

RESOLUTION NO. RES-2023-058

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING SUMMARY VACATION OF ONE PUBLIC SANITARY SEWER ACCESS EASEMENT, LOCATED AT 4332 HIGHWAY 12 (SONOMA HIGHWAY) FOR THE STORAGE PRO II PROJECT, ASSESSOR'S PARCL NOS. 032-010-009 AND 032-010-043 – FILE NO. VAC22-002

WHEREAS, on October 7, 2022, an application was submitted requesting a summary vacation for the public sanitary sewer access easement (Easement) at 4332 Highway 12, also identified as Assessor's Parcel Nos. 032-010-009 and 032-010-043; and

WHEREAS, pursuant to Section 8333, subdivision (c) of the California Streets and Highways Code, the City may summarily vacate the sanitary sewer access easement if the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, the Easement requested to be vacated is located and described in the legal description and plat, attached hereto and made part of this resolution as Exhibits A and B, and is no longer necessary; and

WHEREAS, the Easement has been superseded by relocating a new public sanitary sewer access easement over the new drive aisles from Highway 12 (Sonoma Highway) to the existing Los Alamos Trunk Sewer which has been recorded in Doc. No. 2022-026412.

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

1. The Easement to be vacated is fully described and depicted in Exhibit A and B, attached hereto and incorporated herein.
2. This vacation is made pursuant to Section 8333, subdivision (c) of the California Streets and Highways Code, which provides the City may summarily vacate the sanitary sewer access easement if the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.
3. The Easement proposed for summary vacation has been superseded by relocation. An easement deed for sanitary sewer access along the western and southern portion of the property was recorded at the Sonoma County Recorder's Office on April 13, 2022, as Document Number 2022-026412. There are no other public facilities located within the easement to be vacated.
4. The proposed summary vacation is consistent with the General Plan and Zoning as the orderly development of the property will be best facilitated by the proposed vacation.

5. On September 19, 2019, the Zoning Administrator adopted Resolution CUP18-008-A, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Storage Pro II project. Pursuant to State CEQA Guidelines Section 15162, no additional environmental review is required, as there have been no major revisions to the project and there is no new information showing that the project proposes a substantial increase in the severity of previously identified significant effects.

BE IT FURTHER RESOLVED that the Council, based on these findings, that from and after the date this resolution is recorded, the subject sanitary sewer access easement described in Exhibits A and B, shall be vacated and shall no longer constitute a sanitary sewer access easement.

BE IT FURTHER RESOLVED that the Council authorizes the City Engineer to approve all documents necessary to complete this transaction.

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 28th day of March, 2023.

AYES: (5) Mayor N. Rogers, Vice Mayor MacDonald, Council Members Alvarez, Okrepkie, Stapp

NOES:

ABSENT: (2) Council Members Fleming, C. Rogers

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – Legal Description for Sanitary Sewer Access Easement Vacation
Exhibit B – Plat to Accompany Legal Description