



DATE: September 16, 2024

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Kent Carothers PE – City Engineer, Public Works & Utilities (PW&U)
Gina Benedetti-Petnic, PE – Interim Director, PW&U

SUBJECT: Resolution Ordering the Summary of Vacation of Public Water Line Easements
at 495 North McDowell Boulevard on Assessor Parcel Number 007-380-038

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution ordering the summary of vacation of public water line easements at 495 North McDowell Boulevard on assessor parcel number (APN) 007-380-038.

BACKGROUND

The City has received a request from MBK Rental Living to vacate existing public water line easements at 495 North McDowell Boulevard on assessor parcel number (APN) 007-380-038. These easements were originally established to accommodate a water line as part of the initial Deer Creek Village development plans (approved by the Planning Commission in 2012). However, the previous commercial development plans were replaced with the residential development called “The Haven” at Deer Creek (approved by the Planning Commission in 2019). This current development project necessitates relocating the water line to a new alignment to better serve the updated project design and construction requirements.

DISCUSSION

The existing water line easements are no longer required for the intended use due to changes in the development plans. The relocation of the easement is necessary to facilitate the new construction and ensure that the water infrastructure aligns with the updated project plans. The developer has proposed new easements to accommodate the relocated water line, which will be reviewed and processed in a separate action.

A detailed review of the proposed vacation has been conducted. The Public Works Department has confirmed that the existing easements are not needed for current or future water services in their current location. The proposed vacation will not adversely affect the City’s water

infrastructure or service delivery. The relocation of the easement will improve the functionality and efficiency of the water system for the new development.

Vacation (also known as abandonment) of public service easements is governed by California Streets and Highways Code, Division 9, Part 3, Sections 8300 et seq. Under Section 8333, a summary vacation, which is a simpler process than a standard vacation, can be used for a public service easement that has not been used for the purpose for which it was dedicated for at least five years immediately before the vacation, or there are no other public facilities located within the easement. This proposal is eligible for the summary vacation process.

It is recommended that the Council adopt the attached resolution to approve the summary vacation of the existing public water line easements at The Haven at Deer Creek. This action will facilitate the relocation of the water line, support the ongoing development project, and ensure compliance with legal and procedural requirements.

Compensation for the vacation of a public service easement is not required as the easement is not necessary anymore, and the utilities were relocated in the draft easement documents to the City as part of The Haven apartments project. The new easements will be accepted at project completion. Therefore, it is recommended that City Council not seek compensation in this case

PUBLIC OUTREACH

This agenda item appeared on the City’s tentative agenda document on September 9, 2024, which was a publicly-noticed meeting.

COUNCIL GOAL ALIGNMENT

The proposed action supports the following City Council goals, objectives, and work plan items by providing a reasonable and justified land transaction to enable this residential infill development.

Workplan Item 103: Prioritize and incentivize sustainable infill development.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (“CEQA”), City staff determined that the project is covered by the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. City staff found that there is no possible significant effect directly related to the summary of vacation of the easement as the easement has not been used in the past and there are no prospective uses for the easement; therefore, no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR Section 15061(b)(3)), and independently, the project is categorically exempt (class 5) pursuant to Section 15305 of the State CEQA Guidelines (Minor Alterations in Land Use). None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this project.

Moreover, the entire project was previously reviewed for CEQA compliance, and the planning commission adopted the mitigated negative declaration and mitigation monitoring and reporting program by Resolution.

FINANCIAL IMPACTS

This action does not impact the existing budget and is considered cost-neutral. The applicant reimburses staff resources expended in processing the easement vacations as a cost recovery item. While not quantified, there would be future cost savings in utility infrastructure maintenance.

ATTACHMENTS

1. Resolution
Exhibit A - Abandonment