

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

May 19, 2020

FROM

BRENDON BIGGS, Interim Director, Department of Public Works - Transportation

SUBJECT

Summary Vacation of Impassable Road Right-of-Way on Chaparral Court, Erwin Lake Area

RECOMMENDATION(S)

1. Find the vacation of road right-of-way on Chaparral Court in the Erwin Lake area is an exempt action under the California Environmental Quality Act Guidelines pursuant to Title 14, Section 15061(b)(3) and 15312 of the California Code of Regulations, Categorical Exemptions, and direct the Clerk of the Board to post the Notice of Exemption.
2. Adopt **Resolution No. 2020-60** that finds and determines that the impassable road right-of-way on Chaparral Court in the Erwin Lake area is impassable public road right-of-way, and may be vacated to achieve the public purpose of eliminating and clearing the public records of unusable and unnecessary public road right-of-way.
3. 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 by the San Bernardino County Recorder.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Department of Public Works (Department) is funded by Gas Tax revenues, fees, and other state and local funding. All costs associated with the vacation are applicant-funded through the approved Road Abandonment Fee. Sufficient appropriation has been included in the 2019-20 Road Operations budget (6650002000 – AR0030).

BACKGROUND INFORMATION

The summary vacation will remove public road right-of-way on the most easterly end of Chaparral Court since it is impassable to the adjoining property owners and the general public. The vacation aligns with the County and Chief Executive Officer's goal of ensuring development of a well-planned, balanced, and sustainable County by removing public road right-of-way that is not used by the public (impassable road right-of-way) and eliminating an unnecessary title encumbrance.

The Department has completed its review of the vacation request and finds that:

- This vacation only affects that portion of the Chaparral Court right-of-way lying easterly of the end of the existing paved cul-de-sac.

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- The County holds public road right-of-way along Chaparral Court as a public road easement offered to the County and accepted by Parcel Map 9354 (Map), on June 13, 1990, as part of a four-parcel development. This right-of-way consists of two in-line cul-de-sacs, being one right after the other.
- All four parcels, being 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 used by those property owners and the general public.
- 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 adjoining property owners or the general public, is impassable to vehicles, and is generally referred to as a “paper street”.
- The vacation request only affects this second impassable cul-de-sac right-of-way.
- The Wall Joint Living Trust (Applicant) and the McClellan’s Declaration of Trust (Co-Applicant) have jointly requested this vacation of the second impassable cul-de-sac right-of-way. The affected properties are:
 - Assessor Parcel Number 0315-351-72; (Applicant); vacant land
 - Assessor Parcel Number 0315-351-70; (Co-Applicant); single family residence
- The Applicant and Co-Applicant are both requesting the vacation of the second cul-de-sac right-of-way due to it not being used by themselves or any other member of the public and not being necessary due to their properties already having access to, and them utilizing, the first cul-de-sac.
- The requested area to be vacated is 40 feet wide and approximately 180 feet in length.
- 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 use. As a result, the subject portion of Chaparral Court may be vacated pursuant to Streets and Highways code section 8331.
- The proposed vacation serves a public purpose by eliminating and clearing the public records of unusable and unnecessary public road right-of-way that has not been accepted or utilized by the general public and by removing an unnecessary title encumbrance.
- 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 15061(b)(3) is appropriate. This exemption allows for actions that do not fall within an exempt class, but can be seen with certainty there is no possibility the activity would have a significant effect on the environment. In addition, the project is exempt from CEQA under CEQA Guidelines section 15312 as the vacated property does not have significant values for wildlife habitat or other environmental purposes

Once the Board of Supervisors (Board) approves this vacation action, the County will no longer hold public road rights over the subject portion of Chaparral Court. A certified copy of the Board approved resolution to vacate the impassable public road right-of-way will be recorded in the office of the San Bernardino County Recorder.

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PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on March 23, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on April 21, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 3, 2020.

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

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 19, 2020



cc: W/RESOLUTION
PW/Trans- Biggs w/CEQA & receipt
File- Public Works Transportation w/CEQA & receipt w/map
la 05/28/2020