

CITY OF AMADOR CITY

CITY COUNCIL RESOLUTION NO. 555

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMADOR CITY VACATING A PORTION OF MAIN STREET AS OUTLINED IN EXHIBIT A

WHEREAS, the City of Amador City received a request from Aaron Brusatori, owner of a portion of Lot 23, Block 1, Amador City Townsite, to vacate a portion of Main Street (Old State Route 49) in the city limits; and

WHEREAS, this street vacation request is for approximately 5,030 SF of Main Street, originally part of said Lot 23, in the City of Amador City; and

WHEREAS, a public hearing is required to hear testimony regarding the vacation of city owned street rights of way pursuant to Streets and Highways Code Section 8320; and

WHEREAS, Exhibit A depicts the Notice that was published and posted pursuant to Section 8322 and 8323 of said code; and

WHEREAS, the City Council held said public hearing and heard public testimony and finds the said 5,030 SF of Main Street is unnecessary for present or future public use.

NOW THEREFORE BE IT RESOLVED the City Council of the City of Amador City hereby authorizes the City Engineer to proceed with preparation of a deed and legal description to complete the vacation as outlined in Exhibit A transferring said street vacation limits to Aaron Brusatori, owner of the remaining portions of said Lot 23; and

BE IT FURTHER RESOLVED the Mayor is hereby authorized to execute said deed on behalf of the City after all costs to City have been reimbursed.

BE IT FURTHER RESOLVED all city staff costs associated with said vacation shall be reimbursed prior to deed recording.

The foregoing resolution was duly passed and adopted by the City Council of the City of Amador City at a regular meeting on the ____ day of _____ 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

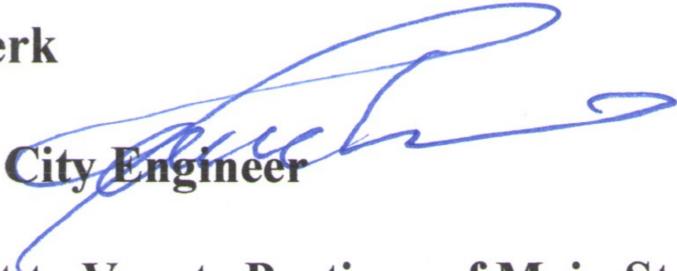
City Clerk

MAY 1 - 2017

AMADOR CITY

MEMORANDUM

TO Joyce Davidson, City Clerk

FROM Roark Weber, Associate City Engineer 

RE Aaron Brusatori Request to Vacate Portions of Main Street
(Old State Route 49) – APN 008-292-002

DATE April 27, 2017

Joyce, the City Council action on December 15, 2016 approved right of way abandonment as set forth on the attached exhibit. Abandonment of city street right of way requires a “vacation process,” pursuant to the Streets and Highways Code 8320 which sets forth specific notification requirements to be followed. These include “posting” of the City Council’s action schedule and City staff authorization to proceed with the process that will ultimately result in a public hearing before the City Council. Potential adoption of a resolution that would, subject to City Council findings, authorize the vacation and dedication to Petitioner must also be included.

To proceed with the “vacation,” the following is required:

1. In accordance with Streets and Highways Code 8322(b), cause “street vacation” notice to be posted and published in a local newspaper. (See attached Streets and Highways Code.) **Notice attached requires your additions.**
2. Conduct a public hearing after not less than three notices have been posted and published for at least two weeks.
3. Adopt resolution of “vacation.” See attached example.
4. Record deed transferring city interest in vacated portion to adjoining land owner(s).
5. Reserve easements recommended by City Council.

City staff costs associated with this vacation process should be borne by the applicant, and I have included that in the draft resolution.

Some background information on this vacation request is:

- A. The land area was once part of the original Lot 23 of Block 1 of the Amador City Townsite when it was 0.17 acres in size.
- B. The State of California purchased portions of it to improve State Route 49.
- C. City acquired portions of it in 1972 for wastewater pond access.
- D. The contemplated vacation will return a portion of Lot 23 (5,030 SF) back to its current owner.

Should you have any questions, please contact me at your convenience.

Attachments

cc City Attorney
Aaron Brusatori

#1150/nlm
Memo to City Clerk_2017-4-19


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STREETS AND HIGHWAYS CODE - SHC

DIVISION 9. CHANGE OF GRADE AND VACATION [8000 - 8363] (*Division 9 added by Stats. 1941, Ch. 79.*)

PART 3. PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW [8300 - 8363] (*Part 3 repealed and added by Stats. 1980, Ch. 1050, Sec. 29.*)

CHAPTER 3. General Vacation Procedure [8320 - 8325] (*Chapter 3 added by Stats. 1980, Ch. 1050, Sec. 29.*)

8320. (a) The legislative body of a local agency may initiate a proceeding under this chapter in either of the following ways:

- (1) On its own initiative, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.
- (2) Upon a petition or request of an interested person, at the discretion of the legislative body, except as provided in subdivision (e) of Section 8321, where the clerk of the legislative body shall administratively set a hearing by fixing the date, hour, and place of the hearing and cause the publishing and posting of the notices required by this chapter.

(b) The notices required by this chapter shall contain both of the following:

- (1) A description of the street, highway, or public service easement proposed to be vacated and a reference to a map or plan, that shows the portion or area to be vacated and includes a statement that the vacation proceeding is conducted under this chapter. In the case of a street or highway, the description shall include its general location, its lawful or official name or the name by which it is commonly known, and the extent to which it is to be vacated. In the case of a public service easement, the description shall identify it with common certainty. The map or plan showing the location of the street, highway, or public easement proposed to be vacated is sufficient compliance with this paragraph.
- (2) The date, hour, and place for hearing all persons interested in the proposed vacation. The date shall not be less than 15 days after the initiation of proceedings.

(Amended by Stats. 1998, Ch. 876, Sec. 20. Effective January 1, 1999.)

8321. (a) Ten or more freeholders may petition the board of supervisors to vacate a street or highway under this chapter. At least two of the petitioners shall be residents of the road district in which some part of the street or highway proposed to be vacated is situated and shall be taxable therein for street or highway purposes.

(b) Five or more freeholders may petition the board of supervisors to vacate a public service easement under this chapter. At least one of the petitioners shall be a resident of the township in which the public service easement proposed to be vacated is situated.

(c) The residence address of each petitioner shall be set forth in the petition.

(d) The board of supervisors may require the payment of a fee for filing a petition to defray the expenses of investigations, mailings, publications, and postings under this chapter.

(e) Upon the filing of a petition and the making of the deposit, if any, required under this section, the board of supervisors, by order, shall fix the date, hour, and place of the hearing on the petition. At least two weeks before the day set for the hearing, the clerk of the board shall mail a notice of the date, hour, and place of the hearing to each of the petitioners at the address set forth in the petition.

(f) Nothing in this section shall affect the right of a legislative body to initiate a proceeding under this chapter upon its own initiative, or upon petition or request of an interested person, or prevent the board of supervisors from vacating a street, highway, or public service easement without charging costs if the board determines it is in the public interest to do so.

(Amended by Stats. 1981, Ch. 64, Sec. 1.)

8322. (a) Except as provided in subdivisions (b) and (c), notice of the hearing on the proposed vacation shall be published for at least two successive weeks prior to the hearing in a daily, semiweekly, or weekly newspaper published and circulated in the local agency conducting the proceeding and which is selected by the legislative body for that purpose or by the clerk or other officer responsible for the publication where the legislative body has not selected any newspaper for that purpose.

(b) If the proceeding is conducted by a city and there is no daily, semiweekly, or weekly newspaper published and circulated in the city, the notice shall be published in some newspaper published in the county in which the city is located.

(c) Notice need not be published under this section where there is no daily, semiweekly, or weekly newspaper published and circulating in the county in which the local agency conducting the proceeding is located.

(Amended by Stats. 1998, Ch. 876, Sec. 21. Effective January 1, 1999.)

8323. At least two weeks before the day set for the hearing, the legislative body shall post conspicuously notices of vacation along the line of the street, highway, or public service easement proposed to be vacated. The notices shall be posted not more than 300 feet apart, but at least three notices shall be posted. If the line of the street, highway, or public service easement proposed to be vacated exceeds one mile in length, the legislative body may, in lieu of posting not more than 300 feet apart, post notices at each intersection of another street or highway with the street, highway, or public service easement to be vacated and at one point approximately midway between each intersection, but at least three notices shall be posted.

(Amended by Stats. 1998, Ch. 876, Sec. 22. Effective January 1, 1999.)

8324. (a) At the hearing, the legislative body shall hear the evidence offered by persons interested.

(b) If the legislative body finds, from all the evidence submitted, that the street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use, the legislative body may adopt a resolution vacating the street, highway, or public service easement. The resolution of vacation may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation not be recorded until the conditions have been satisfied.

(Amended by Stats. 1998, Ch. 876, Sec. 23. Effective January 1, 1999.)

8325. (a) The clerk shall cause a certified copy of the resolution of vacation, attested by the clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the office of the recorder of the county in which the property is located. No fee shall be charged for recordation.

(b) Upon such recordation, the vacation is complete.

(Added by Stats. 1980, Ch. 1050, Sec. 29.)



CITY OF AMADOR CITY

INCORPORATED JUNE 2, 1915

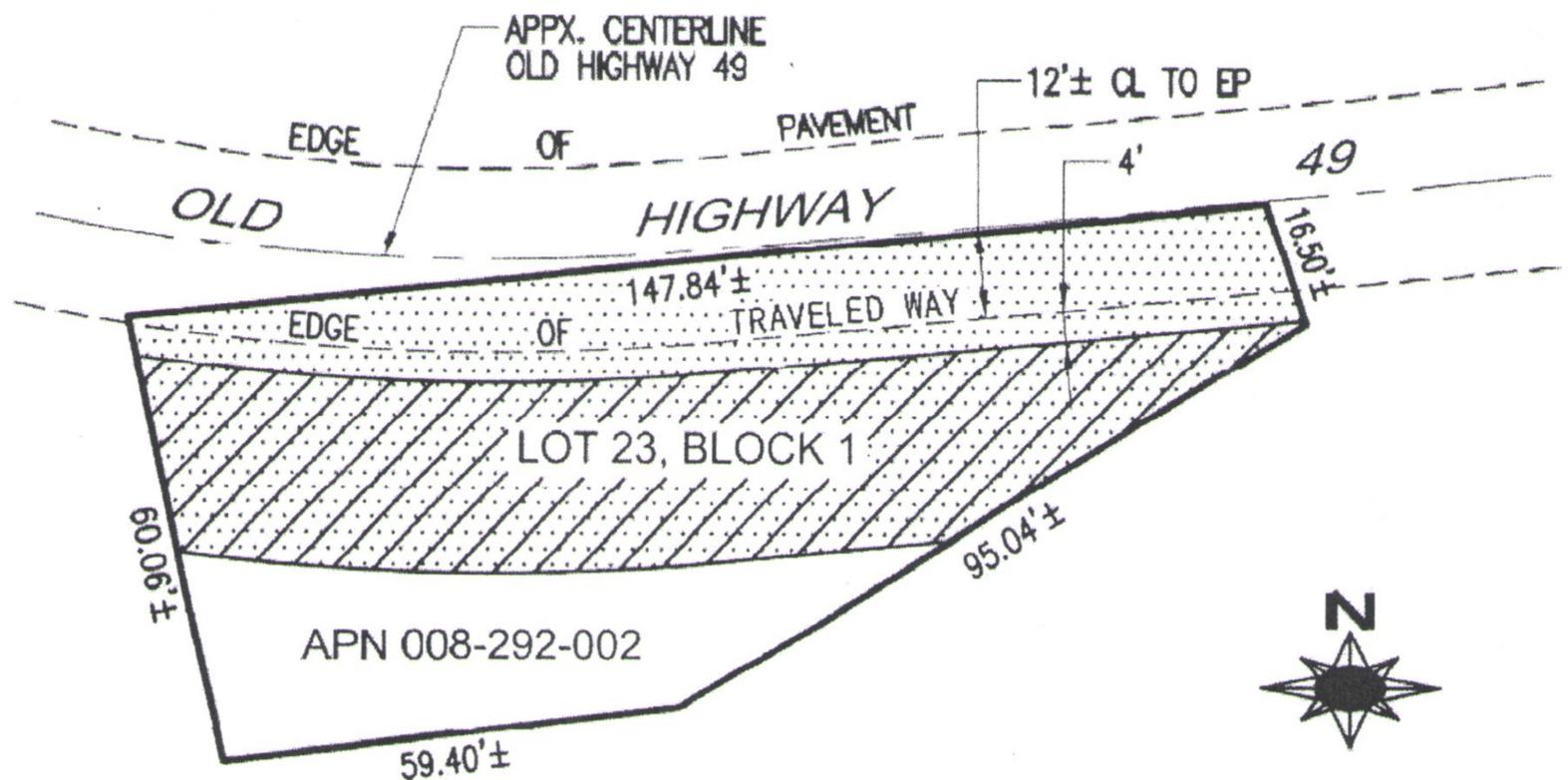
California

NOTICE OF STREET VACATION

This Notice of Street Vacation consideration is hereby given for a portion of Main Street (old State Route 49) in the City of Amador City. The Amador City Council will conduct a "vacation public hearing" pursuant to Streets and Highways Code Section 8320 to vacate approximately 150 linear feet (approximately 1,500 s.f. or 0.034 acres) of this portion of city road right of way.

The public hearing has been set for June 15th, 2017 at 7 p.m. at Amador City Hall. All persons interested are invited to attend and be heard. Any questions should be directed to the City Clerk's office at 209-267-0682 Monday or Thursday between 9:00 a.m. and 11:00 a.m.

Joyce Davidson, City Clerk
Amador City, California



DENOTES APPROXIMATE CASE NO. 30 STATE HIGHWAY RIGHT-OF-WAY AREA PER 51-DEEDS-365 AND CALTRANS RW MAPS DATED MAY 1971 (APPROX. 5030 SF)



DENOTES APPROXIMATE PROPOSED RIGHT-OF-WAY AREA TO BE ABANDONED BY THE CITY AND DEEDED TO BRUSATORI (APPROX. 3030 SF)



DENOTES APPROXIMATE BOUNDARY OF LOT 23, BLOCK 1 PER AMADOR CITY TOWNSITE NOTES (APPROX. 6700 SF)

RESOLUTION #556

A Resolution of the Amador City Council Setting an Amount for Business License Fee as provided in Ordinance #177 Business Licenses Generally

WHEREAS, the City of Amador City adopted Ordinance Number 177 on May 18, 2017, which added Chapter 5.04 to the Municipal Code of Amador City providing a fee to defray the cost of issuing license, administrative costs of regulating business activity and the expense of enforcing this Chapter; and

WHEREAS, Section 5.04.020 of the Amador City Municipal Code states that the amount of the license fee shall be set by Resolution of the Amador City Council; and

WHEREAS, certain administrative, adjudicatory, regulatory and enforcement burdens will be borne by the City as a consequence of processing business licenses according to the provisions of Chapter 5.04.

NOW, THEREFORE BE IT RESOLVED that the Amador City Council hereby establishes a fee of \$50.00 as a business license fee to be paid annually.

ADOPTED BY THE CITY COUNCIL OF AMADOR CITY ON June 15, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MAYOR, SUSAN BRAGSTAD

ATTEST:

CITY CLERK

CITY OF AMADOR CITY

PUBLIC NOTICE OF PROPOSED INCREASE IN SOLID WASTE COLLECTION FEES

NOTICE IS HEREBY GIVEN that pursuant to Article XIID, section 6(a) of the California Constitution Proposition 218 the City of Amador City proposes to increase the solid waste collection fees that ACES Waste Services collects from within the City limits.

The City has awarded a franchise to ACES Waste Services allowing ACES to collect solid waste generated in Amador City from those customers who choose to receive solid waste service. The franchise entitles ACES to receive periodic rate increases, calculated according to formulas that take into account inflation and increases in costs for fuel, landfill disposal, and other operational expenses. In accordance with the franchise agreement, ACES has requested a 21.40% increase in commercial and residential collection fees to take effect July 1, 2017, as set forth in Exhibit A, attached hereto and herein incorporated by reference.

The proposed rate adjustment is to compensate the company for inflationary cost increases incurred in providing refuse and recycling services to the City. The calculated rate adjustment is a combination of actual known costs adjustments and government published indices. Actual known cost adjustment is for the increase in the cost of disposal of waste. Adjustments based upon government published indices are for labor, workers compensation, health insurance and other such operating costs.

NOTICE IS FURTHER GIVEN that on July 20, 2017, the Amador City Council, at 7:00 PM or as soon thereafter as the matter may be called at City Hall, 14531 East School Street, Amador City, California, will hear and consider all protests and objections concerning the proposed rate increase subject to this notice. If there is no majority protest, the City Council will consider and may adopt the proposed rate increase effective July 1, 2017.

As the record owner or customer of record of a parcel identified to be subject to the proposed rate increase, you may submit a written protest against said proposed rate increase. However, if the identified parcel has more than one record owner and/or customer only one protest will be counted. Each protest must (1) be in writing; (2) state specifically the protest against the proposed rate increase; (3) provide the location of the identified parcel (by assessor's parcel number or street address) and; (4) include the original signature of the record owner or customer of record submitting the protest. Protests submitted by email, facsimile, or other electronic means will not be accepted.

Written protests may be submitted by mail to City Clerk, P. O. Box 200, Amador City, California 95601 and must be received no later than 7:00 p.m., July 20, 2017. Please identify on the front of the envelope for any protest, whether mailed or submitted in person to the City Clerk, that the enclosed letter is for the public hearing on solid waste rate increase.

Oral comments at the public hearing will not qualify as formal protests against the proposed solid waste rate increase.

May 24, 2017

Joyce Davidson
City Clerk

June 12, 2017

Mr. and Mrs. Michael Vasquez

P. O. Box 156

Amador City, California 95601

RE: Illegal and unpermitted improvements to City owned Culbert Park land made by adjacent property owner – Vasquez – 14166 Main Street (property owned by Vasquez and adjacent to Culbert Park)

Dear Mr. and Mrs. Vasquez:

At the May 18, 2017, Amador City Council meeting the subject of your encroachment onto City owned Culbert Park property was discussed. City Attorney, Ethan Turner, reported to the Council that under no circumstances would ownership of the Culbert Park property by the City be compromised due to encroachment of an adjacent property owner. Culbert Park lands remain under the ownership of the City of Amador City.

In order to protect the City against any claims by users of the improvements, please provide the City with an Additional Insured rider to your liability insurance policy naming the City of Amador City as additional insured. Please provide this rider prior to opening your business.

Sincerely,

Susan Bragstad, Mayor

Cc: Ethan Turner, City Attorney