



# San Diego County Sanitation District

## AGENDA ITEM

### GOVERNING BODY

NORA VARGAS  
First District

JOEL ANDERSON  
Second District

TERRA LAWSON-REMER  
Third District

NATHAN FLETCHER  
Fourth District

JIM DESMOND  
Fifth District

**DATE:** September 15, 2021

**SA01**

**TO:** Board of Directors, San Diego County Sanitation District

### 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

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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 described and 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

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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

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

The owner of Assessor's Parcel Number 646-240-74 has requested the summary vacation of Bruin Way and Colace Court public highway easements, accepted subject to improvement, together with the right to extend drainage facilities, excavation and embankment slopes beyond the offered public highway, and a public service landscape easement dedicated to the County of San Diego (County) on County Tract 5527-1, Map No. 16450 that encumbers portions of the property. 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 subject property is located in the unincorporated East Otay Mesa Community Plan Area (Attachment A). The public highway easements are approximately 3.39 acres in size. The landscape easement is approximately 0.05 acres.

This is a request to take the necessary actions in accordance with State of California Streets and Highways Code Section 8334(a) to summarily vacate the public highway, and Section 8333(c) to summarily vacate a public service landscape easement. The Public Streets, Highways, and Service Easements Vacation Law, State of California Streets and Highways Code Section 8300, et seq. (Act) establish procedures where a legislative body may initiate proceedings to vacate a public street, highway, or public service easement that is not required for public purposes. The summary vacation can be completed by Board approval and adoption of the Resolution attached as Attachment C.

Under the Act, the following findings must be made by the Board of Supervisors (Board) to approve the proposed summary vacations:

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1. The public highway for future Bruin Way and Colace Court are considered an excess highway easement because Map No. 16450 is concurrently being modified to eliminate the need for these roads and the landscape easement. The roads are unimproved and there are no landscaping improvements constructed in the easement. A private road will be constructed to access the modified lots and a new landscape easement will be dedicated according to the new lot configurations on the modified map. Therefore, the Board may find that the public highway easement and the landscape easement may be summarily vacated pursuant to State of California Streets and Highways Code Section 8334(a) and 8333(c), respectively, because they are determined to be excess and are no longer necessary to be retained by County for any present or prospective public use.
2. Pursuant to State of California Streets and Highways Code Section 8334.5, the Board is required to ensure that the vacation will not affect in-place public utility facilities. There are no in-place public utility facilities that would be affected by the proposed vacation.
3. Pursuant to State of California Streets and Highways Code Section 892 and Section 8314, consideration of the public highway easements for non-motorized transportation use must be reviewed before the vacation can be approved. The County's Department of Parks and Recreation has determined that the public highway to be summarily vacated is not needed for trail purposes because there are no community adopted trails, or any pathways planned for this property in the Community Trails Master Plan. The landscape easement does not authorize trail or pathway uses. Accordingly, it is not useful as non-motorized transportation facilities.
4. Pursuant to State of California Streets and Highways Code Section 8313 and Government Code Section 65402, the Board shall consider the General Plan prior to vacating a right-of-way or public service easement. Staff from the County's Department of Planning & Development Services has reviewed the proposed summary vacation and determined that it is in conformance with the San Diego County General Plan because it does not conflict with any designated Mobility Element Plan roads, County Trails Master Plan or Bicycle Transportation Plan.

Additionally, the owner has requested a quitclaim of an approximately 0.14-acre sewer easement dedicated to the San Diego County Sanitation District (District) on County Tract 5527-1, Map No. 16450, that encumbers a portion of the property. Quitclaiming is a process to give up all right, title, and interest granted to the County or District for sewer purposes and remove encumbrances from a property. Quitclaiming a sewer easement may be requested by the public if the easement is found to no longer be required for District purposes. The County's Department of Public Works (DPW) operates and administers the District and has determined the sewer easement as described above and depicted in Attachment B is no longer required by the District.

Staff has determined that the following findings can be made to support the quitclaim request:

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1. Pursuant to State of California Health and Safety Code Section 4743, the sewer easement is no longer required for the purposes of the District because the sewer facilities that were to be constructed within it will no longer be necessary when the subject property is reconfigured by the Map Modification currently being processed. Additionally, there are no public facilities that would be affected by the proposed quitclaim.
2. The easement area is not useful as a non-motorized transportation facility because it is not authorized for non-motorized transportation uses.
3. The County's Department of Planning & Development Services has reviewed the proposed action and determined it is in conformity with the San Diego County General Plan.

All the above proposed actions are in the public interest because they will remove encumbrances on private lands no longer needed for public purposes. The proposed actions would: (1) relieve the District of maintenance responsibilities for the existing sewer facilities in the sewer easement, (2) relieve the County from potential liabilities associated with the offered public highway and incidental rights, and (3) remove a landscape easement that is not necessary.

#### **ENVIRONMENTAL STATEMENT**

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 actions would not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA section 15378 as it will only result in the vacation and quitclaiming of public easements and would not result in any physical change in the environment.

#### **LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's action supports the Strategic Initiative of Sustainable Environments/Thriving in the County of San Diego's 2021-2026 Strategic Plan by ensuring that San Diego is a vibrant region with planning, development, infrastructure, and services that strengthen the local economy. The proposed action will summarily vacate and quitclaim offers of dedication and a public service easement that are excess to the County and District's needs.

Respectfully submitted,



SARAH E. AGHASSI  
Deputy Chief Administrative Officer

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**ATTACHMENT(S)**

Attachment A – Vicinity Map

Attachment B – Vacation Exhibit (14 Pages)

Attachment C - RESOLUTION TO SUMMARILY VACATE BRUIN WAY AND COLACE COURT, AND A PUBLIC SERVICE LANDSCAPE EASEMENT, IN THE OTAY MESA AREA (VACATION NO. 2021-0153) (DISTRICT: 1), including Exhibit “A” legal descriptions (2 sheets) and Exhibit “B” plats (10 sheets).

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**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:** ☐ Yes ☒ No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**

☐ Yes ☒ No

**PREVIOUS RELEVANT BOARD ACTIONS:**

N/A

**BOARD POLICIES APPLICABLE:**

I-30, Minor Street Acquisitions, Vacations or Abandonments

**BOARD POLICY STATEMENTS:**

N/A

**MANDATORY COMPLIANCE:**

Pursuant to State of California Government Code Section 65402, the County's Department of Planning & Development Services determined that the proposed summary vacations and the public service easement vacation and quitclaim are consistent with the County of San Diego General Plan.

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):**

N/A

**ORIGINATING DEPARTMENT:** Department of General Services

**OTHER CONCURRENCE(S):** Department of Public Works  
Planning & Development Services  
Department of Parks and Recreation  
San Diego County Sanitation District

**CONTACT PERSON(S):**

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