

RESOLUTION NO. RES-2022-165

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA (1) APPROVING A SUMMARY VACATION OF THE STORM DRAIN EASEMENT THAT BISECTS THE PROPERTY AT 5173 HIGHWAY 12, AND (2) DELEGATING THE AUTHORITY TO THE CITY ENGINEER TO EXECUTE A QUITCLAIM DEED AND/OR ANY OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE SUMMARY VACATION, FOR THE PROPERTY AT 5173 HIGHWAY 12, ASSESSOR'S PARCEL NO. 183-410-060; FILE NUMBER VAC22-001

WHEREAS, on April 20, 2022, an application was submitted requesting a summary vacation for the storm drain easement (Easement) that bisects the property at 5173 Highway 12, also identified as Sonoma County Assessor's Parcel No. 183-410-060; and

WHEREAS, pursuant to Section 8333, subdivision (a) of the California Streets and Highways Code, the City may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, the Easement requested to be vacated was granted to the City by Easement Deed, recorded on June 19, 1981, under Official Records Document Number 81-035241, Sonoma County Records; and

WHEREAS, the Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

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

1. The Easement to be vacated is fully described and depicted in Exhibit A, attached hereto and incorporated herein.
2. This vacation is made pursuant to Section 8333(a) of the California Streets and Highways Code, which allows for a summary vacation of a public service easement which has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
3. The Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
4. The Easement has been determined to be excess by the easement holder in that no public utilities are located within the Easement and Planning Staff have received correspondence that all utility companies listed in the Easement have released interest in the Easement area.

5. The proposed summary vacation is consistent with the General Plan and Zoning as the orderly development of the Property will be best facilitated by the proposed vacation.
6. This action is exempt from the California Environmental Quality Act (CEQA) in that on June 29, 2020, the Mahonia Glen project was found in compliance with the CEQA pursuant to Senate Bill 35, which allowed a ministerial, streamlined process, rendering it exempt from CEQA. The requested summary vacation falls within the scope of the approved project and, therefore, no environmental review is required.

In addition, this action is categorically exempt from CEQA because it meets the description of Minor Alterations in Land Use Limitations, pursuant to CEQA Guidelines 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 Easement described in Exhibit A, shall be vacated and shall no longer constitute a public service easement.

BE IT FURTHER RESOLVED that the Council authorizes the City Engineer to approve all documents necessary to effectuate this summary vacation.

BE IT FURTHER RESOLVED that the Planning and Economic Development Department, Engineering Development Services Division, is hereby ordered to record a certified copy of this resolution in the Office of the County Recorder.

IN COUNCIL DULY PASSED this 26th day of July 2022.

AYES: (7) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A: Legal Description for Vacation of Storm Drain Easement and Plat to Accompany
Legal Description