

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

May 18, 2021

FROM

BRENDON BIGGS, Director, Department of Public Works – Transportation

SUBJECT

Public Hearing to Consider a Resolution for the Vacation of a Public Road Easement for Piedmont Drive, Highland Area

RECOMMENDATION(S)

1. Conduct a public hearing to consider the vacation of Piedmont Drive from Belvedere Avenue easterly 0.08 miles to the San Manuel Band of Mission Indians Reservation.
2. Find that the proposed vacation of Piedmont Drive between Belvedere Avenue and the San Manuel Band of Mission Indians Reservation is an exempt action under Sections 15060(c)(2) and 15305 of the California Environmental Quality Act Guidelines and direct the Clerk of the Board to file and post the Notice of Exemption.
3. Adopt **Resolution No. 2021-67** that finds and determines that the public road easement for Piedmont Drive from Belvedere Avenue to the San Manuel Band of Mission Indians Reservation in the Highland area is not necessary for current or future public use and may be vacated to achieve the public purpose of eliminating and clearing the public records of an unnecessary public road easement that is excess to the public's needs.
4. Direct the Clerk of the Board to forward a copy of the Resolution to the Department of Public Works to be recorded in the official records in the Office of the County Assessor-Recorder-County Clerk.

(Presenter: Brendon Biggs, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this action will not result in the use of Discretionary General Funding (Net County Cost). The Department of Public Works (Department) is funded by Gas Tax revenue, fee revenue, and other state and local funding. All associated costs are applicant-funded through the approved Road Abandonment Fee. Sufficient appropriation and revenue are included in the Department's 2020-21 Road Operations budget (6650002000 AR0037).

BACKGROUND INFORMATION

The Board of Supervisors (Board) adopted Resolution 2021-46 on April 20, 2021 (Item No. 64) to terminate road maintenance on Piedmont Drive from Belvedere Avenue easterly to the San Manuel Band of Mission Indians Reservation, approximately 0.08 miles, and scheduled a public hearing on Tuesday, May 18, 2021 for the purpose of hearing public comment and to consider vacating Piedmont Drive from Belvedere Avenue easterly to the San Manuel Band of Mission

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Indians Reservation. The date, hour, and place of this public hearing was also published for two consecutive weeks in the San Bernardino Sun newspaper and was posted conspicuously along the proposed portion of Piedmont Drive to be considered to be vacated.

The Department has completed its review and finds that the vacation of the portion of Piedmont Drive, 44.00 feet wide, being shown as Piedmont Drive on Tract No. 6513, recorded in Book 84 of Maps, Pages 35 through 36, records of the County of San Bernardino, State of California, said portion of said Piedmont Drive lying coincident with Lots 26, 27, 28, 29, and 30 of said Tract and lying easterly of a line that is parallel with the easterly right-of-way of Belvedere Avenue, 40.00 feet half width, being shown as Belvedere Avenue on said Tract, said easterly right-of-way line of Belvedere Avenue also being the west line of said Lot 30 (affects APNs 0285-451-01, -02, -03, -04, -05), reserving and excepting, however, pursuant to Sections 8340 and 8341, et seq., of the California Streets and Highways Code, an easement and right at any time or from time to time, to maintain, operate, replace, renew, or remove the existing in-place public utility facility, said easement being described as follows: Any existing utility easement is reserved for the use and benefit of the below listed existing in-place public utility facilities and operators: Telecommunication - AT&T, Water - San Bernardino Valley Municipal Water District, Water - East Valley Water District, Gas – Southern California Gas (Sempra Energy), Power - Southern California Edison and Telecommunication - Charter / Spectrum:

- The affected adjacent property owners, San Manuel Band of Mission Indians, are in agreement with the proposed vacation.
- Piedmont Drive is an unnecessary public road easement that is excess to the public's needs due to it not serving as primary access to residential property, being marginally used, and other easily accessible paved County maintained roads being in the immediate local area have been accepted and are well used by the public.
- The proposed vacation serves a public purpose by eliminating and clearing the public records of an unnecessary public road easement that is excess to the public's needs.
- Environmental staff of the Department has reviewed this project and has determined that a categorical exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Title 14 of the California Code of Regulations Section 15305 is appropriate. This exemption allows for minor alterations in land use limitations, which do not result in any changes in land use or density. In addition, the project is exempt from CEQA under CEQA Guidelines section 15060(c)(2) as the vacation will not result in a direct or reasonably foreseeable indirect physical change in the environment.

The vacation aligns with the County and Chief Executive Officer's goal of improving County government operations and operating in a fiscally-responsible and business-like manner by removing unnecessary road right-of-way.

If the Board approves the vacation action, after hearing all evidence submitted, the County will no longer hold a public road easement for Piedmont Drive from Belvedere Avenue easterly to the San Manuel Band of Mission Indians Reservation.

PROCUREMENT

Not applicable.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on April 26, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on April 27, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 2, 2021.

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Record of Action of the Board of Supervisors
County of San Bernardino

Hearing Opened
Public Comment: None
Hearing Closed

APPROVED

Moved: Joe Baca, Jr. Seconded: Janice Rutherford
Ayes: Janice Rutherford, Curt Hagman, Joe Baca, Jr.
Absent: Col. Paul Cook (Ret.), Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 18, 2021



cc: PW/Trans- Biggs w/ NOE, Rec. & Resolution for recording
File - PW/Transportation w/ attachments

JLL 05/20/2021