

CITY OF SAND CITY

RESOLUTION SC 20-11, 2020

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY ORDERING THE VACATION OF CERTAIN RIGHT-OF-WAY SECTIONS OF LINCOLN AVENUE AND BEACH WAY**

**WHEREAS**, the City of Sand City (“City”) is authorized to vacate all or part of a public street or public service easement within the City on its own initiative pursuant to the California Streets and Highways Code, Section 8300 *et seq.*; and

**WHEREAS**, pursuant to California Street and Highways Code Sections 8320 *et seq.*, the City desires to vacate the subject streets, commonly known as portions of Lincoln Avenue and Beach Way, more particularly described in Exhibits A and B, attached hereto, and incorporated herein and hereafter referred to as the “Area to be Vacated,” consisting of legal descriptions and maps of the areas to be vacated; and

**WHEREAS**, on February 4, 2020, at a duly noticed public meeting, the City Council acting as planning agency, as authorized by California Government Code §65100, found that the proposed vacation conforms with the City’s general plan; and

**WHEREAS**, the proposed vacation is consistent with the City’s General Plan; and

**WHEREAS**, on June 5, 2018, the City approved a Vesting Tentative Map (“VTM”) for the South of Tioga development project (the “Project”) to merge existing lots and abandon existing public rights-of-way including the Area to be Vacated as the location and alignment of the existing rights-of-way are an impediment to a cohesive and consolidated project site design; and

**WHEREAS**, the City’s approval of a Final Map for the Project will dedicate new public rights-of-way that will bisect through the Project area, connecting California Avenue and Tioga Avenue and benefit the public due to the improved flow of vehicular and foot traffic provided by the new rights-of-way; and

**WHEREAS**, the street areas within the Area to be Vacated are either unimproved vacant land or in a poor to an extremely deteriorated condition in that some street sections are only ‘paper streets’ -- the right-of-way exists on the parcel maps but no physical street improvements exist – and no public money has been expended for maintenance of the streets for at least five years; and

**WHEREAS**, the Area to be Vacated is excess and is no longer used or required for present vehicular travel and is not needed for prospective transportation needs in light of the new public rights-of-way dedicated in the VTM; and

**WHEREAS**, the Area to be Vacated and no parts thereof are necessary or useful as a non-motorized transportation facility, such as a trail or walkway, in light of the Project's proposed addition of new rights-of-way; and

**WHEREAS**, the City Engineer has notified all public utilities potentially affected by this vacation and there are no objections to the proposed vacation; and

**WHEREAS**, the City Clerk set the public hearing for the City Council to consider the proposed vacation for February 4, 2020 and notice of the hearing was duly published and posted pursuant to the Streets and Highways Code Section 8320 *et seq.*; and

**WHEREAS**, on February 4, 2020, the City Council opened and conducted the public hearing allowing all interested parties an opportunity to speak; and

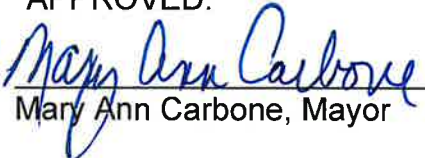
**WHEREAS**, the City of Sand City, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 *et seq.*) and the CEQA Guidelines (14 Cal. Code Regs. § 15000-15387) (collectively, "CEQA"), completed and certified the Final Environmental Impact Report ("Final EIR" or "EIR") State Clearinghouse No. 2017061066 for the South of Tioga Project finding that the South of Tioga Project's environmental impacts, including the vacation of the proposed Area to be Vacated, were adequately evaluated and therefore, no further environmental review for the proposed vacation is required or necessary.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sand City that the streets described in the legal descriptions and vacation map attached hereto, as Exhibits A and B, are not necessary for present or prospective transportation needs, and are hereby vacated, and the City Clerk is directed to record this order declaring vacation of the subject area described in Exhibits A and B in the Office of the Monterey County Recorder.

**PASSED AND ADOPTED** by the City Council of Sand City on this 4<sup>th</sup> day of February 2020, by the following vote:

AYES: Council Member Blackwelder, Hawthorne, Sofer, Carbone  
NOES: None  
ABSENT: None  
ABSTAIN: Council Member Cruz

APPROVED:

  
Mary Ann Carbone, Mayor

ATTEST:

  
Linda K. Scholink, City Clerk

# RESOLUTION EXHIBIT A SC 20-11 (2020)

## LEGAL DESCRIPTION – LINCOLN AVENUE VACATION

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

All that portion of Lincoln Avenue shown on the map filed in Volume 1 of Cities and Towns at Page 29, Records of said County, lying northeasterly of a line beginning at a point on the southeasterly line of said Lincoln Avenue, at the most westerly corner of Lot 5 in Block 14 as shown on said map, and running thence along a course perpendicular to said southeasterly line, North 58°41'01" West, 50.00 feet, more or less, to a point on the northwesterly line of said Lincoln Avenue. Including that portion of said Lincoln Avenue lying within the intersection with East Avenue as shown on said map.

Being more particularly described as follows:

Beginning at the most easterly corner of Block 12 as shown on said map; thence along the northeasterly line of Lot 28 in said Block 12, being also the southwesterly line of East Avenue as shown on said map

- 1) North 33°06'56" West, 0.40 feet to a point on the southwesterly prolongation of the southeasterly line of Lot 27 in Block 18 as shown on said map; thence departing said northeasterly line of East Avenue along said prolonged line
- 2) North 56°53'04" East, 125.27 feet, more or less, the most easterly corner of said Lot 27 (Being also on the southwesterly line of Beach Way as shown on the map filed in map filed in Volume 2 of Cities and Towns at Page 35, Records of said County); thence
- 3) South 33°06'56" East, 50.00 feet, more or less, to the most northerly corner of Lot 1 in Block 17 as shown on said map; thence along the northwesterly line of said Lot 1 and the southwesterly prolongation thereof
- 4) South 56°53'04" West, 113.08 feet, more or less, to a point on the northeasterly prolongation of the northwesterly line of Block 14 as shown on said map; thence along said prolonged line
- 5) South 31°18'59" West, 99.57 feet, more or less, to the most westerly corner of Lot 5 in said Block 14 as shown on said map; thence across said Lincoln Avenue along a course perpendicular thereto
- 6) North 58°41'01" West, 50.00, more or less, to a point on the southeasterly line of aforesaid Block 12 as shown on said map; thence along said southeasterly line
- 7) North 31°18'59" East, 109.98 feet, more or less, to the Point of Beginning.

Containing 0.257 acres, more or less.

As shown on the plat attached hereto and made a part hereof.

All bearings cited herein are grid bearings per the California Coordinate System, NAD83 Zone IV.

### END OF DESCRIPTION

PREPARED BY:  
WHITSON ENGINEERS



1/28/2020

RICHARD P. WEBER P.L.S.  
L.S. NO. 8002  
Job No. 3571

DATE



SCALE: 1" = 50'



BOUNDARY OF PROPOSED SUBDIVISION

BLOCK 18  
1-CT-29

FIR AVE  
(ECHO WAY  
PER 2-CT-35)

LOT 27

S33°06'56"E  
50.00'

N33°06'56"W 0.40'

POINT OF BEGINNING

N56°53'04"E 125.27'  
S56°53'04"W 113.08'

LOT 1

BLOCK 12  
1-CT-29

LOT 23  
LOT 27  
LOT 25

N31°18'59"E 109.98'  
S31°18'59"W 99.57'

BEACH WAY

BLOCK 28  
2-CT-35

CENTERLINE OF LINCOLN AVE

EAST AVE

BLOCK 17  
1-CT-29

LINCOLN AVENUE

N58°41'01"W  
50.00'

LOT 5

BLOCK 14  
1-CT-29

LOT 4

N33°06'56"W

SCOTT STREET

BEARINGS SHOWN HEREON ARE GRID BEARINGS PER THE CALIFORNIA COORDINATE SYSTEM, NAD83 ZONE IV.

# PLAT TO ACCOMPANY DESCRIPTION

## LINCOLN AVENUE VACATION

SAND CITY, CALIFORNIA  
JANUARY 23, 2020



Civil Engineering +  
Land Surveying  
6 Harris Court  
Monterey, CA 93940  
831.649.5225  
whitsonengineers.com

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**RESOLUTION EXHIBIT B  
SC 20-11 (2020)**

**LEGAL DESCRIPTION  
OF PORTIONS OF FIR AVENUE AND BEACH WAY ADJOINING  
LOT 28 IN BLOCK 27, VOL. 2 CITIES & TOWNS, PG. 35**

Certain real property situate in the City of Sand City, County of Monterey, State of California, being portions of the streets shown on the map filed in Volume 2 of Cities and Towns at Page 35, Records of said County, described as follows:

Beginning at the most southerly corner of Lot 28 in Block 27 as shown on said map, being also a point on the northeasterly line of Echo Way (now known as Fir Avenue) as shown on said map, at the southwesterly terminus of boundary line between said Lot 28 and Lot 29 as shown on said map; thence along the southwesterly prolongation of said boundary line

- 1) South 24°06'14" West, 10 feet, more or less, to the centerline of said Echo Way; thence perpendicular to Beach Way as shown on said map
- 2) South 56°53'04" West, 18.44 feet, more or less, to a point on the southwesterly line of said Beach way, thence along said southwesterly line of Beach Way
- 3) North 33°06'56" West, 15.70 feet, more or less; thence departing said southwesterly line of Beach Way
- 4) North 56°53'04" East, 20.22 feet, more or less, to the southwesterly corner of said Lot 28 (being also the intersection of the northeasterly line of said Beach Way with the northeasterly line of said Echo Way); thence along the northeasterly line of said Echo Way (Fir Avenue), being also the southwesterly line of said Lot 28
- 5) South 65°53'46" East, 12.24 feet, more or less, to the Point of Beginning

Containing 365 square feet, more or less.

As shown on the plat attached hereto and made a part hereof.

All bearings cited herein are grid bearings per the California Coordinate System, NAD83 Zone IV.

**END OF DESCRIPTION**

PREPARED BY:  
WHITSON ENGINEERS



1/28/2020

RICHARD P. WEBER P.L.S.  
L.S. NO. 8002  
Job No. 3571

DATE





SCALE: 1" = 50'

BEARINGS SHOWN HEREON ARE GRID BEARINGS PER THE CALIFORNIA COORDINATE SYSTEM, NAD83 ZONE IV.



MERLE STREET

BLOCK 27  
2-CT-35

CENTERLINE OF BEACH WAY

LOT 28  
LOT 29

N56°53'04"E ±20.22'

S65°53'46"E 12.24'

POINT OF BEGINNING

N33°06'56"W 15.70'

S24°06'14"W ±10'

S56°53'04"W 18.44'

CENTERLINE OF FIR AVE

BLOCK 18  
1-CT-29

FIR AVE  
(ECHO WAY PER 2-CT-35)

LOT 27

BOUNDARY OF PROPOSED SUBDIVISION

BLOCK 12  
1-CT-29

LINCOLN AVENUE

BEACH WAY

LOT 28

LOT 1

BLOCK 28  
2-CT-35

LOT 27

LOT 25

EAST AVE

BLOCK 17  
1-CT-29

LOT 5

LOT 4

# PLAT TO ACCOMPANY DESCRIPTION

OF PORTIONS OF FIR AVE. AND BEACH WAY  
ADJOINING LOT 28, BLOCK 27, VOL. 2 C&T PG. 35

SAND CITY, CALIFORNIA

JANUARY 23, 2020



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Land Surveying  
6 Harris Court  
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