

RESOLUTION NO. RES-2024-020

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A SUMMARY VACATION OF 18,412 SQUARE FEET OF PUBLIC RIGHT-OF-WAY, LOCATED ON MIDWAY DRIVE AND ON MAGOWAN DRIVE BETWEEN FARMERS LANE AND HAHMAN DRIVE, FOR THE PROPERTIES LOCATED AT 2406 MAGOWAN DRIVE, ASSESSOR'S PARCEL NUMBER (APN: 013-043-018), 2411 MONTGOMERY DRIVE (APN: 013-042-006), 2416 MONTGOMERY DRIVE (APN: 013-041-015), 424 FARMERS LANE (APN: 013-041-016); FILE NO. VAC22-003

WHEREAS, pursuant to Section 8334 of the California Streets and Highways Code, the City may summarily vacate excess rights-of-way of a street or highway not required for street or highway purposes; and

WHEREAS, pursuant to Section 8340 of the Streets and Highways Code, a public entity may reserve and except from the vacation, or may grant to another state or local public agency, an easement and right, at any time or from time to time, to construct, maintain, operate, replace, remove, and renew vehicular or nonvehicular trails for use by the public in, upon, over, and across a street or highway proposed to be vacated; and

WHEREAS, on October 13, 2022, an application was submitted requesting a summary vacation for rights-of-way described in the legal description attached hereto and made part of this resolution as Exhibits A (Legal Description of Right-of-Way Vacation) and B (Plat to Accompany Legal Description); and

WHEREAS, the excess rights-of-way proposed for the summary vacation have continuously been maintained and used by Montgomery Village as parking, pedestrian access, and landscaping; and

WHEREAS, a public hearing was held on February 13, 2024, in the Council Chambers of the City Council of the City of Santa Rosa, expressing the Council's intention to vacate excess rights-of-way as described in Exhibits A and B attached hereto; and

WHEREAS, the City reserves a Public Utility Easement over the portion of the right of way to be vacated as described in Exhibits A and B attached to this resolution and made a part of herein.

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

1. The rights-of-way to be vacated are fully described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein.
2. This vacation is made pursuant to Section 8334 of the California Streets and Highways Code, which allows for a summary vacation of an excess right-of-way of a street or highway not required for street or highway purposes.

3. The rights-of-way have not been used for street or highway purposes and have been continuously maintained and used by Montgomery Village as parking, pedestrian access, and landscaping.
4. The proposed summary vacation is consistent with the General Plan and Zoning as the City does not need or use this right-of-way, and the proposed project would not make any changes to the existing uses.
5. 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 this Council hereby approves the summary vacation of four public rights-of-way as described in Exhibits A and B, subject to the following condition:

1. Compliance with all conditions as specified by the attached Engineering Exhibit "A" dated December 22, 2023, attached to this resolution as Exhibit C and made a part of herein.

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

BE IT FURTHER RESOLVED that the City Clerk is hereby ordered to record a certified copy of this resolution in the Office of the County Recorder.

IN COUNCIL DULY PASSED this 13th day of February, 2024.

AYES: (5) Mayor N. Rogers, Vice Mayor Stapp, Council Members Alvarez, MacDonald, Okrepkie

NOES: (0)

ABSENT: (2) Council Members Fleming, C Rogers

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

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