

RESOLUTION NO. RES-2017-059

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA SUMMARILY VACATING 1014 SQUARE FEET OF PUBLIC RIGHT-OF-WAY ADJACENT TO 5850 MELITA ROAD AND MAKING A DETERMINATION OF SURPLUS PROPERTY AND DISPOSITION OF SURPLUS PROPERTY TO THE ADJACENT PROPERTY OWNER FOR A 683 SQUARE FOOT PORTION OF MONTGOMERY DRIVE LOCATED ON ASSESSOR'S PARCEL NUMBER (APN) 031-101-032 AND A 986 SQUARE FOOT PORTION OF MONTGOMERY DRIVE LOCATED ON APN 031-080-033 – FILE NO. VAC16-001

WHEREAS, Episcopal Senior Communities (ESC), which owns the real property located at 5850 Melita Road and 5555 and 5733 Montgomery Drive, Santa Rosa, has applied for a summary vacation of a public easement for certain city right of way along Melita Road, as described in the legal description, attached hereto and made part of this resolution as Exhibit A ("Public Easement"), as well as a declaration and disposition of surplus property to ESC for two small parcels adjacent to their property along Melita Road and Montgomery Drive, as described in the legal descriptions, attached hereto and made part of this Resolution as Exhibits B and C ("Surplus Parcels"); and

WHEREAS, ESC proposes, as part of its application and in exchange for the vacation of the Public Easement and conveyance of the Surplus Parcels, to construct a public path from its property along Montgomery Drive to its property located on Melita Road, including crosswalks at Melita Road, as generally set forth and depicted in Exhibit D (the "Path"), attached hereto and made part of this Resolution; and

WHEREAS, pursuant to Section 8331 of the California Streets and Highways Code, the City may summarily vacate public right-of-way if it has been impassable for five consecutive years and no public money has been expended for its maintenance during that period; and

WHEREAS, the Public Easement, which is proposed to be summarily vacated, has historically been developed upon and maintained by the owner of the adjacent property at 5850 Melita Road, and as is not necessary for public purposes; and

WHEREAS, the Council may from time to time identify properties which do not have a discernible public benefit and determine said properties to be surplus; and

WHEREAS, pursuant to California Government Code Section 54221, and City Council Policy 000-10, ESTABLISHING A POLICY FOR SALE OF SURPLUS LAND, the Council may sell surplus property to an adjacent property owner where the surplus property is undevelopable and is less than 5,000 square feet without adherence to the prior notice requirements of California Government Code Section 54222 and other provisions of Article 8, Surplus Lands; and

WHEREAS, pursuant to Council Policy Number 000-10, if there is only one adjoining landowner to the surplus property meeting these criteria, the property may be sold based on negotiations as to its reasonable value; and

WHEREAS, the Surplus Parcels are not being utilized for public purposes and are adjacent to property owned by ESC; and

WHEREAS, City Staff have reviewed the value and cost of the Path relative to the Surplus Parcels, and has determined that the public benefit of the Path would exceed the value of the Surplus Parcels; and

WHEREAS, these proposed actions are categorically exempt from the California Environmental Quality Act (CEQA) because they involve a minor alteration in land use limitations, pursuant to CEQA Guidelines section 15305.

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

1. The Public Easement has been impassible for more than five consecutive years and no public funds have been expended for maintenance during that period consistent with the requirements set forth in Section 8331 of the California Streets and Highways Code, which allows for a summary vacation of the Public Easement.
2. The Public Easement contains no public facilities and is not needed for public purposes.
3. The Surplus Parcels are not developable and provide no foreseeable public benefit to the City in the present or future, and the cost and value of the proposed Path exceeds the value of the Surplus Parcels.
4. The summary vacation and declaration and disposition of surplus property as herein described are categorically exempt from the California Environmental Quality Act (CEQA) because they involve a minor alteration in land use limitations, pursuant to CEQA Guidelines section 15305.

BE IT FURTHER RESOLVED, based on these findings, that this Council hereby approves the summary vacation of the Public Easement, declares the Surplus Parcels as surplus, and approves of the disposition of the Surplus Parcels to ESC, subject to each of the following conditions:

1. The Surplus Parcels shall be merged into the respective adjacent parcels.
2. ESC shall, at the determination of the City Engineer, design and construct a pedestrian path, substantially similar to that which is described in Exhibit D, attached hereto and made part of this Resolution.

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 upon satisfaction of condition 2 above, at the determination of the City Engineer.

BE IT FURTHER RESOLVED, that the Council of the City of Santa Rosa hereby further directs that upon satisfaction of condition number 2 above, at the determination of the City Engineer, the City Manager may execute and deliver to ESC for recordation a quitclaim deed for the Surplus Parcels.

IN COUNCIL DULY PASSED this 18th day of April, 2017.

AYES: (6) Vice Mayor Tibbetts, Council Members Combs, Olivares,
Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (1) Mayor Coursey

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

Interim City Attorney

Exhibit A – Legal Description of Vacation Parcel
Exhibit B – Legal Description of Surplus Property on APN: 031-101-032
Exhibit C – Legal Description of Surplus Property on APN: 031-080-033
Exhibit D – Description of Proposed Pedestrian Pathway