

RESOLUTION 2017-042

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA VACATING A PORTION OF BERRY STREET RIGHT-OF-WAY (SV 2017-1) AND AUTHORIZATION TO QUITCLAIM THE VACATED RIGHT-OF-WAY TO GEORGE AND KATHLEEN W. MEYER

WHEREAS, the City of Calistoga desires to vacate a 555 sq. ft. section of Berry Street fronting property located at 1341 Berry Street (APN 011-171-010) to facility construction of the new Berry Street Bridge; and

WHEREAS, these proceedings are pursuant to and in accordance with Section 8300, et seq., of the California Streets and Highway Code; and

WHEREAS, on May 5, 2017, three notices stating the time and place of the public hearing were posted along the area of the proposed vacation as required by California Streets and Highways Code Section 8323 and Section 16.16.220 of the City's Municipal Code; and

WHEREAS, notices of the public hearing were published in the Calistoga Tribune as required by California Streets and Highways Code Section 8322; and

WHEREAS, after a public meeting on April 12, 2017, the Calistoga Planning Commission found that:

1. A 555 sq. ft. section of surplus right-of-way fronting 1341 Berry Street was created by the realignment of Berry Street at the intersection of Washington Street for the Berry Street Bridge Construction Project and is not required for public purposes.
2. This vacated ROW will also include a non-exclusive utility easement for future access by Calistoga or other utility agencies, in its entirety.

WHEREAS, at a public meeting on April 18, 2017 the City Council adopted Resolution 2017-032 affirming its intent to vacate a portion of the Berry Street ROW and set May 16, 2017 as the public hearing date to consider the vacation; and

WHEREAS, at a public meeting on May 16, 2017 the City Council considered the public record on this matter, including the written and oral staff reports, and testimony presented during the meeting; 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.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of Calistoga hereby finds that all of the findings contained in the staff report dated May 16, 2017 are true and correct and are hereby incorporated by reference.

SECTION 2. The City Council hereby finds and determines that no portions of

Berry Street as described in Exhibits A and B attached to this resolution are useful for non-motorized transportation facilities.

SECTION 2. The City Council hereby finds that the vacated ROW will also include a non-exclusive utility easement for future access by Calistoga or other utility agencies, in its entirety.

SECTION 3. The City Council orders the vacation of the right-of-way described in the legal descriptions set forth in Exhibit A and depicted in Exhibit B that are attached hereto and incorporated by reference.

SECTION 4. This vacation is completed in accordance with the provisions of the California Streets and Highways Code, Part 3, "Public Street, Highways and Service Easements Vacation Law", Chapter 3, "General Vacation Procedure" and Sections 12.32 and 16.16.220 of the Calistoga Municipal Code.

SECTION 5. Pursuant to California Streets and Highways Code Section 8325, the City Clerk shall cause a certified copy of this Resolution, attested by the Clerk under seal, to be recorded in the office of the County Recorder of the County of Napa. Upon such recordation, the vacation shall be complete.

SECTION 6. The City Council authorizes the City Manager to execute a quitclaim of the vacated right-of-way to George and Kathleen W. Meyer and directs the City Clerk to record the quitclaim deed in the office of the County Recorder of the County of Napa.

PASSED AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **16th day of May 2017** by the following vote:

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



CHRIS CANNING, Mayor

ATTEST:



KATHY FLAMSON, City Clerk