

**REPORT TO THE
CITY COUNCIL**
City of Salinas, California

DATE: September 9, 2014

FROM: Gary Petersen, Director of Public Works

THRU: Rob Russell, City Engineer
Don Reynolds, Project Manager

BY: Greg Knowles, PW Admin Supervisor

SUBJECT: **VACATION OF PUBLIC SERVICES EASEMENT AT A PORTION OF MELODY LANE PURSUANT TO STREET AND HIGHWAYS CODE; PART 3, CHAPTER 4, SECTION 8333(c)**

RECOMMENDATION:

It is recommended that the City Council adopt a resolution approving the vacation of a public services easement at a portion of Melody Lane.

DISCUSSION:

Taylor Fresh Foods has requested that the City vacate the public services easement (PSE) located at a portion of Melody Lane from the end of the remaining right-of-way to Central Avenue as shown in the attached survey. The PSE will be vacated in the 14.87 foot wide by 262 foot long portion of Melody Lane. Taylor Fresh Foods is requesting this vacation in conjunction with the construction of their new building and in order to perfect their property title. All utilities in this easement area have either been relocated or abandoned. This vacation does not abandon the 130 feet long portion of Melody Lane from East Gabilan Street. The City is preserving its rights in this retained portion of Melody Lane.

In 1997, City Council adopted Resolution No. 16084 (N.C.S.) that summarily vacated a portion of Melody Lane pursuant to California Streets and Highways Code, Part 3, Chapter 4, Section 8330. However, the fourth recital of the resolution stated that, “the vacation of the above-described rights-of-way will not terminate any public service easement...” Therefore, it is necessary to vacate the easement in order that Taylor Fresh Foods can have clear and unrestricted title to their property. California Streets and Highways Code Section 8333(c), allows the legislative body of a local agency to summarily vacate a public services easement if the easement has been superseded by relocation and there are no other public facilities located within the easement. All of the utilities formerly located with the easement have been relocated and there are no other public facilities located within the easement. Therefore, Council may summarily vacate this easement.

ISSUE:

Shall the City Council adopt the resolution summarily vacating (abandoning) the afore-mentioned public services easement pursuant to the referenced sections of the California Streets and Highways Code?

FISCAL IMPACT:

In abandoning the surplus easement, the City does not incur any cost or savings.

TIME CONSIDERATIONS:

Timely consideration of the easement vacation is appropriate as the property is now owned by Taylor Fresh Foods and their building project is under construction.

ALTERNATIVES/IMPLICATIONS:

Council may not adopt the resolution. This would leave Taylor Farms with an unnecessary restriction on their property.

CITY COUNCIL GOALS:

Of the five City Council goals, this action supports three: Economic Diversity and Prosperity, Excellent Infrastructure, and Quality of Life.

CONCLUSIONS:

Council is requested to adopt the following resolution summarily vacating the public services easement at Melody Lane, pursuant to California Streets and Highways Code, Part 3, Chapter 4, Section 8333(c).

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