

RESOLUTION 2017-027

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA DECLARING ITS NOTICE OF INTENT TO VACATE APPROXIMATELY 555 SQUARE FEET OF BERRY STREET RIGHT OF WAY A SURPLUS SECTION OF BERRY STREET THAT FRONTS THE PROPERTY LOCATED AT 1341 BERRY STREET (APN 011-171-010)...(SV 2017-1)

WHEREAS, as part of the Berry Street Bridge Construction project, Berry Street will be realigned about 14-feet east to align better with the intersection of Berry/Washington/Third street; and

WHEREAS, as part of the negotiations with the Meyer residence at 1341 Berry Street (APN 011-171-010), the unused right-of-way (ROW) (about 555 sq. ft.) would be vacated by Calistoga and quitclaimed to the Meyers; and

WHEREAS, the vacated ROW will also reserve a non-exclusive utility easement for future access by Calistoga or other public utilities, in its entirety; and

WHEREAS, the City of Calistoga desires to vacate this right-of-way in order to facilitate the construction of the Berry Street Bridge; and

WHEREAS, the Meyers will allow the City (and its contractors) the use of the vacated property during bridge construction activities; and

WHEREAS, this action is not subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed vacations may have a significant effect on the environment; and

WHEREAS, after a meeting on April 4, 2017 whereby the City Council considered approval of a Notice of Intent to vacate a portion of Berry Street rights-of-way, the City Council found that:

1. A portion of surplus right-of-way will be created by the realignment of Berry Street at the intersection of Washington Street as part of the Berry Street Bridge Construction Project.
2. As part of the Temporary Construction Easement negotiations with the Meyer residence at 1341 Berry Street, the unused ROW (555 sq. ft.) would be vacated by Calistoga and quitclaimed to the Meyers.
3. This vacated ROW will also include a non-exclusive utility easement for future access by Calistoga or other public utilities, in its entirety.
4. The agreement includes authorization from the Meyers to allow the City (and its contractors) the use of the vacated property during bridge construction activities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Calistoga hereby finds and determines that a portion of Berry Street as described in Exhibits A and B attached to this resolution are unnecessary for future street purposes and declares its intent to consider its vacation.

NOW THEREFORE BE IT FURTHER RESOLVED that a public hearing will be held at the regularly-scheduled Planning Commission meeting on April 12th, and a public hearing will be held at the regularly-scheduled City Council meeting on May 2, 2017 for hearing all persons interested in or objecting to the proposed vacations.

PASSED AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **4th day of April 2017** by the following vote:

AYES: Councilmember Kraus, Vice Mayor Dunsford, Councilmembers Barnes and Lopez-Ortega and Mayor Canning
NOES: None
ABSTAIN: None
ABSENT: None



CHRIS CANNING, Mayor

ATTEST:


KATHY FLAMSON, City Clerk