



Legislation Text

File #: 2019-1348, **Version:** 1

To: Board of Directors, Sonoma Valley County Sanitation District
Department or Agency Name(s): Sonoma County Water Agency
Staff Name and Phone Number: Kevin Campbell 547-1921
Vote Requirement: Majority
Supervisory District(s): First

Title:

Summary Vacation of Sanitary Sewer Easement for Gola Properties LLC

Recommended Action:

- A) Adopt a resolution determining that vacating the sanitary sewer easement, located on Assessor's Parcel Number 128-181-005, will not have a significant adverse effect on the environment
- B) Authorize the summary vacation of a sewer easement that 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

(First District)

Executive Summary:

Gola Properties LLC (Gola Properties) requested that the Sonoma Valley County Sanitation District (District) vacate a Sewer Dedication and Easement Agreement (Easement) granted to the District by Gola Properties. The Easement is in connection with a proposed condominium project located at 1181 Broadway, Sonoma. The need for vacating the Easement has been brought about due to a conflict between existing utilities that has prevented Gola Properties from constructing the public sewer main that was originally designed and permitted for the proposed condominium development. Due to the conflict with existing utilities, Gola Properties cannot construct the proposed sewer to District standards, which precludes the District from accepting the proposed sewer as a public sewer to be operated and maintained by the District that was originally planned and permitted for this development. Gola Properties has elected to construct the system, required for the development, as a private sewer system that will be operated and maintained by a homeowners association that will succeed Gola Properties' ownership of the system. This eliminates the need for the Easement that was dedicated and granted to the District and thus Gola Properties has requested the District to vacate the Easement.

Discussion:

Gola Properties is developing the Gola Properties LLC, a Residential Condominium Project (Project), at 1181 Broadway, Sonoma. The property is also identified as Assessor Parcel Number 128-181-005. On November 7, 2017, under Document Number 2017086054, Gola Properties granted the District an Easement for a proposed public sewer. The public sewer design was reviewed and approved by the District for the Project. After Project approval, Gola Properties discovered underground utilities that directly conflicted with their proposed public sewer main. Due to the conflict, the proposed sewer main could not be constructed per the plans approved by the District. Gola Properties now requests that the District vacate the existing Easement to allow

Gola Properties to operate and maintain the sewer system as a private sewer.

Under Section 8306 of the Streets and Highways Code of the State of California, the Easement is a public service easement and is therefore subject to the requirements for vacation of public service easements incorporated therein.

Given that the date of dedication of the Easement 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, Section 8333, Paragraph B, of the Streets and Highways Code authorizes the Board of Directors to summarily vacate a public service easement under such circumstances. Sonoma County Water Agency (Sonoma Water) staff, on behalf of the District, has determined that vacating the Easement will have no adverse effect on the District. Furthermore, section 4743 of the Health and Safety Code permits a county sanitation district to dispose of property interests when they are no longer required for the purposes of the district.

In accordance with Section 65402 of the Government Code, on July 25, 2019, the District requested the City of Sonoma (City) Planning Department to determine whether the vacation of the easement would comply with the City's General Plan. As the Planning Department did not respond within 40 days to the request, per Section 65402 of the Government Code, the vacation of the easement is deemed to be in conformance with the City's General Plan.

The City, as lead agency, determined that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 In-Fill Development Project of the State CEQA Guidelines. The City approved the Project.

Sonoma Water's General Manager, on behalf of the District, has determined that vacating the Easement is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) Review for Exemption because there is no potential for significant impacts on the environment. Sonoma Water staff, on behalf of the District, as a Responsible Agency under CEQA, has prepared a Notice of Exemption in accordance with CEQA, the State CEQA Guidelines, and Sonoma Water's Procedures for the Implementation of CEQA.

The property owner has agreed to reimburse the District all costs borne by the District in processing the requested sewer easement vacation.

District staff recommends that the Board adopt the attached Resolution, determining that the District no longer requires the Easement for the purposes of the District and vacation of the Easement will not have a significant impact on the environment, and authorizing summary vacation of the District's Easement.

Prior Board Actions:

None

FISCAL SUMMARY

Expenditures	FY 19-20 Adopted	FY20-21 Projected	FY 21-22 Projected
Budgeted Expenses	5,000		
Additional Appropriation Requested			

Total Expenditures	\$5,000		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$5,000		
Use of Fund Balance			
Contingencies			
Total Sources	\$5,000		

Narrative Explanation of Fiscal Impacts:

This item has been budgeted in the Sonoma Valley County Sanitation District Operations budget; however, all costs will be reimbursed to District from the property owner requesting the easement vacation.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Resolution

Notice of Exemption

Related Items "On File" with the Clerk of the Board: