

RESOLUTION NO. RES-2018-147

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA FOR SUMMARY VACATION OF 8,941 SQUARE FEET OF PUBLIC RIGHT-OF-WAY, A PORTION OF THE KAWANA TERRACE RIGHT-OF-WAY, FORMERLY KAWANA SPRINGS ROAD, FOR THE KAWANA SPRINGS APARTMENT HOMES PROJECT, LOCATED DIRECTLY SOUTH OF APN 044-370-002 – FILE NO. VAC18-001

WHEREAS, pursuant to Section 8331 of the California Streets and Highways Code, the City may summarily vacate public right-of-way if it has been impassable for five consecutive years and no public money has been expended for its maintenance during that period; and

WHEREAS, the portion of the Kawana Terrace right-of-way, formerly Kawana Springs Road, requested to be vacated is described in the legal description, attached hereto and made part of this resolution as Exhibit A and B (“Legal Description of Vacation Right-of-Way”), and is no longer necessary for public purposes; and

WHEREAS, this portion of the existing Kawana Terrace right-of-way is not used for access and has been impassable for more than five consecutive years and public money has not been spent for its maintenance; and

WHEREAS, the Council may from time to time identify properties which do not have a discernible public benefit, determine said properties to be surplus and may sell, exchange, quitclaim, or convey that real property or interest therein in the manner and upon the terms and conditions approved by the review authority; and

WHEREAS, the Ward Levy Appraisal Group, Inc’s Appraisal of Real Property, dated May 10, 2018, of the subject property, the Kawana Terrace right-of-way, determined that the opinion of value is \$25,000.

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

1. This vacation is made pursuant to Section 8331 of the California Streets and Highways Code, which allow for a summary vacation for the subject right-of-way.
2. Engineering Development Services Exhibit “C” requires that the applicant provide an easement in favor of the Sonoma County Water Agency (SCWA) to access and maintain the aqueduct located within the right-of-way, therefore the SCWA aqueduct located within the right-of-way will continue to be used for public purposes and no adverse impact will result to public utilities. Additionally, a Public Utility Easement (PUE) shall be reserved in favor of the City for existing dry utilities located within the right-of-way or the utilities relocated.
3. The proposed vacation is consistent with the General Plan and Zoning as the City does not need this right-of-way and its vacation will facilitate development of the 120-unit Kawana Springs Apartment Homes development, which includes affordable housing units.

4. 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 Right-Of-Way Vacation, shall be vacated and shall no longer constitute a public right-of-way.

BE IT FURTHER RESOLVED that this Council action to approve this summary vacation is subject to the following conditions:

1. Compliance with Engineering Development Services Exhibit "C", dated July 24, 2018, attached hereto and made part of this resolution as Exhibit C.
2. The applicant shall make a \$25,000 payment to the City of Santa Rosa for the purchase of the right-of-way prior to the City transfer of property, subject to City Right of Way Agent review and approval.

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 21st day of August, 2018.

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

NOES: (0)

ABSENT: (1) Mayor Coursey

ABSTAIN: (0)

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A and B – Legal Description and Map of Vacation Right-of-Way
Exhibit C – Engineering Development Services Exhibit "C", dated July 24, 2018