

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

December 5, 2023

FROM

BRENDON BIGGS, Director, Department of Public Works – Surveyor

SUBJECT

Summary Vacation of Impassable Road Right-of-Way on Matilla Road and Other Roads in the Pipes Canyon Area

RECOMMENDATION(S)

1. Find the summary vacation of road rights-of-way on Matilla Road and Other Roads in the Pipes Canyon 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.
2. Adopt **Resolution No. 2023-209** that finds and determines that Matilla Road and Other Roads in the Pipes Canyon area are impassable public road rights-of-way and may be vacated to achieve the public purpose of eliminating and clearing the public records of unusable and unnecessary public road rights-of-way.
3. Direct the Clerk of the Board of Supervisors 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.
4. Direct the Clerk of the Board of Supervisors to post the Notice of Exemption.
(Presenter: Brendon Biggs, 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). All costs associated with the vacation (removing) the road rights-of-way are applicant-funded through the approved Road Abandonment Fee. Sufficient appropriation and revenue are included in the 2023-24 Road Operations budget (6650002000 – TRDVA2300001).

BACKGROUND INFORMATION

The summary vacation will remove public road rights-of-way on Matilla Road, Nowana Road, Solano Road, Azure Street, Lexington Street, and Winsor Street (Matilla Road and Other Roads) since they are impassable to the general public and the adjoining property owner. Matilla Road and Other Roads are excess public road rights-of-way, are not required for public road purposes, and are not necessary for current or future public road use.

The County holds the public road rights-of-way on Matilla Road and Other Roads as easements pursuant to the Offer of Dedication recorded on July 19, 1977, in Book 8476, Pages 929-933 of Official Records of the County, and accepted pursuant to the Certificate of Acceptance of Offer

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of Dedication of Easement(s) for Public Roads recorded on November 14, 1990, as Document 90-454861 of Official Records of the County. These public road easements affect, and are coincident with, Assessor Parcel Numbers 0305-301-64, 63, and 62.

The San Manuel Band of Mission Indians (Applicant), the owner of Assessor Parcel Numbers 0305-301-64, 63, and 62, has requested the vacation of the impassable road right-of-way on Matilla Road and Other Roads due to them lying through mountainous terrain. This vacation request only affects the Applicant's properties, and Matilla Road and Other Roads that lie within those parcels.

Matilla Road and Other Roads are blocked by the mountainous terrain conditions along the easterly side of the San Bernardino Mountain Range, which makes them impassable to vehicles, have no physical public use, and are not used by the Applicant or the adjoining property owner for access purposes.

The Department of Public Works (Department) has completed its review of the vacation request and finds that this vacation affects the public road rights-of-way on Matilla Road and Other Roads in the Pipes Canyon area, lying approximately 12 miles westerly of Pioneertown, and approximately nine miles westerly, along Pipes Canyon Road and Pipes Road, from the intersection of Pioneertown Road at Pipes Canyon Road and Rimrock Road.

The Department has determined that Matilla Road and Other Roads lie within the boundaries of Section 9, Township 1 North, Range 3 East, San Bernardino Meridian, consisting of Assessor Parcel Numbers 0305-301-64, 63, and 62, do not serve as access to anyone's property, have been impassable for vehicular travel for the past five consecutive years, no public money has been spent on maintenance thereof, are excess public road rights-of-way, and are not necessary for current or future public use. As a result, Matilla Road and Other Roads may be vacated pursuant to Streets and Highways code section 8331. Pipes Road, also known as United States Forest Service Road No. NF-1N01, of which a portion passes through said Section 9, is not part of this request and will remain a public road for use by the general public and the Applicant.

The proposed vacation serves a public purpose by eliminating and clearing the public records of unusable and unnecessary public road rights-of-way that have not been accepted or utilized by the general public, and by removing an unnecessary title encumbrance.

The Department's Environmental staff 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 that 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 purpose. When the Board of Supervisors (Board) considers the environmental finding, the filing and posting of a Notice of Exemption is recommended.

Upon Board approval of this summary vacation action, the County will no longer hold public road rights over the subject portions of Matilla Road and Other Roads in the Pipes Canyon area. A certified copy of the Board approved Resolution to vacate the impassable public road rights-of-way will be recorded in the office of the San Bernardino County Recorder. The vacation

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aligns with the County and the Chief Executive Officer's goal of ensuring development of a well-planned, balanced, and sustainable County by removing unused and unnecessary road right-of-way.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, (387-5455) on October 24, 2023; Finance (Carl Lofton, Administrative Analyst, 387-5404) on November 13, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on November 16, 2023.

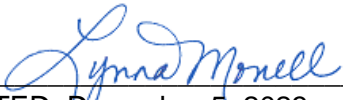
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 5, 2023



cc: Surveyor - Biggs w/ Resolution for recording, NOE & Rec.
 File - Surveyor w/ attachments
JLL 12/20/2023