

City of Calistoga

Staff Report

10

TO: Honorable Mayor and City Council
FROM: Erik V. Lundquist, Senior Planner
DATE: September 6, 2016
SUBJECT: Rancho de Calistoga Right-of-way and Utility Easement Vacation

APPROVAL FOR FORWARDING:



Dylan Felk, City Manager

1 **ISSUE:** Consideration of the vacation of a public right-of-way and utility easement
2 within the Rancho de Calistoga Mobile Home Park located at 2412 Foothill Boulevard

3 **RECOMMENDATION:** Adopt a resolution declaring the Council's intent to consider the
4 vacation and set the matter for a public hearing on October 4, 2016

5 **BACKGROUND:** The Rancho de Calistoga Mobile Home Park was approved in 1970.
6 As a condition of approval, the developer was required to dedicate a 60-foot wide right-
7 of-way and utility easement extending from Cedar Street back to the shared property
8 line to the north. The offer of dedication was made on August 19, 1971. The subject
9 right-of-way and public utility easement is parcel three, as shown on Page 2 of
10 Attachment 3.

11 The right-of-way, at the time, was thought to be beneficial to connect a future street to
12 Kathy Way and Denise Drive. When the Heather Oaks Subdivision was created it did
13 not recognize the right-of-way and placed two lots next to the right-of-way making the
14 construction of the roadway impossible. However, the Heather Oaks Subdivision did
15 recognize the need for the utility easement and constructed a public water mainline from
16 Cedar Street to Kathy Way.

17 Inadvertently, the park manager's unit was installed within the public right-of-way and
18 utility easement over the existing waterline. As a result of the recent clubhouse
19 construction, the Public Works Department required the developers to abandon the
20 existing waterline and replace it next to the manager's unit with the benefit of a new
21 waterline easement. Now that the new waterline and associated easement have been
22 provided and it would be impossible to construct a through road in this location, the
23 public right-of-way and public utility easement that were created in 1971 is no longer
24 needed.

25 The process for street vacations is defined in Section 8300, et seq. of the California
26 Streets and Highway Code and Calistoga Municipal Code 16.16.220. A street vacation
27 is a legislative act, and, therefore, final action rests with the City Council. The Planning
28 Commission reviews each street vacation request for impacts on citywide circulation,
29 conformance with the General Plan Circulation Element and land uses.

30 Upon receipt of a recommendation from the Commission, the Council preliminarily
31 determines whether or not the existing right-of-way is necessary for roadway purposes
32 and/or if a portion of the existing right-of-way needs to be reserved for public utilities,
33 storm drains, sanitary sewer lines, water lines, etc. In addition to City reviewing the
34 need to reserve easements, the Council also determines whether or not the right-of-way
35 or parts thereof are useful as a non-motorized transportation facility.

36 Subsequent to this preliminary review, the Council adopts a resolution declaring the
37 intention to vacate the street or portions thereof. Upon adoption of the resolution, the
38 City will post a notice declaring this intent on the property and advertise the date of the
39 scheduled public hearing. Following the public hearing, the Council takes action on the
40 street vacation with the adoption of a resolution, which is recorded in the Office of the
41 County Recorder.

42 **DISCUSSION:** On July 27, 2016, the Planning Commission held a public hearing on
43 the proposed street vacation and determined that the construction and use of the
44 existing right-of-way is not included in the modifications and improvements to
45 Calistoga's street network called for by the General Plan's Circulation Element. In
46 addition, the utility easement is no longer necessary since the waterline has been
47 relocated and a new easement has been provided to accommodate the new location.
48 Therefore, abandonment of this right-of-way and public utility easement would be
49 consistent with the General Plan.

50 **ENVIRONMENTAL REVIEW:** The proposed rights-of-way vacations are exempt from
51 the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the
52 CEQA Guidelines, the "general rule" exemption, because it can be seen with certainty
53 that there is no possibility that the actions in question may have a significant effect on
54 the environment.

55 **FISCAL IMPACT:** The proposed vacation will facilitate the ongoing construction of the
56 new social hall and office, which will have a positive fiscal impact for the City and a
57 benefit to the Park residents.

ATTACHMENTS

1. Draft resolution
2. Location Map
3. Offer of Dedication (Book 857 Pages 888 to 890)
4. Waterline Easement recorded June 2015
5. Planning Commission Resolution No. 2016-11

RESOLUTION 2016-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA DECLARING ITS INTENT TO CONDUCT A PUBLIC HEARING ON THE VACATION A PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENT WITHIN THE RANCHO DE CALISTOGA MOBILE HOME PARK LOCATED AT 2412 FOOTHILL BOULEVARD (SV 2016-1)

1 **WHEREAS**, the property at 2412 Foothill Boulevard (APN 011-410-018) includes a
2 60-foot wide public right-of-way and utility easement that is not needed for the city's street
3 network or utilities, as shown on attached Exhibit B; and

4 **WHEREAS**, the Property Owner desires to vacate this right-of-way to remove the
5 encumbrance now that the waterline has been relocated and the right-of-way is not
6 needed; and

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

11 **WHEREAS**, after a public meeting on July 27, 2016 at which the Planning
12 Commission considered the public record, including the written and oral staff reports, and
13 testimony presented during the meeting, the Commission found that:

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

24 **WHEREAS**, no portions of these rights-of-way need to be reserved for public utility
25 purposes.

26 **NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of
27 Calistoga hereby finds and determines that the public right-of-way and utility easement
28 described in Exhibit A and shown on Exhibit B attached to this resolution is unnecessary
29 for street and utility purposes and declares its intent to consider their vacation.

30 **NOW THEREFORE BE IT FURTHER RESOLVED**, that a public hearing will be held
31 at the regularly-scheduled City Council meeting of October 4, 2016 for hearing all persons
32 interested in or objecting to the proposed vacations.

Resolution No. 2016-XXX
Rancho de Calistoga ROW Vacation (SV 2016-1)
Page 2 of 2

PASSED AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **6th day of September 2016** by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CHRIS CANNING, Mayor

ATTEST:

KATHY FLAMSON, City Clerk

ATTACHMENT 1

EXHIBIT A

A 60 foot wide Right of Way and Utility Easement more particularly described as follows:

Beginning at a found 3/4" iron pipe marking the Southerly end of a boundary line that bears North 27°10'45" East as said line is shown on the map entitled, "Record of Survey of Property of Walter Witt", filed for record November 14, 1963 in Book 11 of surveys at Page 43, Official Records, County of Napa; thence North 55°00'00" West, 18.44 feet to the True Point of Beginning; thence, from said True Point of Beginning, South 5°51'53" West, 55.48 feet; thence, along a curve to the left, having a radius of 20.00 feet, through a central angle of 75°31'17", an arc distance of 26.36 feet; to a point on the Northerly sideline of the 60 foot wide right of way described as Parcel One, in the "Offer of Dedication for Public Street and Utility Purposes" recorded August 19, 1971 in Book 857 Page 888, Official Records, County of Napa; thence, following said Northerly sideline, along a curve to the left, whose center of radius bears South 20°20'37" West, having a radius of 180.00 feet,, through a central angle of 26°13'10", an arc distance of 82.37 feet; thence, tangent to the preceeding curve, South 84°07'27" West, 9.51 feet; thence, leaving said Northerly sideline, along a curve to the left, whose center of radius bears North 5°52'33" West, having a radius of 20.00 feet, through a central angle of 78°15'34", an arc distance of 27.32 feet; thence, tangent to the preceeding curve North 5°51'53" East, 88.70 feet to a point on the Southerly boundary of Parcel "B" as shown on the aforementioned map; thence, Easterly along said boundary line South 55°00'00" East, 68.70 feet to the True Point of Beginning.

11-41

PN. 11-14

APR 1 2 2011

Tax Area Code
1000

THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS DEPICTED. FIRST AMERICAN EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON THIS MAP.

COUNTY ASSESSOR'S PARCEL MAP
PTN. CARNE HUMANA RANCHO

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100																																																																																																																																																																																																																																																																																																																																																												
106.41	108.41	110.41	112.41	114.41	116.41	118.41	120.41	122.41	124.41	126.41	128.41	130.41	132.41	134.41	136.41	138.41	140.41	142.41	144.41	146.41	148.41	150.41	152.41	154.41	156.41	158.41	160.41	162.41	164.41	166.41	168.41	170.41	172.41	174.41	176.41	178.41	180.41	182.41	184.41	186.41	188.41	190.41	192.41	194.41	196.41	198.41	200.41	202.41	204.41	206.41	208.41	210.41	212.41	214.41	216.41	218.41	220.41	222.41	224.41	226.41	228.41	230.41	232.41	234.41	236.41	238.41	240.41	242.41	244.41	246.41	248.41	250.41	252.41	254.41	256.41	258.41	260.41	262.41	264.41	266.41	268.41	270.41	272.41	274.41	276.41	278.41	280.41	282.41	284.41	286.41	288.41	290.41	292.41	294.41	296.41	298.41	300.41	302.41	304.41	306.41	308.41	310.41	312.41	314.41	316.41	318.41	320.41	322.41	324.41	326.41	328.41	330.41	332.41	334.41	336.41	338.41	340.41	342.41	344.41	346.41	348.41	350.41	352.41	354.41	356.41	358.41	360.41	362.41	364.41	366.41	368.41	370.41	372.41	374.41	376.41	378.41	380.41	382.41	384.41	386.41	388.41	390.41	392.41	394.41	396.41	398.41	400.41	402.41	404.41	406.41	408.41	410.41	412.41	414.41	416.41	418.41	420.41	422.41	424.41	426.41	428.41	430.41	432.41	434.41	436.41	438.41	440.41	442.41	444.41	446.41	448.41	450.41	452.41	454.41	456.41	458.41	460.41	462.41	464.41	466.41	468.41	470.41	472.41	474.41	476.41	478.41	480.41	482.41	484.41	486.41	488.41	490.41	492.41	494.41	496.41	498.41	500.41	502.41	504.41	506.41	508.41	510.41	512.41	514.41	516.41	518.41	520.41	522.41	524.41	526.41	528.41	530.41	532.41	534.41	536.41	538.41	540.41	542.41	544.41	546.41	548.41	550.41	552.41	554.41	556.41	558.41	560.41	562.41	564.41	566.41	568.41	570.41	572.41	574.41	576.41	578.41	580.41	582.41	584.41	586.41	588.41	590.41	592.41	594.41	596.41	598.41	600.41	602.41	604.41	606.41	608.41	610.41	612.41	614.41	616.41	618.41	620.41	622.41	624.41	626.41	628.41	630.41	632.41	634.41	636.41	638.41	640.41	642.41	644.41	646.41	648.41	650.41	652.41	654.41	656.41	658.41	660.41	662.41	664.41	666.41	668.41	670.41	672.41	674.41	676.41	678.41	680.41	682.41	684.41	686.41	688.41	690.41	692.41	694.41	696.41	698.41	700.41	702.41	704.41	706.41	708.41	710.41	712.41	714.41	716.41	718.41	720.41	722.41	724.41	726.41	728.41	730.41	732.41	734.41	736.41	738.41	740.41	742.41	744.41	746.41	748.41	750.41	752.41	754.41	756.41	758.41	760.41	762.41	764.41	766.41	768.41	770.41	772.41	774.41	776.41	778.41	780.41	782.41	784.41	786.41	788.41	790.41	792.41	794.41	796.41	798.41	800.41	802.41	804.41	806.41	808.41	810.41	812.41	814.41	816.41	818.41	820.41	822.41	824.41	826.41	828.41	830.41	832.41	834.41	836.41	838.41	840.41	842.41	844.41	846.41	848.41	850.41	852.41	854.41	856.41	858.41	860.41	862.41	864.41	866.41	868.41	870.41	872.41	874.41	876.41	878.41	880.41	882.41	884.41	886.41	888.41	890.41	892.41	894.41	896.41	898.41	900.41	902.41	904.41	906.41	908.41	910.41	912.41	914.41	916.41	918.41	920.41	922.41	924.41	926.41	928.41	930.41	932.41	934.41	936.41	938.41	940.41	942.41	944.41	946.41	948.41	950.41	952.41	954.41	956.41	958.41	960.41	962.41	964.41	966.41	968.41	970.41	972.41	974.41	976.41	978.41	980.41	982.41	984.41	986.41	988.41	990.41	992.41	994.41	996.41	998.41	1000.41



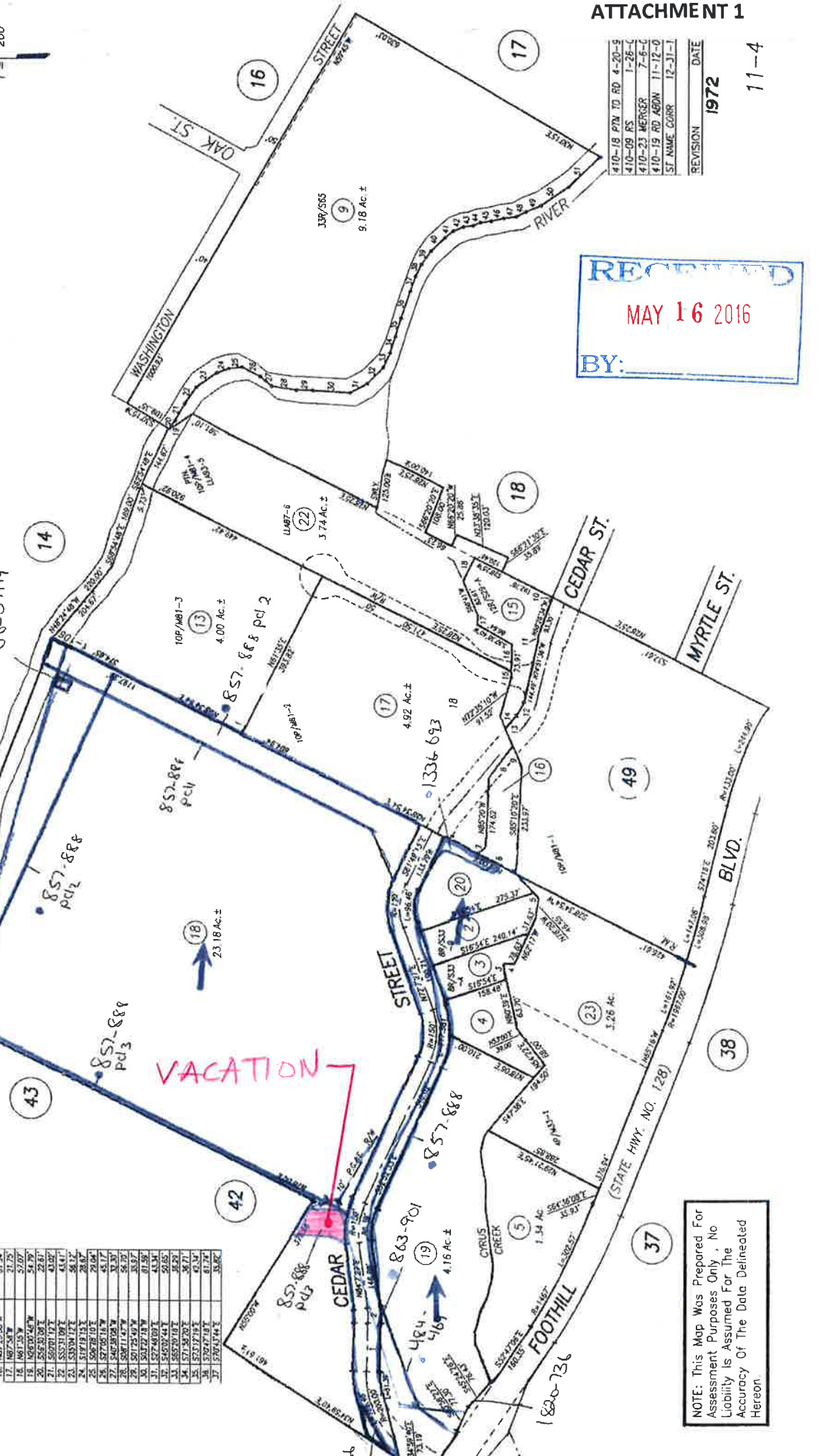
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857-888 pd1
857-888 pd2
857-888 pd3

VACATION

857-888 pd4
863-901
484-469

1820-736



REVISION	DATE
410-18 PIN TO RD	4-20-09
410-09 RS	1-28-0
410-23 MERGER	7-6-0
410-19 RD ABAND	11-12-0
ST NAME CORR	12-31-1

1972

11-4

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BY:

NOTE: This Map Was Prepared For Assessment Purposes Only. No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.