

# Resolution No. 2024-XXX N.C.S. of the City of Petaluma, California

## **RESOLUTION ADOPTING THE SUMMARY OF VACATION OF WATERLINE EASEMENTS AT 495 NORTH MCDOWELL BOULEVARD ON ASSESSOR PARCEL NUMBERS 007-380-038**

**WHEREAS**, the City has received a request from MBK Rental Living to vacate existing public waterline easements at 495 North McDowell Boulevard on assessor parcel numbers (APNs) 007-380-038; and

**WHEREAS**, these easements were originally established for a water line that is no longer needed due to changes in development plans; and

**WHEREAS**, the City's Department of Public Works and Utilities has reviewed this proposal and determined that the described public service easements proposed for vacation are no longer necessary for the purposes for which they were originally recorded, nor are they necessary for present or prospective public service purposes; and

**WHEREAS**, the proposed vacation will facilitate the relocation of the water line to a new alignment that supports the updated construction plans for the development project; and

**WHEREAS**, the provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, and more specifically Section 8333(a), authorize the Council to summarily vacate a public service easement that has not been used for the purpose for which it was dedicated for five consecutive years immediately preceding the proposed vacation, or there are no existing in-place public utility facilities in use that would be affected by the vacation; and if so under these provisions, only one Council action is necessary and a published notice, posting, and a public hearing are not required; and

**WHEREAS**, the proposed vacation of the easement is categorically exempt from review under the California Environmental Act pursuant to Title 14 California Code of Regulations Sections 15061 and 15305 as a minor alteration in land use limitations in that the vacation would remove City street interests that encumber the Developer's fee title to the underlying property and would not result in the creation of any new parcel.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Petaluma as follows:

1. Finds that the above recitals are true and correct and are incorporated herein as findings of this resolution.
2. Make the following findings with substantial evidence:
  - a. This project is exempt under Sections 15061 and 15305(a) of the California Environmental Quality Act (CEQA) Guidelines. Section 15061 is the common-sense exemption as 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. Section 15305(a), the Class 5 exemption, as a minor alteration in land use limitations, that the vacation would remove City Street interests that encumber the Developer's fee title to the underlying property and would not result in the creation of any new parcel. The proposed project meets the criteria noted

above. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this project. Additionally, the proposed easement vacations are part of the Project, which was previously reviewed for CEQA compliance by the City Council on April 4, 2005, when the City Council approved the Mitigated Negative Declaration by Resolution 2005- 053

- b. The public service easements described in Attachment 2 are excess and not required now or in the future for public service purposes and have not been used for public service purposes for the past five years; and
  - c. There are no known other public facilities or utilities located within the area to be vacated.
3. Based upon the findings made in item 2 of this resolution and the provisions of Section 8333 of the Streets and Highways Code, the City Council does hereby order that the public service easements, as shown in Attachment 2 Abandonment Exhibit, are summarily abated.
  4. The City Clerk shall cause a certified copy of this resolution, including Exhibit A, and attested under seal, to be recorded in the office of the County Recorder of Sonoma County and return one copy to the Community Development Department and the Engineering Division of the Public Works Department for their respective files.
  5. The public service easements depicted and described in Exhibit A will no longer constitute a public utility easement from and after the date of recordation of the documents identified in item 4 of this resolution.

Under the power and authority conferred upon this Council by the Charter of said City.

**REFERENCE:**

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 16<sup>th</sup> day of September 2024, by the following vote:

Approved as to  
form:

\_\_\_\_\_  
City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor