



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

DATE: February 28, 2023

SUBJECT: APPROVAL OF SUMMARY VACATION OF AN
EXISTING PUBLIC UTILITY EASEMENT LOCATED AT
8135 EL PASO STREET AND ENCUMBERING LOT H
PER MAP NO. 4046 LAKE VIEW ESTATES UNIT NO. 1

ISSUING DEPARTMENT: Public Works

SUMMARY:

Issues:

Should the City of La Mesa vacate an existing Public Utility Easement encumbering located at 8135 El Paso Street and encumbering Lot H per Map No. 4046 Lake View Estates Unit No. 1?

Recommendation:

Vacate the City of La Mesa Public Utility Easement encumbering Lot H per Map No. 4046 Lake View Estates Unit No. 1.

Fiscal Impact:

None.

City's Strategic Goals:

- Revitalize neighborhoods and corridors

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 No. 4046 was originally filed for the Lake View Estates Unit No. 1 subdivision it reserved an easement for public utilities bordering the east, south and west property lines of the parcel. With the formation of the Public Utilities Commission, utility agencies acquired the right to place franchise utilities within the public right of way reducing the need for utility easements on private property. 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:

Zigman Properties, LP, is the owner of Lot H and proposes to construct a new, 21 container battery energy storage system (BESS) on the parcel in order to increase the functionality of the lot. The City's policy prohibits construction within City easements. Zigman Properties, LP 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 across their property would allow them to proceed with construction. 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 Public Utility Easement encumbering Lot H per Map No. 4046 Lake View Estates Unit No. 1.

Reviewed by:

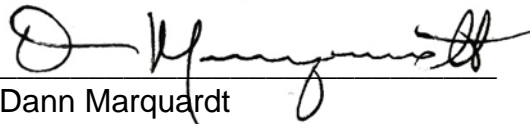


Greg Humora
City Manager

Respectfully submitted by:



Michael Throne, PE
Director of Public Works



Dann Marquardt
Associate Engineer

Attachments: A. Resolution
 B. Vacation Exhibit