

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, SEPTEMBER 15, 2021**

MINUTE ORDER NO. 4

**SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE
BRUIN WAY AND COLACE COURT, AND A PUBLIC SERVICE LANDSCAPE
EASEMENT, AND REQUEST AUTHORIZATION TO QUITCLAIM A SEWER
EASEMENT, IN THE OTAY MESA AREA (VACATION NO. 2021-0153)
(DISTRICT: 1)**

OVERVIEW

The Asset Management Division of the Department of General Services (DGS) is processing a request to summarily vacate easement interests dedicated to the County of San Diego (County). A summary vacation is a streamlined process by which a public road or public service easement is abandoned through one action where public noticing is not required. A summary vacation may be requested by the public if an easement interest is found to be excess to County needs and the easement is not required for the purposes for which it was obtained. The applicant has requested to vacate the unconstructed roads of Bruin Way and Colace Court, together with the right to extend drainage facilities, excavation and embankment slopes beyond the dedicated public highway, and the landscape easement, as dedicated on County of San Diego Tract 5527-1, Map No. 16450.

Associated actions include quitclaiming a sewer easement dedicated to the San Diego County Sanitation District (District) on Map No. 16450. Quitclaiming is a process to give up all right, title, and interest granted to the County or District for public sewer purposes and removes the easement encumbrance from a property. Quitclaiming a sewer easement may be requested by the public if the rights are found to no longer be required for District purposes. In many cases a vacation and quitclaim can be a public benefit through improved use of the land made available by the vacation and quitclaim.

All of the easement interests that are the subject of this request are located in the unincorporated East Otay Mesa Community Plan Area. The public highway and public service easements are no longer needed because these items have been determined to be excess by the County and District, and there are no other public facilities within the easements that would be affected by this vacation.

Today's request is for the Board to adopt a resolution to summarily vacate the public highway together with the right to extend drainage facilities, excavation and embankment slopes beyond the offered public highway, and the landscape easement. The easement interests are described and depicted in Attachment C.

If authorized by the Board, acting as the Board of Directors of the District, the Director of the Department of General Services or an authorized designee will execute and record a deed to quitclaim the District's interest in the sewer easement described above and depicted in Attachment B.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

Acting as Board of Supervisors:

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would result in the summary vacation of public right-of-way and landscaping easements that are not needed for public road or public service purposes, and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE BRUIN WAY AND COLACE COURT, AND A PUBLIC SERVICE LANDSCAPE EASEMENT, IN THE OTAY MESA AREA (VACATION NO. 2021-0153).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2021-0152-A pursuant to State of California Streets and Highways Code Section 8336.

Acting as Board of Directors of the San Diego County Sanitation District:

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would only result in the quitclaiming of a public service sewer easement and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.
2. Find that the sewer easement is no longer required for District purposes.
3. Approve and authorize the Director, Department of General Services, or authorized designee, to execute and record a quitclaim deed for the sewer easement depicted in Attachment B.

EQUITY IMPACT STATEMENT

This resolution will provide public benefit through improved use of the land made available by the vacation and quitclaim. The process of vacating public easements takes equity into account and is in the public interest because it would eliminate an encumbrance on private lands no longer needed by the public.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2021-22 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$4,000 to process the summary vacation and proposed quitclaim. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

(RELATES TO SANITATION AGENDA NO. 1)

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 21-153, entitled: RESOLUTION TO SUMMARILY VACATE BRUIN WAY AND COLACE COURT, AND A PUBLIC SERVICE LANDSCAPE EASEMENT, IN THE OTAY MESA AREA (VACATION NO. 2021-0153).

AYES: Vargas, Lawson-Remer, Desmond

ABSENT: Anderson, Fletcher

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter