



## Staff Reports

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**File #:** 49-2020, **Version:** 1

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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 Waterline Easement

**RECOMMENDED ACTION:**

Adopt a resolution authorizing the summary abandonment of a Waterline Easement affecting a portion of property located at 790 Lincoln Avenue (APNs 001-193-004 and 001-193-016) and determining that the actions authorized by this resolution are exempt from CEQA.

**DISCUSSION:**

The City of Napa has received a request from Napa Park Homes, L.P., owner of the Napa Park Homes development, to abandon a fifteen-foot wide Waterline Easement ("Subject Easement") that extends along the westerly boundary of their property located at 790 Lincoln Avenue (APNs 001-193-004 and 001-193-016). The Subject Easement was granted to the City of Napa in 1971 at the time of development of the Napa Park Homes property, and recorded May 28, 1971 in Volume 851 at page 500, Official Records of Napa County (a legal description of the Subject Easement is included as Exhibit A to Attachment 1).

The Napa Park Homes development is a 140-unit affordable housing complex serving moderate, low, and very low income tenants including 116 Section 8-assisted units. The site was originally designed and built in 1970. The apartments are a mix of 1, 2 and 3 bedroom units. The site contains 20 buildings: 18 two-story residential buildings, a separate small one-story office building combining leasing, maintenance, and laundry facilities, and a modular onsite unit added in 2001 that houses the community room and services office. The site contains 32 1-bedroom units, 52 2- bedroom units, and 56 3-bedroom units.

The property owners have been working on a significant renovation of the entire project to upgrade all existing buildings, including asbestos remediation and replacement of utility infrastructure. As part of the renovation project, the owners are also seeking a refinance of the property for which an American Land Title Association (ALTA) survey was prepared. The ALTA survey revealed that the location of an existing waterline is outside the easement that was granted for that waterline, a condition which is unacceptable to the refinance lender and the City.

That same ALTA survey also identified that some of the apartment building features were encroaching into a City storm drainage easement, and that situation was corrected in 2017 with the dedication of a new storm drainage easement and the summary abandonment of the original

alignment of the storm drainage easement.

The Napa Park Homes project is also subject to a Housing Authority Regulatory Agreement ensuring the property remains affordable to low-income tenants. Napa Park Homes is an important affordable housing asset to the community, so helping facilitate the major renovations will significantly improve these units for Napa Park Homes' residents.

In order to finalize the refinance loan that the property owner is seeking and the lender requires that the waterline easement be in alignment with the existing waterline infrastructure. Similar to the 2017 correction of the storm drainage easement, the proper course of action to correct the location of the waterline easement is to replace the Subject Easement with a new easement in the correct location. To that end, the property owner has granted a new waterline easement to the City in the alignment of the existing waterline and associated infrastructure. The new easement was accepted by the Public Works Director and recorded February 18, 2020 at the Napa County Recorder's Office as Instrument No. 2020-0004293 (the "New Easement").

Now that the New Easement is in place in the correct location, staff recommends that the Subject Easement be abandoned. Since the waterline easement is merely being relocated, the Subject Easement may be abandoned pursuant to Section 8333(c) of the Streets and Highways Code of the State of California.

**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 - Legal Description of Subject Easement

**NOTIFICATION:**

None.