

RESOLUTION NO. 24-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE, CALIFORNIA, DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT CERTAIN PROPERTY OVER WHICH THE CITY OWNS A RIGHT-OF-WAY EASEMENT GENERALLY LOCATED ON SLOAT AVENUE BETWEEN EARDLEY AVENUE AND DEWEY AVENUE IN THE CITY OF PACIFIC GROVE, COUNTY OF MONTEREY, IS EXEMPT SURPLUS LAND AND NOT NECESSARY FOR THE CITY'S USE; AND FINDING THAT SUCH DECLARATION IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND TAKING RELATED ACTIONS

WHEREAS, the City of Pacific Grove (“City”) is the owner of a right-of-way easement interest in that certain real property located on Sloat Avenue between Eardley Avenue and Dewey Avenue, City of Pacific Grove, Monterey County, State of California and described with greater particularity in Exhibit A and depicted in Exhibit B, each such Exhibit attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, the Property was acquired by the City in 1909 pursuant to a Map of the University Addition to Pacific Grove, Monterey County, California, filed on August 17, 1909, in Tract Maps, Book 2, page 21 of the Official Records of the County of Monterey; and

WHEREAS, the Property is approximately 19,602 square feet in size, improved as a public street, and is abutted on both sides by parcels under one ownership; and

WHEREAS, the Property is proposed to be vacated and conveyed to the abutting property owner pursuant to Government Code Section 54221(f)(1)(E) as “Surplus land that is a former street, right of way, or easement, and is conveyed to an owner of an adjacent property; and

WHEREAS, the City has previously found that the proposed vacation of the Property is consistent with the City’s General Plan, and determined that the Property is no longer necessary for the City’s use; and

WHEREAS, on January 12, 2022, the City Council of the City of Pacific Grove, pursuant to the requirements of the California Environmental Quality Act (“CEQA”) certified an Environmental Impact Report (SCH #2019110152) for the adjacent property owner’s proposed hotel and commercial development, including the proposed vacation of the Property (the “ATC Development”), and approved the requisite planning approvals for the ATC Development; and

WHEREAS, on April 11, 2024, the California Coastal Commission (“CCC”) conducted appellate proceedings on the City’s approval of the ATC Development, determined that the ATC Development as modified will not result in any significant environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A), and approved the ATC Development subject to five (5) standard conditions and sixteen (16) special conditions; and

WHEREAS, no further CEQA review or action is required in connection with the declaration of the Property as Exempt Surplus pursuant to the Surplus Land Act, Government Code Section 54220 *et seq.*; and

WHEREAS, the City desires to declare that the Property is exempt surplus land and not necessary for the City's use; and

WHEREAS, the Agenda Report presented to the City Council on September 18, 2024, together with this Resolution, contains the factual background and supporting information upon which the declaration and findings set forth herein are based;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE HEREBY RESOLVES AS FOLLOWS:

Section 1: Recitals Correct. The foregoing recitals are true and correct, and incorporated herein by this reference.

Section 2: Use Finding. The City Council finds that the Property is not necessary for the City's use as described in the preceding recitals and the staff report accompanying this Resolution.

Section 3: Surplus Declaration. The City Council hereby declares that the Property is exempt surplus land pursuant to Government Code Section 54221(f)(1)(E) because it is surplus land that is a former street, right of way, or easement, and is to be conveyed to an owner of an adjacent property.

Section 4: CEQA Determination. The declaration of the Property as Exempt Surplus was contemplated as part of the ATC Development analyzed under CEQA by the City and the CCC, and no further CEQA determination is required in connection with the action taken by the adoption of this Resolution.

Section 5: General Authorization. The officers and staff of the City are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed.

Section 6: Effective Date. This Resolution shall take effect immediately upon its adoption by the City Council.

Section 7: Certification. The City Clerk of the City of Pacific Grove shall certify to the passage, approval and adoption of this resolution, and the City Clerk of the City of Pacific Grove shall cause this Resolution and the City Clerk's certification to be entered in the File of Resolutions of the City of Pacific Grove City Council.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 18th day of September, 2024, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell, and Poduri.

NOES: None.

ABSENT: None.

DocuSigned by:

Bill Peake

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BILL PEAKE, Mayor

ATTEST: **9/19/2024**

DATED _____

DocuSigned by:

Sandra Kandell

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SANDRA ANN KANDELL, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Brian A. Pierik

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BRIAN PIERIK, City Attorney
Burke, Williams & Sorensen, LLP

STATE OF CALIFORNIA)
COUNTY OF MONTEREY) ss
CITY OF PACIFIC GROVE)

I, Sandra A. Kandell, City Clerk of the City of Pacific Grove, do hereby certify that the foregoing Resolution No. 24-040 was duly passed and adopted at a regular meeting of the City Council of the City of Pacific Grove held on the 18th day of September, 2024.

Upon motion of Mayor Pro Tem Smith, seconded by Councilmember Councilmember Amelio, the foregoing Resolution No. 24-040 was duly passed and adopted.

Vote on the motion:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell, and Poduri.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Pacific Grove this 19.00 day of September, 2024.

DocuSigned by:

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Sandra Kandell, City Clerk

EXHIBIT A

Property Description

EXHIBIT "A"
AREA PROPOSED FOR VACATION: SLOAT AVENUE
LEGAL DESCRIPTION

Certain real property situate in the City of Pacific Grove, County of Monterey, State of California, described as follows:

Being a portion of that certain street shown as Sloats Avenue (commonly known as Sloat Avenue) on that certain map filed on August 17, 1909 as Volume 2 Cities and Towns at Page 21 of said County, more particularly described as follows:

Being that portion right of way of Sloat Avenue lying between Blocks 1 and 4 lying southeasterly of the northeasterly prolongation of the northwesterly line of Lot 10 in said Block 4.

Containing an area of 0.45 acres, more or less.

Attached hereto is a plat to accompany legal description, and by this reference made a part hereof

END OF DESCRIPTION

PREPARED BY:
WHITSON ENGINEERS

RICHARD P. WEBER P.L.S.
L.S. NO. 8002
Job No.: 3400.00



Exhibit B

Plot Depiction

