

Article 5: Subdivision Procedures

Division 10: Easement Vacations

(“Easement Abandonments” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Retitled to “Easement Vacations” and amended 6-18-2013 by O-20261 N.S.)

§125.1001 Purpose of Easement Vacation Procedures

The purpose of these procedures is to establish the process and criteria to approve the vacation of *public service easements* and other easements granted to the public or the City of San Diego. This division establishes an alternative process to vacate *public service easements* as provided for by California Streets and Highways Code Section 8311 and to distinguish this alternative decision process from the process that applies by law to vacation of other easements and to the vacation of *public service easements* with a *tentative map* in accordance with the *Subdivision Map Act*.

(“Purpose of Easement Abandonment Procedure” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Retitled to “Purpose of Easement Vacation Procedures” and amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§125.1010 When an Easement Vacation May Be Requested

An *applicant* may request the vacation of a *public service easement* or other easement by application in accordance with one of the following:

- (a) Pursuant to local adopted procedures in Section 125.1030(b) as an alternative to the procedures set forth for the vacation of *public service easements* in the California Streets and Highways Code;
- (b) In conjunction with a *tentative map* application and the procedures for the vacation of public streets and easements on *final maps* and *parcel maps* pursuant to *Subdivision Map Act* Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 and as set forth in Section 125.1030(a); or
- (c) A request to vacate any other type of easement as set forth in Section 125.1030(a).

(“When an Easement Abandonment May Be Initiated” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Retitled to “When an Easement Vacation May Be Initiated “ and amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Retitled to “When an Easement Vacation May Be Requested“ and amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§125.1020 How to Apply for an Easement Vacation

An application for vacation of a public service easement or other easement shall be filed in accordance with Section 112.0102.

(“How to Apply for an Easement Abandonment” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Retitled to “How to Apply for an Easement Vacation“ and amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

§125.1030 Decision Process for an Easement Vacation

- (a) A decision on an application to vacate a *public service easement* requested in accordance with Section 125.1010(b) or to vacate any other type of easement requested in accordance with Section 125.1010(c) shall be made by the City Council in accordance with Process Five, except that a recommendation by the Planning Commission is not required. A Planning Commission recommendation shall not be required for a Coastal Development Permit necessary solely because the *public service easement* vacation is in the Coastal Overlay Zone.
- (b) A decision on an application to vacate a *public service easement* requested in accordance with Section 125.1010(a) shall be made in accordance with Process Two, except that the decision shall be appealable directly to the City Council.
 - (1) This process is intended to provide an alternative to other procedures provided by law for the vacation of *public service easements*.

- (2) Once a *public service easement* vacation has been approved in accordance with this section and all appeal rights have been exhausted, the City Engineer shall execute a quitclaim deed conveying the City's right, title and interest in the unused *public service easement* to the property owner.

(“*Decision Process for an Easement Abandonment*” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Retitled to “*Decision Process for an Easement Vacation*” and amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§125.1040 Findings for Public Service Easement and Other Easement Vacations

A *public service easement* or other easement may be vacated only if the decision maker makes the following *findings*:

- (a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- (b) The public will benefit from the action through improved utilization of the land made available by the vacation;
- (c) The vacation is consistent with any applicable *land use plan*; and
- (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

(“*Findings for a Public Service Easement Abandonment*” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Retitled to “*Findings for a Public Service Easement Vacation*” and amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

(Retitled to “*Findings for Public Service Easement and Other Easement Vacations*” 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§125.1050 Recording of Easement Vacations

If the vacation is approved, the City shall provide the resolution and any accompanying documents to the County Recorder for recordation. If the resolution contains conditions, it shall not be provided to the County Recorder for recordation until the City Engineer has determined that all conditions have been met. The recordation of a *subdivision map* pursuant to *Subdivision Map Act* Sections 66434(g), 66445(j), 66499.20 1/4 or 66499.20 1/2 shall have the same effect as filing a resolution of vacation.

(“Recording of Easement Abandonments” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Retitled to “Recording of Easement Vacations” and amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)