton Road right-of-way adjacent to her family’s vacant parcel along the Napa River (APN 047-350-002) and lying immediately east of and across the street from their developed property at 1301 Milton Road (APN 047-350-001). Milton Road is a county-maintained road of varying widths beginning from the intersection with Las Amigas Road on the north, and running southerly nearly three miles to its end. In the area of the requested abandonment, a road widening project was completed in the late 1950s which altered the course of Milton Road so that the road centerline shifted westerly and resulted in the excess right-of-way that we see today along the easterly right-of-way line.

After completion of the proposed abandonment, a minimum 40-foot-wide right-of-way will be maintained as shown in Exhibit A-1 of the subject resolution. Staff requires a minimum of 4-feet of shoulder lying easterly of the eastern fogline to allow sufficient access for bicycle and pedestrian traffic and to support future road maintenance. The area determined to be excess right-of-way is not currently used for road purposes, and staff has determined that it is not needed for present or prospective public use. However, the County will maintain an easement right for purposes of staging equipment and supplies associated with the periodic maintenance of a flap gate structure within the levee located just northerly of this area. The maintenance of this flap gate allows for flooding protection of adjacent lands and supports the integrity of the Milton Road infrastructure.

The excess right-of-way presents an adverse situation for Mrs. Ahmann-Reed and her family as it is frequently utilized as a public parking area for persons accessing the levee for recreational purposes. The Ahmann parcel lying along the river is frequently trespassed upon and the owners desire to prohibit such trespassing and intend to utilize the abandoned portion to access their waterfront parcel more easily. The adjoining parcel to the south (at 1300 Milton Road, APN 047-350-026) currently utilizes portions of this area when accessing their parcel when traveling in a southbound direction, however, the proposed abandonment will not preclude access to this parcel. All affected property owners will be notified of the public hearing which will be scheduled for action on this request.

The requested action will set a public hearing, as required by the Streets and Highways Code, for January 10, 2023.

(STAFF REQUESTS A CONTINUATION TO TUESDAY, JANUARY 24, 2022, AT 9:00 AM.)