

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Erik V. Lundquist, Senior Planner
DATE: March 1, 2011
SUBJECT: South Oak Street Public Access Easement Vacation and Realignment

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

1 **ISSUE:** Consideration of a Resolution approving a petition to vacate and realign an
 2 existing public pedestrian access easement located at 1722 Foothill Boulevard within the
 3 former South Oak Street right-of-way, between Myrtle Street and Foothill Boulevard, as
 4 marked and/or designated upon the "Morgan's Survey" recorded in the Napa County
 5 Recorders Office pursuant to Section 8300, et seq., of the California Streets and Highway
 6 Code.

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 8 **RECOMMENDATION:** Adopt Resolution.

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 10 **BACKGROUND:** On July 5th, 2006 the City Council adopted Resolution 2006-062
 11 declaring its intent to vacate the existing S. Oak Street right-of-way, between Myrtle Street
 12 and Foothill Boulevard, and set a time and date for a hearing on the matter. On August 1,
 13 2006 the City Council considered the matter and adopted Resolution 2006-68 determining
 14 that the portion of the S. Oak Street right-of-way was no longer needed for roadway
 15 purposes. However, the City Council did find the need to reserve a storm drainage easement
 16 since drainage facilities already existed. Additionally, the City Council also determined that a
 17 portion of the existing right-of-way would be useful as a nonmotorized transportation facility
 18 and further reserved a public pedestrian access easement, hereafter referred to as the "S. Oak
 19 Street Path," as shown on the attached *Exhibit 3 – Relocation of Pedestrian Easement*.

20
 21 **DISCUSSION:** On February 2, 2011 the City received a request from the property owner at
 22 1722 Foothill Boulevard, Robert Reichert to realign the S. Oak Street Path entirely within his
 23 property. Specifically, Mr. Reichert is requesting the S. Oak Street Path be relocated to run
 24 straight along his northwestern property line from Myrtle Street to Foothill Boulevard.
 25 Realigning the pathway would reduce an encumbrance on the property at 1805 Foothill

25 Boulevard, owner by Martha Naber and would lessen the conflict between the storm drain
26 easement and the pedestrian easement.

27

28 To realign the S. Oak Street Path the City must vacate public access rights to the affected
29 segment and the re-record public access rights over the realigned section, see Draft
30 Resolution. These actions are necessary to comply with the procedural requirements of the
31 California Government Code and Streets and Highways Code. These procedures are intended
32 to provide the public with the notice and opportunity to comment on the proposed changes to
33 the easement. Since the City Council previously adopted Resolution 2006-062 expressing its
34 intentions to reserve a public pedestrian access easement no subsequent action is necessary to
35 confirm the Council's intentions.

36

37 **FISCAL IMPACT:** No fiscal impact will occur to the City as a result of this action to vacate
38 and realign the S. Oak Street public pedestrian access easement.

39

40 **ATTACHMENTS:**

41

- 42 1. Draft Resolution
- 43 2. Letter from Mr. Reichert received February 2, 2011
- 44 3. Project Location Map
- 45 4. Relocation of Pedestrian Easement
- 46 5. City Council Resolution 2006-062 Intent to Vacate S. Oak Street
- 47 6. City Council Resolution 2006-068 S. Oak Street Vacation

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RESOLUTION NO. 2011-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, VACATING AND REALIGNING A TEN FOOT WIDE PUBLIC PEDESTRIAN ACCESS EASEMENT LOCATED SOLELY WITHIN THE PRIVATELY OWNED PROPERTY AT 1722 FOOTHILL BOULEVARD

1 **WHEREAS**, Robert Reichert, owner of the property located at 1722 Foothill
2 Boulevard (APN 011-191-001) has filed a petition to vacate and realign the public
3 pedestrian access easement located within the former South Oak Street right of way,
4 between Myrtle Street and Foothill Boulevard, as marked and/or designated upon the
5 "Morgan's Survey" recorded in the Napa County Records Office so that it is contained
6 solely within his property along the northwestern property line; and

7 **WHEREAS**, these proceedings are pursuant to and in accordance with Section
8 8300, et seq., of the California Streets and Highway Code; and

9 **WHEREAS**, on the 15th day of February 2011, notices stating the time and place of
10 the public hearing were posted along the area of the proposed vacation and realignment as
11 required by California Streets and Highways Code Section 8323; and

12 **WHEREAS**, on the 18th and 25th days of February 2011, notices of the hearing were
13 published in the Calistoga Tribune as required by California Streets and Highways Code
14 Section 8322; and

15 **WHEREAS**, on the 1st day of March 2011, a public hearing on this matter was held;
16 and

17 **WHEREAS**, the public pedestrian easement described in City Council Resolution
18 2006-068 is no longer needed for a present or prospective purpose once the ten foot wide
19 pedestrian pathway is realigned in conformance with *Exhibit A – Public Pedestrian Access*
20 *Easement*; and

21 **WHEREAS**, pursuant to Section 892(a) of the California Streets and Highways
22 Code, the City Council has determined that the realigned public pedestrian access
23 easement is useful as a nonmotorized transportation facility and it is purpose of this
24 reservation to ensure connectivity between residential districts; and

25 **NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of
26 Calistoga hereby finds that all of the findings contained in the staff report dated March 1,
27 2011 are true and correct and are hereby incorporated by this reference; and

28 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, as follows:

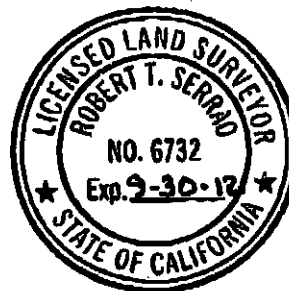
29 **SECTION 1.** The City Council of the City of Calistoga orders vacation of the public
30 pedestrian easement described in City Council Resolution 2006-068 once a ten foot wide
31 pedestrian pathway and its realignment and reservation in conformance with *Exhibit A –*
32 *Public Pedestrian Access Easement*.

33 **SECTION 2.** The City Council of the City of Calistoga reserves a public pedestrian
34 access easement in favor of the City and public agencies and private utility companies, and
35 their respective agents, employees, and representatives, for purposes of construction,
36 operation, maintenance, repair, removal and replacement of improvements for public
37 pedestrian purposes, further described in the legal description set forth in Exhibit "A" of
38 which is attached hereto and incorporated herein by reference.

EXHIBIT "A"

Public Pedestrian Access Easement

Commencing at the intersection of the northeastern line of Foothill Boulevard (formerly Main Street) with the centerline of South Oak Street, said point lying between Blocks "D" and "E" as said streets and blocks are delineated on the "Map of Calistoga, Showing its Extensions, Surroundings and the Hot Sulphur Springs, Napa County, California" surveyed by T.W. Morgan and filed March 1, 1871 in The Office of the County Recorder of the County of Napa, State of California; thence along said centerline of South Oak Street North 23°44' East 240.00 feet more or less to the southwestern line of Myrtle Street; thence southeasterly along said southwestern line 10.00 feet; thence parallel with and distant 10.00 feet easterly of said centerline of South Oak Street South 23°44' West 240.00 feet more or less to said northeastern line of Foothill Boulevard; thence northwesterly along said northeastern line 10.00 feet to the point of commencement.



A handwritten signature in black ink, appearing to read "Robert T. Serrao", written in a cursive style below the professional seal.