

RESOLUTION NO. RES-2019-122

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA FOR A SUMMARY VACATION OF FOUR 15-FOOT WIDE PUBLIC UTILITY EASEMENTS CONTAINING SANITARY SEWER AND WATER NOS. DN 83003750, 3097 OR 78, 2918 OR 893, 3068 OR 744, LOCATED AT 1163 HOPPER AVENUE APN 015-360-055 – FILE NO. VAC19-001

WHEREAS, pursuant to Section 8333 of the California Streets and Highways Code, the City may summarily vacate a public service easement if it has been superseded by relocation and there are no other public facilities within the easement and there are no other public facilities located within the easement; and

WHEREAS, the Public Utility Easements of sanitary sewer and water (the Easements) requested to be vacated are located at 1163 Hopper Avenue, Santa Rosa, California and are described in the legal descriptions and plats attached hereto and made part of this resolution as Exhibits A, B, C, and D (Vacation of Public Utility Easement), and do not contain any other public facilities within the Easements and are being relocated and dedicated on the same site to accommodate a property damaged by the 2017 Wildfires; and

WHEREAS, the four Public Utility Easements are now in conflict with the proposed rebuild of the Hopper Lane Apartments and new 20-foot wide Public Utility Easements will be relocated on site and dedicated to the City of Santa Rosa to the satisfaction of the City's Engineer. Further, there are no other public facilities located within the easement.

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

1. The Easements to be vacated are fully described in the attached Exhibits A, B, C, and D.
2. These vacations are made pursuant to Section 8333 of the California Streets and Highways Code, which allows for a summary vacation of public service easements if the easements have been superseded by the relocation of the Easements and there are no other public facilities within the Easements.
3. 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 Easements, described in Exhibits A, B, C, and D, attached hereto and incorporated herein, shall be vacated and shall no longer constitute public service easements.

BE IT FURTHER RESOLVED, that the Council authorizes the Director of Planning and Economic Development to approve all documents necessary to complete these transactions.

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.

BE IT FURTHER RESOLVED, as a condition of approval, that the City shall accept relocated 20-foot wide Public Utility Easements at the site located at 1163 Hopper Avenue.

BE IT FURTHER RESOLVED, as a condition of approval, this Vacation of Public Easements is only valid after the replacement easements have been recorded.

IN COUNCIL DULY PASSED this 6th day of August, 2019.

AYES: (5) Vice Mayor Rogers, Council Members Combs, Fleming, Olivares, Sawyer

NOES: (0)

ABSENT: (2) Mayor Schwedhelm, Council Member Tibbitts

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
Acting City Clerk Vice Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

- Exhibit A – Vacation of Public Utility Easement (DN 83003750)
- Exhibit B – Vacation of Public Utility Easement (3097 OR 78)
- Exhibit C – Vacation of Public Utility Easement (2918 OR 893)
- Exhibit D – Vacation of Public Utility Easement (3068 OR 744)