

**RESOLUTION R2020-\_\_**

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

WHEREAS, a Permanent Slope Easement was granted to the City of Napa adjacent to the public right of way of Soscol Avenue and First Street as filed with the Napa County Recorder's office under document number 2005-0024974 on June 23, 2005 (Subject Easement); 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 to construct the Project; and

WHEREAS, the Subject Easement is not necessary based on the preliminary design of the Project to be at-grade with the back of sidewalk on Soscol Avenue and First Street; 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.

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

## ATTACHMENT 1

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, consistent with Streets and Highways Code Section 8333(c), that the Subject Easement (attached as Exhibits "A" and "B") is an excess public service easement and that no other public facilities are located within the Subject Easement.

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

A. Developer shall complete construction of the Project as defined and described in the conditions of approval for the Project entitlements.

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 in Exhibit "A" and shown on Exhibit "B" shall no longer constitute a Permanent Slope Easement.

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:

## ATTACHMENT 1

ABSENT:

ABSTAIN:

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

Approved as to form:

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