

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: JASON NUTT, ASSISTANT CITY MANAGER
SUBJECT: APPROVE SUMMARY VACATION OF A PORTION OF PUBLIC
SERVICE EASEMENT LOCATED AT 1927, 1931, 1935 AND 1936
LYON COURT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

The Board of Public Utilities, Santa Rosa Water and Real Estate Services recommend that the Council, by resolution, approve the summary vacation of a portion of unused public service easement that runs across four parcels (collectively, the "Subject Properties") located at 1927, 1931, 1935 and 1936 Lyon Court, Santa Rosa, CA (Assessor Parcel Numbers 173-630-014, 173-630-013, 173-630-012 and 173-630-010, respectively). This item has no impact on current fiscal year budget.

EXECUTIVE SUMMARY

As part of plan review in connection with the rebuilding of lots in the Deer Meadow Unit I at Fountaingrove Subdivision following the 2017 Tubbs Fire, it was discovered that a portion of a sanitary sewer easement for the neighborhood had never been vacated as anticipated by the improvement plans for the subdivision. The Board of Public Utilities reviewed the request and recommended its approval to Council to approve the summary vacation of the easement rights, at its meeting held on March 5, 2026. Staff is now seeking Council approval of this action.

GOAL

This item relates to Council Goal #2 - Invest in the Development and Maintenance of the City's Infrastructure, as by vacating the extraneous easement, the City will no longer incur unnecessary liability.

BACKGROUND/PRIOR COUNCIL REVIEW

A sanitary sewer easement was recorded on January 4, 1985 as Document No 85-000554 ("Easement") and ran across several parcels within what became the subdivision for Deer Meadow Unit I at Fountaingrove in the 1990s. The Subdivision Map

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for Deer Meadow Unit I at Fountaingrove was filed in the Sonoma County Recorder's Office on August 15, 1990, in Book 462 of Maps, at Pages 43-46 ("Map") and reflected this Easement. Improvement Plans for the Subdivision show the abandonment and removal of a 6-inch sanitary sewer pipe subject to the installation of a new sanitary sewer pipe that would bypass the Subject Properties. The subsequent action to vacate the Easement was never taken following the removal of the sewer line at the time of construction.

Section 8333 of the State Streets and Highways Code grants authority to the legislative body of a local agency to summarily vacate a public service easement if the easement 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.

Staff have determined that the portion of the Easement as described in Exhibit A and depicted in Exhibit B is no longer necessary and that no public facilities exist within the portion of the Easement to be vacated. Staff have further determined that the portion of the Easement to be vacated has not been used for the purpose for which it was dedicated or acquired for a time exceeding five consecutive years immediately preceding this proposed vacation. As the conditions of Section 8333 have been satisfied, Staff and the Board of Public Utilities recommend that Council approve summarily vacating the unused portion of the Easement.

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 Section 8333 of the 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. The portion of the easement being vacated has no public facilities located within it and is not being used for public utilities as they were previously relocated into the public right of way more than five years ago, but the abandonment of the easement was never effectuated.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the Enterprise or General Funds.

ENVIRONMENTAL IMPACT

The recommended action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Class 5 – Minor Alterations in

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Land Use Limitations) because the summary vacation of an unused public service easement would remove an obsolete land use restriction and would not result in any change in land use, development intensity, or density. The easement area contains no existing public facilities not otherwise covered by an easement, and the underlying utility infrastructure was previously relocated into the public right-of-way.

None of the exceptions to the categorical exemption set forth in CEQA Guidelines Section 15300.2 apply. The action will not result in cumulative impacts, does not involve unusual circumstances, is not located on or adjacent to a hazardous waste site, does not affect scenic highways, and will not impact historical resources.

Accordingly, the action is exempt from CEQA, and no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On March 5, 2026, the Board of Public Utilities made a recommendation to Council to approve the action.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution/Exhibits A and B- Legal Description and Depiction – Vacation of Sanitary Sewer Easement (Portion)

PRESENTER

Stephanie Valkovic, Senior Real Property Agent