

Agenda Report

February 22, 2021

TO: Honorable Mayor and City Council

FROM: Department of Water and Power

SUBJECT: ADOPTION OF A RESOLUTION ORDERING THE SUMMARY VACATION OF TWO PUBLIC SERVICE EASEMENTS LOCATED AT 3405 E. COLORADO BOULEVARD, PASADENA – (PROPERTY OWNER: KCB PASADENA STORE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY)

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations) and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances;
2. Adopt a Resolution ordering the summary vacation of two public service easements located at 3405 E. Colorado Boulevard, Pasadena, APN 5754-003-047 ("Property"); and,
3. Authorize the City Manager, or his or her designee, to execute any other documentation as may be required to accomplish said summary vacation.

EXECUTIVE SUMMARY:

Pasadena Water and Power Department ("PWP") is recommending the City Council adopt a resolution to summarily vacate two public service easements which have not been utilized by the City of Pasadena ("City") for more than five years. PWP also does not foresee a need for these easements in the future. These easements, or property rights, are to allow PWP to install and maintain electrical facilities only. Additionally, these easements are too small to build affordable housing.

BACKGROUND:

California Streets and Highways Code Section 8333 allows a legislative body to summarily vacate a public service easement in any one of the following instances:

- (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- (c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

If any one of the above circumstances is met, the City Council can adopt a Resolution to summarily vacate a public service easement. A summary vacation process differs from the traditional vacation process in that a public hearing is not required.

As stated above, the easements on the Property are for installing and maintaining electrical lines. Currently, PWP does not have electrical lines at that location nor does it foresee a need to install them in future. Therefore, staff is recommending summary vacation for the two easements on the Property.

Upon adoption of the Resolution, the City Clerk then causes a certified copy of the Resolution, attested by the City Clerk under seal, to be recorded and upon such recordation of the Resolution, the summary vacation is complete.

Pursuant to California Streets and Highways Code Section 8306, a public service easement includes, among others, all or part of, or any right in a right-of-way, easement, or use restriction acquired for public use by dedication or otherwise for sewers, pipelines, pole lines, electrical transmission and communication lines, pathways, storm drains, drainage, canal, water transmission lines, light and air, and other limited use public easements other than for street or highway purposes.

Property Summary:

The City, as successor in interest to Southern California Edison, acquired two easements pertaining to the Property as follows (collectively, the "Public Service Easements on the Property"):

1. Title exception 11: A ten foot right of way for overhead wires for electric and communication facilities and right of way for overhead wires for electric pertaining to 3425 E. Colorado Boulevard (current address renumbered to 3405 E. Colorado Boulevard) dated October 7, 1953; and

2. Title exception 13: A six foot easement or right of way for electric and communication and right of way for overhead wires for electric facilities pertaining to 3425 E. Colorado Boulevard (current address renumbered to 3405 E. Colorado Boulevard) dated April 8, 1971.

KCB PASADENA STORE, LLC, a California limited liability company, the property owner of the Property has requested that the City release the Public Service Easements on the Property.

Property Reference:
Attachment A: Location Map of Easements

Justification for Vacation of Easements for the Property

After investigation, staff has determined that neither of the Public Service Easements on the Property are in use by PWP nor any other City Department, the Public Service Easements on the Property are not necessary presently or in the future for PWP or any other City Department, and none of the Public Service Easements on the Property have been used for the purpose for which they were dedicated or acquired for five consecutive years immediately preceding the proposed vacation. Therefore, the vacation qualifies for the summary vacation process under Streets and Highways Code Section 8333.

COUNCIL POLICY CONSIDERATION:

The proposed summary vacation is consistent with the City Council's goals to maintain fiscal responsibility and stability, and to support and promote the quality of life and local economy. The proposed summary vacation is consistent with the public's interest and convenience and are properties unnecessary for present or future use.

ENVIRONMENTAL ANALYSIS:

The proposed action is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15305 (Class 5 – Minor Alterations in Land Use Limitations). Class 5 exempts from environmental review minor alterations in land use limitations in areas with an average slope of less than 20 percent and which do not result in any changes in land use or density. The proposed action involves the vacation of public service easements where said easements have not been used for the purpose for which they were dedicated and will not cause or facilitate any changes in land use or density. Further, the average slope on these easements is less than 20 percent. There are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances.

FISCAL IMPACT:

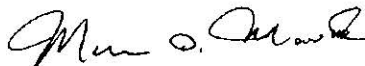
The summary vacation will eliminate any potential responsibility for maintenance or liabilities to the City. The applicant has paid the costs for preparation, process, and recordation of the summary vacation. No revenue will be expended or generated by the adoption of this summary vacation.

Respectfully submitted,



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Water and Power Department

Prepared by:



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Approved by:



STEVE MERMELL
City Manager

Attachment A – Location Map of Easements