

**RESOLUTION R2020-\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING THE CONDITIONAL ABANDONMENT OF PORTIONS OF WATER STREET IN SUPPORT OF THE FIRST AND OXBOW HOTEL PROJECT (PL16-0124) LOCATED ON THE PARCELS BOUND BY SOSCOL AVENUE, FIRST STREET, MCKINSTRY STREET, AND WATER STREET, AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION WERE ADEQUATELY ANALYZED BY A PREVIOUS CEQA ACTION**

WHEREAS, the portions of Water Street located between Soscol Avenue and McKinstry Street (the "Subject Easement") were created with the filing of the map of Cornwell's Addition to Napa City on March 11, 1852; and

WHEREAS, PT-Five Investments, LP, and Foxbow Development, LLC, (collectively, the "Developer") own the majority of the parcels of property within the two-block area bound by Soscol Avenue, First Street, McKinstry Street, and Water Street (APNs 003-235-003, 003-235-004, 003-235-005, 003-235-006, 003-241-003 and 003-241-006), and have submitted an application for the development of their properties into the First and Oxbow Hotel Project, Project No. PL16-0124, (the "Project"); and

WHEREAS, Developer has requested that the City abandon the Subject Easement in order to incorporate the Subject Easement into the Project; and

WHEREAS, the Subject Easement is not necessary for public right-of-way purposes and is excess to the City's needs, provided that a Public Utility Easement is reserved to accommodate existing public utilities and a Public Pedestrian Access Easement is reserved to accommodate a path of public access to the Napa River, as proposed; and

WHEREAS, as documented in the Initial Study/Addendum for the First and Oxbow Gateway Project dated June 2020 that was prepared as an addendum to the Downtown Napa Specific Plan Environmental Impact Report (SCH#20100042043) certified by the City Council by Resolution No. R2012-54 ("DNSP EIR"), the potential environmental impacts of the Project, including the abandonment, were adequately analyzed and addressed by the DNSP EIR and no further environmental review is required pursuant to CEQA Guidelines Sections 15162, 15164, and 15168; 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 potential environmental impacts of the Project were adequately analyzed and addressed by the Initial Study/Addendum for the First and Oxbow Gateway Project dated June 2020 that was prepared as an addendum to the Downtown Napa Specific Plan Environmental Impact Report (SCH#20100042043) certified by the City Council by Resolution No. R2012-54 ("DNSP EIR"), and no further environmental review is required pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

3. The City Council hereby finds, based on the evidence summarized in this Resolution, and pursuant to California Streets and Highways Code Section 8324, that the Subject Easement, as described on Exhibit A and shown on Exhibit B attached hereto and incorporated herein by reference, is unnecessary for present or prospective public use, subject to the reservation of a Public Utility Easement and Public Pedestrian Access Easement as described in Exhibit A and shown on Exhibit B attached hereto and incorporated herein by reference (collectively, the "Public Service Easements").

4. The City Council hereby vacates and abandons the Subject Easement as more particularly described on Exhibit A and shown on Exhibit B, reserving therefrom the Public Service Easements more particularly described on Exhibit A and shown on Exhibits B, attached hereto and made a part hereof, subject to the following conditions:

A. Developer shall ensure the completion of conveyances of reciprocal access easements amongst the adjoining property owners so that no parcel of land is landlocked by the herein described abandonment and vacation, and access to all parcels fronting the Subject Easement is assured, and Developer shall provide City evidence of the completion of said reciprocal access easements.

B. Developer shall grant any additional easement rights to any public utility agency as may be required by such public agency in order to protect or access any utilities or facilities affected by the abandonment and vacation of the Subject Easement not already accommodated by the reservation of the Public Utility Easement as described herein provided any such additional grant of easement rights does not interfere with Developer's Project.

C. Developer shall remove the necessary existing public street improvements and construct the revised public street frontage improvements consisting of curb, gutter, sidewalk, and a driveway approach or alternative band of hard surface material at the easterly limit of the Subject Easement as necessary to distinguish the transition from a public street to a private street.

## ATTACHMENT 1

D. Developer shall disconnect and properly cap or reconnect all public utilities located within the Subject Easement but outside of any reserved utility easements including, but not limited to, distribution mains, service lines, meters, light poles, and hydrants, and developer shall deliver all above ground utility facilities to the utility owner.

5. Upon satisfaction of the conditions set forth in Section 4 of this Resolution, the City Manager or authorized designee is hereby authorized to record this Resolution in the Office of the County Recorder of the County of Napa and, upon said recordation, the Subject Easement described on Exhibit A and shown on Exhibit B shall no longer constitute a public street or highway, but will remain subject to the reservation of the Public Service Easements described on Exhibit A and shown on Exhibit B.

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

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

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:

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