

RESOLUTION NO. 2021-67

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO TO
VACATE THE PUBLIC ROAD EASEMENT OF
PIEDMONT DRIVE, HIGHLAND AREA**

On Tuesday, May 18, 2021, on motion of Supervisor Baca, duly seconded by Supervisor Rutherford and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, the vacation herein proposed is hereby pursuant to the "Public Streets, Highways and Service Easements Vacation Law", being Division 9, Part 3, Chapter 3, of the Streets and Highways Code of the State of California; and

WHEREAS, pursuant to section 8320(a)(1) of the Streets and Highways Code, the Board of Supervisors of the County of San Bernardino (Board) on April 20, 2021 (Item No. 64), ordered and set the date, hour, and place for the hearing to consider the vacation of the public road easement for Piedmont Drive from Belvedere Avenue easterly to the San Manuel Band of Mission Indians Reservation, approximately 0.08 miles, including:

That 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, 44.00 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 Assessor Parcel No.'s 0285-451-01, -02, -03, -04, -05),

RESERVING AND EXCEPTING however, pursuant to Sections 8340 and 8341, et seq., of the Streets and Highways Code of the State of California, relating to the reservation and exception of easements and right-of-way in a proceeding to vacate a street or highway, 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:

Existing in-place public utility facility and operator:

Telecommunication - AT&T

Water - San Bernardino Valley Municipal Water District

Water - East Valley Water District

Gas - SoCalGas (Semptra Energy)

Power - Southern California Edison

Telecommunication - Charter / Spectrum

WHEREAS, on April 20, 2021, pursuant to section 8322(a) of the Streets and Highways Code, the Board scheduled and gave notice of the time and place of the public hearing by publication in the San Bernardino Sun newspaper of general circulation published in the County of San Bernardino, and said notice, was so published for at least two successive weeks prior to the day set for said hearing; and

WHEREAS, pursuant to section 8323 of the Streets and Highways Code, three notices were posted conspicuously along the section of public road easement for Piedmont Drive proposed to be vacated as shown by affidavit of posting on file in the Office of the Clerk; and

WHEREAS, pursuant to section 8324 of the Streets and Highways Code, at the time and place set for hearing, the evidence offered by persons interested and the Board having heard such evidence offered by persons interested on this date; 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 persons interested in this action and making their interest known to this Board, have been heard.
- (2) All the recitals contained hereinabove are true and correct.
- (3) The public road easement for Piedmont Drive in the Highland area as described in Exhibit "A" Legal Description, and Exhibit "B" Plat, attached hereto, and made a part hereof, is not necessary for present or prospective public use and is hereby declared excess right-of-way not required for street or highway purposes.
- (4) The vacation of the excess right-of-way 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.
- (5) The vacation of the unnecessary public road easement is hereby made pursuant to section 8320, et seq, of the Streets and Highways Code of the State of California.
- (6) The vacation of the unnecessary public road easement is consistent with the County's General Plan.
- (7) The vacation of the unnecessary public road easement is not needed for a non-motorized transportation facility.

BE IT FURTHER RESOLVED, pursuant to section 8325 of the Streets and Highways code, the unnecessary public road easement for Piedmont Drive heretofore existing shall no longer constitute a street or highway from and after the date this resolution is recorded.

BE IT FURTHER RESOLVED, that the Clerk of this Board is hereby instructed to record a certified copy of this resolution under the seal of this Board in the Office of the County Assessor-Recorder-County Clerk.

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

AYES: SUPERVISORS: Janice Rutherford, Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Col. Paul Cook (Ret.), Dawn Rowe

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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 18, 2021. Item #105 JLL

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy