



PUBLIC WORKS DEPARTMENT

CITY HALL
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CITY COUNCIL STAFF REPORT

Meeting: September 20, 2022

Subject

Consider the summary vacation of a portion of a Public Utility Easement on the property located at 10778 Morengo Drive.

Recommended Action

Adopt Resolution No. 22-____, summarily vacating a portion of Public Utility Easement on the property located at 10778 Morengo Drive.

Discussion

The applicant is an owner of the subject property and is proposing to expand and remodel the existing house on the property. During the initial design stage, the applicant discovered there was a 10' wide Public Utility Easement (PUE) located along the southerly portion of the property and a portion of the existing house encroaches into the 10' PUE.

The applicant submitted an application to vacate the unused portion of the PUE (Attachment A.) "Vacation" of the easement means that the City would terminate public utility companies' rights over this portion of the property.

This vacation ensures the existing house and future additions to the house are not encumbered by the PUE, as a PUE must be kept open and free from buildings and structures. Staff determined that the proposed area for vacation does not currently contain any public utilities, that all concerned utility companies were contacted in writing, that they have no objections to the City vacating the easement, and that the easement is not needed for public purposes.

The easement may be summarily vacated under the Streets and Highway Code section 8333 if "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for five consecutive years immediately preceding the proposed vacation," or alternatively, if "the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement." Staff determined that the PUE has not been used for five consecutive years

preceding this action and that there are currently no public facilities within the easement.

Adoption of the proposed Resolution (Attachment B) will allow the City to summarily vacate a portion of the PUE on the subject property. Upon recordation of this vacation, the PUE will be removed from the property and no further action regarding the vacation will need to be taken by the City Council.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

Prepared by: Winnie Pagan, Senior Civil Engineer

Reviewed by: Chad Mosley, City Engineer/Assistant Director of Public Works

Reviewed by: Matt Morley, Director of Public Works

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Aerial Exhibit

B – Draft Resolution