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DATE: September 16, 2024

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Kent Carothers, PE – City Engineer, Public Works & Utilities (PW&U)  
Gina Benedetti-Petnic, PE – Interim Director, PW&U

SUBJECT: Resolution Adopting the Summary Vacation of a 1-Foot-Wide, Non-Access Strip Public Easement Fronting Berger Lane, Located at 755 Paula Lane, on Assessor Parcel Number 150-043-024

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**RECOMMENDATION**

It is recommended that the City Council adopt the attached Resolution adopting the summary vacation of a 1-foot-wide, non-access strip public easement fronting Berger Lane, located at 755 Paula Lane, on assessor parcel number (APN) 150-043-024.

**BACKGROUND**

The City has received a formal request from the property owner of 755 Paula Lane to vacate a 1-foot-wide non-access public easement that fronts Berger Lane. The easement, which was originally established to provide for potential public utility or drainage needs, is currently not in use and serves no practical purpose for the City’s infrastructure or public access requirements. The 1-foot-wide non-access public easement is the westside boundary of Lot “C” as designated on the City of Petaluma Parcel Map No. 76, filed in book 223 of maps at pages 27-28, Sonoma County Records (shown in Exhibit “B” Public Easement Vacation).

**DISCUSSION**

The property owner drives the request for a summary vacation of the easement. The City’s Public Works Department has reviewed the request and determined that the easement is not necessary for public access or utility purposes.

Staff conducted a thorough review to assess the impact of vacating the easement. This included consultations with relevant City departments, including Public Works and Planning, to ensure that the proposed vacation does not adversely affect current or future public infrastructure. The review concluded that the easement does not serve any active public need and that its vacation would not detract from the City’s operational capabilities or public service.

Vacation (also known as abandonment) of public service easements is governed by California Streets and Highways Code, Division 9, Part 3, Sections 8300 *et seq.* Under Section 8333, a summary vacation, which is a simpler process than a standard vacation, can be used for a public service easement that has not been used for the purpose for which it was dedicated for at least five years immediately before the vacation, or there are no other public facilities located within the easement. This proposal is eligible for the summary vacation process.

The summary vacation process has been followed. This process includes a formal resolution to vacate the easement and update property records accordingly officially. The attached resolution will ensure that the easement is legally removed from the property's title and that the land can be fully utilized by the property owner.

Compensation for the vacation of a public service easement is not required as the easement is no longer necessary. Therefore, it is recommended that the City Council does not seek compensation in this case.

### **PUBLIC OUTREACH**

This agenda item appeared on the City's tentative agenda document on September 9, 2024, which was a publicly-noticed meeting.

### **COUNCIL GOAL ALIGNMENT**

The proposed action supports the Council's overall goal of being a city that works for everyone by providing valued services promptly and professionally.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act ("CEQA"), City staff determined that the project is covered by the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. City staff found that there is no possible significant effect directly related to the summary of vacation of easements as the easements have not been used in the past, and there are no prospective uses for the easements; therefore, no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR Section 15061(b)(3)), and independently, the project is categorically exempt (class 5) pursuant to Section 15305 of the State CEQA Guidelines (Minor Alterations in Land Use). None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this project.

### **FINANCIAL IMPACTS**

This action has no impact on the existing budget and is considered cost-neutral. The applicant reimburses staff resources expended in the processing of the easement vacation as part of the cost recovery process.

## **ATTACHMENTS**

1. Resolution
2. Draft Vacation of Public Easement
  - a. Exhibit A (Written Description of Public Easement Vacation)
  - b. Exhibit B (Graphic Description of Public Easement Vacation)