

## RESOLUTION NO. \_\_\_-2026

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL VACATING A PORTION OF THE ALLEY ON THE SOUTH SIDE OF OAK STREET BETWEEN FRANKLIN AND MAIN STREETS AND APPROVAL OF QUITCLAIM DEED

**WHEREAS**, pursuant to Streets and Highways Code Section 8300, the City may vacate a right of way that is not required for street or highway purposes; and

**WHEREAS**, the Fort Bragg City Council finds and determines that its right of way located in the alleyway lying easterly and adjacent to 102 South Main Street and described as the northerly 48' of the Easterly half of the 20' wide alley totaling 480 square feet as depicted on the map attached as Exhibit B (APN Map) and more particularly described in the attached Exhibit A (the "Property") is not needed for public purposes; and

**WHEREAS**, Pursuant to Streets and Highways Code Section 8300, Planning Commission adopted Resolution No. P01-2026 on January 28, 2026 making a determination of general plan consistency for the proposed vacation of a portion of the alley; and

**WHEREAS**, Pursuant to Surplus Land Act, Code Section 54221, City Council adopted Resolution No. 5009-2026 on February 9, 2026 declaring remnant right-of-way property as not necessary for city use and determining such property as exempt surplus; and

**WHEREAS**, Pursuant to Streets and Highways Code Section 8300, City Council adopted Resolution No. 5004-2026 on February 9, 2026 declaring its intent to vacate certain rights-of-way and set public hearing for the same; and

**WHEREAS**, notice of the time and place of hearing has been posted and published in the manner provided by laws; and

**WHEREAS**, Public Works staff have reviewed the proposed vacation and determined as long as easements are in place to allow emergency access and electric, gas, sewer and water services over, under, and across the property to be vacated and no structures will be installed over any essential services, vacation of the proposed area will not impact services; and

**WHEREAS**, the City Council has determined, following a public hearing and consideration of all the evidence, that the alley is unnecessary for present or prospective public use or City use and it is, therefore, in the best interests of the City to vacate the portion of the right of way located in the alley subject to the aforementioned reservations; and

**WHEREAS**, the project is exempt pursuant to the California Environmental Quality Act ("CEQA") and Title 14, the California Code of Regulations ("CEQA Guidelines"), Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg, does hereby resolve, declare, determine and order as follows:

1. The above recitals are correct and are incorporated into this resolution.

2. Pursuant to Streets and Highways Code sections 8330 et seq., the section of right of way located in the alleyway lying easterly and adjacent to 102 South Main Street and described as the northerly 48' of the Easterly half of the 20' wide alley as depicted on the map attached as Exhibit B (APN Map) and more particularly described in the attached Exhibit A (the "Property") is not needed for public purposes and is hereby declared as vacated subject to the reservations set forth herein.

3. The City Manager is authorized and directed to execute all documents associated with the vacation and transfer of the Property and the City Clerk is hereby authorized and directed to cause a certified copy of this Resolution to be recorded with the Mendocino County Recorder.

4. From and after the date a certified copy of this Resolution is recorded in the official records of the Mendocino County Recorder's office, the Property shall no longer constitute a public right of way.

**BE IT FURTHER RESOLVED** that the right-of-way that is being vacated is hereby deeded to the adjacent property owners pursuant to Section 8356 of the California Streets and Highways Code and pursuant to the following Quitclaim Deed:

1. Exhibit C Quitclaim Deed from the City of Fort Bragg, a municipal corporation to Miguel Orlando Mex Can and Maria Andrea Medina Can, husband and wife as Joint Tenants.

**AND BE IT FURTHER RESOLVED** that the following reservations of public easements shall apply to the area to be vacated by this Resolution and transferred by quitclaim deed:

1. The following reservation shall apply to the easterly four feet of the proposed area to be abandoned to assure continued provision of utilities and emergency access to and from nearby properties:

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code (i) for the benefit of Pacific Gas and Electric Company, the permanent easement and the right any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair, renew anchors, guy wires and cables, guy stubs, fixtures and appurtenances for the operation of electric and communication facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities and (ii) a permanent easement for emergency access, including the right of ingress and egress for emergency vehicles; said area shall be kept open and free of buildings, structures and wells of any kind.

2. The following reservation shall apply to the area to be vacated to assure continued provision of City utilities to nearby properties:

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of the City of Fort Bragg and all public utilities, a permanent easement and the right any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair infrastructure associated with provision of utilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities. No construction or structures shall be placed over existing valves, manholes, cleanouts or water meter boxes.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 23<sup>rd</sup> day of March, 2026, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

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**Jason Godeke**  
**Mayor**

**ATTEST:**

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**Diana Paoli**  
**City Clerk**