

RESOLUTION NO. 3518-2012

RESOLUTION OF THE FORT BRAGG CITY COUNCIL RESCINDING RESOLUTION 2206-97 AND VACATING A PORTION OF RIGHT OF WAY AT EAST END OF WALNUT STREET

WHEREAS, Public Streets and Highways, and Service Easements Vacation Law (Streets & Highways Code section 8300 et seq.) allows for vacation of rights of way; and

WHEREAS, in March of 1997, the City Council adopted Resolution 2206-91 for the purpose of vacating a portion of public right-of-way along the east end of Walnut Street and the southwest end of Spring Street; and

WHEREAS, it was recently discovered that Resolution 2206-97 was never recorded, as is required to complete the process of vacation; and

WHEREAS, the current property owner is interested having the City vacate a portion of the public right-of-way that was intended to be vacated by Resolution 2206-97; and

WHEREAS, notice of said time and place of the public hearing on this matter was posted and published in the manner provided by law; and

WHEREAS, on March 12, 2012, at a duly noticed public hearing, the Fort Bragg City Council ("City Council") considered public testimony as well as the staff report analysis for vacating a portion of the public right-of-way at the east end of Walnut Street;

WHEREAS, based on the evidence and information presented, including the analysis provided by City staff, the Council finds and determines as follows:

- (1) Proper notice has been given for this hearing in accordance with applicable laws;
- (2) the portion of public right-of-way that is proposed to be vacated is unnecessary for present or future public use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fort Bragg that Resolution 2206-97 is hereby rescinded and is of no further force or effect.

IT IS FURTHER RESOLVED that the right of way hereinafter described is hereby declared vacated. Said right of way is described as follows:

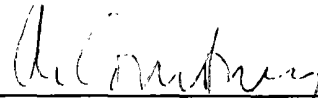
All that real property situated in Section 7, Township 18 North, Range 17 West, Mt. Diablo Base & Meridian, lying in the City of Fort Bragg, County of Mendocino, State of California, being more particularly described as follows:

Beginning at the southwest corner of Lot 14, in Block 2, as delineated upon a certain map entitled "John Mann Tract", filed for record on April 12th, 1913 in Map Case 1, Drawer 3, Page 90, at the Mendocino County Records Office,; thence South 20.00 feet to a point on the southerly right of way of Walnut Street; thence along said southerly right of way of Walnut Street, East 137.50 feet; thence leaving said southerly right of way of Walnut Street, North 20.00 feet to the northeast corner of said Lot 14; thence along the southerly boundary of said Lot 14, West 137.50 feet to the southwest corner of said Lot 14 and point of beginning.

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 8325(a) of the California Streets and Highways Code.

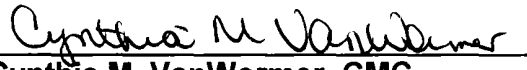
The above and foregoing Resolution was introduced by Councilmember Gjerde, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 12th day of March, 2012, by the following vote:

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



MEG COURTNEY,
Vice Mayor

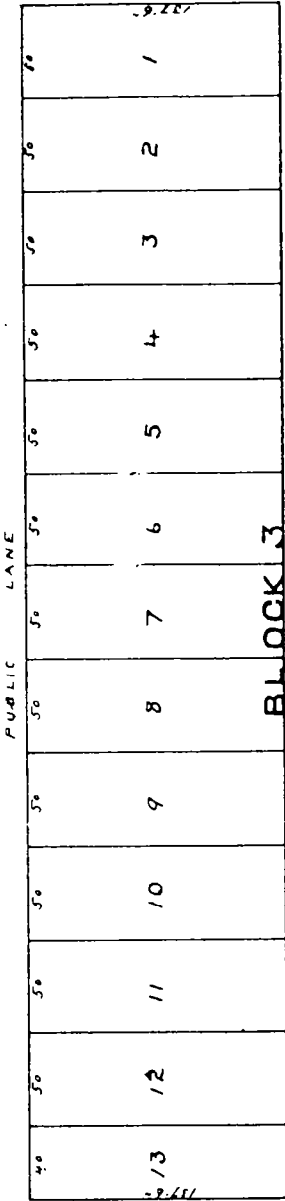
ATTEST:



Cynthia M. VanWormer, CMC
City Clerk

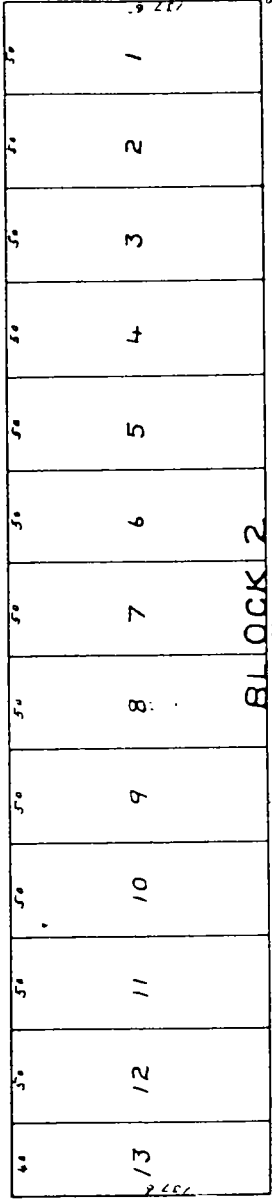
EXHIBIT "A"

PROPERTY of M. McCloud



PROPERTY of H. Koskin

GROVE STREET



TRACT "JOHN MANN"

AREA TO BE VACATED

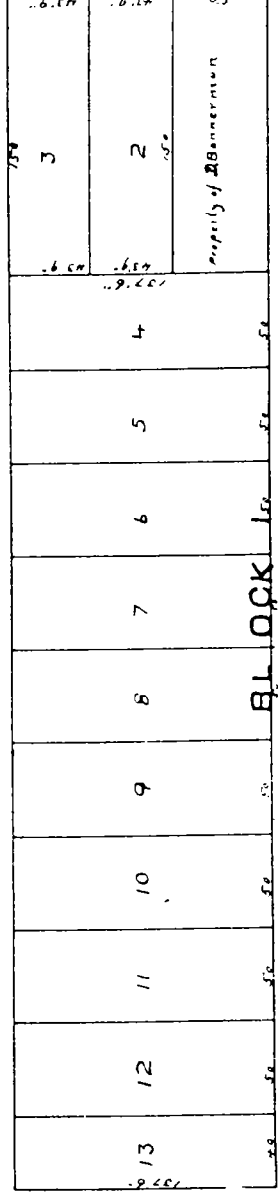
PROPERTY of AL. WOODWARD

FILED at Request of Trustees of Trust
 April 12 - 1913
 at 10 min. past 9 AM.
 E. E. Holbrook
 County Clerk

PROPERTY of JOHN MANN

Point 2670 ft East and 320 ft South of the Corner to Sections 1 and 7 in T17N and Sections 18 and 19 in T17N, R17W, S18, 19, 20, 21, 22, 23, 24, 25, 26

SPRING STREET



PROPERTY of JOS VEATER

N.T.



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Exhibit "B"

All that real property situated in Section 7, Township 18 North, Range 17 West, Mt. Diablo Base & Meridian, lying in the City of Fort Bragg, County of Mendocino, State of California, being more particularly described as follows:

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David W. Goble