

RESOLUTION NO. RES-2021-213

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA FOR A SUMMARY VACATION OF AN APPROXIMATE 10-INCH-WIDE PORTION OF AN EASEMENT LOCATED AT 1108 TROMBETTA STREET IN SANTA ROSA (APN 125-243-001)

WHEREAS, pursuant to Section 8333 of the California Streets and Highways Code, the City may summarily vacate a portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another; and

WHEREAS, there are no in-place public utility facilities that are in use and that would be affected by the proposed vacation; and

WHEREAS, the City acquired, and Owner sold certain right of way over the real property located at 1108 Trombetta Street, Santa Rosa, California (Assessor's Parcel No. 125-243-001, the "Property") along Stony Point Road to facilitate the construction of Stony Point Road Widening Phase II (the "Project"); and

WHEREAS, 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; and

WHEREAS, although shown on the Project plans and ultimately installed, mitigation measures described in the project environmental documents did not require a sound wall along the Property; and

WHEREAS, 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 a required part of the Project mitigation; and

WHEREAS, the Owner asserted that the Sound Wall should remain and be repaired by the City; and

WHEREAS, City and Owner entered into a Settlement Agreement, executed on January 21, 2020 (the "Agreement"), where the City will perform certain work, described in the Settlement Agreement, and in return the City will seek a summary vacation of that portion of the easement acquired from Owner underlying the Sound Wall, as described and depicted in the Settlement Agreement and its Exhibit A and Exhibit B, which are all collectively attached as Exhibit A to this resolution and made a part herein.

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

1. The portion of the easement to be vacated is fully described in the attached Settlement Agreement and Exhibits.

2. This vacation is made pursuant to Section 8333 of the California Streets and Highways Code, where the City may summarily vacate a portion of an easement that is determined to be excess by the easement holder and there are no other public facilities located within that portion of the easement.
3. This action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305(a), Minor Alterations in Land Use Limitations. Specifically, the project consists of a minor lot line adjustment, not resulting the creation of any new parcel.

BE IT FURTHER RESOLVED, based on these findings, that from and after the date this resolution is recorded, the easement, described in the Settlement Agreement and Exhibits, shall be vacated and shall no longer be part of the subject easement.

BE IT FURTHER RESOLVED, that the City Council authorizes the Director of Transportation and Public Works to approve all documents necessary to complete these transactions.

BE IT FURTHER RESOLVED, that the Transportation and Public Works Department, Capital Projects Engineering Division, is hereby ordered to record a certified copy of this resolution in the Office of the County Recorder.

IN COUNCIL DULY PASSED this 7th day of December, 2021.

AYES: (7) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming
N. Rogers, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – Settlement Agreement and Exhibits (Legal Description of Easement/ Easement Map)