

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA**

**RESOLUTION SUMMARILY)
VACATING PORTION OF THE)
SOUTH SIDE OF NORTH BEALE)
ROAD ADJACENT THE FEATHER)
RIVER CENTER)**

RESOLUTION NO. 2023-076

WHEREAS, the vacation which is the subject of this resolution is made pursuant to Division 9, Part 3, Chapter 4 of the California Streets and Highways Code commencing at section 8330; and

WHEREAS, on May 22, 1957, certain road rights of way were relinquished to the County of Yuba from the State of California following the construction of Highway 70 by document recorded in Book 241, pages 167-168, Official Records of Yuba County, comprising portions of the former state highway system within the County of Yuba between Olivehurst and the Yuba River Bridge. A narrow, polygonal strip of land on the South side of North Beale Road proposed for this summary vacation is included in said relinquishment to the County of Yuba, and is more particularly described in Exhibits "A" and "B" attached herein; and

WHEREAS, a request has been presented by the owners group of the Feather River Center requesting the vacation of the aforementioned portion of North Beale Road; and

WHEREAS, the piece of land is part of an excess right of way no longer needed for street or highway purposes; and

WHEREAS, such vacation will not cut off access to an adjoining property owner's property, interfere with public travel, or terminate a public utilities easement in which public utilities are located; and

WHEREAS, the vacated piece of land will be conveyed by Quitclaim Deed to the current, adjacent property owners as follows: Hilbers Properties, LP (45%), Hust Brothers, Inc., a California corporation (22.5%), Cal Sierra Limited, LP (22.5%), and Sean O'Neill (10%); and

WHEREAS, such vacation conforms to the intent of General Plan 2030 and does not negatively affect or impede surrounding businesses or properties.

NOW, THEREFORE, BE IT RESOLVED, the Yuba County Board of Supervisors hereby finds, declares, orders and resolves:

1. That the foregoing recitals are true and correct.
2. That this vacation is made pursuant to Streets and Highways Code section 8330 et seq.
3. That from and after the date this resolution is recorded, the land described in the following Exhibits is hereby summarily vacated and shall no longer constitute a public road, street or highway.
4. That the following is reserved from this vacation;
 - a) A Public Utility Easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers, water lines and storm drains and appurtenant structures in, upon, over, and across said strip of land and,

pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, and for the transportation or distribution of electric energy, petroleum and its products, and for incidental purposes, including access to protect these works from all hazards in, upon, and over the piece of land being vacated.

5. That the chairman of the Board of Supervisors is directed to execute a quit claim deed from the County of Yuba to the current property owners as follows: Hilbers Properties, LP (45% interest), Hust Brothers, Inc., a California corporation (22.5% interest), Cal Sierra Limited, LP (22.5% interest), and Sean O'Neill (10% interest) for the land being vacated and described in Exhibits "A" and "B" attached herein.

6. The Clerk of the Board of Supervisors shall cause a certified copy of this resolution to be recorded in the office of the County Recorder, County of Yuba.

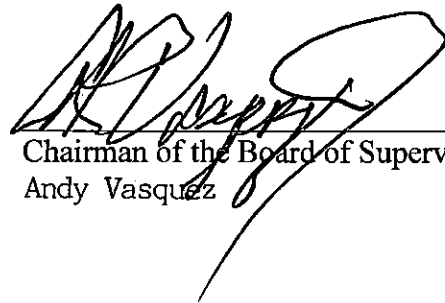
PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the 10 day of October, 2023, by the following vote:

AYES: Supervisors Vasquez, Blaser, Fuhrer, Bradford, Messick

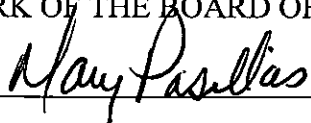
NOES: None

ABSENT: None

ABSTAIN: None


Chairman of the Board of Supervisors,
Andy Vasquez

ATTEST: MARY PASILLAS
CLERK OF THE BOARD OF SUPERVISORS



Per JOSEPH LARMOUR
YUBA COUNTY COUNSEL
APPROVED AS TO FORM:

by: Joe Stout

ATTACHMENTS

EXHIBIT A: LEGAL DESCRIPTIONS
EXHIBIT B: GEOGRAPHIC DEPICTION

Exhibit A-1
Relinquishment "West"

All that certain real property as relinquished by the County of Yuba to the adjacent property owner as said property is situate in the County of Yuba, State of California, being a portion of North Beale Road as it is shown on Parcel Map No. 2006-0059 as filed in Book 87 of Maps at Page 24, and also shown on Parcel Map No. 2007-0023 as filed in Book 88 of Maps at Page 23 & 24, in the Official Records of Yuba County, more particularly described as follows:

Beginning at the Northwesterly corner of Parcel 2 of said 2006-0059 map, thence North 12°45'19" East, along a Northeasterly line of Parcel 7 of said 2007-0023 map, 24.00 feet, to a Northerly Corner of said Parcel 7, said point lies on the South right of way of North Beale Road as said street is shown on both said maps; thence South 74°59'05" East, 135.11 feet; thence South 12°45'09" West, 18.67 feet, to the northeasterly corner of Parcel A of LLA 2022-0018 as document is recorded as Instrument No. 2022-017521 of Yuba County Official Records; thence North 77°14'51" West, along the northwesterly line of said Parcel A, also being the northwesterly line of said Parcel 2, 135.00 feet to the Point of Beginning.

Containing 2,880 square feet

This description has been prepared pursuant to Board of Supervisors Relinquishment No. _____.



Sean M. O'Neill
L.S. 7581-Exp 12-31-23



Exhibit A-2
Relinquishment "East"

All that certain real property as relinquished by the County of Yuba to the adjacent property owner as said property is situate in the County of Yuba, State of California, being a portion of North Beale Road as it is shown on Parcel Map No. 2006-0059 as filed in Book 87 of Maps at Page 24, and also shown on Parcel Map No. 2007-0023 as filed in Book 88 of Maps at Page 23 & 24, in the Official Records of Yuba County, more particularly described as follows:

Beginning at the Northwesterly corner of Parcel 2 of said 2006-0059 map, thence North 12°45'19" East, along a Northeasterly line of Parcel 7 of said 2007-0023 map, 24.00 feet, to a Northerly Corner of said Parcel 7, said point lies on the South right of way of North Beale Road as said street is shown on both said maps; thence South 74°59'05" East, 135.11 feet, to the True Point of Beginning of the herein described property; thence South 74°59'05" East, 163.87 feet; thence South 25°51'02" West, 12.52 feet, to a point on the north line of Parcel B of LLA 2022-0018 as document is recorded as Instrument No. 2022-017521 of Yuba County Official Records; said point lies North 77°14'51" West, 12.32 feet from the northeasterly corner of said Parcel B; thence North 77°14'51" West, along the north line of said Parcel B, 160.91 feet, to the northwesterly corner of said Parcel B, point also being the northeasterly corner of said Parcel A; thence North 12°45'09" East, 18.67 feet to the True Point of Beginning.

Containing 2,510 square feet

This description has been prepared pursuant to Board of Supervisors Relinquishment No. _____.

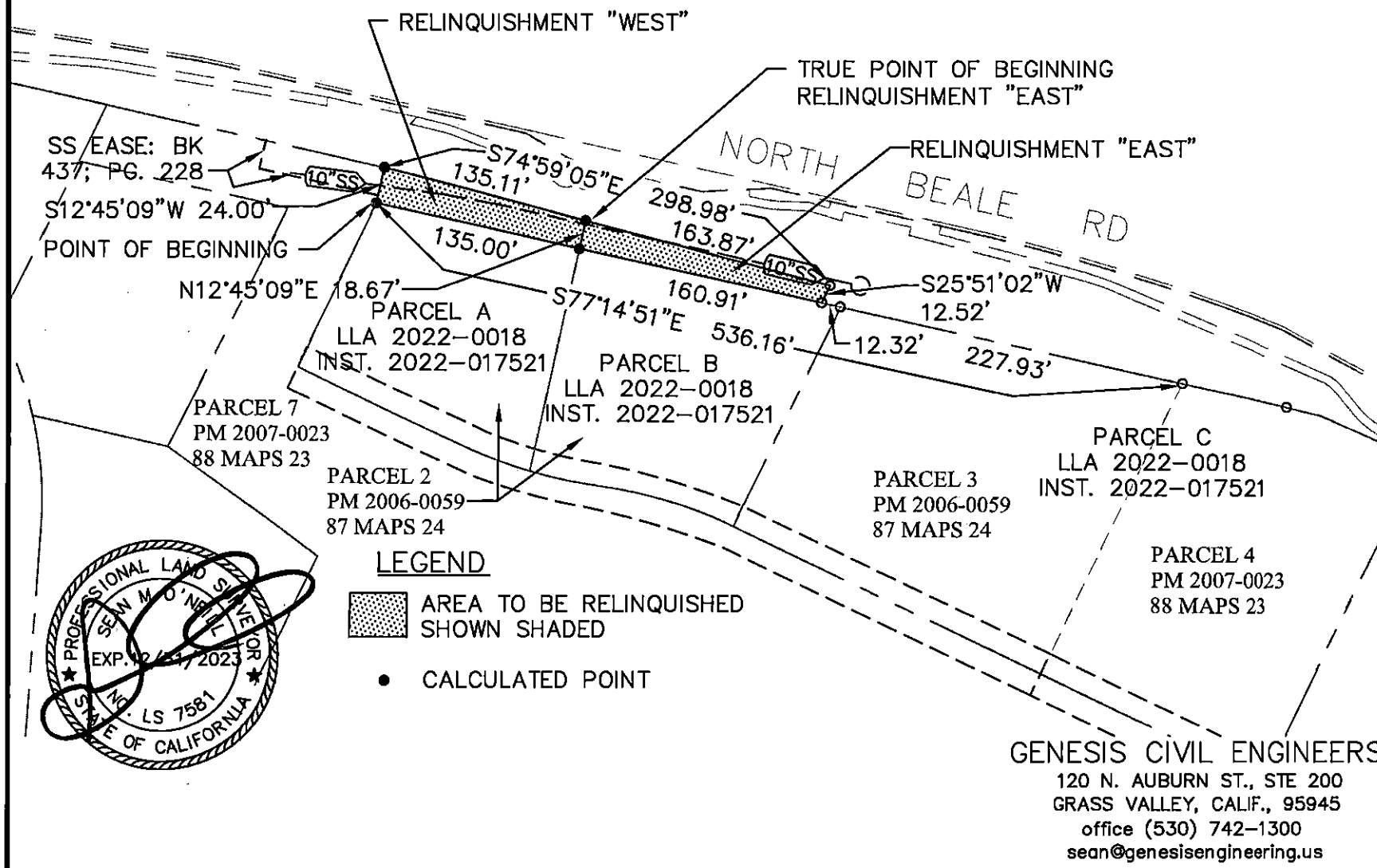


Sean M. O'Neill
L.S. 7581-Exp. 12-31-23



EXHIBIT B

EASEMENT ABANDONMENT NO. 2023-0001



PLOTTED 9-8-23

The County of Yuba

Community Development & Services Agency

Michael Lee, Director
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PUBLIC WORKS • SURVEYOR
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FINANCE AND ADMINISTRATION
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September 21, 2023

To whom it may concern,

This is to notify that the road abandonment, designated as "ABDN-23-0001," along the South Side of North Beale Road and adjacent to the Feather River Center, conforms to the intent of General Plan 2030 and does not negatively affect or impede surrounding businesses or properties. I have reviewed the abandonment project and deemed it to be in conformance with Yuba County's land use priorities, and in benefit to the County.

Please contact me at cfisher@co.yuba.ca.us (email) or (530) 749-5463 with any questions on this matter.

A handwritten signature in black ink that reads "Ciara Fisher".

Ciara Fisher
Planner III
915 8th Street, Suite 123
Marysville, CA 95901