

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

**RESOLUTION ADOPTING ORDER OF )  
VACATION OF THAT PORTION OF )  
BROPHY ROAD LYING NORTH OF )  
HAMMONTON-SMARTSVILLE ROAD )**

**RESOLUTION NO. 2020-109**

WHEREAS, the vacation which is the subject of this resolution is made pursuant to the California Streets and Highways Code commencing at section 8320; and

WHEREAS, the County of Yuba acquired an easement interest for Brophy Road, formerly known as Yuba Ranch Road, through multiple deeds as shown on Yuba County Road Register No. 46; and

WHEREAS, a request has been presented by the Three River Levee Improvement Authority (TRLIA) requesting the vacation of the portion of Brophy Road (County Road #376) lying north of Hammonton-Smartsville Road as described in Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, that portion of Brophy Road described in the attached "Exhibit A" lies within the Three Rivers Levee Improvement Authority (TRLIA) 200 Year Goldfields Levee project area; and

WHEREAS, public services easements are being reserved to provide for the existing public utility facilities along that portion of Brophy Road, as described in Exhibit "A"; and

NOW, THEREFORE, the Board of Supervisors hereby finds, declares and orders:

1. Pursuant to and in accordance with the procedures contained in the aforesaid Streets and Highways Code commencing at section 8320, notice was duly published in the Appeal Democrat, a newspaper of general circulation published in Yuba County, for two successive weeks prior to the date fixed for hearing, with publication dates being August 8, 2020 and August 15, 2020, and notice of said public hearing was conspicuously posted on August 7, 2020, along the lines of said road proposed to be vacated, with the posted notice to remain along the road until after the hearing.
2. A public hearing was held as published by the Board of Supervisors to hear any protests or objections to the intention to vacate said road on August 25, 2020.
3. At said public hearing all persons present were given an opportunity to hear and be heard with respect to any matter relative to this proposed vacation.
4. After hearing the evidence offered by the interested persons, the Board of Supervisors finds that the right of way is unnecessary for present or prospective public use.
5. That from and after the date this resolution is recorded, the right of way is hereby generally vacated and shall no longer constitute a street or highway.
6. 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 street being vacated.

- b) a private easement for ingress and egress for the benefit of those parcels currently using Brophy Road for access from Hammonton-Smartsville Road as well as Three Rivers Levee Improvement Authority, Great Western Power Company, Brophy Water District, and Reclamation District 784
7. 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.

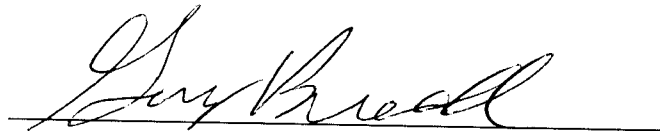
PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the 25 day of August, 2020, by the following vote:

AYES: Supervisors Vasquez, Leahy, Bradford, Fletcher

NOES: None

ABSENT: Supervisor Lofton

ABSTAIN: None

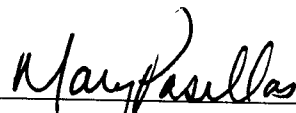


Vice Chairman of the Board of Supervisors

ATTEST: Rachel Ferris  
Clerk of the Board of Supervisors

APPROVED AS TO FORM

Michael J. Ciccozzi, County Counsel

By:   
Mary Pasillas, Board Clerk

By: 

## Exhibit A

### Road Abandonment Portion of Brophy Road (a.k.a. Yuba Ranch Road per Road Register Page 46)

All that portion of Brophy Road (formerly known as Yuba Ranch Road) as shown and described on Page 46 of the Yuba County Road Register, not previously vacated by the Board of Supervisors on August 16th, 1873, in Minute Book IV, Page 343, or April 19, 1943, as recorded in the office of the Yuba County Recorder in Book 76 of Official Records, page 415. Said portion lies between the Southerly terminus, being the intersection with Hammonton Smartsville Road, formerly known as Riley Lane Road or Brady Road as shown on Page 46 of the Yuba County Road Register, and the northerly terminus, being the intersection with the East-West centerline of Sections 11 and 12 in Township 15 North Range 4 East, M.D.M..

**NOTICE OF HEARING OF RESOLUTION DECLARING INTENTION TO VACATE PORTION OF BROPHY ROAD LYING NORTH OF HAMMONTON SMARTSVILLE ROAD AND SOUTH OF THE EAST-WEST CENTERLINE OF SECTIONS 11 AND 12, TOWNSHIP 15 NORTH, RANGE 4 EAST, MOUNT DIABLO BASE AND MERIDIAN AS SHOWN AND DESCRIBED ON PAGE 46 OF THE YUBA COUNTY ROAD REGISTER.**

**NOTICE IS HEREBY GIVEN, pursuant to the California Streets and Highways Code commencing at section 8320, that on Tuesday, August 25, 2020 at the hour of 9:00 a.m. on said day, via a Board of Supervisors Zoom teleconference call, is hereby fixed as the time and place for hearing of the resolution of the Board of Supervisors of the County of Yuba for the vacation of that portion of Brophy Road lying north of Hammonton Smartsville Road and south of the east-west centerline of Sections 11 and 12, Township 15 North, Range 4 East, Mount Diablo Base and Meridian.**

**NOTICE IS HEREBY FURTHER GIVEN that any interested persons wishing to be heard with respect to said matter please submit your comment to offer evidence for or against such vacation, limited to 250 words or less, to the Clerk of the Board at [clerkoftheboard@co.yuba.ca.us](mailto:clerkoftheboard@co.yuba.ca.us). Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments will be taken in the order they were received. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting. If you do not have internet access and require assistance submitting a comment, please contact Yuba County Public works at 530-749-5420.**