

RESOLUTION R2023-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, A RESOLUTION OF NECESSITY TO AUTHORIZE COMMENCEMENT OF LITIGATION TO ACQUIRE BY EMINENT DOMAIN PORTIONS OF THE PROPERTY LOCATED AT 2437 TROWER AVENUE ("MAROF PROPERTY") THAT ARE NEEDED FOR THE TROWER AVENUE WIDENING PROJECT; TO SEEK AN ORDER OF POSSESSION FOR THE MAROF PROPERTY (CODE OF CIVIL PROCEDURE SECTION 1245.220); AND TO DETERMINE THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION

WHEREAS, the City Council has determined that the City of Napa ("City") needs to acquire certain property interest to construct the Trower Avenue Widening Project ("Project"); and

WHEREAS, a key objective of the Linda Vista Specific Plan Area No. 3 adopted by City Council Resolution 88-54 dated March 1, 1988, is to ensure adequate infrastructure is constructed when needed for continued development of the area; and

WHEREAS, development activity along Trower Avenue has improved all of the street to its ultimate width; the remaining 290 feet provides frontage to four privately-owned parcels along the south side of Trower Avenue that have not developed since the adoption of the specific plan; and

WHEREAS, the Project involves the widening the southside of the street for a length of approximately 290 feet, installing street improvements, undergrounding existing utilities, restriping travel lanes, and installing a Class II Bicycle Lane; and

WHEREAS, the new, widened roadway will offer improved safety by increasing sight lines of oncoming traffic at the driveways. The new sidewalk, curb and gutter will provide a fully connected system for both pedestrian and bicycle facilities; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

ATTACHMENT 5

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby determines that the potential environmental effects of the actions authorized by this Resolution were adequately analyzed by the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program in conjunction with the Trower Avenue Widening Project adopted by City Council February 20, 2018, by Resolution R2018-021.

3. The City intends to construct the Trower Avenue Widening Project (the "Project"), which improves public safety and adequate infrastructure to support development for the Linda Vista Specific Plan Area. The Project is for public use.

4. To complete construction on the Project, the City desires to acquire a portion of Assessor Parcel No. 007-172-018, consisting of approximately 1,635 square feet on privately owned property, and more particularly described and shown on Exhibit A and Exhibit B attached to this Resolution and incorporated herein ("Property"). The Property is necessary to the completion of the Project.

5. The City must also acquire a temporary construction easement ("Easement") on a portion of Assessor Parcel No. 007-172-018, consisting of approximately 462 square feet on privately owned property, and more particularly described and shown on Exhibit C and Exhibit D attached to this Resolution and incorporated herein. The Easement is necessary to the completion of the Project. The Easements shall be for non-exclusive use for up to twelve calendar months from the date the City obtains possession or the date that the City completes construction of the Project, whichever occurs first for actual construction work purposes, including to allow construction of sidewalk improvements, conform grading and underground of existing overhead utility services.

6. The City is authorized to acquire the Property and Easements by eminent domain for the public use set forth herein in accordance with the California Constitution, Article 1, Section 19; the California Eminent Domain Law, Code of Civil Procedure Section 1230.010 et seq., including, but not limited to, sections 1240.010 through 1240.050 inclusive, and sections 1240.110, 1240.120, 1240.220, 1240.320, 1240.330, 1240.350, 1240.410, 1240.510, 1240.610, 1240.650; Government Code Sections 37350.5, Streets and Highway Code Section 10102, and other provisions of law.

7. On September 28, 2023, the City mailed a Notice of Intention to Adopt a Resolution of Necessity for acquisition by eminent domain of the Property and Easement, which notice is attached hereto as Exhibit E, and incorporated herein. The Notice of Intention was mailed to all persons whose name(s) appear on the last Equalized County Assessment Roll as having an interest in the Property and Easement, and to the addresses appearing on the Roll. The Notice of Intention advised

the persons of their right to be heard on the matters referred to in the notice on the date and at the time and place stated.

8. The hearing referenced in the Notice of Intention was held on October 17, 2023, at the time and place stated in the Notice of Intention. All interested parties were given an opportunity to be heard. The hearing was then closed.

9. Based upon the evidence presented at the hearing, the City Council of the City of Napa finds, determines, declares, and resolves each of the following:

- A. The public interest and necessity require the proposed Project;
- B. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- C. The interests in the Property and Easement sought to be acquired by eminent domain are necessary for the proposed Project;
- D. The City has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property described herein, as well as any other matter regarding the right to take said property by eminent domain, including but not limited to, making the offer required by Government Code Section 7267.2(a); and
- E. The City has fully complied with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., for acquiring the property described herein when the City on February 20, 2018, approved the Preliminary Design and Mitigated Negative Declaration and Mitigation Monitoring Reporting Program in conjunction with the Trower Avenue Widening Project.

10. The City Attorney is hereby authorized to acquire in the name of the City the Property and Easement described in this Resolution in accordance with the provisions of California Eminent Domain Law, to commence an action in eminent domain, to deposit the probable amount of compensation with the State Treasury, to apply to the Superior Court for an order permitting the City to take immediate possession and make immediate use of the Property and Easement for the Project, and to take all necessary steps to acquire the Property and Easement under the law.

List of Exhibits:

- A. Legal Description of the Property
- B. Map Showing Property
- C. Legal Description of the Easement
- D. Map Showing Easement
- E. Notice

ATTACHMENT 5

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 17th day of October 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney