

RESOLUTION NO. 3605-2013

RESOLUTION OF THE FORT BRAGG CITY COUNCIL TO VACATE A PORTION OF THE ALLEY ON THE SOUTH SIDE OF OAK STREET BETWEEN FRANKLIN AND MAIN

WHEREAS, Section 8300 of the California Streets and Highways Code allows for vacation of right-of ways; and

WHEREAS, on January 9, 2013, the Fort Bragg Planning Commission found the vacation consistent with the General Plan, adopting a resolution to recommend that the following conditions apply to the vacation of the alley specified in Road Vacation (RV) 1-12 for General Plan consistency:

1. The vacation should be limited to the southerly 25 feet of the alley in order to assure future vehicular access to the property located to the west of the alley.
2. The following reservation should be included in the Resolution of Vacation or Abandonment for the easterly five feet of the proposed area to be abandoned to assure continued provision of utilities to nearby properties:

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of Pacific Gas and Electric Company, the permanent easement and the right any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair, renew anchors, guy wires and cables, guy stubs, fixtures and appurtenances for the operation of electric and communication facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; said area shall be kept open and free of buildings, structures and wells of any kind.

3. The following reservation shall should be inserted in the Resolution of Vacation or Abandonment for the property to assure continued provision of City utilities to nearby properties:

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of the City of Fort Bragg, the permanent easement and the right any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair infrastructure associated with provision of utilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities. No construction or structures shall be placed over existing valves, manholes, cleanouts or water meter boxes; and

WHEREAS, notice of the time and place of hearing has been posted and published in the manner provided by laws; and

WHEREAS, the project has been found Categorical Exempt from CEQA per Section 15301c which allows minor alterations to existing streets and similar facilities; and

WHEREAS, Public Works staff have reviewed the proposed vacation and determined as long as easements are in place to allow emergency access and electric, gas, sewer and water services across the property to be vacated and no structures will be installed over any essential services, vacation of the proposed area will not impact services; and

WHEREAS, the vacation was requested by Peter J. and Jenny W. Pan who own the adjoining property and have offered to purchase the vacated property in order to provide a location for the storage of garbage dumpsters, propane tanks, and similar equipment to service the adjoining property; and

WHEREAS, the total area proposed for vacation is 500 square feet at the southerly end of the existing alley; and

WHEREAS, the City Council has determined, following a public hearing and consideration of all the evidence, that the alley is unnecessary for present or prospective public use and the rights-of-way or parts thereof are not useful as a non-motorized transportation facility and it is, therefore, in the best interests of the City to vacate the portion of the right of way located in the alley.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby declare vacated a portion of the right of way located in the alley on the south side of the 100 block of East Oak Street.

BE IT FURTHER RESOLVED that the area to be vacated is described as follows:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF FORT BRAGG, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, BEING A PORTION OF SECTION 7, TOWNSHIP 18 NORTH, TOWNSHIP 17 WEST, MOUNT DIABLO BASE AND MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF MAIN STREET, SAID POINT OF COMMENCEMENT BEING EAST, 460.00 FEET AND SOUTH, 1453.00 FEET OF THE SECTION CORNER COMMON TO SECTIONS 6 AND 7, TOWNSHIP 18 NORTH, RANGE 17 WEST, and SECTIONS 1 AND 12, TOWNSHIP 18 NORTH, RANGE 18 WEST, MOUNT DIABLO MERIDIAN; THENCE FROM SAID POINT OF COMMENCEMENT EAST, 150.00 FEET TO THE WEST LINE OF AN ALLEY, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE FROM SAID TRUE POINT OF BEGINNING, NORTH, ALONG THE WEST LINE OF SAID ALLEY, 25 FEET; THENCE EAST, 20.00 FEET; TO THE EAST LINE OF SAID ALLEY; THENCE SOUTH, ALONG THE EAST LINE OF SAID ALLEY, 25.00 FEET; THENCE WEST 20.00 FEET TO THE POINT OF BEGINNING.

BE IT FURTHER RESOLVED that the following reservations of public easements shall apply to the area to be vacated:

1. The following reservation shall apply to the easterly four feet of the proposed area to be abandoned to assure continued provision of utilities and emergency access to and from nearby properties:

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code (i) for the benefit of Pacific Gas and Electric Company, the permanent

easement and the right any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair, renew anchors, guy wires and cables, guy stubs, fixtures and appurtenances for the operation of electric and communication facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities and (ii) a permanent easement for emergency access, including the right of ingress and egress for emergency vehicles; said area shall be kept open and free of buildings, structures and wells of any kind.

2. The following reservation shall apply to the area to be abandoned to assure continued provision of City utilities to nearby properties:

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of the City of Fort Bragg, the permanent easement and the right any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair infrastructure associated with provision of utilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities. No construction or structures shall be placed over existing valves, manholes, cleanouts or water meter boxes.

BE IT FURTHER RESOLVED that the City Clerk is instructed to record a certified copy of this Resolution with the County Recorder pursuant to Sections 8335(b) and 8336 of the California Streets and Highways Code.

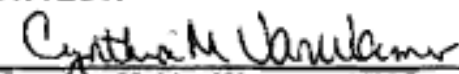
The above and foregoing Resolution was introduced by Councilmember Hammerstrom, seconded by Councilmember Deitz, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 8th day of April, 2013, by the following vote:

AYES: Councilmembers Courtney, Deitz, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:


Cynthia M. VanWormer, MMC
City Clerk