

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: JASON NUTT, ASSISTANT CITY MANAGER
SUBJECT: ACCEPT GRANT OF PUBLIC SANITARY SEWER EASEMENT
OVER PUBLIC SEWER MAIN AT 5107 MIDDLEBROOK COURT
AND APPROVE SUMMARY VACATION OF EXISTING PUBLIC
SANITARY SEWER EASEMENT

AGENDA ACTION: RESOLUTIONS

RECOMMENDATION

It is recommended by the Water Department and Real Estate Services that the Council, by two separate resolutions: 1) accept the grant of a 2,216 square foot public sanitary sewer easement over the area of an existing sewer main; 2) approve the summary vacation of approximately 2,218 square feet of public sanitary sewer easement where no utilities exist; and 3) authorize the Assistant City Manager to execute necessary documents to effectuate same, in order to reflect the actual location of the sewer main on the property commonly known as 5107 Middlebrook Court.

EXECUTIVE SUMMARY

In connection with an adjacent property owner's request to connect to the existing public sewer main located at 5107 Middlebrook Court (the "Property"), it was discovered that the 15-foot public sanitary sewer easement shown on the subdivision map for Montecito Ridge did not reflect the accurate location of the utility on the Property. In order to address this, the Water Department and Real Estate Services seek City Council acceptance of the grant of a new easement of approximately the same size over the actual area in which the existing public sewer main is located on the Property and approval to summarily vacate the portion of the public sanitary sewer easement shown on the map, where no sewer pipeline exists.

BACKGROUND

Following a request by the property owner located at 5122 Montecito Avenue to connect to the existing public sewer main located at 5107 Middlebrook Court ("Property"), it was discovered by staff that the 15-foot public sanitary sewer easement ("Sewer Easement") shown on the subdivision map entitled Montecito Ridge, filed November 6, 1989 in Book

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447 of Maps, Pages 25-27 ("Map") did not reflect the accurate location of the utility on the Property.

Further research by City staff found that the Improvement plans identified where the Sewer Easement was supposed to be located, but the Map, where the Sewer Easement was established, did not reflect the location of the main on the Property.

Since the location of the Sewer Easement is not accurately depicted on the Map, the City cannot connect 5122 Montecito Avenue until the issue has been resolved. City staff recommend that Council accept a grant of easement in the actual location of the sewer main and approve the summary vacation of the portion of Sewer Easement that was established by the Map in the wrong location.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

City staff propose that Council 1) accept a grant of new easement by the Property owner, of approximately 2,216 square feet, over the area of the Property in which the existing sewer main is located ("New Easement"); and 2) concurrent with acceptance of New Easement, approve the vacation of the Sewer Easement, so as not to encumber an area of the Property where no utilities are located.

The New Easement would be granted by the Property owner in exchange for vacation of the Sewer Easement and two thousand dollars (\$2,000.00) to be paid by City to the Property owner.

Vacation procedures are established by the California Public Streets, Highways, and Service Easements Vacation Law, which is implemented through the California Streets and Highways Code (Code). Pursuant to Section 8333 of the Code, City may summarily vacate a public 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. The portion of the Sewer Easement being vacated, which, as noted above was dedicated in 1989, has no public facilities located within it and has never been used for public utilities.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

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ENVIRONMENTAL IMPACT

Pursuant to CEQA Guidelines Section 15378, the proposed action is not a “project” subject to the California Environmental Quality Act (CEQA) because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. In the alternative, the proposed action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.

Additionally, this project is categorically exempt from CEQA because it meets the description of Minor Alterations in Land Use Limitations, pursuant to CEQA Guidelines Section 15305, minor alterations in land use limitations. Specifically, 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.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

No public notice is required for the proposed easement vacation.

ATTACHMENTS

- Resolution 1/Exhibits A and B – Legal Description and Depiction- New Easement
- Resolution 2/Exhibits A and B – Legal Description and Depiction- Vacated Portion of Sewer Easement

PRESENTERS

Andrew Allen, Supervising Engineer, Water Engineering Services
Jill Scott, Real Estate Manager