

RESOLUTION NO. RES-2018-189

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA FOR A SUMMARY VACATION OF A 15-FOOT WIDE SANITARY SEWER EASEMENT LOCATED AT 562 RUSSELL AVENUE APN 180-010-011, AND A 25-FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED AT 562 RUSSELL AVENUE AND 648 RUSSELL AVENUE, APNS 180-010-011 AND 180-010-013 – FILE NO. VAC18-003

WHEREAS, pursuant to Section 8333 of the California Streets and Highways Code, the City may summarily vacate a public service easement if it has not been used for the purpose for which it was dedicated or acquired for five consecutive years, the easement has been determined to be excess and there are no other public facilities located within the easement, or the facilities have been superseded by relocation; and

WHEREAS, the Sanitary Sewer Easement and Public Utility Easement (the Easements) requested to be vacated are located at 562 and 648 Russell Avenue, Santa Rosa, California and are described in the legal descriptions and plats attached hereto and made part of this resolution as Exhibit A (Vacation of Public Utility Easement) and Exhibit B (Vacation of Sanitary Sewer Easement), and are no longer necessary for public purposes; and

WHEREAS, the Easements have not been used for public utility purposes in that the public sewer mains previously located within the Easements have been maintained and utilized by the County of Sonoma for the Main Adult Detention Facility and abutting County owned properties. As the purpose of the said easements is to give the City maintenance and access rights, which are unnecessary based on the County's ownership and maintenance of the sewer mains, the easements are considered excess. Further, there are no other public facilities located within the easement; and.

WHEREAS, upon an application by the County to vacate the existing Easements it was discovered that the City did not have the required easement for the existing trunkline that runs parallel to Highway 101, west of the existing Easements. The City is requiring the County to grant this required easement as a part of this vacation process.

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 and B.
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 determined to be excess and there are no other public facilities located within the easement.
3. The Easements have not been used for public utility purposes in that the public sewer mains located within the Easements have been maintained and utilized by the County of Sonoma. As the purpose of the Easements is to give the City maintenance and access rights, which are unnecessary based on the County's ownership and

maintenance of the sewer mains, the easements are considered excess. Further, there are no other public facilities located within the Easements.

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 Easements, described in Exhibits A and B, attached hereto and incorporated herein, shall be vacated and shall no longer constitute public service easements.

BE IT FURTHER RESOLVED that the City 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 a 15-foot-wide Public Sanitary Sewer Easement offered by Sonoma County along the westerly property line fronting Caltrans Highway 101 right of way, attached hereto as Exhibit C and incorporated herein.

IN COUNCIL DULY PASSED this 23rd day of October, 2018.

AYES: (6) Vice Mayor Rogers, Council Members Combs, Olivares, Sawyer, Schwedhelm, Tibbetts
NOES: (0)
ABSENT: (1) Mayor Coursey
ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Vice Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A - Vacation of Public Utility Easement
Exhibit B – Vacation of Sanitary Sewer Easement
Exhibit C – Public Sanitary Sewer Easement