

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA ORDERING THE SUMMARY VACATION OF AN EASEMENT FOR PUBLIC UTILITY PURPOSES AT 8135 EL PASO STREET ENCUMBERING LOT H PER MAP NO. 4046 LAKE VIEW ESTATES UNIT NO. 1

WHEREAS, an easement for public utility purposes was dedicated to the City of La Mesa on Map 4046, Lake View Estates Unit No. 1, recorded December 22, 1958;

WHEREAS, the property owner of Lot H, Zigman Properties L.P., a California limited partnership, has requested the vacation of said easement to unencumber their property and facilitate the use of the property;

WHEREAS, Section 8330, et seq., of the California Streets and Highways Code 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- c. The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

WHEREAS, the City Council finds that:

- a. The Notice of Public Hearing on said resolution ordering the summary vacation of the easement, was published in the Daily Transcript on February 14, 2023, and February 21, 2023, in the manner prescribed by law for the publication of resolutions in and for said City;
- b. Notices of said hearing were posted conspicuously along the easement proposed to be vacated, at least fourteen days before the date set by this resolution for the hearing. Said notices were posted not more than three hundred (300) feet apart and at least three (3) such notices were posted.
- c. No persons presented evidence that said easement is necessary for present or future public purposes;
- d. There is no present or prospective use for the easement for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- e. The easement for public utility purposes has been superseded by relocation and there are no other public facilities located within the easement considered to be vacated;
- f. The property owner will benefit from the vacation through improved utilization of the land; and

g. The vacation is consistent with the general plan or an approved community plan.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Council of the City of La Mesa, as follows:

1. That the easement for public utility purposes dedicated on Map 4046, Lake View Estates Unit No. 1, recorded December 22, 1958 encumbering Lot H and as described in Attachment B be ordered vacated.
2. That the City Clerk of the City of La Mesa, California shall cause a certified copy of this resolution, attested to under the seal of the City of La Mesa, with exhibits, to be recorded in the office of the County Recorder of San Diego County, State of California.

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 28th day of February 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF THE CITY CLERK

I, MAGAN WIEGLEMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2023-___, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)