

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: ERICH RAUBER, SUPERVISING ENGINEER  
TRANSPORTATION AND PUBLIC WORKS  
SUBJECT: SUMMARY VACATION OF RIGHT OF WAY PORTION OF  
EASEMENT 1108 TROMBETTA STREET, SANTA ROSA,  
CALIFORNIA

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

It is recommended by the Department of Transportation and Public Works that Council, by resolution, approve a summary vacation of right of way of a portion of an easement acquired from property owner at 1108 Trombetta Street, Santa Rosa, California, APN 125-243-001, following completion of the Stony Point Road Widening and Reconstruction Phase II Project.

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EXECUTIVE SUMMARY

As part of the now completed Stony Point Road Widening Phase II project, the City constructed a sound wall on portion of a perpetual easement located at 1108 Trombetta Street. The sound wall was not required by the project environmental documents. To allow the sound wall to remain (as desired by the property owner, or "Owner"), and eliminate the City's liability and maintenance obligations associated with the sound wall (as desired by the City), the City and Owner agreed that the City will perform certain work outlined in a January 2020 agreement and summarily vacate that portion of an easement underlying the sound wall.

This item relates to Council Goal 4: Fiscal Stability, Funding and Services. Vacating a portion of the perpetual easement will protect the City from potential legal and financial liability associated with a sound wall constructed on the subject easement.

BACKGROUND

To facilitate Phase 2 construction of the Stony Point Road Widening project (the "Project"), the City acquired, and Owner sold, a certain right of way over the Property. As part of the Project, the City installed a sound wall (the "Sound Wall") within its right of way along Owner's western Property line. Although shown on the project plans and

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ultimately installed, mitigation measures described in the project environmental documents did not require a sound wall along the Owner's property. The Sound Wall was damaged through no fault of the City or Owner and, in order to eliminate the nuisance created by the damaged sound wall, the City proposed to remove the Sound Wall that was not required as part of Project mitigation. Owner has asserted that the Sound Wall should remain and be repaired by the City.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

To resolve this dispute regarding the Sound Wall and any potential claims that the Owner may have against the City, the City and Owner entered into a Settlement Agreement under which the City agreed to:

1. Remove approximately 140 feet of existing temporary chain link fencing,
2. Repair damage to the Sound Wall,
3. Construct approximately 40 linear feet of 6-foot-high wood cross fence to close the gap between the Sound Wall and existing fencing,
4. Construct approximately 100 linear feet of continuous retaining curb along east side of existing sound wall, and finally
5. Seek a summary vacation of right way of that portion of the easement acquired from Owner underlying the Sound Wall, as described and depicted in Exhibit A, of the Settlement Agreement attached to this staff report, so that the Sound Wall will be located wholly on Owner's Property, and no longer within the City's right of way.

On January 21, 2021, Items 1 through 4 above were completed to the satisfaction of the City and Owner as part of project 2254 - Stony Point Rd Utility Box Adjustments and Sidewalk Repair; Item 5 is the subject of this staff report.

FISCAL IMPACT

None.

ENVIRONMENTAL IMPACT

This action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305(a), Minor Alterations in Land Use

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Limitations. Specifically, the project consists of a minor lot line adjustment, not resulting the creation of any new parcel.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – January 21, 2020 Settlement Agreement
- Resolution/ Exhibit A – Legal Description, Exhibit B – Easement Map

CONTACT

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