



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

DATE: January 24, 2023

SUBJECT: APPROVAL OF SUMMARY VACATION OF AN  
EXISTING PUBLIC UTILITY EASEMENT LOCATED AT  
4579 TERRY LANE AND ENCUMBERING LOTS 68  
THROUGH 87 PER MAP NO. 2608 "DENNSTEDT  
TERRACE"

ISSUING DEPARTMENT: Public Works

SUMMARY:

Issues:

Should the City of La Mesa vacate an existing Public Utility Easement encumbering Lots 68 through 87 per Map No. 2608, Dennstedt Terrace?

Recommendation:

Vacate the City of La Mesa Public Utility Easement encumbering Lots 68 through 87 per Map No. 2608, Dennstedt Terrace.

Fiscal Impact:

None.

City's Strategic Goals:

- Continue to improve high quality municipal services

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 Map 2608 was originally filed for the Dennstedt Terrace subdivision it reserved an easement for public utilities located at the rear yards of the adjoining parcels. With the formation of the Public Utilities Commission, utility agencies acquired the right to place franchise utilities within the public right of way. The easement dedicated on the map has never been used nor is there any desire by any agency to ever use it for its intended purpose. All public utility agencies have been contacted and none of the agencies has any existing utilities within this easement or any objections with its vacation.

**DISCUSSION:**

The owner of 4579 Terry Lane (Lot 78), desires to construct a new accessory structure for storage with a deck extension and stairs and a 70' long, 6' high retaining wall in order to increase privacy and functionality of her rear yard. The City's policy prohibits construction within City easements. The owner has researched the easement history and requests that the City vacate that portion across their property citing that vacating that portion of the public utility easement would allow construction to proceed. The City has reviewed the easement and supporting documents from 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.

Conditions a) and c) apply to this request for vacation; therefore the City Council may authorize the vacation.

CONCLUSION:

Staff recommends that the City of La Mesa vacate the City of La Mesa Public Utility Easement encumbering Lots 68 through 87 per Map No. 2608, Dennstedt Terrace.

Reviewed by:



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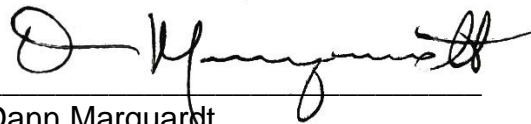
Greg Humora  
City Manager

Respectfully submitted by:



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Michael Throne, PE  
Director of Public Works



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Dann Marquardt  
Associate Engineer

Attachments:   A. Resolution  
                  B. Vacation Exhibit