



MEMORANDUM

TO: City Council

FROM: Brian Pedrotti, Community Development Director

BY: Shannon Sweeney, Interim Public Works Director/City Engineer
Natalie Riddering, Planning and Engineering Permit Technician

SUBJECT: Consideration of the Summary Vacation of a Public Utility Easement and Acceptance of a Grant of a Sanitary Sewer Easement and Located at 605 Eman Court

DATE: November 28, 2023

SUMMARY OF ACTION:

Approval of the summary vacation of an unneeded or “excess” public utility easement (PUE) and acceptance of the grant of a sanitary sewer easement at 605 Eman Court, pursuant to the summary vacation procedures set forth in California Streets and Highways Code Section 8330 *et seq.* Staff have received non-objection letters from those holding public utility/easement interests in the subject property, pursuant to Streets and Highways Code Section 8334.5.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is no financial impact in accepting a new sanitary sewer easement and summarily vacating the PUE.

RECOMMENDATION:

Adopt a Resolution summarily vacating the public utility easement and accepting the grant of a sanitary sewer easement at 605 Eman Court pursuant to Streets and Highways Code Section 8330 *et seq.* and making a finding that the action is not a project under CEQA or, alternatively, that it is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) (“common sense exemption”).

BACKGROUND:

Residential Tract Map 100 was recorded on August 16, 2004. In the tract map, a ten-foot wide (10’) PUE was created at the rear and eastern perimeter of Lot 7, Parcel B (Exhibit B). The City no longer has any need for this PUE and wishes to vacate it in accordance with legal procedures set out in the Streets and Highways Code, and to acquire through

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this action a sanitary sewer easement in the manner described and depicted in Exhibits A-1 and B.

ANALYSIS OF ISSUES:

On February 21, 2023, the property owner at 605 Eman Court requested that the PUE be modified and that the ten-foot easement, located at the rear and eastern perimeter of 605 Eman Court, be vacated to allow the construction of a home expansion.

During the City's review of the request, it was determined the sanitary sewer line is located outside of PUE and the easement is no longer needed for the City's purposes. California Streets and Highways Code Section 8333 et seq. authorizes the city to summarily vacate an excess public utility easement if is not required.

Specifically, Section 8333 provides that the City Council may summarily vacate a public service easement in any of the below situations:

- 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.
- 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.

In this case, the City is summarily vacating the PUE which has been determined to be excess by the easement holders, there are no other public facilities located within the easement area, the requirements of the Streets and Highways code are satisfied, and therefore the City may vacate the PUE.

Non-objection letters to the proposed easement vacation were received from all utilities, including, including AT&T, Charter Communications, PG&E, and Southern California Gas Company (Attachment 8). A legal description and plat of the existing property and PUE to be vacated has been provided (Exhibit A-2, Exhibit C and Exhibit B).

To rectify the City's sanitary sewer line being physically located outside of an easement and ensure that the sanitary sewer line be accessible for maintenance and or emergencies, the City is accepting the grant of a sanitary sewer easement to record a new sanitary sewer line easement. A plat and legal description of the proposed sanitary sewer easement are included (Exhibit A1 and Exhibit B)

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ALTERNATIVES:

1. Adopt a Resolution summarily vacating a public utility easement at 605 Eman Court pursuant to Streets and Highways Code Section 8330 et seq. and accept the grant of a sanitary sewer easement; or
2. Do not adopt the Resolution to vacate the public utility easement and accept the grant of sanitary sewer easement; or
3. Provide other direction to staff.

ADVANTAGES:

By vacating the excess PUE and accepting the grant of a new sanitary sewer easement, the City will gain access rights to the sanitary sewer line on this parcel and the owner of the parcel will be able to utilize this portion of the property to construct an expansion of their home.

DISADVANTAGES:

None identified.

ENVIRONMENTAL REVIEW:

The proposed summary vacation of the PUE and acceptance of a sanitary sewer easement is not a project subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §§ 15060, subd. (b)(2)-(3), 15378.) Alternatively, the acceptance of a sanitary sewer easement and summary vacation of the PUE is exempt from CEQA on the basis that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061, subd. (b)(3).)

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Proposed Resolution
2. Proposed Resolution Exhibit A-1 (Legal Description for Sanitary Sewer Easement)
3. Proposed Resolution Exhibit A-2 (Legal Description for 605 Eman Court)
4. Proposed Resolution Exhibit B (Depiction of PUE and Proposed Sewer Easement)
5. Proposed Resolution Exhibit C (Legal Description for Public Utility Easement)
6. Proposed Resolution Exhibit D (Grant of Sanitary Sewer Easement)
7. Proposed Resolution Exhibit E (Certificate of Acceptance for Sanitary Sewer Easement)
8. Non-Objection Letters

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