RESOLUTION NO. RES-2024-199

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING SUMMARY VACATION OF ONE PUBLIC SERVICE EASEMENT FOR THE PROPERTY LOCATED AT 5608 NEWANGA COURT, ASSESSOR'S PARCEL NUMBER 032-210-084; FILE NO. VAC23-001

WHEREAS, on October 18, 1983, a Public Service Easement (Easement) was recorded against the property located at 5608 Newanga Court, Assessor's Parcel No. 032-210-084; and

WHEREAS, on July 18, 2023, an application was submitted requesting a Summary Vacation of said Easement at 5608 Newanga Court, also identified as Assessor's Parcel No. 032-210-084; and

WHEREAS, pursuant to Section 8333, subdivision (a) of the California Streets and Highways Code, the City may summarily vacate the Easement if it 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, pursuant to Section 8333, subdivision (c) of the California Streets and Highways Code, the City may summarily vacate the Easement if it has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and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 has not been used for public access or for public utility access for over five consecutive years, and no overhead or public underground utility lines have been installed within the Easement; and

WHEREAS, the Emergency Vehicle Access aspect of the Easement has been superseded by relocation.

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 in Exhibit A – Legal Description for Summary Vacation, and depicted in Exhibit B – Plat to Accompany Legal Description, attached hereto and incorporated herein.

2. This Vacation is made pursuant to Section 8333, subdivision (a) of the California Streets and Highways Code, which allows for a Summary Vacation of Public Service Easements which have not been used for the purpose for which they were dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and subdivision (c), which allows for a Summary Vacation of Public Service Easements which have been superseded by relocation.

3. The Easement proposed for Summary Vacation has not been used for public access or for public utility access for over five consecutive years, and no overhead or public underground utility lines have been installed within the Easement.

4. The Emergency Vehicular Access aspect of the Easement has been superseded by relocation.

5. 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.

6. This action is categorically exempt from the California Environmental Quality Act (CEQA) because it involves a minor alteration in land use limitations, pursuant to CEQA Guidelines Section 15305.

BE IT FURTHER RESOLVED, based on these findings, that the Council hereby approves the summary vacation of a Public Service Easement described in Exhibits A and B, subject to the following condition:

1. Compliance with all conditions as specified by the attached Engineering Conditions of Approval dated November 19, 2024, attached to this resolution as Exhibit C and made a part of herein.

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

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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 17th day of December, 2024.

AYES: (6) Mayor N. Rogers, Vice Mayor Stapp, Council Members Alvarez, Fleming, MacDonald, Okrepkie

NOES: (0)

ABSENT: (0)

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – Legal Description for Public Service Easement Vacation
Exhibit B – Plat to Accompany Legal Description
Exhibit C – Engineering Conditions of Approval dated November 19, 2024

EXHIBIT A

LEGAL DESCRIPTION

ROAD, ACCESS, UTILITY, AND DRAINAGE EASEMENT

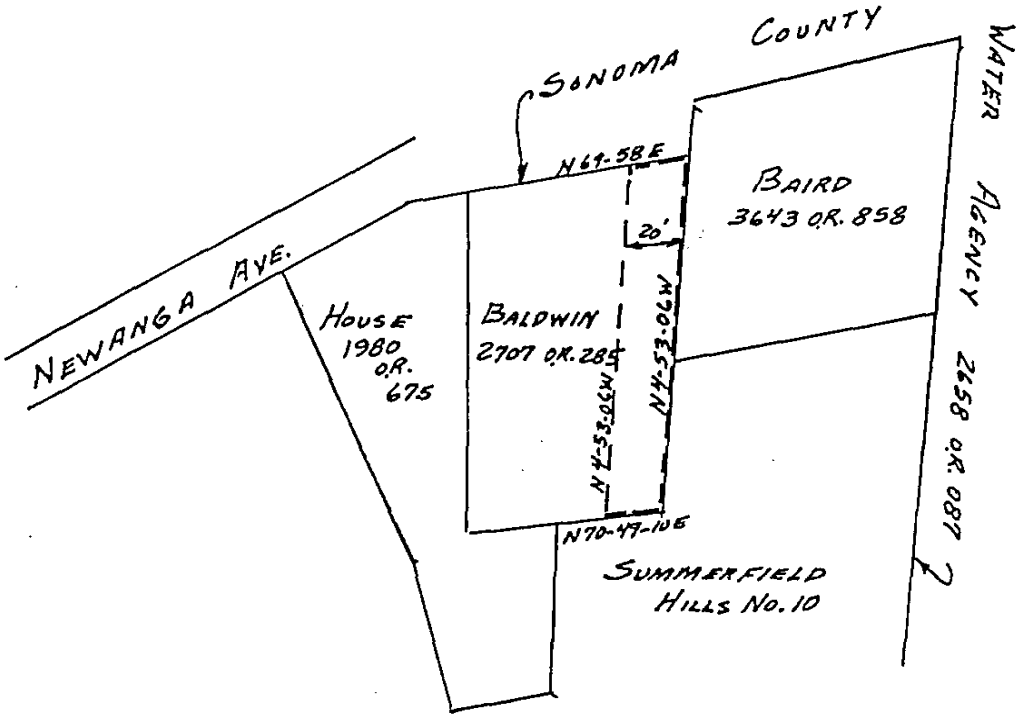
(dedicated by easement deed recorded October 18, 1983 under document number 1983-070463)

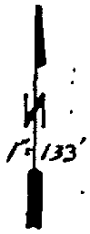
Beginning at a point which bears South 04° 53' 06" East, 88.32 feet from the most southerly corner of the lands of Bruce A. Baird and Pamala A. Baird, his wife, as described in deed recorded in Sock 3643 of Official Records at page 858, Sonoma County Records; thence North 04° 53' 06" West, 88.32 feet to the most so'.Jtherly corner of said lands of Baird; the:ice continuing Marth 04° 53' 06" West, 218.00 feet to the northerly corner of said lands cf Baldwin, the point of termination of the easterly line of the easement herein above described.

Basis of Searings: North 24° 15' 19" West alort; center'line of Morris Court between found CH:.y monuments per Summerfield Hill r o. 8 Subdivision,. Book 324 of Maps at pages 39 and 40, Sonoma County Records.

Containing 6120 square feet±

EXHIBIT B





OWNER ANO MAILING ADDRESS	PROPERTY AREAS	COTY OF SANTA ROSA
JULIE MUSSON AND BRIAN MUSSON 5608 NEWANGA AVE SANTA ROSA, CA 95405	TAKE REMAINDER TOTAL	ROAD, ACCESS, UTILITY, AND DRAINAGE EASEMENT VACATION
A.P. No. 031-210-084		SCAL£1 DATE•
O.R.No.	CITY ACOUI$1TION DtEO	CHtc. APl'ROVSD R!:I–NO.
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CITY OF SANTA ROSA, CALIFORNIA
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
ENGINEERING DEVELOPMENT SERVICES DIVISION

EXHIBIT "C"
November 19, 2024

Musson Vacation of Easement
5608 Newanga Ave
VAC23-001

I. Applicant's engineer shall obtain the current City Design and Construction Standards and the Community Development Department's Standard Conditions of Approval dated August 27, 2008 and comply with all requirements therein unless specifically waived or altered by written variance by the City Engineer.

II. In addition, the following summary constitutes the recommended conditions of approval on the subject application/development based on the plans submitted/ date stamped received November 13, 2024.

PARCEL AND EASEMENT DEDICATIONS

1. A legal description and plat of the proposed right of way vacation are to be attached to the resolution approved by City Council as “Exhibit A” and ‘Exhibit B”.

2. All dedication costs shall be borne by the Applicant or property owner, including preparation of any legal descriptions, plats, title reports, and deeds that are necessary. Legal descriptions and plats (“R” sheets) shall be prepared by a registered Land Surveyor or Civil Engineer licensed to practice Land Surveying in the State of California and approved by the City Engineer. City forms are available at the City of Santa Rosa Planning and Economic Development Department, Engineering Development Services Division, Room 5, City Hall.

3. A Quitclaim Deed for the vacated land shall be subject to review by the Planning and Economic Development Department’s Engineering Division prior to recordation at the Sonoma County recorder’s Office. The Resolution shall be recorded with the Quitclaim Deed and the Resolution shall not be delivered to the County Recorder’s Office until the Quitclaim is reviewed, approved and has obtained all final signatures.

4. A private storm drain easement shall be dedicated to the benefitting properties and recorded prior to recordation of the Quitclaim Deed.

5. An Emergency Vehicular Access (EVA) from Newanga Ave shall be dedicated to the City and recorded prior to recordation of the Quitclaim Deed.

11/19/2024

CLEVE GURNEY, PE
DEPUTY DIRECTOR ENGINEERING DEVELOPMENT SERVICES