

RESOLUTION 2016-082

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA VACATING A PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENT WITHIN THE RANCHO DE CALISTOGA MOBILE HOME PARK LOCATED AT 2412 FOOTHILL BOULEVARD (SV 2016-1)

WHEREAS, the property at 2412 Foothill Boulevard (APN 011-410-018) includes a 60-foot wide public right-of-way and utility easement that is not needed for the city's street network or utilities, as shown on attached Exhibit B; and

WHEREAS, the Property Owner desires to vacate this right-of-way to remove the encumbrance now that the waterline has been relocated and the right-of-way is not needed; 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 September 16, 2016, the City Council preliminarily determined after a public hearing that the existing right-of-way is not necessary for roadway, utility or for other non-motorized purposes; and

WHEREAS, on October 3, 2016, three notices stating the time and place of the public hearing were posted along the area of the proposed vacation and realignment as required by California Streets and Highways Code Section 8323; and

WHEREAS, on October 7, 2016 and October 14, 2016, 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 hearing on July 27, 2016 at which the Planning Commission considered the public record, including the written and oral staff reports, and testimony presented, the Commission found that:

1. The 60-foot wide right-of-way and utility easement was a condition of approval placed upon the development of the Rancho de Calistoga Mobile Home Park and was created by an offer of dedication on August 19, 1971.
2. The Heather Oaks Subdivision to the north developed without consideration for the right-of-way, which now makes the construction of the roadway impractical.
3. The paper street is not needed for the city's street network and is not included in the modifications and improvements to Calistoga's street network called for by the General Plan's Circulation Element.
4. Circulation Element Action A1.1-2 calls for the City to cooperate with landowners to eliminate unnecessary "paper streets."

WHEREAS, at a public hearing on October 18, 2016, the City Council considered the public record on this matter, including the written and oral staff reports, and testimony presented; 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 October 18, 2016 are true and correct and are hereby incorporated by reference.

SECTION 2. The City Council hereby finds and determines that no portions of the right-of-way as described in Exhibit A attached to this resolution are useful for non-motorized transportation facilities or need to be reserved for public utility purposes.

SECTION 3. The City Council orders the vacation of the right-of-way and public utility easement described in the legal description set forth in Exhibit A that is 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.

PASSED AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **18th day of October 2016** by the following vote:

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



MICHAEL DUNSFORD, VICE MAYOR

ATTEST:


KATHY FLAMSON, City Clerk