

RESOLUTION NO. RES-2022-086

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING SUMMARY VACATION OF ONE (1) 341-FOOT BY 12-FOOT PUBLIC SERVICE EASEMENT, LOCATED AT 431, 437, 439, 465 A STREET AND 506, 512, 516, 520, 600, 608, AND 612 MORGAN STREET, ASSESSOR'S PARCEL NUMBERS 010-041-001, 004, 005, 008, 009, 010, 011, 013, 014, 015, 016, 017, 018, 019, 020 FOR THE CARITAS VILLAGE PROJECT, WHICH IS LOCATED ON A DOWNTOWN CITY BLOCK, BORDERED BY 7TH STREET, A STREET, 6TH STREET, AND MORGAN STREET — FILE NO. VAC21-004

WHEREAS, pursuant to Section 8333, subdivision (c) of the California Streets and Highways Code, the City may summarily vacate a public service easement if the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, the public service easement requested to be vacated was reserved for public utilities when the Council of the City of Santa Rosa vacated an alley right of way, identified in that certain Parcel Map, recorded on July 24, 1916, at Book 33, Page 21, pursuant to Resolution No. 9325, on March 31, 1970, and recorded at Book 2459, Page 97; and

WHEREAS, the public service easement is located within a downtown City block, bounded by 7th Street, A Street, 6th Street, and Morgan Street, and is described in the legal description and plat, attached hereto and made part of this resolution as Exhibits A (Easement of Abandonment Over the Lands of Catholic Charities) and B (Abandonment of Utility Easement Reserved in Resolution No. 9325 Recorded in Book 2459 at Page 97), and is no longer necessary for public purposes; and

WHEREAS, the public service easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa finds that:

1. The specific public service easement to be vacated is fully described in Exhibit A and depicted in Exhibit B.
2. This vacation is made pursuant to Section 8333 of the California Streets and Highways Code, which allows for a summary vacation of public service easements which have been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement (Section 8333, subdivision (c)).
3. The PSE has been superseded and any utilities with the easement have been relocated. There are no public facilities located within the easement.

4. The proposed vacation is consistent with the General Plan and Zoning as the orderly development of the Property will be best facilitated by the proposed vacation.
5. On March 3, 2020, the City Council certified an Environmental Impact Report (EIR) and adopted Findings of Fact related to the California Environmental Quality Act (CEQA) and Statement of Overriding Considerations for the Caritas Village project which necessitates this summary vacation. Pursuant to State CEQA Guidelines § 15162, no additional environmental review is required, as there have been no major revisions to the project and there is no new information showing the project will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

In addition, this action is categorically exempt from CEQA because it meets the description of Minor Alterations in Land Use Limitations, pursuant to CEQA Guideline Section 15305. Specially, the project does not result in any changes to land use or density and the project site has an average slope of less than 20 percent.

BE IT FURTHER RESOLVED, based on these findings, that from and after the date this resolution is recorded, the subject public service easement described in Exhibit A, shall be vacated and shall no longer constitute a public services easement.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution of vacation to be recorded in the Office of the County Recorder.

IN COUNCIL DULY PASSED this 26th day of April, 2022.

AYES: (5) Vice Mayor Alvarez, Council Members MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (2) Mayor C. Rogers, Council Member Fleming

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Vice Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A - Legal Description for Vacation of Public Utility Easement
Exhibit B – Plat to Accompany Legal Description