

RESOLUTION NO. RES-2023-136

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE SUMMARY VACATION OF APPROXIMATELY 1,086 SQUARE FEET OF AN EXISTING PUBLIC UTILITY EASEMENT IN CONNECTION WITH THE FIRE STATION 5 RESILIENCY AND RELOCATION PROJECT

WHEREAS, Fire Station 5, formerly located at 2201 Newgate Court, was destroyed in the 2017 Tubbs Fire; and

WHEREAS, on February 15, 2022, Council approved the acquisition of an approximately 2.11-acre portion of 1400 Fountaingrove Parkway, Assessor's Parcel Number 173-670-035 (the "Property") to relocate and rebuild a larger Fire Station 5; and

WHEREAS, there is an existing 5 foot wide public utility easement in favor of the City recorded in Book 3018 of Official Records at Page 523, Sonoma County Records ("Existing PUE"); and

WHEREAS, the Existing PUE, a 1,086 square foot portion of which has no utilities located in it, runs along the Property and adjacent to Fountaingrove Parkway near the future building footprint; and

WHEREAS, pursuant to Section 8333 of the California Streets and Highways Code, City may summarily vacate a public service 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; and

WHEREAS the 1,086 square foot portion of the Existing PUE to be vacated is not and has not been used for the purposes for which it was granted.

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

1. A 1,086 square foot portion of public utility easement as granted pursuant to 3018 O.R. 523 and described and depicted in Exhibit A shall be summarily vacated; and
2. The easement vacation is made pursuant to Chapter 4 of Part 3, Division 9 of the California Streets and Highways Code, based on Section 8333 of the California Streets and Highways Code. The portion of the easement to be vacated has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

BE IT FURTHER RESOLVED, based on these findings, that from and after the date this resolution is recorded, the above 1,086 square foot portion of the easement is vacated and no longer constitutes a public easement.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be recorded in the Office of the County Recorder for Sonoma County.

BE IT FURTHER RESOLVED that the Assistant City Manager is authorized to execute any documents that may be required to effect the vacation of the easement area, subject to approval as to form by the City Attorney.

IN COUNCIL DULY PASSED this 8th day of August, 2023.

AYES: (7) Mayor N. Rogers, Vice Mayor MacDonald, Council Members Alvarez, Fleming, Okrepkie, C. Rogers, Stapp

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
Interim City Attorney

Exhibit A - Legal Description and Depiction (Vacation of Public Utility Easement)