

33. Adopt resolution summarily vacating the County's right to accept Ash Way abutting APN 085-161-21, and take related actions ()



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: General Services Department

Subject: Summary Vacation Abandoning

Meeting Date: June 24, 2025

Formal Title: Adopt resolution summarily vacating the County's right to accept Ash Way abutting APN 085-161-21, and take related actions

Recommended Actions

1. Adopt the resolution of summary vacation abandoning the County's right to accept Ash Way abutting Assessor's Parcel Number (APN) 085-161-21;
2. Find that the proposed summary vacation is consistent with the County General Plan; and
3. Authorize the Real Property Division to record the resolution in the Official Records of Santa Cruz County.

Executive Summary

This action will summarily vacate the County's right to accept Ash Way that was dedicated to the public by subdivision map but never accepted for public use. This portion of Ash Way has been impassable to vehicular traffic and has not received public maintenance for more than five consecutive years, meeting the criteria for summary vacation under California Streets and Highways Code Section 8331.

Discussion

The Department of Community Development and Infrastructure (CDI) is processing a request to summarily vacate the County's right to accept Ash Way abutting APN 085-161-21. Ash Way was originally created through Tract No. 70, Sunbeam Woods Subdivision Map (Map 28M42), which dedicated the streets shown as public cul-de-sac. However, the portion of Ash Way adjacent to APN 085-161-21 was never accepted as a County-maintained road, has not been improved for vehicular use, and remains a paper street.

CDI has confirmed that the County has no intent to accept Ash Way. Under California Streets and Highways Code Section 8331 (a) and (b), the County may summarily vacate its right to accept the dedication because the area has been impassable for vehicular travel and has not received public maintenance for more than five consecutive years.

The applicant is seeking to rebuild a home that was destroyed by the CZU Lightning Complex fire. Abandonment of the County's interest in this portion of Ash Way is required to proceed with reconstruction and to comply with zoning setback requirements. To support rebuilding and community housing efforts, CDI recommends the summary vacation.

Pursuant to California Government Code Section 7050, an irrevocable offer of dedication of real property for any public purpose, when recorded in the office of the County recorder, shall be irrevocable and accepted at any time, unless terminated and the right to accept such offer abandoned in the same manner as is prescribed for the summary vacation of streets or highways pursuant to Section 8300 et seq. of the

California Streets and Highways Code.

California Streets and Highways Code Section 8331 (a) and (b) authorizes the Board to summarily vacate a street or highway if both of the following conditions exist:

(a) for a period of five consecutive years, the street or highway has been impassable for vehicular travel, and

(b) no public money was expended for maintenance on the street or highway during such period. This portion of Ash Way has for a period of five consecutive years, been impassable for vehicular travel and no public money was expended for maintenance during such period.

Additionally, California Streets and Highways Code Section 8313(a) requires the Board to consider the General Plan before vacating a street, highway or public service easement. To support the Board's finding, the Planning Director has determined that the proposed summary vacation does not conflict with the General Plan.

Financial Impact

There is no financial impact of this action.

Strategic Initiatives

Equity Framework - Community Voices & Partnership

Submitted By:

Michael Beaton, General Services Director

Recommended By:

Carlos J. Palacios, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted:

RESOLUTION SUMMARILY VACATING THE COUNTY'S RIGHT TO ACCEPT
A DEDICATED PORTION OF ASH WAY ABUTTING APN 085-161-21

WHEREAS, Ash Way was laid out by Map 28M42 (Tract No. 70 Sunbeam Woods Subdivision Map), recorded on September, 24 1946, in the Official Records of the County of Santa Cruz; and

WHEREAS, Map 28M42 offered for dedication the parcels identified thereon as Ash Way and Meadow Drive for public streets; and

WHEREAS, the offer of dedication for Ash Way was rejected by the County and was never accepted; and

WHEREAS, Ash Way has never been developed as a road and remains a paper street only; and

WHEREAS, pursuant to California Government Code Section 7050, an offer of dedication of real property for any public purpose, when recorded in the office of the County recorder, shall be irrevocable and accepted at any time, unless terminated and the right to accept such offer abandoned in the same manner as is prescribed for the summary vacation of streets or highways pursuant to Section 8300 *et seq.* of the California Streets and Highways Code; and

WHEREAS, California Streets and Highways Code Section 8331, subd. (a) and (b) authorize the Board to summarily vacate a street or highway if both of the following conditions exist: (a) for a period of five consecutive years, the street or highway has been impassable for vehicular travel, and (b) no public money was expended for maintenance on the street or highway during such period; and

WHEREAS, Ash Way has been impassable for vehicular travel for a period of five consecutive years, and no public money was expended for maintenance of Ash Way during such period; and

WHEREAS, the Director of Community Development and Infrastructure has determined that the proposed summary vacation does not conflict with the General Plan.

RESOLUTION NO. _____

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of Santa Cruz does hereby summarily vacate the County's right to accept Ash Way, more particularly legally described and depicted within the attached Exhibit A.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 20__, by the following vote:

AYES: SUPERSVISORS

NOES: SUPERSVISORS

ABSENT: SUPERSVISORS

Chairperson of said Board

ATTEST: _____
Clerk of said Board

Approved as to form:

 5/20/20__
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Office of County Counsel

EXHIBIT A
ABANDONMENT of RIGHT OF WAY
ASH WAY per 28-M-42

SITUATE in County of Santa Cruz, State of California

BEING all of Ash Way as shown on that map titled "Tract No. 70 – Sunbeam Woods" as filed in Volume 28 of Maps, at Page 42, Santa Cruz County Records, and more particularly described as follows:

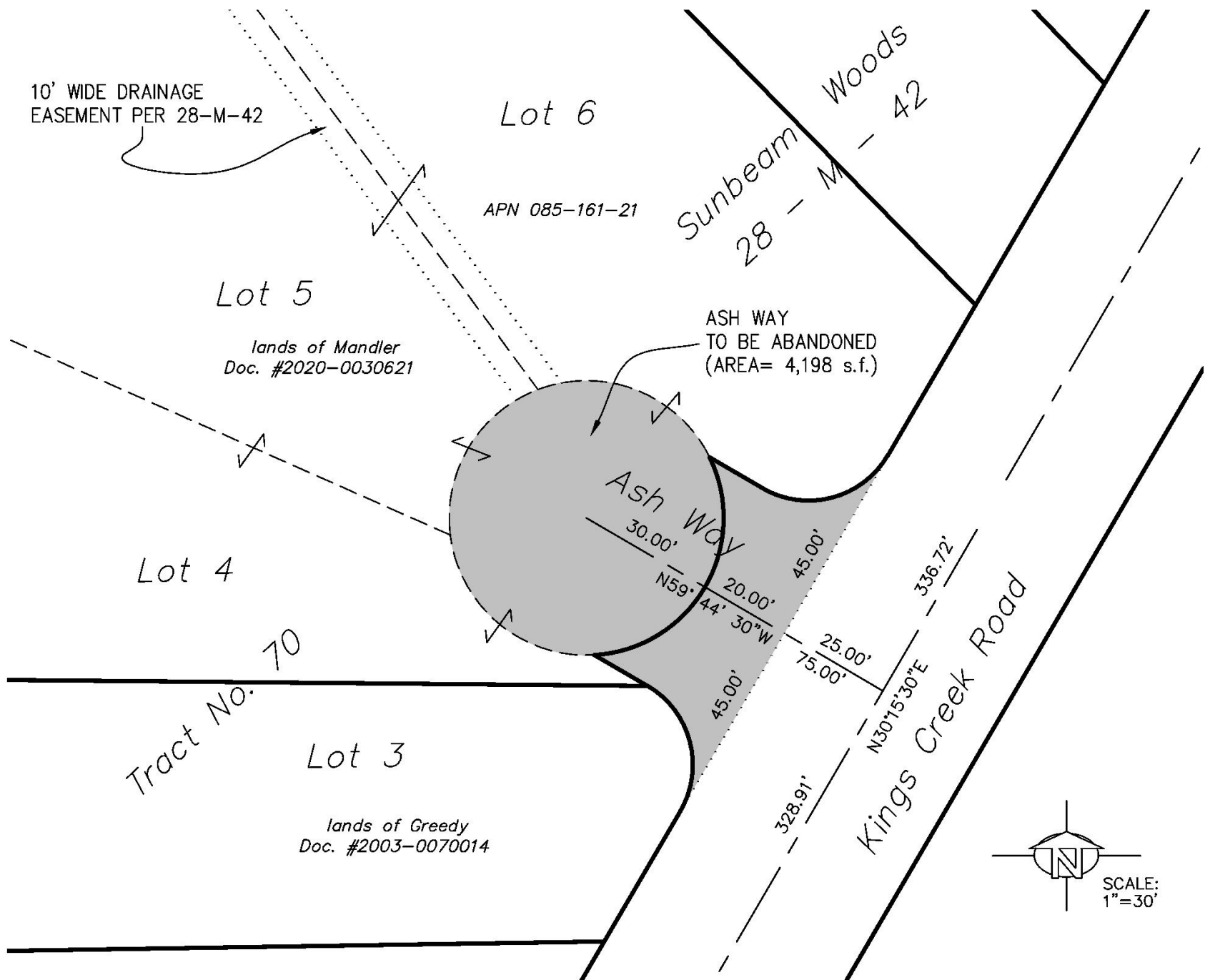
and CONTAINING approximately 4,198 s.f., more or less.

END OF DESCRIPTION



Job #P80006 –Ash Way per 28-M-42

ABANDONMENT of ASH WAY
shown on 28-M-42



Certificate Of Completion

Envelope Id: 637208D4-99B2-47CB-829B-C53F84E8061F

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Justin Graham

Justin.Graham@santacruzcountyca.gov

Reviewed as to form / Assistant County Counsel

County of Santa Cruz

Security Level: Email, Account Authentication
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Signature

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Viewed: 6/13/2025 1:03:15 PM

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Electronic Record and Signature Disclosure:

Accepted: 3/1/2022 10:15:00 AM

ID: dd5bcf3a-9e05-49ae-af0f-0166e942a77f

In Person Signer Events

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Agent Delivery Events

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Witness Events

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Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent

Hashed/Encrypted

6/13/2025 10:40:23 AM

Envelope Updated

Security Checked

6/13/2025 12:54:33 PM

Envelope Updated

Security Checked

6/13/2025 12:54:33 PM

Certified Delivered

Security Checked

6/13/2025 1:03:15 PM

Signing Complete

Security Checked

6/13/2025 1:03:22 PM

Completed

Security Checked

6/13/2025 1:03:22 PM

Payment Events

Status

Timestamps

Electronic Record and Signature Disclosure

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- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.



County of Santa Cruz

DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

INTER-OFFICE CORRESPONDENCE

DATE: March 5, 2025

TO: Kimberly Finley, Chief Real Property Agent

FROM: Stephanie Hansen; Assistant Director of Community Development and Infrastructure

SUBJECT: General Plan consideration for Summary Vacation of a portion of Ash Way abutting APN 085-161-21

You have requested a report regarding General Plan consistency for a proposed summary vacation action that will abandon the County's right to a portion of Ash Way abutting APN 085-161-21.

The Real Property Section is part of the General Services Division (GSD) that confirms that Ash Way was a proposed cul-de-sac created by map 28M42 (Tract No. 70 Sunbeam Woods Subdivision Map), a subdivision approved by the Board of Supervisors in 1946. However, the street easement was never accepted by the County as a county-maintained road. Also, the road has never been developed for vehicular use and has remained a paper street only. The property owner's previous home was destroyed in the CZU Lightening Complex fires of August 2020, and summary vacation of this portion of Ash Way is necessary to allow the Applicant to rebuild their home consistent with current building standards and zoning setback requirements.

County Counsel has previously determined that summary vacation of a street or highway easement is not subject to the procedures listed in Government Code Section 65402. However, Streets and Highways Code Section 8313 requires the Board of Supervisors to consider the General Plan prior to vacating a street or highway, and County Code 2.14.040(A) requires an informal determination from the Director of Planning.

In response to your request and in anticipation of a similar request from the Board of Supervisors, the Planning Division of the Community Development and Infrastructure Department makes the following recommendations:

1. Can the property be developed independently?

No. The subject right-of-way easement is not a lot of record and has a circular shape as part of a proposed cul-de-sac that was never

constructed that would render it unsuitable for independent development.

2. Would the disposition of the property be consistent with the County General Plan?

Yes. Chapter 3 of the General Plan (Access and Mobility) identifies planned roadway facilities in the County. There is no connectivity, or future roadway associated with the subject right-of-way. Usually with new construction of a residence, the General Plan would encourage dedication of adjacent right-of way rather than summary vacation. General Plan Implementation Strategy AM-2.1c states, "Require new development to offer dedication of right-of-way or public access easements for roadway and roadside improvements, particularly where the existing public right of way is insufficient to accommodate County Design Criteria standards."

Despite this General Plan implementation strategy, there are several factors in this case that support the summary vacation of Ash Way. First, the development proposed on the site replaces an existing home that was destroyed in a natural disaster from the 2020 CZU Fires and does not constitute new development. Therefore, application of AM-2.1c would not be required in this instance. Additionally, the subdivision map approved in 1946 (028M42) was never developed as proposed, and Ash Way has remained a paper street for which no public money was expended for maintenance since its creation. Moreover, there are no known plans to develop Ash Way as proposed. Existing conditions on the site, including steep slopes and intersection with a mapped perennial stream (Kings Creek), which is considered sensitive habitat per General Plan Policy ARC-3.1.2, would not only greatly constrain potential development of Ash Way, but development of the street would in fact conflict with environmental protection policies in the General Plan, including BE-4.2.2 (Design for Environmental Protection), AM-5.2.2 (Environmental Alignment), ARC-3.1.6 (Development Within Sensitive Habitats) and ARC-3.1.7 (Site Design and Use Regulations). Alternatively, developing the replacement residence, which is sited outside of the seasonal creek abutting the property, would constitute comparatively less impact on adjacent sensitive habitats and would therefore be more consistent with the General Plan.

The summary vacation will not interfere with the public's access to adjacent properties or with any other public interest because the subject property, Ash Way, was never constructed as a road and has never provided public access. In addition, public safety and health would not be impacted by this summary vacation. The proposed vacation would likely have a minimal impact on the surrounding infrastructure and land

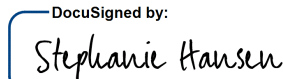
use. The action aligns with the Santa Cruz County General Plan's goals of sustainable land use patterns, efficient infrastructure planning, and preservation of community character, as previously discussed. Therefore, the vacation of Ash way can be considered consistent with the General Plan.

3. Would the disposition of the property be categorically exempt from CEQA?

Yes. The summary vacation of an undeveloped street right-of-way is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15312, Surplus Government Property Sales, and there is no reasonable possibility that summary vacation of this street easement will have a significant effect on the environment.

Please contact us if you have any questions regarding these recommendations.

Thank you,

DocuSigned by:


A34568E78B3343D...
Stephanie Hansen

Assistant Director

Community Development and Infrastructure

Attachments:

1. Aerial map of site (APN 085-161-21)
2. Assessor's Parcel Map excerpt (APN 085-161-21)



Attachment 1



Attachment 2