

# **REPORT TO THE CITY COUNCIL**

*City of Salinas, California*

DATE: April 28, 2015

FROM: Gary Petersen, Director of Public Works

THRU: Rob Russell, City Engineer

SUBJECT: **VACATION OF A PORTION OF MELODY LANE**

## **RECOMMENDATION:**

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

## **DISCUSSION:**

On September 9, 2014, at the request of Taylor Fresh Foods, Inc. (TFF), the City Council approved a resolution summarily vacating 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 attached survey. The PSE was vacated in the 14.87 foot wide by 262 foot long portion of Melody Lane. The request came about in conjunction with the construction of the new Taylor Building and in order to perfect their property title. All utilities in this easement area have either been relocated or abandoned. That vacation did not abandon the 130 feet long portion of Melody Lane from East Gabilan Street; however, TFF has now requested that the City summarily vacate this remaining portion of Melody Lane.

California Streets and Highways Code, Part 3, Chapter 4, Section 8334 allows the legislative body of a local agency to summarily vacate excess right-of-way of a street or highway not required for street or highway purposes. Melody Lane is no longer needed for street or highway purposes and only a small portion of it actually remains in City control. Since half of the vacated property will go to one adjacent property owner and the other half to the other adjacent property owner, both of whom will equally share access to Melody Lane, a reciprocal access and maintenance agreement should be recorded to provide notice of the rights of each of the adjacent property owners.

## **ISSUE:**

Shall the City Council adopt the resolution summarily vacating (abandoning) the afore-

mentioned portion of Melody Lane pursuant to the California Streets and Highways Code section 8334?

**FISCAL IMPACT:**

In abandoning the surplus easement the City does not incur any cost or savings hence there is no impact on the City's General Fund.

**TIME CONSIDERATIONS:**

Timely consideration of the proposed vacation is appropriate as the Taylor Building project is near complete and there is no longer a need for this remaining portion of Melody Lane.

**ALTERNATIVES/IMPLICATIONS:**

Council may not adopt the resolution. This would leave an insignificant portion of Melody Lane subject to the City's control and maintenance.

**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 approve a resolution summarily vacating the remaining portions of Melody Lane, pursuant to California Streets and Highways Code, Part 3, Chapter 4, Section 8334.

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**RESOLUTION NO. \_\_\_\_ (N.C.S.)**

**A RESOLUTION OF THE CITY COUNCIL SUMMARILY VACATING A PORTION OF  
MELODY LANE PURSUANT TO STREETS AND HIGHWAYS CODE; PART 3, CHAPTER  
4, SECTION 8334**

WHEREAS, State of California Streets and Highways Codes Section 8334, allows the legislative body of a local agency to summarily vacate a portion of a street or highway which is no longer needed for street or highway purposes; and

WHEREAS, on January 7, 1997, the City Council approved a Resolution summarily vacating portions of Melody Lane pursuant to Streets and Highways Code; Part 3, Chapter 4, Section 8330; and

WHEREAS, on September 9, 2014, the City Council approved a Resolution summarily vacating a public services easement in Melody Lane pursuant to Street and Highways Code; Part 3, Chapter 4, Section 8333(c); and

WHEREAS, only a small portion of Melody Lane remains under the control and maintenance of the City and the City Council hereby finds and determines that such portion is no longer needed for street or highway purposes.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF SALINAS that pursuant to Streets and Highways Code, Part 3, Chapter 4, Section 8334, the remaining portion of Melody Lane be summarily vacated.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution of summary vacation, attested by her under seal, to be recorded without acknowledgment, or further proof in the office of the County Recorder.

BE IT FURTHER RESOLVED that the City Engineer is hereby authorized and directed to take whatever additional action may be necessary to effectuate the intent of this Resolution.

I HEREBY CERTIFY that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Salinas held on April 28, 2014, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

APPROVED:

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Joe Gunter, Mayor

ATTEST:

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Patricia M. Barajas, City Clerk