

RESOLUTION NO. 2023-169

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY
SUMMARY VACATION OF DEVORE CUT-OFF ROAD RIGHT-OF-WAY SUPERSEDED BY
RELOCATION, LYTLE CREEK AREA**

On Tuesday September 12, 2023, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Hagman 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 Devore Cut-Off was granted to the County per document recorded May 26, 1915, in Book 565 of Deeds, Page 260 records of said County; and

WHEREAS, Devore Cut-Off is located diagonally between Glen Helen Parkway on the west and the Interstate 15 Freeway on the east, approximately midway between Lytle Creek and the Glen Helen Regional Park; and

WHEREAS, the State of California Department of Transportation ("State"), as part of the State's Interstate 15 Freeway project in the late 1960's, acquired freeway right-of-way, and constructed a freeway therein, across Devore Cut-Off, thereby blocking its use by the general public; and

WHEREAS, as part of the Interstate 15 Freeway project, the State also acquired new road right-of-way westerly of Devore Cut-Off, and constructed a new roadway therein, so that the local traffic that once used Devore Cut-Off could now pass underneath the Interstate 15 Freeway ("underpass"), and after construction of the underpass the Devore Cut-Off pavement was removed, and local traffic was rerouted to the new alignment named Devore Road; and

WHEREAS, the State later relinquished this new alignment of Devore Road to the County pursuant to the document recorded May 1, 1970, in Book 7435, Page 942, of the official records of the County; and

WHEREAS, the public has accepted, and is utilizing, the relocated roadway, Devore Road, now designated as Glen Helen Parkway, and no longer utilizes the subject portion of Devore Cut-Off; and

WHEREAS, there are four properties located along the subject portion of Devore Cut-Off:

- Assessor Parcel Nos. 0239-021-16 and 0239-031-17 along the northwesterly side; and
- Assessor Parcel Nos. 0239-021-15 and 0239-031-18 along the southeasterly side

WHEREAS, Pharris Sycamore Flats LLC ("Applicant") is the single owner of all four properties; and

WHEREAS, the Applicant has submitted to the Department of Public Works – Surveyor ("Department") a request to vacate said portion of Devore Cut-Off; and

WHEREAS, the Department has determined the public road rights along Devore Cut-Off, between Glen Helen Parkway on the west and the Interstate 15 Freeway on the east, is 40 feet wide and approximately 620 feet in length, is excess right-of-way due to it being rededicated and physically relocated to the new alignment of Devore Road, now designated as Glen Helen Parkway, as part of the State's Interstate 15 Freeway project, and due to said newer alignment, Glen Helen Parkway, being accepted and utilized by the general public, and due to there being no in-place public utility facilities

that are in use within said limits, therefore the stated portion of Devore Cut-Off right-of-way is not necessary for current or future public use; and

WHEREAS, the Department has also determined that said portion of Devore Cut-Off right-of-way has been superseded by relocation, it does not serve as access to anyone's property other than the Applicant's, and it does not prevent or terminate the use of any public utility facilities; and

WHEREAS, based on the above recitals, the public road right-of-way along Devore Cut-Off, between Glen Helen Parkway on the west and the Interstate 15 Freeway on the east, approximately 620 feet in length, is excess right-of-way that has been superseded by relocation, is not necessary for current or future public use and maybe vacated pursuant to Streets and Highways Code section 8330; and

WHEREAS, the vacation serves a public purpose by eliminating and clearing the public records of unnecessary public road rights-of-way that are no longer being utilized by the general public, and by eliminating an unnecessary title encumbrance.

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

- (1) All the recitals contained hereinabove are true and correct.
- (2) Devore Cut-Off 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 public road right-of-way superseded by relocation that is not necessary for present or prospective public use.
- (3) The vacation of superseded public road right-of-way serves a public purpose by eliminating and clearing the public records of unnecessary public road right-of-way that is not 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 superseded and excess 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 superseded and excess 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 of Supervisors 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; 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 San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, 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 September 12, 2023. #45 CCM

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy