

Resolution 1

Date: July 22, 2025

Item Number: _____

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☐ 4/5 Vote Required

Resolution Of The Board Of Directors Of The Sonoma Valley County Sanitation District, Determining That Vacating A Sewer Dedication And Easement Agreement Located In Sonoma County, Within The City Of Sonoma, Will Not Adversely Affect Sonoma Valley County Sanitation District And Will Not Have A Significant Adverse Effect On The Environment; Authorizing The Summary Vacation Of A Sewer Dedication And Easement Agreement Dedicated For Purposes No Longer Required, And The Date Of Dedication Is Less Than Five Years, And More Than One Year, Immediately Preceding The Proposed Vacation, And The Easement Was Not Used Continuously Since That Date. (1st District) (Majority Vote Required)

Whereas, Sonoma County Water Agency (Sonoma Water) manages and operates the Sonoma Valley County Sanitation District (District) under agreement between Sonoma Water and the District; and

Whereas, Section 4743 of the California Health and Safety Code provides that a county sanitation district may dispose of property interests when they are no longer required for the purposes of the district; and

Whereas, Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highway Code, Chapter 4. Summary Vacation Sections 8330-8336) provides that: The legislative body of a local agency, or any public officer or employee authorized by the legislative body may summarily vacate a public service easement by Summary Vacation when certain conditions are met and by adopting a resolution of vacation; and

Whereas, the owner, Shahram Bijan, granted a Sewer Dedication and Easement Agreement to the District located on his property at 1211 Broadway in Sonoma as required by the District's Sanitation Code Ordinance (Section 4.03 – Subdivisions) before developing the property for a multiple housing project; and

Whereas, during construction, the construction standards for sanitation systems could not be met and the sanitation system as built could not be accepted by the District; and

Whereas, the request by Adobe Associates, Inc. to vacate the sanitary easement granted by Shahram Bijan to the District in the Sewer Dedication and Easement Agreement was made to unencumber the property of the easement; and

Whereas, District wishes to summarily vacate a Sewer Dedication and Easement Agreement granted to the District in 2021 and located on Assessor's Parcel Numbers 128-181-030, 128-181-031, 128-181-032, and 128-181-033; and

Whereas, said Sewer Dedication and Easement Agreement is no longer required for the purposes of the District and pursuant to Section 8333 (b) of the Streets and Highways Code: the date of dedication is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date; and

Whereas, pursuant to Section 65402 of the California Government Code, the proposed easement vacation has been submitted to the planning agency within whose jurisdiction the proposed vacation is situated and meets the requirements for General Plan consistency; and

Whereas, the City of Sonoma (City), as lead agency, completed environmental documentation in accordance with the California Environmental Quality Act (CEQA) for the 1211 Broadway Workforce Housing Project. The City prepared an analysis pursuant to Section 15332, In-Fill Development Projects, which concluded that the 1211 Broadway Workforce Housing Project met all criteria for a Class 32 Exemption. Additionally, none of the exceptions to the Categorical Exemption listed in CEQA Guidelines Section 15300.2 applied. The City Council approved the 1211 Broadway Workforce Housing Development on December 12, 2019; and

Whereas, Sonoma Water's General Manager, on behalf of District, has determined that the proposed Summary Vacation of the easement is exempt from CEQA pursuant to CEQA Guideline Section 15061(b)(3), Review for Exemption, and Section 15332, In-Fill Development Projects, because the project involves the vacation of property rights by the District to unencumber the properties located at 1211 Broadway. The housing development met the requirements pursuant to Section 15332, In-Fill Development Projects. The easement is no longer needed by the District and the Summary Vacation is covered by the common sense exemption, where it can be seen with certainty that vacating the easement does not have the potential for significant effects on the environment; and

Whereas, Sonoma Water has prepared a Notice of Exemption in accordance with CEQA, the State CEQA guidelines, and Sonoma Water's Compliance Procedures for the Implementation of CEQA.

Now, Therefore, Be It Resolved

1. The foregoing recitals are true and correct.
2. California Environmental Quality Act; Notice of Exemption. The Summary Vacation of the sewer easement is exempt from the requirements of the California Environmental Quality Act for the reasons stated in this Resolution and will not have a significant adverse effect on the environment.
3. The Board of Directors finds that District no longer requires the easement referred to in a Sewer Dedication and Easement Agreement recorded on April 27, 2021, as Document Number 2021051780, Official Records of the County of Sonoma, for the purposes of the District.
4. The Board of Directors of the District hereby determines that the Summary Vacation of the Sewer Dedication and Easement Agreement in the County of Sonoma within the City of Sonoma will not adversely affect the District in any respect.
5. The Board of Directors finds the easement referred to in the Sewer Dedication and Easement Agreement recorded on April 27, 2021, as Document Number 2021051780, Official Records of the County of Sonoma to be unnecessary because the sanitary sewer easement was dedicated for purposes no longer required, and the date of dedication is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date, and that this resolution is prima facie evidence of the facts stated.
6. That from and after the date of recording, the following described property rights no longer constitutes a sanitary sewer easement: Being all that right, title, and interest in and to that certain real property as described in the instrument recorded on April 27, 2021, as Document Number 2021051780 Official Records of the County of Sonoma.
7. The Summary Vacation of the easement is hereby ordered, and Sonoma Water is authorized and directed to record a certified copy of this resolution of vacation at the Clerk-Recorder's Office, and upon such recordation the vacation is complete.

Resolution #25-

Date:

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Directors: Sonoma Valley County Sanitation District

Hermosillo:

Rivas:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.