

RESOLUTION NO. RES-2022-126

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE SUMMARY VACATION OF (1) APPROXIMATELY 1,793 SQUARE FEET OF IDAHO DRIVE PUBLIC RIGHT-OF-WAY (EXCEPTING AND RESERVING A PUBLIC UTILITY EASEMENT); (2) TWO 100 SQUARE FOOT PUBLIC UTILITY EASEMENTS; AND (3) A 64 SQUARE FOOT PORTION OF SIDEWALK EASEMENT; AND AUTHORIZING THE ASSISTANT CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS

WHEREAS, the subdivision map for Tract No. 173 Montgomery Village Subdivision No. 15 (“Subdivision”) was recorded May 26, 1954, in Maps, Book 70 Pages 14 and 15 (“Map”); and

WHEREAS, at the time that the Map was accepted, the Subdivision was in County jurisdiction; and

WHEREAS, Coddling Homes and Montgomery Village Development Company conveyed, and the City accepted, the parcels comprising 3499 Idaho Drive, APN 013-211-025 (“City Property”) in July 1954 and June 1961, respectively, which is the site of Carley Drive Well; and

WHEREAS, the Subdivision was annexed into the City in 1955, approximately the same year that the homes on Idaho Drive were constructed; and

WHEREAS, as part of the survey work being done for the Carley Drive Well Rehabilitation Project, it was discovered by the TPW Survey Team that the right of way and lot lines shown on the Map do not agree with the actual and existing physical improvements of the Subdivision with respect to the City Property and adjacent properties; and

WHEREAS, the house located at 3493 Idaho Drive, APN 013-211-014 (“3493 Idaho Drive”), encroaches into the exaggerated right of way bulb shown on the Map; and

WHEREAS, in an effort to accurately reflect the existing improvements in relationship to the right of way and lots lines shown on the Map, City desires to vacate approximately 1,793 square feet of excess right of way as well as certain extraneous public service easements not being utilized in order that the Map will more accurately reflect the layout of the Subdivision as it relates to the affected properties; and

WHEREAS, pursuant to Sections 8334 and 8333 of the California Streets and Highways Code, respectively, City may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes, or 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; and

WHEREAS the right of way to be vacated is excess right of way not required for street purposes, and the easements to be vacated are not and have not been used for the purposes for which they were dedicated.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa finds that:

1. The right of way described and depicted in **Exhibit A** shall be vacated and abandoned, excepting and reserving thereto a perpetual easement in favor of City, PG&E, AT&T and Comcast, for public utility purposes including but not limited to electricity, gas, sewer facilities, water facilities, storm drains, sidewalks, telephone, cable television, pipe, conduits, cable, wires, poles and other structures, equipment and fixtures both above ground or underground for due operation of such facilities, with the right of immediate entry and with continued possession and access for the purpose of construction, improvement, maintenance, repairs, operation and replacement of such public utilities and for such other public or public utility purposes as the City of Santa Rosa may choose to make, in, upon, over and across that portion of the area to be abandoned.
2. Two (2) 100 square foot public utility easements as dedicated and accepted on the Map and described and depicted in **Exhibit B**; and a 64 square foot portion of sidewalk easement as granted pursuant to 3267 OR 127 and described and depicted in **Exhibit C** shall be summarily vacated.
3. The right of way and easement vacations are made pursuant to Chapter 4 of Part 3, Division 9 of the California Streets and Highways Code, based on Sections 8334 and 8333 of the California Streets and Highways Code. The right of way is not required for street or highway purposes and the easements have not been used for the respective purposes for which they were dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

BE IT FURTHER RESOLVED, based on these findings, that from and after the date this resolution is recorded, the above-described right of way is vacated and no longer constitutes public right of way and the above-described easements are vacated and no longer constitute public easements.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be recorded in the Office of the County Recorder for Sonoma County.

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BE IT FURTHER RESOLVED that the Assistant City Manager is authorized to execute any documents that may be required to effect the vacation of the public right of way and easements and to quitclaim those portions of the property being vacated to the adjacent properties as may be necessary to effectuate the above.

IN COUNCIL DULY PASSED this 21st day of June, 2022.

AYES: (6) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, MacDonald, N. Rogers, Schwedhelm

NOES: (0)

ABSENT: (1) Council Member Sawyer

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
Deputy City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

Exhibit A - Legal Description and Depiction Right of Way Vacation of Idaho Drive (Portion) and Reservation of PUE

Exhibit B - Legal Description and Depiction - Vacation of Public Utility Easements

Exhibit C - Legal Description and Depiction - Vacation of Existing Sidewalk Easement (Portion)