

RESOLUTION NO. 2072-07

**A RESOLUTION OF THE TOWN OF WINDSOR TOWN COUNCIL
SUMMARILY VACATING AN UNIMPROVED ALLEYWAY AND
AUTHORIZING THE TOWN MANAGER TO EXECUTE A QUITCLAIM DEED
FOR WINDSOR MILL (366 JOHNSON STREET)**

WHEREAS, pursuant to Streets & Highways Code §8334, the Town may summarily vacate excess street or highway access rights-of-way not required for street or highway purposes; and

WHEREAS, the owner of the Windsor Mill property has requested that the Town of Windsor vacate and quitclaim any interest the Town may have in a 15-foot strip of land (alleyway) which is more specifically described in Exhibit A and Exhibit B attached hereto and incorporated herein by reference; and

WHEREAS, it appears from the review of public records that there may have been intended a dedication of said alleyway to the public; and

WHEREAS, it is unclear whether or not the dedication of the alleyway, if any, was ever accepted by the County of Sonoma or the Town of Windsor; and

WHEREAS, said alleyway is not required for street purposes and its abandonment will not eliminate access to any person's property which adjoins said right-of-way; and

WHEREAS, pursuant to Streets & Highways Code Section 8333, the Town may summarily vacate public service easements; and

WHEREAS, Town wishes to vacate and quitclaim any interest that it may have in said alleyway as more specifically described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, said alleyway has not been used for the purpose for which it may have been dedicated or acquired for five consecutive years immediately preceding this proposed vacation and there are no public utility facilities within said alleyway; and

WHEREAS, said alleyway has been impassible for vehicular travel for five consecutive years and no public money has been expended for its maintenance during that period;

NOW, THEREFORE, BE IT RESOLVED that the Windsor Town Council finds that:

- (1) The specific alleyway to be vacated is more fully described in Exhibit A and shown in Exhibit B, attached hereto;
- (2) This vacation is made pursuant to §§ 8333 and 8334 of the Streets & Highways Code;

- (3) Said alleyway is not required for street purposes and said alleyway has not been used for the purpose for which may have been dedicated for five consecutive years immediately preceding the proposed vacation and there are no public utility facilities within said alleyway;
- (4) Said alleyway has been impassible for vehicular travel for five consecutive years and no public money has been expended for its maintenance during that period;

NOW, THEREFORE, BE IT FURTHER RESOLVED that based on these findings, and upon the date this Resolution is recorded, The Town Council of the Town of Windsor vacates any rights or interests that it may have in the above-described alleyway, more specifically described in Exhibit A and shown in Exhibit B, both attached hereto and incorporated by reference, and said alleyway is hereby vacated and does not constitute a public right-of-way or easement; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the Town Council authorizes the Town Manager, to execute and record with the Office of the County Recorder, a quitclaim deed for the alleyway; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the Town Clerk is ordered to record a certified copy of this Resolution in the Office of the Sonoma County Recorder at such time as the conditions set forth above are met.

PASSED, APPROVED AND ADOPTED this 20th day of June 2007, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, GOBLE, SALMON AND
MAYOR PRO TEM FUDGE**
NOES: NONE
ABSTAIN: NONE
ABSENT: MAYOR PARKER



DEBORA FUDGE, MAYOR PRO TEM

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachments:

Exhibit A – Legal Description
Exhibit B - Plat



CARLENZOLI
AND
ASSOCIATES

Civil Engineers - Land Surveyors - Planners


EXHIBIT "A"

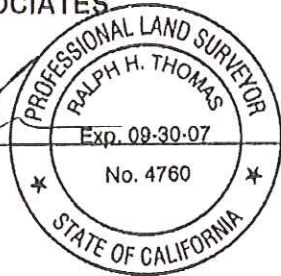
VACATION OF RIGHT OF WAY
OVER THE LANDS OF
CAL WAI MOULDINGS, INC.

BEING ALL THAT PORTION OF THE 15' RIGHT OF WAY OFFERED TO THE PUBLIC IN THAT DEED FILED IN BOOK 192 OF DEEDS AT PAGE 465, SONOMA COUNTY RECORDS LYING WITHIN THE LANDS OF CAL-WAI MOULDINGS, INC. AS DESCRIBED IN THAT GRANT DEED FILED UNDER DOCUMENT NO. 2004 103749, OFFICIAL RECORDS OF THE COUNTY OF SONOMA.

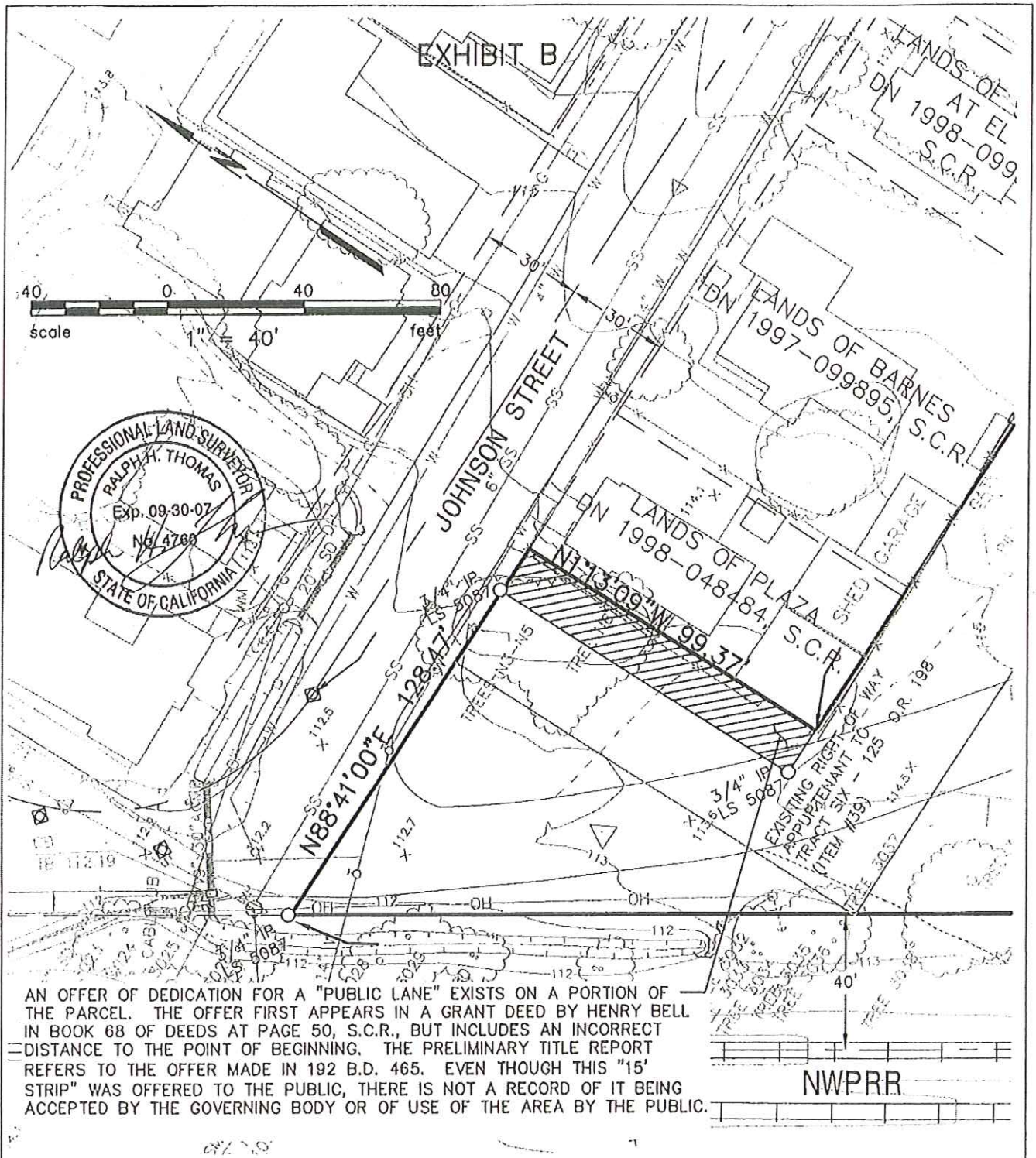
PREPARED BY:



CARLENZOLI AND ASSOCIATES


RALPH H. THOMAS
L.S. NO. 4760
LIC. EXP. 9/30/05



DATED: 11/8/05



DATE	NOV 2005	VACATION OF RIGHT OF WAY OVER THE LANDS OF CAL WALL MOULDINGS, INC.	 CARLENZOLI AND ASSOCIATES Civil Engineers - Land Surveyors - Planners 325 TESCONI CIRCLE, SANTA ROSA, CA 95401 (707) 542-6465 FAX (707) 542-1645 COPYRIGHT © 2005 CARLENZOLI
DRAWN BY	AEG		
JOB NO.	1960	 RALPH H. THOMAS LS 4760	

Plot Nov 08, 2005 at 3:41pm