The County of Yuba
Community Development and Services Agency

TO: Board of Supervisors
FROM: Community Development and Services Agency, Mike Lee
SUBJECT: Community Development and Services: Adopt resolution vacating a public road over a portion of Brophy Road, road number 376.
DATE: August 25, 2020
NUMBER: 233/2020

Recommendation

The Department of Public Works recommends adopting the attached resolution vacating that portion of Brophy Road which extends northerly from Hammonton-Smartsville Road into the Three Rivers Levee Improvement Authority’s 200 Year Goldfields Levee project area, as described and shown on the attached exhibits.

Background

Three Rivers Levee Improvement Authority is requesting Yuba County vacate that portion of Brophy Road, which is within the 200 Year Goldfields Levee project area. The landowners currently using Brophy Road will retain a private easement over the road running northerly from the north boundary of the new levee property and TRLIA will grant an access easement crossing the new levee to provide a connection to Hammonton-Smartsville Road and continued use by the private property owners. The land still requiring access is currently being used as orchards.

The portion of Brophy road to be vacated 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. The northerly terminus, being the east-west centerline for sections 11 and 12, is the southern boundary of the private property owned by Western Aggregates, as the Western Aggregate property includes the northeast quarter of section 11 and the north half of section 12 in Township 15 North Range 4 East, M.D.M., per Yuba County document number 1991R-005813 (the Western Aggregate property deed). The land north
of the proposed Brophy Road vacation is private property and does not have any current public access to the dredger ponds, as the nearest pond is approximately 500 feet north of the private property boundary line.

There is public access to some of the dredger ponds (goldfields) approximately 5 miles northeast of Brophy Road. The United States of America owns assessor’s parcel numbers 006-170-073 and 006-170-078, and Hammonton Road (a public right of way) runs through them. One of these two properties has portions of dredger ponds lying within it. An exhibit showing this point of public access is attached.

Discussion

Sections 8320 through 8325 of the Streets and Highways Code provides for the general vacation of a street or highway in either of the following ways:

1. On its own initiative, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

2. Upon a petition or request of an interested person, at the discretion of the legislative body, except as provided in subdivision (e) of Section 8321, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

The second option was utilized, as the request was made by the Three Rivers Levee Improvement Authority and the clerk of the board administratively set a hearing by fixing the date, hour, and place of the hearing and caused the publishing and posting of the notices required by this chapter.

Committee Action

The Land Use & Public Works Committee was bypassed due to time constraints as the TRLIA project began construction in May 2020.

Fiscal Impact

Reduced road maintenance cost by vacating 0.94 miles of road.

Attachments