

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: GABE OSBURN, DIRECTOR – PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT
SUBJECT: REQUEST FOR SUMMARY VACATION OF ONE PUBLIC
SERVICE EASEMENT, LOCATED AT 5608 NEWANGA AVENUE,
PARCEL NO. 032-210-084 (FILE NO. VAC23-001)

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve a Summary Vacation of a Public Service Easement for the residential property located at 5608 Newanga Avenue.

EXECUTIVE SUMMARY

The applicant seeks a Summary Vacation of a Public Road, Access, Utility, Drainage and Fire Access Easement.

BACKGROUND

On July 18, 2023, the Planning and Economic Development Department received an application seeking a Summary Vacation of the Public Service Easement for road, access, utility, drainage and emergency vehicle access for the residential property located at 5608 Newanga Avenue. The subject easement, recorded in 1983, has never been used for public access and there are no public utilities that are accessible or have been installed within the easement. Private storm drain lines conveying runoff from three upstream properties exist within this easement corridor. A private drainage easement dedicated to the upstream properties will be recorded prior to recordation of the quitclaim deed. The emergency vehicle access aspect of the easement will be superseded by relocation of a new emergency vehicle access easement off of Newanga Avenue.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

Vacation procedures are established by the state law. Pursuant to Streets and Highways Code Section 8333, the City may summarily vacate a public service easement in any of the following cases:

- (a) 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.
- (b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.
- (c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

Pursuant to Section 8333(a), City staff asserts that the Public Service Easement has not been used for public access or public utility access for over five consecutive years, and no overhead or public underground utility lines have been installed within the subject easement.

Additionally, pursuant to Section 8333(c), City staff asserts that the emergency vehicle access aspect of the easement has been superseded by relocating a new emergency vehicle access easement off of Newanga Avenue.

FISCAL IMPACT

Approval of the requested Summary Vacation will not have an impact on the General Fund.

ENVIRONMENTAL IMPACT

This action is categorically exempt from the California Environmental Quality Act (CEQA) because it involves a minor alteration in land use limitations, pursuant to CEQA Guidelines Section 15305.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

No public notice is required for the proposed Summary Vacation.

ATTACHMENTS

- Attachment 1: Disclosure Form
- Attachment 2: Location Map
- Attachment 3: Project Description
- Attachment 4: Legal Description for Summary Vacation
- Attachment 5: Plat to Accompany Legal Description
- Resolution

PRESENTER

Sachnoor Bisla, City Planner
Planning and Economic Development Department