



Staff Reports Details (With Text)

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**Title:** Summary Abandonment of a Portion of Second Street Between Main Street and the Napa River

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**Attachments:** 1. ATCH 1 - Resolution, 2. EX A - Subject Easement

Date	Ver.	Action By	Action	Result
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To: Honorable Mayor and Members of City Council

From: Julie Lucido, Public Works Director

Prepared By: Jeff Freitas, Property Manager

**TITLE:**

Summary Abandonment of a Portion of Second Street Between Main Street and the Napa River

**RECOMMENDED ACTION:**

Adopt a resolution 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.

**DISCUSSION:**

There is a portion of Second Street right-of-way approximately one block in length, lying between Main Street and the Napa River, and between Veterans Park and Downtown Joe’s Brewery and Restaurant (the “Subject Easement”) that is excess right-of-way of a street or highway not required for street or highway purposes. The Subject Easement was created by the filing of the Plan of Napa City on November 28, 1853, recorded in Book B of Deeds at page 433, Napa County Official Records.

The Subject Easement has not been used for public street purposes for decades. Over the past several years, in connection with the flood control project, several improvements in the area have been constructed including the flood wall, the pedestrian promenade, and the reconstruction of Veteran’s Park. The improvements for Veteran’s Park are constructed to the centerline of the Subject Easement. All of these improvements provide public access to the river area. The flood control improvements also render the Subject Easement unusable and unnecessary for public street

purposes. Similarly, Downtown Joe's Brewery and Restaurant has utilized the northerly half of the Subject Easement as an outdoor dining area for many years.

The adjoining ownerships own the underlying fee simple interest of the Subject Easement to the centerline of Second Street. Upon abandonment, the fee simple interest of the adjoining ownerships would become unencumbered by the public right of way and the adjoining ownerships will regain use and control of their respective properties. Therefore, following abandonment, the City will retain ownership of the underlying fee for the portion of the Subject Easement that is south of the centerline of Second Street, and is currently being used as a part of Veteran's Park.

The proposed abandonment of the Subject Easement is not intended to extinguish any property rights acquired by the Napa County Flood Control and Water Conservation District ("District"), including the Flood Protection Levee Easement recorded August 10, 2005, as Instrument No. 2005-0032209, Napa County Official Records, that lies within a portion of the northerly half of the Subject Easement.

Since there is no current or future anticipated use of the Subject Easement for street purposes and it is not required for any other public purpose, staff recommends that the City abandon the Subject Easement. Abandonment of the Subject Easement qualifies for a summary abandonment under Section 8334(a) of the California Streets and Highways Code because the Subject Easement is excess right-of-way of a street or highway not required for street or highway purposes. A public hearing is not required under the procedures for a summary abandonment.

**FINANCIAL IMPACTS:**

There is no financial impact to the City of Napa anticipated as a result of the proposed action.

**CEQA:**

City staff recommends that the City Council determine that the Recommended Action is exempt from CEQA pursuant to CEQA Guidelines Section 15301 (minor alteration of existing facilities).

**DOCUMENTS ATTACHED:**

ATCH 1 - Resolution  
EX A - Subject Easement

**NOTIFICATION:**

None.