

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: AMY NICHOLSON, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: REQUEST FOR SUMMARY VACATION OF A 15-FOOT WIDE
PUBLIC SEWER EASEMENT LOCATED AT 562 RUSSELL
AVENUE APN 180-010-011, AND A 25-FOOT WIDE PUBLIC
UTILITY EASEMENT LOCATED AT 562 RUSSELL AVENUE AND
648 RUSSELL AVENUE APNS 180-010-013 AND 180-010-011 –
FILE NO. VAC18-003

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department and the Water Department that the Council, by resolution, approve a summary vacation of a 15-foot wide Sanitary Sewer Easement and a 25-foot wide Public Utility Easement, located on the properties of 562 and 648 Russell Avenue, respectively.

EXECUTIVE SUMMARY

The County of Sonoma, the property owner of 562 and 648 Russell Avenue (the subject sites), seeks Council approval of a summary vacation of an approximately 11,100-square-foot, 15-foot wide, Sanitary Sewer Easement located at 562 Russell Avenue, and an approximately 7,000 square-foot, 25-foot wide, Public Utility Easement located at 562 Russell Avenue and 648 Russell Avenue (collectively, the public service easements) to facilitate the construction of a Behavioral Health Unit to support the existing Main Adult Detention Facility located on Ventura Avenue in Santa Rosa. Each of the public service easements contains sewer mains which service County properties and are maintained by the County. The purpose of the public service easements was to give the City maintenance and access rights, however these access rights have become unnecessary due to the County's ownership and maintenance of the sewer mains. The public service easements are therefore considered excess. In addition, there are no other public facilities located within the easement.

PROJECT BACKGROUND

- The existing public sewer main, City File No. 1986-0101, 1993-0137, reverted to

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ownership and maintenance by Sonoma County (County) following the County's acquisition of all upstream tributary properties for expansion of County facilities.

- The existing Public Sewer Easement that is located over the sewer main remaining in place and that is proposed to be vacated is considered to be excess due to the City having no access or maintenance responsibilities of this sewer main.
- A remnant of the Public Utility Easement from Russell Avenue into County Property, Document Numbers 17320R467 & 17320R471, that was abandoned and Quit Claimed in 1996, by Document No. 1996-050737 is to be vacated by the City as excess due to acquisition of properties fronting Russell Avenue by the County.
- Upon an application by the County to vacate the existing Easements it was discovered that the City did not have the required easement for the existing trunkline that runs parallel to Highway 101, west of the existing Easements. The City is requiring the County to grant this required easement as a part of this vacation process.

PRIOR CITY COUNCIL REVIEW

None.

ANALYSIS

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, the City may summarily vacate any public service easement if it has not been used for the purposes for which it was dedicated or acquired for five consecutive years, the easement has been determined to be excess and there are no other public facilities located within the easement, or the facilities have been superseded by relocation.

The Sanitary Sewer Easement and Public Utility Easement requested to be vacated are no longer necessary for public purposes in that the public sewer mains located within the Easements have been maintained and utilized by the County of Sonoma for the Main Adult Detention Facility and abutting County owned properties, and are not utilized by any additional properties. Each of the public service easements contains sewer mains which service County properties and are maintained by the County. As the purpose of the said easements is to give the City maintenance and access rights, which are unnecessary based on the County's ownership and maintenance, the easements are considered excess. As required by Section 8333 of the Code, there are no public facilities located within the easement, as the sewer mains that exist service private properties.

General Plan

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The General Plan land use designation for the subject site is Office, which provides sites for administrative, financial, business, professional, medical, and public offices. The proposed public service easements vacation will allow for the proposed addition to the existing County Detention Facility, consistent with the General Plan.

Zoning

The subject site is zoned CO – Office Commercial, which is applied to areas appropriate for administrative, business, financial, medical, professional, and public office uses, together with similar and related compatible uses. Residential uses may also be accommodated as part of mixed use projects. The CO zoning district is consistent with and implements the Office land use classification of the General Plan. Vacating the public service easements will allow for the proposed Behavioral Health Unit to be constructed over the area of the existing easements.

FISCAL IMPACT

Approval of the requested Summary Vacations would not have an impact on the City's General Fund.

ENVIRONMENTAL IMPACT

The vacation of the subject Public Utility Easement and Sanitary Sewer Easement is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, in that the proposal consists of minor alterations in land use limitations.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable for this project.

NOTIFICATION

No public hearing notice is required for the proposed summary vacations. This item was noticed on the Agenda for the October 23, 2018, meeting.

ISSUES

The City has no unresolved issues with the proposed project.

ATTACHMENTS

- Attachment 1 – Disclosure Form
- Attachment 2 – Location Map
- Attachment 3 – Vacation of Public Utility Easement

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Attachment 4 – Vacation of Sanitary Sewer Easement
Attachment 5 – Public Sanitary Sewer Easement
Resolution – Summary Public Utility Easement and Summary of Sanitary Sewer
Easement Vacation

CONTACT

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