

RESOLUTION R2018-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING SUMMARY VACATION AND ABANDONMENT OF A PIPE LINE EASEMENT AND RIGHT OF WAY ON PROPERTY OWNED BY SILVERADO RESORT INVESTMENT GROUP, LLC (APNS 060-010-001 AND 061-131-003), AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, a 3-foot wide Pipe Line Easement for Right of Way was granted from Harold G. Garrard to the City of Napa by that certain Agreement and Grant of Easement recorded September 27, 1954 in Book 453, at page 169, Napa County Official Records, a portion of which encumber portions of the property identified as Napa County Assessor's Parcel Numbers 060-010-001 and 061-131-003; and

WHEREAS, said portions of the 1954 easement that encumber Napa County Assessor's Parcel Numbers 060-010-001 and 061-131-003 are described on Exhibit "A" and herein identified as the "Subject Easement"; and

WHEREAS, the Subject Easement is also identified as "20' WATER LINE ESM'T 453 OR 174" on that certain Record of Survey Map titled "*Boundary of Silverado Golf Course, Portion of Lands of Silverado Properties Book 751, Page 440 & Portion of Lands of Westgate Factors Book 739, Page 230*" filed for record September 22, 1967 in Book 13 of Surveys, at pages 81-84; and

WHEREAS, the location of the Subject Easement conflicts with a lot line adjustment of said encumbered property, and pending sale and development of one of the adjusted parcels; and

WHEREAS, Silverado Resort Investment Group, LLC, owner of the property encumbered by the Subject Easement has requested the abandonment and vacation of the Subject Easement that encumbers their property; and

WHEREAS, the City of Napa no longer uses the Subject Easement proposed for abandonment and vacation because its water pipe lines were relocated in the 1960's; and

WHEREAS, the abandonment of the Subject Easement qualifies for a summary abandonment under California Streets and Highways Code Section 8333(c) because the Subject Easement has been superseded by relocation; and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.

ATTACHMENT 1

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.

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. Pursuant to California Streets and Highways Code Section 8335, the City Council hereby vacates and abandons the Subject Easement, more particularly described and shown on Exhibit "A". The abandonment of the Subject Easement qualifies for a summary abandonment under California Streets and Highways Code Section 8333(c) because the Subject Easement has been superseded by relocation. All entities having any right, title, or interest in the Subject Easement being vacated have been notified of this action.

4. The City Council hereby authorizes the Property Manager to process the herein described vacation and abandonment and execute any additional documents necessary to complete the herein described vacation and abandonment.

5. The City Council hereby authorizes the recordation of this Resolution of Abandonment in the Office of the County Recorder of Napa County and, upon the recordation of said Resolution of Abandonment, the Subject Easement described and shown on Exhibit "A" shall no longer constitute a public Easement and Right of Way for Pipe Line purposes.

6. 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 17th day of July, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Dorothy Roberts
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney