RESOLUTION NO. 22-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE, CALIFORNIA, DECLARING THE CITY'S INTENT TO VACATE EXCESS RIGHT-OF-WAY LOCATED ON SLOAT AVENUE, EXCEPTING AND RESERVING RIGHTS FOR EXISTING PUBLIC UTILITY FACILITIES, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON SAID RIGHT-OF-WAY VACATION

WHEREAS, the vacation of public easements and right-of-ways in California is governed by the provisions under Division 9, Part 3 of the California Streets and Highways Code ("CSHC") and extends from section 8300 through 8368; and

WHEREAS, Section 8320 of the CSHC sets forth the procedure by which a city may initiate a proceeding to vacate a right-of-way on its own initiative by setting a hearing and causing the publishing and posting of the notices of the hearing; and

WHEREAS, Section 8324 of the CSHC authorizes the City Council to impose conditions on the vacation of a street or highway, which conditions shall be satisfied before the resolution of vacation is recorded and effective; and

WHEREAS, the City of Pacific Grove ("City") currently maintains for roadway purposes an easement approximating 26,778 square feet used for public road right-of-way purposes located in the City on Sloat Avenue (the "Excess Right-of-Way"), which is adjacent to the proposed American Tin Cannery ("ATC") Hotel and Commercial development (together, the "ATC Development"). Notwithstanding this intent to vacate the City retains any other interest it may have in the Excess Right of Way; and

WHEREAS, on January 12, 2022, the City Council of the City of Pacific Grove certified an EIR (SCH #2019110152) for the ATC Development and approved the requisite planning approvals for the ATC Development; and

WHEREAS, given the ATC Development approval by the City, the Excess Right-of-Way is currently used by the City as a public road right-of-way but is no longer needed for this purpose; and

WHEREAS, the City intends to initiate the process for vacating the Excess Right-of-Way, by setting a time and place for a public hearing on the vacation and directing the City Clerk to provide, publish, and post all required notices.

NOW, THEREFORE, BE IT FOUND, DETERMINED, AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE, MONTEREY COUNTY, CALIFORNIA, AS FOLLOWS:
SECTION 1. Each finding set forth above is adopted as true and correct.

SECTION 2. The location of the Excess Right-of-Way subject to vacation is depicted and described in Exhibit A attached to this Resolution and incorporated herein, and is summarized as that portion of right-of-way approximating 26,778 square feet and located on Sloat Avenue between Eardley Avenue and Dewey Avenue.

SECTION 3. The City Council hereby declares an intention to initiate the process for vacating the Excess Right-of-Way, pursuant to Section 8320 of the CSHC, subject to those terms and conditions set forth in the vacation resolution.

SECTION 4. The City certified an Environmental Impact Report (“EIR”) on January 12, 2022 for the ATC Development (SCH #2019110152) and made the requisite CEQA findings for the certification of the EIR. The EIR evaluated the environmental impacts of the project including the development and uses of the subject Property, and as such, no additional CEQA review is required.

SECTION 5. The City Council hereby sets a public hearing on the proposed vacation of the Excess Right-of-Way for February 2, 2022 at 6:00 pm, or as soon thereafter as the matter may be heard, at the City Council Chamber, 300 Forest Ave, Pacific Grove, California 93950. At the conclusion of the public hearing, the City Council shall determine, from all evidence submitted, whether or not the Excess Right-of-Way proposed to be vacated is necessary for present or prospective public use.

SECTION 6. The City Clerk is hereby directed to post this Resolution of Intention and publish notices of the public hearing for at least two successive weeks prior to the date set for public hearing, pursuant to the requirements of CSHC Section 8322. Notices of the proposed vacation shall additionally be posted along the line of the Excess Right-of-Way proposed to be vacated, pursuant to the requirements of CSHC Section 8323.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 12th day of January, 2022, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Poduri, Smith, and Tomlinson.
NOES: Councilmember Coletti.
ABSENT: None.

APPROVED: 

[Signature]
BILL PEAKE, Mayor
ATTEST:  
DATED: 1/18/2022

_______________________________

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_______________________________

DAVID C. LAREDO, City Attorney
Exhibit A