

A RESOLUTION OF THE CITY OF EUREKA CITY COUNCIL FINDING THE  
SUMMARY VACATION OF THE 5<sup>TH</sup> STREET AND MYRTLE AVENUE RIGHTS-OF-  
WAY IS EXEMPT FROM CEQA AND ORDERING THE SUMMARY VACATION OF  
THE RIGHTS-OF-WAY

WHEREAS, as a result of the 5<sup>th</sup> and R Street realignment, portions of the 5<sup>th</sup> Street and Myrtle Avenue rights-of-way became unnecessary for public road use; and

WHEREAS, the City of Eureka is proposing to vacate a closed portion of Myrtle Avenue and a closed segment of the 5<sup>th</sup> Street rights-of-way accepted from Caltrans in 2003, which are currently maintained by Pacific Outfitters as part of their parking lot and as a grassy area and entrance to their parking lot from 5<sup>th</sup> Street; and

WHEREAS, the “parking lot” portion of the proposed vacation is approximately 9,050 square feet (sf), and the grassy “triangular” piece adjacent to the current 5<sup>th</sup> Street alignment is roughly 1,175 sf; and

WHEREAS, California Streets and Highways Code, Section 8300 et seq., grants authority to vacate public rights-of-way within City limits to the Eureka City Council; and

WHEREAS, a portion of the property to be vacated contains a utility easement that the City shall retain; and

WHEREAS, California Government Code Section 65402 requires, prior to the City Council vacating a street right-of-way, the location, purpose and extent of the proposed right-of-way vacation must be submitted to and reported upon by the Planning Commission as to conformity with the adopted General Plan; and

WHEREAS, on June 12, 2023, following public comment, the Planning Commission for the City of Eureka, by a vote of 5 to 0, adopted Resolution 2023-15, “A Resolution of the Planning Commission of the City of Eureka reporting on the conformity with the General Plan of the vacation of the 5<sup>th</sup> Street and Myrtle Avenue Rights-of-Way, and recommending the City Council approve the summary vacation of the Rights-of-Way”; and

WHEREAS, pursuant to City of Eureka Policy and Procedure 4.02, the City Council may order a vacation by resolution if the Council finds from all evidence and testimony submitted, that the right of way to be abandoned is unnecessary for present or prospective public use; and

WHEREAS, the proposed summary vacation is a “project” pursuant to the California Environmental Quality Act (CEQA).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUREKA, the summary vacation of the 5<sup>th</sup> Street and Myrtle Avenue rights-of-way is ordered on the following basis:

1. The location, purpose and extent of the 5<sup>th</sup> and Myrtle rights-of-way vacation is in conformance with the existing General Plan.
2. The rights-of-way to be abandoned are unnecessary for public road use.
3. The City shall retain the appropriate utility easement shown as Exhibits “C” and “D” on the document titled “Right-of-Way Vacation and Public Utilities Easement and Access,” prepared by Kenneth Johnston and dated February 22, 2023.
4. The project qualifies for a Class 5 exemption (Section 15305) from CEQA which exempts minor alterations in land uses, because the project to vacate the rights-of-way is on a property with an average slope of less than 20%, and the vacation will not change the land use or density.

PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 1<sup>st</sup> day of August, 2023 by the following vote:

AYES: COUNCILMEMBERS  
NOES: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS

\_\_\_\_\_  
Kim Bergel, Mayor of the City of Eureka

*Attest:*

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Pamela J. Powell, City Clerk

*Approved as to Administration:*

*Approved as to form:*

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Miles Slattery, City Manager

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Autumn Luna, City Attorney