

RESOLUTION NO. RES-2021-197

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A SUMMARY VACATION OF THREE 25-FOOT BY 3-FOOT UNUSED PUBLIC UTILITY EASEMENTS LOCATED AT 2900 AND 2934 MCBRIDE LANE AND 1142 STATE FARM DRIVE, ASSESSOR'S PARCEL NUMBERS 015-492-019, 015-492-017, AND 015-492-006 - FILE NO. VAC21-003

WHEREAS, pursuant to Section 8333, subdivisions (a) and (c), of the California Streets and Highways Code, the City may summarily vacate a public service easement if it has not been used for five consecutive years, or the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and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 Public Utility Easements (the Easements) requested to be vacated are located at 2900 and 2934 McBride Lane and 1142 State Farm Drive, Santa Rosa, California and are described in the legal descriptions and plats attached hereto and made part of this resolution as Exhibit A (Legal Description for Vacation of Public Utility Easement) and Exhibit B (Plat to Accompany Legal Description); and

WHEREAS, the Easements have not been used for public utility purposes for more than five consecutive years; and

WHEREAS the Easements have been determined to be excess by the easement holders and there are no public facilities located within the Easements.

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

1. The Easements to be vacated are fully described in the attached Exhibits A and B.
2. These vacations are made pursuant to Section 8333 of the California Streets and Highways Code, which allows for a summary vacation of public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation (Section 8333, subdivision (a)), or the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement (Section 8333, subdivision (c)).
3. The Easements have not been used for the purpose for which they were dedicated or acquired for five consecutive years immediately preceding the proposed vacation in that the easements have not been utilized since 1963 when the Final Map was approved and the buildings were constructed.
4. The Easements have been determined to be excess by the easement holder in that Planning Staff has received correspondence from AT&T and PG&E confirming that

these Easements are not needed or determined to be excess by these easement holders.

5. These public service easements have not been used for public utility purposes and there are no other public facilities located within the Easements.
6. This action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15305, Minor Alterations in Land Use Limitations, in that the project does not result in any changes to land use or density and the project site has an average slope of less than 20 percent.

BE IT FURTHER RESOLVED, based on these findings, that from and after the date this resolution is recorded, the subject Easements shall be vacated and shall no longer constitute a public service easement; and

BE IT FURTHER RESOLVED that the Council authorizes the Director of Planning and Economic Development to approve all documents necessary to complete these transactions.

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 9th day of November, 2021.

AYES: (6) Mayor C. Rogers, Vice Mayor N. Rogers, Council Members Alvarez, Fleming, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (1) Council Member Tibbets

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – Legal Description for Vacation of Public Utility Easement
Exhibit B – Plat to Accompany Legal Description