



## City of Biggs

### Agenda Item Staff Report For the Regular City Council Meeting: July 9, 2013

TO: Honorable Mayor and Members of the City Council

FROM: City Administrator

SUBJECT: A Resolution Confirming the Status of the Right of Way between First and Second Street in the City of Biggs

#### **Background:**

Last October when the city experienced an equipment failure at the 2nd Street well there was a need to identify the location. This brought up a question of the city's property rights at the location. Later we found indications that the well is located in a ROW (right of way) that was dedicated circa 1889. More recently, staff wanted to identify the exact legal location of the ROW to consider the concept of expanding the well house to create a better location for equipment. This led staff to search for a better understanding of the ownership and the exact legal location of the ROW.

Complete records and map of the 1889 Right of Way dedication could not be located at the County or local title companies. A property title researcher could not find any evidence of a recorded legal description of the ROW. But there was sufficient information that could be used to create an accurate legal description of the dedication. The land is actually vested with the property owner to the North (Mathauser). The title researcher advises that the City pass a resolution to recognize and memorialize the Right of Way. The City Attorney drafted the attached resolution 13-26 for Council consideration.

This resolution will serve to memorialize the city's intentions for the right of way while staff explores other methods to record the existence of the right of way.

#### **Recommendation:**

Approve Resolution 13-26 Confirming the Status of the Right of Way between First and Second Street in the City of Biggs.

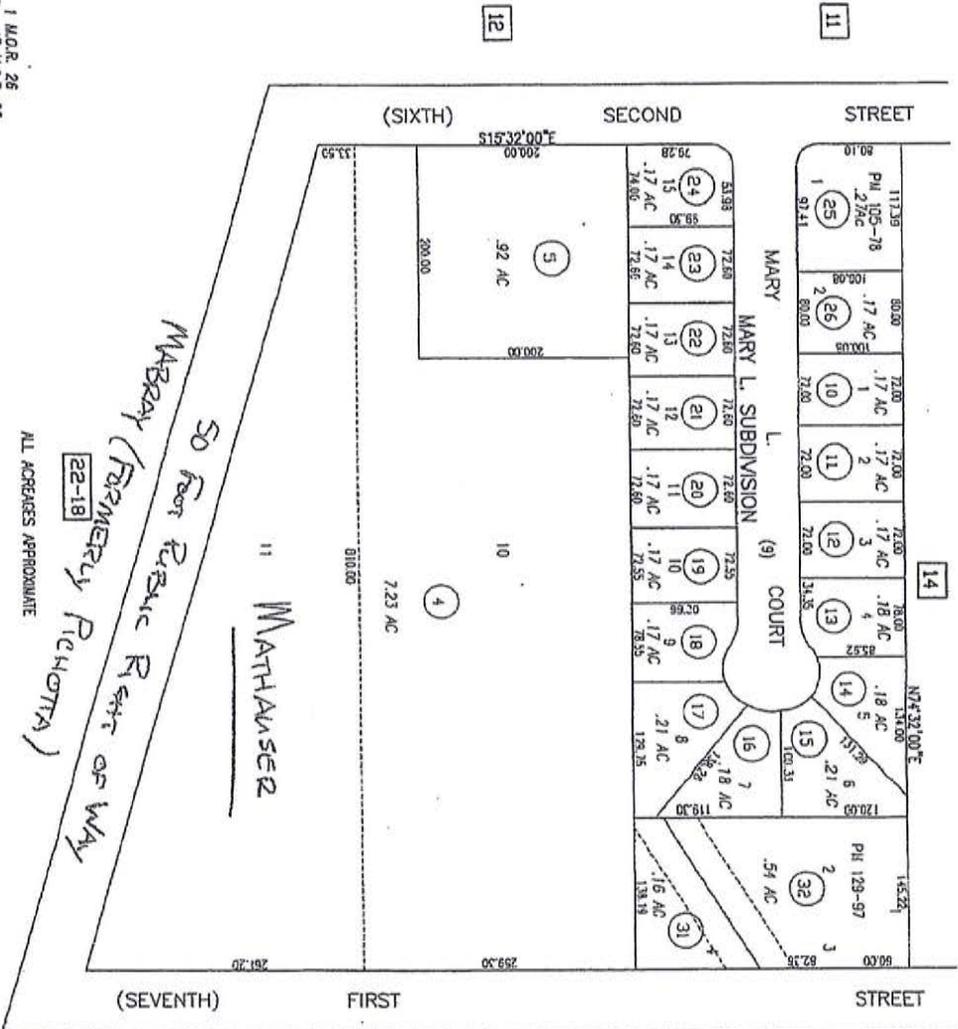
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Mark Sorensen, City Administrator

PITTS ADD. CITY OF BIGGS T.18N. R.2E. M.D.B.&M.

01-13

PITTS ADD. 1 M.O.R. 26  
MARY L. SUB. 43 M.O.R. 55



ALL ACREAGES APPROXIMATE

22-18

11

12

14

22-18



Butte County Assessor's Map  
Book 01, Page 13

NOTE: These graphics are for assessment purposes only and may not constitute legal parcels.

CREATED BY	CREATED ON
REMOVED BY	REMOVED ON
EFFECTIVE 2006-07 ROLL	
Pioneer Book - Parcel Of Page	
Generated By The Butte County Assessor's Office	

**RESOLUTION NO. 2013-26**

**A RESOLUTION OF THE CITY OF BIGGS  
CONFIRMING THE STATUS OF THE RIGHT OF WAY BETWEEN FIRST AND  
SECOND STREET IN THE CITY OF BIGGS**

The City Council of the City of Biggs does hereby resolve as follows:

**WHEREAS**, the City owns, operates and maintains a well (the Second Street Well) that lies on land dedicated for public purpose in approximately 1889 (Land). This Land has been used by the City in such capacity, without objection, for decades.

**WHEREAS**, this Land is depicted in the Exhibit A as that 50 foot public right of way running generally east to west between Second and First Streets.

**WHEREAS**, the Land is located in that portion of the North half of the Southwest quarter of Section 13, T18N, R2E, MDB&M lying between the southerly line and the southerly extension of the easterly and westerly lines of Subdivision No. 11 of the Pitts Addition to the Townsite of Biggs recorded February 13, 1888 in Book 1 of maps at page 26, Records of Butte County, CA.

**WHEREAS**, the Land is described as follows:

- a) The westerly line of the Land is approximately 55.13 feet long with a bearing of South 15 degrees 32 minutes East.
- b) The northerly and southerly lines are parallel with an approximately bearing of South 89 degree 22 minutes 47 seconds West (or South 89 degrees 44 minutes West.)
- c) The easterly line has a bearing of South 15 degrees 32 minutes East.

**NOW, THEREFORE, BE IT RESOLVED, THAT**

1. The Land, and any or all of it, shall continue to be deemed and determined as public right of way for the benefit of the City and, specifically, shall continue to be used by and for the City to support the ownership, use and maintenance of the Second Street well.
2. The statement set forth above is declarative of the City's historical use of the Land.

**I HEREBY CERTIFY** that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Biggs, held on the 9<sup>th</sup> day of June, 2013 by the following vote:

AYES: COUNCILMEMBER \_\_\_\_\_

NOES: COUNCILMEMBER \_\_\_\_\_

ABSENT: COUNCILMEMBER \_\_\_\_\_

ABSTAINED: COUNCILMEMBER \_\_\_\_\_

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Roben Dewsnup  
CITY CLERK

Roger L. Frith  
MAYOR