

RESOLUTION NO. _____ (N.C.S.)

A RESOLUTION VACATING A PORTION OF WORK STREET AS EXCESS RIGHT-OF-WAY, RESERVING EASEMENTS TO RETAIN ACCESS TO EXISTING UTILITIES, AND TRANSFERRING OWNERSHIP TO THE CITY OF SALINAS AS ADJACENT PROPERTY OWNER

WHEREAS, California Streets and Highways Code Sections 8300 – 8363 permit a local government to vacate existing rights-of-way and/or easements, subject to the requirements of those Sections; and

WHEREAS, the City of Salinas has dedicated within its boundaries a right-of-way for a public street, known as Work Street; and

WHEREAS, the City of Salinas is the owner of real property adjacent to Work Street at 426 Work Street (hereafter “426 Work Street”), currently occupied by the City’s Public Works Maintenance Yard (hereafter “Yard”); and

WHEREAS, from 1985 – 1988 the City of Salinas realigned the portion of Work Street adjacent to the Yard to align the road with a new extension of Work Street south of John Street serving the Ottone Business Park; and

WHEREAS, on August 30, 1988, the City Council adopted Resolution 13215, which accepted the new Work Street right-of-way into the City’s street system, but did not vacate the preexisting Work Street right-of-way; and

WHEREAS, as a part of this realignment the City did not dedicate certain real property located between the boundaries of the preexisting Work Street right-of-way and the new Work Street right-of-way (hereafter “Remainder Property”); and

WHEREAS, concurrent with the acceptance of the realigned right-of-way, the City of Salinas expanded its Yard and developed the preexisting Work Street right-of-way and the Remainder Property; and

WHEREAS, the City has used the portion of Work Street identified in Exhibit A for its Yard since 1988, and said portion of the right-of-way has not been used as a public street since that time; and

WHEREAS, the City of Salinas now desires to vacate this unused right-of-way, as described in Exhibit A, to facilitate the consolidation of the unused excess right-of-way with the real properties on each side of the right-of-way (426 Work Street and the Remainder Property), both of which are owned by the City of Salinas and are occupied by the Yard; and

WHEREAS, subterranean gas lines and storm drain pipes are located within the portion of Work Street which the City desires to vacate; and

WHEREAS, California Streets and Highways Code Section 8340 requires that an easement be reserved to maintain access to preexisting public utilities located within a right-of-way to be vacated; and

WHEREAS, the reservation of those easements must be included in the Resolution vacating the right-of-way; and

WHEREAS, on December 18, 2019, the Salinas Planning Commission reviewed the proposed vacation in accordance with California Government Code Section 65402 and adopted Planning Commission Resolution 2019-23 determining that the proposed vacation is consistent with the Salinas General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Salinas City Council finds that that portion of Work Street identified in the attached Exhibit A is unnecessary for present or prospective use and hereby vacates the right-of-way identified in Exhibit A; and

BE IT FURTHER RESOLVED that the City of Salinas reserves from said vacation easements for the maintenance, operation, replacement, removal, and renewal of existing infrastructure, as described in Exhibits B and C; and

BE IT FURTHER RESOLVED that the City of Salinas, as the sole adjacent property owner, accepts ownership of the land vacated through this action, and authorizes the Mayor to sign the Certificate of Acceptance attached as Exhibit D; and

BE IT FURTHER RESOLVED that the City Council has considered the Salinas General Plan and concurs with the findings made by the Salinas Planning Commission in Planning Commission Resolution 2019-23; and

BE IT FURTHER RESOLVED that the City Council finds that the land to be vacated is “exempt surplus land” as it consists of a former right-of-way being conveyed to the owner of the adjacent property, as defined in Government Code Section 54221(f)(1)(E), and the vacated area does not meet any of the criteria specified in Government Code Section 54221(f)(2); and

BE IT FURTHER RESOLVED that the City Council directs City Staff to take the necessary actions to consolidate the City-owned properties adjoining the vacated right-of-way to create a single lot of record for the site; and

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.

PASSED AND APPROVED this 25th day of February 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

Exhibit A – Proposed Vacation

Exhibit B – Reservation of Easement for Gas Lines

Exhibit C – Reservation of Easements for Storm Drain Pipes

Exhibit D – Certificate of Acceptance