

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: GABE OSBURN, DIRECTOR – PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
REQUEST FOR SUMMARY VACATION OF FOUR CITY RIGHTS-OF-WAY ON MIDWAY DRIVE AND HAHMAN DRIVE, ASSESSOR'S PARCEL NO. 013-043-018, 013-041-016, 013-042-006, 13-043-018 (FILE NO. VAC22-003)

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the summary vacation of 18,412 square feet of public right-of-way located on the north and south sides of Midway Drive and Magowan Drive, between Farmers Lane and Hahman Drive.

EXECUTIVE SUMMARY

A summary vacation of 18,412 square feet of public right-of-way, located on Midway Drive and Magowan Drive, between Farmers Lane and Hahman Drive, for the properties located at 2406 Magowan Drive, 2411 Montgomery Drive, 2416 Montgomery Drive, and 424 Farmers Lane.

BACKGROUND

On October 13, 2022, the City received an application requesting a summary vacation of four City rights-of-way, totaling 18,412 square feet; the application was submitted by Montgomery Village Owner LLC (property owner). The easement areas are located on the north and south sides of Midway Drive and Magowan Drive, between Farmers Lane and Hahman Drive. These areas contain parking spaces, walkways, and landscaping, which are solely maintained by the property owner.

In 1949, Montgomery Village was developed to Sonoma County standards until it was annexed to Santa Rosa in 1955. The annexation resulted in parking spaces, walkways, and landscaping areas that did not meet Santa Rosa City's standard street design.

MONTGOMERY VILLAGE – SUMMARY VACATION

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PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

Vacation procedures are established by the California Public Streets, Highways, and Service Easements Vacation Law, which is implemented through the California Streets and Highways Code (Code). Pursuant to Code Section 8334, the City may also summarily vacate (1) any excess right-of-way not required for street or highway purposes, or (2) any portion of a street lying entirely within property under one ownership and that does not continue through such ownership or end touching the property of another.

The four subject rights-of-way have been identified as excess because they are not required for street or highway purposes. They have been utilized and solely maintained for parking, pedestrian access, and landscaping for and by Montgomery Village. As such, staff has determined that the requested summary vacation of four rights-of-way is appropriate. The vacation of these strips of land will not interfere with traffic circulation on Midway Drive and Magowan Drive between Farmers Lane and Hahman Drive. The City will retain a Public Utility Easement for utility maintenance, operation, replacement, removal, and/or renewal. The reservation of the public utility easement ensures the summary vacation will not interfere with any public utility facilities.

FISCAL IMPACT

Approval of the requested summary vacation will not have an impact on the General Fund.

ENVIRONMENTAL IMPACT

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.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

No public hearing notice is required for the proposed summary vacation. This item was noticed on the Agenda for the February 13, 2024, Council meeting.

ATTACHMENTS

- Attachment 1 – Disclosure Form
- Attachment 2 – Location Map
- Resolution
 - Exhibit A – Legal Description for of Right-of-Way Vacation
 - Exhibit B – Plat to Accompany Legal Description
 - Exhibit C - Engineering Exhibit "A" dated December 22, 2023

PRESENTER

Monet Sheikhal, Senior Planner
Planning and Economic Development Department