

**RESOLUTION NO. 2020-60**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO  
SUMMARY VACATION OF IMPASSABLE ROAD RIGHT-OF-WAY ON CHAPARRAL COURT,  
ERWIN LAKE AREA**

On Tuesday May 19, 2020, on motion of Supervisor Lovingood, duly seconded by Supervisor Gonzales and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, an easement for public road purposes, known as Chaparral Court, was offered to, and was accepted by, the County per Parcel Map No. 9354 ("Map") recorded June 13, 1990 records of said County, and said easement consists of a right-of-way for two consecutive in-line cul-de-sacs; and

WHEREAS, the Map created four new parcels, being Parcels 1 through 4 of the Map, and created the two consecutive in-line cul-de-sacs; and

WHEREAS, Parcels 1 through 4 of the Map have direct access to and from the first cul-de-sac which is paved, maintained by the County, and is used by the owners of those four parcels and the general public; and

WHEREAS, only Parcels 2 and 3 of the Map have additional direct access to and from the second cul-de-sac which is not physically on the ground, is not used by the owners of those two parcels or the general public, is impassable to vehicles, and is generally referred to as a "paper street"; and

WHEREAS, the owner of Parcel 3 of the Map, Assessor Parcel Number 0315-351-72, the Wall Joint Living Trust ("Applicant"), along with the owner of Parcel 2 of the Map, Assessor Parcel Number 0315-351-70, the McClellan's Declaration of Trust ("Co-Applicant"), have submitted to the Department of Public Works – Transportation ("Department") a request to vacate that portion of Chaparral Court right-of-way that is within the impassable second cul-de-sac, being 40 feet wide and approximately 180 feet in length; and

WHEREAS, the Department has determined that the public road right-of-way for the second cul-de-sac along Chaparral Court does not serve as access to anyone's property other than the Applicant's and Co-Applicant's, has been impassable for vehicular travel for the past five consecutive years, no public money has been spent for the maintenance thereof, is excess public road right-of-way, and is not necessary for current or future public needs; and

WHEREAS, based on the above recitals, that portion of the Chaparral Court public road right-of-way through the second cul-de-sac is impassable public road right-of-way, is not necessary for current or future public use and may be vacated pursuant to Streets and Highways Code section 8331; and

WHEREAS, the vacation serves a public purpose by eliminating and clearing the public records of an unnecessary public road right-of-way that has not been accepted or utilized by the general public, and by eliminating an unnecessary title encumbrance.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of San Bernardino, State of California, makes the following findings and determinations:

- (1) All the recitals contained hereinabove are true and correct.
- (2) Chaparral Court public road right-of-way described in Exhibit "A" Legal Description and shown in Exhibit "B" Vacation/Abandonment Plat attached hereto and made a part hereof is hereby declared impassable public road right-of-way that is not necessary for present or prospective public use.
- (3) The vacation of impassable public road right-of-way serves a public purpose by eliminating and clearing the public records of an unnecessary public road right-of-way that has not been accepted or utilized by the general public and by eliminating an unnecessary title encumbrance.

BE IT FURTHER RESOLVED, pursuant to section 892 of said Streets and Highways Code, the impassable public road right-of-way is not needed for a non-motorized transportation facility; and

BE IT FURTHER RESOLVED, pursuant to section 8335 of said Streets and Highways Code, the impassable public road right-of-way heretofore existing shall no longer constitute a street or highway from and after the date this resolution is recorded; and

BE IT FURTHER RESOLVED, pursuant to section 8336 of said Streets and Highways Code, the Clerk of this Board is hereby directed to cause a certified copy of this resolution, under the seal of this Board, be delivered to the Department of Public Works to be recorded in the official records of the County by the San Bernardino County Recorder (Recorder); and

BE IT FURTHER RESOLVED, pursuant to sections 8340 and 8341 of said Streets and Highways Code, a reservation and exception for utility purposes is not necessary due to no existing in-place public utility facilities being located therein.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS: Robert A. Lovingood, Janice Rutherford, Dawn Rowe,  
Curt Hagman, Josie Gonzales

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA            )  
  )        ss.  
COUNTY OF SAN BERNARDINO    )

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of May 19, 2020. #77 LA

LYNNA MONELL  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy

