

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: JASON NUTT, ASSISTANT CITY MANAGER
SUBJECT: APPROVAL OF GRANT OF EASEMENT TO, AND ACCEPTANCE
OF QUITCLAIM OF EASEMENT INTERESTS FROM, PG&E AND
AT&T, AND SUMMARY VACATION OF A PORTION OF PUBLIC
UTILITY EASEMENT ALONG FOUNTAINGROVE PARKWAY

AGENDA ACTION: RESOLUTIONS

RECOMMENDATION

It is recommended by the Fire Department, Transportation and Public Works Department and Real Estate Services that the Council, by two separate resolutions: 1) approve (a) a grant of easement to Pacific Gas and Electric Company ("PG&E") and Pacific Bell Telephone Company, doing business as AT&T California ("AT&T") over a portion of City owned property located on Fountaingrove Parkway, Santa Rosa, APN 173-670-035 ("Property"), (b) acceptance of quitclaim deeds from PG&E and AT&T with respect to existing utility easements over the Property, and (c) summarily vacating approximately 1,086 square feet of an unused public utility easement; and 2) authorize the Assistant City Manager to execute the Easement Deed, certificates of acceptance with respect to the Quitclaim Deeds and any additional documents necessary to accomplish these actions, subject to approval as to form by the City Attorney, in connection with the Fire Station 5 Resiliency and Relocation Project.

EXECUTIVE SUMMARY

Construction of the new Fire Station 5, located on a portion of 1400 Fountaingrove Parkway, requires relocation of existing PG&E and AT&T utility easements to a different portion of the Property outside of the proposed building footprint. The resolutions will approve the grant of a new easement to PG&E and AT&T, accept the quitclaimed easement interests of PG&E and AT&T over the original easement areas and summarily vacate an unused portion of public utility easement, in connection with construction of the Fire Station 5 Resiliency and Relocation Project.

BACKGROUND

In 2022, Council approved the acquisition of an approximately 2.11-acre portion of 1400 Fountaingrove Pkwy from Keysight Technologies, Inc. for the purpose of relocating and rebuilding a permanent Fire Station 5 (the "Fire Station 5 Resiliency and Relocation Project" or "Project").

APPROVAL OF GRANT OF EASEMENT TO, AND ACCEPTANCE OF QUITCLAIM OF
EASEMENT INTERESTS FROM, PG&E AND AT&T, AND SUMMARY VACATION OF
PORTION OF PUBLIC UTILITY EASEMENT ALONG FOUNTAINGROVE PARKWAY
PAGE 2 OF 3

On January 24, 2023, Council awarded a Design-Build contract to design and build the approximately 8,960 sqft.-one story fire station building on the newly acquired Property.

There are currently existing easements over portions of the Property for the benefit of PG&E (Document Number 1985-008062) and for the benefit of AT&T (Document Number 1984-004264) as well as a public utility easement ("PUE") for the benefit of the City (being a portion of the Easement Deed recorded in Book 3018 at Page 523). These easements lie within the area of the proposed building footprint of the new fire station to be designed and built at the Property.

Staff has worked with PG&E and AT&T to find a mutually agreeable area to relocate the onsite utilities in a proposed access road to be rebuilt on the Property at an alternative location. The parties have agreed to accept easement interests in this new location and following the relocation of the infrastructure, to quitclaim their interests in the original easements. Because there are no utilities in a 1,086 square foot portion of the PUE, Staff seeks to summarily vacate the unused PUE.

PRIOR CITY COUNCIL REVIEW

On February 15, 2022, the Council, by resolution, adopted the Mitigation Monitoring and Reporting Program (MMRP), approved the Project, and approved the acquisition of an approximately 2.11-acre portion of 1400 Fountaingrove Parkway for the new Project site.

On January 23, 2023, the Council, by resolution, 1) awarded Design-Build Contract No. C02184, Fire Station 5 Resiliency and Relocation project, in the amount of \$15,241,753 to the best value Design-Build entity, Wright Contracting LLC of Santa Rosa, CA, 2) approved a 20% contract contingency, for a total contract amount of \$18,290,103.60; and 3) amended the FY 2022-23 budget to a) increase appropriations from the General Fund reserves in the amount of \$2,832,504, and b) increase appropriations in the amount of \$16,939,076 from Community Development Block Grant-Mitigation (CDBG-MIT) federal grant funds and increase federal grant revenue estimates by \$16,939,076.

ANALYSIS

As part of the construction of the new fire station on the Property, and to ensure continued utility service to the Property and neighboring area, existing easements for the benefit of PG&E and AT&T will need to be relocated to a different portion of the Property outside of the proposed building footprint. In order to relocate the easements to a different portion of the Property, a new utility easement will need to be granted to PG&E and AT&T. PG&E and AT&T will need to abandon their interests in their respective existing easements over the Property, through quitclaim deeds to the City, and the City will need to accept the quitclaimed interests. Finally, 1,086 square feet of an existing PUE with no utilities located in it will need to be summarily vacated, so as not to encumber an area of the Property where the fire station will be constructed. The City has worked together with PG&E and AT&T to identify the locations of the new utilities and confirm abandonment of the existing easements and non-use of the PUE as applicable.

APPROVAL OF GRANT OF EASEMENT TO, AND ACCEPTANCE OF QUITCLAIM OF
EASEMENT INTERESTS FROM, PG&E AND AT&T, AND SUMMARY VACATION OF
PORTION OF PUBLIC UTILITY EASEMENT ALONG FOUNTAINGROVE PARKWAY
PAGE 3 OF 3

Vacation procedures are established by the California Public Streets, Highways, and Service Easements Vacation Law, which is implemented through the California Streets and Highways Code (Code).

Pursuant to Section 8333 of the Code, City may summarily vacate a public easement which has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. The portion of the easement being vacated has no public facilities located within it and is not being used for public utilities.

FISCAL IMPACT

There is no fiscal impact to the General Fund from this action.

ENVIRONMENTAL IMPACT

In accordance with CEQA, an Initial Study was conducted that resulted in a Mitigated Negative Declaration for the Project. The IS/MND concludes that the proposed Project would not result in any significant or potentially significant effects on the environment if the mitigation measures identified in the IS/MND are adopted and made conditions of approval of the proposed Project. The City Council adopted the MMRP for the Project on February 15, 2022, and it is incorporated into the Project contract documents. Therefore, no additional environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

No public notice is required for the proposed easement vacation.

ATTACHMENTS

Resolution 1/Exhibit A – Legal Descriptions and Depictions - Easement Deed

Resolution 2/Exhibit A - Legal Description and Depiction - Vacation of Public Utility Easement

PRESENTER

Jill Scott, Real Estate Manager
Lisa Welsh, Supervising Engineer