RESOLUTION NO. RES-2025-070

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE SUMMARY VACATION OF APPROXIMATELY 2,218 SQUARE FEET OF AN EXISTING PUBLIC SEWER EASEMENT AUTHORIZING THE ASSISTANT CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS TO COMPLETE THE VACATION OF THE EASEMENT

WHEREAS, there is an existing 15 foot wide public sewer easement ("Sewer Easement") in favor of the City shown on the subdivision map entitled Montecito Ridge, filed November 6, 1989 in Book 447 of Maps, Pages 25-27; and

WHEREAS, the 2,218 square foot portion of the Sewer Easement as more particularly described in **Exhibit A** and depicted in **Exhibit B**, both of which are attached hereto and incorporated herein by reference, which runs across a portion of the property located at 5107 Middlebrook Court ("Property") has no utilities located in it; 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 2,218 square foot portion of the Sewer Easement to be vacated was dedicated to the City approximately 35 years ago, and is not and has not ever 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 2,218 square foot portion of public sewer easement as granted pursuant to the subdivision map entitled Montecito Ridge, filed November 6, 1989 in Book 447 of Maps, Pages 25-27 and described and depicted in **Exhibit A and Exhibit B** 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 2,218 square foot portion of the Sewer 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 Council authorizes the Assistant City Manager to execute any documents that may be required to effect the vacation of the easement area.

IN COUNCIL DULY PASSED this 6th day of May, 2025.

AYES: (5) Mayor Stapp, Vice Mayor Alvarez, Council Members Bañuelos, Fleming, Rogers

NOES: (0)

ABSENT: (2) Council Members MacDonald and Okrepkie

ABSTAIN: (0)

RECUSE: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibits A and B - Legal Description and Depiction- Vacated Portion of Sewer Easement