

RESOLUTION 2017-032

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, RESCINDING RESOLUTION 2017-027 AND ADOPTING A RESOLUTION AFFIRMING THE CITY COUNCIL'S INTENT TO VACATE APPROXIMATELY 555 SQUARE FEET OF BERRY STREET RIGHT OF WAY FRONTING 1341 BERRY STREET (APN 011-171- 010) AND SETTING THE PUBLIC HEARING DATE OF MAY 16, 2017

WHEREAS, On April 4, 2017 the City Council adopted Resolution No. 2017-027 providing notice of the City's intent to vacate approximately 555 square feet of Berry Street Right-of-Way (ROW) that fronts property located at 1341 Berry Street (APN 011-171-010) (SV 2017-01); 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 ROW, the City Council found that:

1. Surplus ROW 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 Meyers (residence located at 1341 Berry Street) a portion of the unused ROW (555 sq. ft.) would be vacated by the City of Calistoga and quitclaimed to the Meyers.
3. The vacated ROW, in its entirety, would include a non-exclusive utility easement for future access by the City of Calistoga or other public utilities.
4. The negotiated settlement agreement includes authorization from the Meyers to allow the City (and its contractors) the use of the vacated ROW during bridge construction activities.

WHEREAS, Resolution 2017-027 set the Public Hearing date of May 2, 2017 to receive testimony regarding the proposed ROW vacation; and

WHEREAS, Due to a lack of Council majority that will be able to take action at the Public Hearing scheduled for May 2, 2017, it is necessary to reschedule the Public Hearing to May 16, 2017; 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, that the City Council of the City of Calistoga hereby finds and determines that a portion of Berry Street ROW 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, subject to the reservation of a non-exclusive public utility easement.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council rescinds Resolution 2017-027 and adopts this Resolution affirming the City's intent to vacate a portion of the Berry Street ROW and that a Public Hearing will be held at the regularly scheduled City Council meeting on May 16, 2017 for hearing all persons interested in or objecting to the proposed ROW vacation.

PASSED AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **18nd day of April 2017** by the following vote:

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



CHRIS CANNING, Mayor

ATTEST:



KATHY FLAMSON, City Clerk