



REPORT to the MAYOR and MEMBERS of the CITY COUNCIL  
From the CITY MANAGER

DATE: February 13, 2024

SUBJECT: APPROVAL OF SUMMARY VACATION OF AN  
EXISTING EASEMENT FOR PUBLIC SIDEWALKS AND  
UTILITY PURPOSES ENCUMBERING 4757 PALM  
AVENUE

ISSUING DEPARTMENT: Public Works

SUMMARY:

Issues:

Should the City of La Mesa vacate an existing an existing easement for public sidewalk and utility purposes encumbering 4757 Palm Avenue?

Recommendation:

Vacate the City of La Mesa existing easement for public sidewalk and utility purposes encumbering 4757 Palm Avenue.

Fiscal Impact:

None.

City's Strategic Goals:

- Invest in infrastructure to serve the needs of the community.

Environmental Review:

This project is categorically exempt from the environmental review process under Section 15301 Class 1(c) of Title 14 of the California Code of Regulations.

**BACKGROUND:**

When the old La Mesa Appliance Center at 4757 Palm Avenue was renovated in 2008, the owners were required to dedicate an easement for public sidewalk and utilities to allow for pedestrian access and minor public drainage features to be constructed on site that would take public drainage to the bio-swale facilities at the southeast intersection of Palm Avenue and Allison Avenue (see Attachment B). The property was recently sold and under the proposed new design for the property, pedestrian access and minor drainage has been reconfigured for the site and the City will no longer need the easement for the intended purposes.

**DISCUSSION:**

Palm Street Ventures, LLC a California Limited Liability Company, seeks to remove the public easement in order to increase the developable area. The owner has researched the easement history and requests that the City vacate that easement encumbering the property citing that vacating that public utility easement would allow development to proceed with construction. The City has reviewed the easement, proposed development plans and supporting documents with other utility agencies and has determined that the vacation request is reasonable. San Diego Gas & Electric, Helix Water District, Cox Cable and AT&T have been contacted and each agency has submitted a letter indicating they have no objection to the vacation.

California Streets and Highways Code, Section 8330, et seq., provides the criteria for summary vacation of public service easements in any of the following cases:

- (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation;
- (b) The date of dedication or acquisition 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; or
- (c) 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.

Condition (c) applies to this request for vacation and therefore the City Council may authorize the vacation.

CONCLUSION:

Staff recommends the City vacate existing easement for public sidewalk and utility purposes encumbering 4757 Palm Avenue.

Reviewed by:



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Greg Humora  
City Manager

Respectfully submitted by:



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Michael Throne, PE  
Director of Public Works

Attachments:   A. Resolution  
                      B. Vacation Exhibit