

RESOLUTION NO. 28776

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SUMMARILY VACATING APPROXIMATELY 756 SQUARE FEET OF PUBLIC RIGHT-OF-WAY OCCURRING BENEATH THE FOOTPRINT OF 427 MENDOCINO AVENUE – FILE NO. VAC16-002

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, portions of the Mendocino Avenue and Ross Street rights-of-way are beneath the footprint of an existing structure at 427 Mendocino Avenue (Subject Right-of-way); and

WHEREAS, the Subject Right-of-way is described in the legal description attached hereto and made part of this resolution as Exhibit A; and

WHEREAS, the existing building has made the Subject Right-of-way impassable since the building was constructed in 1974; and

WHEREAS, due to the presence of the existing building, no public money has been expended for the maintenance of the Subject Right-of-way since the building was constructed in 1974.

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. The Subject Right-of-way contains no public facilities and is not needed for public purposes.

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

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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 10th day of May, 2016.

AYES: (5) Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Combs, Coursey, Wysocky

NOES: (1) Council Member Carlstrom

ABSENT: (1) Council Member Olivares

ABSTAIN: (0)

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

APPROVED AS TO FORM:

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

Exhibit A – Legal Description