

CITY OF SANTA ROSA  
BOARD OF PUBLIC UTILITIES

TO: CHAIR AND BOARD MEMBERS  
FROM: STEPHANIE VALKOVIC, SENIOR REAL PROPERTY AGENT  
SUBJECT: RECOMMENDATION TO CITY COUNCIL TO APPROVE  
SUMMARY VACATION OF PORTIONS OF PUBLIC SERVICE  
EASEMENT

AGENDA ACTION: MOTION

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RECOMMENDATION

It is recommended by Santa Rosa Water and Real Estate Services that the Board of Public Utilities, by motion, recommend that City Council, pursuant to California Streets and Highways Code subsection 8333(a), approve summarily vacating the portion of an unused public service easement that runs across four parcels (collectively, the "Subject Properties") located at 1927, 1931, 1935 and 1936 Lyon Court, Santa Rosa, CA (Assessor Parcel Numbers 173-630-014, 173-630-013, 173-630-012 and 173-630-010, respectively); and authorize the Assistant City Manager to make non-substantive changes to the vacation documents, subject to approval by the City Attorney, and execute the vacation documents.

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EXECUTIVE SUMMARY

As part of plan review in connection with the rebuilding of lots in the Deer Meadow Unit I at Fountaingrove Subdivision following the 2017 Tubbs Fire, it was discovered that portions of a sanitary sewer easement for the neighborhood had never been vacated as anticipated by the improvement plans for the subdivision. To reconcile this, a summary vacation of the extraneous public service easement is needed.

BACKGROUND

A sanitary sewer easement was recorded on January 4, 1985 as Document No 85-000554 ("Easement") and ran across several parcels within what became the subdivision for Deer Meadow Unit I at Fountaingrove in the 1990s. The Subdivision Map for Deer Meadow Unit I at Fountaingrove was filed in the Sonoma County Recorder's Office on August 15, 1990, in Book 462 of Maps, at Pages 43-46 ("Map") and reflected this Easement. Improvement Plans for the Subdivision show the abandonment and removal of a 6-inch sanitary sewer pipe subject to the installation of a new sanitary sewer pipe that would bypass the Subject Properties. The subsequent action to vacate the Easement was never taken following the removal of the sewer line at the time of construction.

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Section 8333 of the State Streets and Highways Code grants authority to the legislative body of a local agency to summarily vacate a public service easement if 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.

Staff have determined that the portion of the Easement as described in Exhibit A and depicted in Exhibit B are no longer necessary and that no public facilities exist within the portion of the Easement to be vacated. Staff have further determined that the portions of the Easement to be vacated has not been used for the purpose for which it was dedicated or acquired for a time exceeding five consecutive years immediately preceding this proposed vacation. As the conditions of Section 8333 have been satisfied, Staff recommends that the Board of Public Utilities recommend that Council approve summarily vacating the unused portion of the Easement.

PRIOR BOARD OF PUBLIC UTILITIES REVIEW

Not applicable.

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, City may summarily vacate 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. The portion of the easement being vacated has no public facilities located within it and is not being used for public utilities as they were previously relocated into the public right of way more than five years ago, but the abandonment of the easement was never effectuated.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the Enterprise or General Funds.

ENVIRONMENTAL IMPACT

The recommended action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Class 5 – Minor Alterations in Land Use Limitations). The proposed summary vacation of an unused portion of a public service easement would remove an obsolete land use restriction and would not result in any change in land use, development intensity, or density. The easement area contains no existing public facilities, and the underlying utility infrastructure was

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previously relocated into the public right-of-way.

None of the exceptions to the categorical exemption set forth in CEQA Guidelines Section 15300.2 apply. The action will not result in cumulative impacts, does not involve unusual circumstances, is not located on or adjacent to a hazardous waste site, does not affect scenic highways, and will not impact historical resources.

Accordingly, the action is exempt from CEQA, and no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Exhibits A and B -Legal Description and Depiction - Vacation of Sanitary Sewer Easement (Portion)

PRESENTER(S)

Stephanie Valkovic, Senior Real Property Agent