

RESOLUTION R2020-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING THE SUMMARY ABANDONMENT OF A PORTION OF A WATER LINE EASEMENT NO LONGER USED FOR THE PURPOSE FOR WHICH IT WAS ACQUIRED, AFFECTING PROPERTY LOCATED AT 1802 SILVERADO TRAIL (APN 052-071-011), AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, a search of title records has revealed that the real property located at 1802 Silverado Trail is encumbered by a water line easement granted to the Napa City Water Company pursuant to that certain easement recorded December 16, 1885 in Book 39 of Deeds at page 100, Napa County Official Records (the "Subject Easement") attached as Exhibit "A," and incorporated herein by reference; and

WHEREAS, the Subject Easement encumbers several properties, one of which is the property located at 1802 Silverado Trail (the "Encumbered Parcel"); and

WHEREAS, the assets of the Napa City Water Company were acquired by the City of Napa and conveyed to the City of Napa by way of that certain document recorded October 31, 1922 in Book 137 of Deeds at page 298, Napa County Official records; and

WHEREAS, the City of Napa has no existing water lines or other water related infrastructure on the Encumbered Parcel, and the portion of the Subject Easement located on the Encumbered Parcel is no longer needed for City operations; and

WHEREAS, the City Council is authorized to summarily vacate the portion of the Subject Easement located on the Encumbered Parcel pursuant to California Streets and Highways Code Section 8333(a) since the portion of the Subject Easement located on the Encumbered Parcel has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; 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:

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.

## ATTACHMENT 1

2. The City Council hereby determines that the actions authorized by this Resolution are exempt from CEQA pursuant to CEQA Guidelines Section 15301 (minor alteration of existing facilities).

3. The City Council hereby finds, consistent with Streets and Highways Code Section 8333(a), that the portion of the Subject Easement (attached as Exhibit "A") located on the Encumbered Parcel has not been used for the purpose for which it was acquired for five consecutive years immediately preceding the proposed abandonment and vacation.

4. Pursuant to Streets and Highways Code Division 9, Part 3, Chapter 4 (particularly Section 8335), the City Council hereby vacates and abandons the portion of the Subject Easement (attached as Exhibit "A") located on the Encumbered Parcel (generally located at 1802 Silverado Trail).

5. The City Council hereby authorizes the City Manager (or designee, the City Property Manager) to execute and process all documents necessary to implement the abandonment of the portion of the Subject Easement located on the Encumbered Parcel authorized by this Resolution.

6. The City Council hereby authorizes the City Manager (or designee, the City Property Manager) to record this Resolution of Abandonment in the Office of the County Recorder of Napa County.

7. Upon recordation of this Resolution of Abandonment, the portion of the Subject Easement attached as Exhibit "A" located on the Encumbered Parcel shall no longer constitute a public water line easement.

8. This Resolution shall take effect immediately upon its adoption.

**ATTACHMENT 1**

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 20<sup>th</sup> day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney