

RESOLUTION NO. RES-2018-165

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA FOR SUMMARY VACATION OF AN APPROXIMATELY 1,700-SQUARE-FOOT PUBLIC SERVICE EASEMENT ALONG THE WEST PROPERTY LINE OF A PROPERTY LOCATED AT 2220 MERCURY WAY APN 035-490-032 – FILE NO. VAC18-002

WHEREAS, pursuant to Section 8333 of the California Streets and Highways Code, the City may summarily vacate a public service easement if it has not been used for the purpose 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; and

WHEREAS, the public service easement requested to be vacated is located at 2220 Mercury Way, Santa Rosa, California (Property) and is described in the legal description and plat, attached hereto and made part of this resolution as Exhibits A (Legal Description for Vacation of Public Utility Easement) and B (Plat to Accompany Legal Description), and is no longer necessary for public purposes; and

WHEREAS, the public service easement has not been used for public utility purposes for more than five consecutive years; and

WHEREAS, the easement has been determined to be excess and no public facilities are 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.
3. The public service easement has not been used for public utility purposes for more than five consecutive years.
4. Pursuant to a professional underground exploration report entitled “Subsurface Investigation Report for Seasonal Spirits Distillery, LLC,” prepared by Pacific Coast Locators, Inc. on January 17, 2018, there are no public facilities located in the easement.
5. 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.
6. This action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15305, minor alterations in land use limitations.

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

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 25th day of September, 2018.

AYES: (6) Vice Mayor Rogers, Council Members Combs, Olivares, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (1) Mayor Coursey

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