

**RESOLUTION R2020-\_\_**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING THE SUMMARY ABANDONMENT OF A PORTION OF SECOND STREET BETWEEN MAIN STREET AND THE NAPA RIVER THAT IS EXCESS RIGHT-OF-WAY OF A STREET OR HIGHWAY NOT REQUIRED FOR STREET OR HIGHWAY PURPOSES, AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, the portion of Second Street right-of-way lying between Main Street and the Napa River and between Veterans Park and Downtown Joe's Brewery and Restaurant (the "Subject Easement") was created by the filing of the Map of Napa City on November 28, 1853, recorded in Book B of Deeds at page 433, Napa County Official Records; and

WHEREAS, the boundaries of the Subject Easement are defined by the Legal Description set forth in Exhibit "A," attached hereto and incorporated herein by reference, and are graphically depicted by the "Second St. Portion for Abandonment (12,045 sq. ft., 0.276 ac.) also set forth in Exhibit "A"; and

WHEREAS, the Subject Easement has not been used for public street or highway purposes for several years, and more recent flood project improvements and the reconstruction of Veteran's Park preclude the use of the Subject Easement for public street or highway purposes; and

WHEREAS, the Subject Easement is excess right-of-way of a street or highway not required for street or highway purposes; and

WHEREAS, the City Council is authorized to summarily vacate the Subject Easement pursuant to California Streets and Highways Code Section 8334(a) since the Subject Easement is excess right-of-way of a street or highway not required for street or highway purposes; 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 8334(a), that the Subject Easement (identified on Exhibit "A") is excess right-of-way of a street or highway not required for street or highway purposes.

4. Pursuant to Streets and Highways Code Division 9, Part 3, Chapter 4 (particularly Section 8335), the City Council hereby vacates and abandons the Subject Easement (identified on Exhibit "A"), reserving therefrom, for the benefit of the Napa County Flood Control and Water Conservation District, that certain Flood Protection Levee Easement granted to the Napa County Flood Control and Water Conservation District, recorded August 10, 2005, as Instrument No. 2005-0032209, Napa County Official Records.

5. The herein described abandonment shall not affect or extinguish any other property rights held by the Napa County Flood Control and Water Conservation District.

6. The City Council hereby authorizes the City Manager (or designee) to execute all related documents and take all actions necessary to implement the abandonment of the herein described Subject Easement authorized by this Resolution.

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

8. Upon recordation of this Resolution of Abandonment, the Subject Easement (identified on Exhibit "A") shall no longer constitute a public right of way.

9. 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 17<sup>th</sup> day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Tiffany Carranza  
City Clerk

Approved as to form:

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Michael W. Barrett  
City Attorney