

RESOLUTION NO. 2022-102

SUMMARY VACATION OF RIGHT-OF-WAY FOR AN ALLEY SUPERSEDED BY RELOCATION, MORONGO VALLEY AREA

On Tuesday June 28, 2022, on motion of Supervisor Rutherford, duly seconded by Supervisor Cook 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 an alley, was dedicated to the County per Tract Map 2541, "Morongo Subdivision No. 1", recorded July 6, 1937, in Book 36, Page 46 of Maps, records of said County; and

WHEREAS, the alley is 20 feet wide and is located on the southeasterly side of, and parallel with, 29 Palms Highway, extends from Senilis Avenue northeasterly to Ocotillo Street, is approximately 597 feet in length, and provides public alley access to Lots 21 through 34 on the northwesterly side of the alley and access to Lots 36, 40, and 41 on the southeasterly side of the alley, as shown on said Tract Map 2541; and

WHEREAS, a portion of Lot 21 and a portion of Lot 36 were acquired in fee for public road purposes as granted to the County per Grant Deed recorded October 1, 1993, as Document Number 93-424391 Official Records of the County, and per Final Order in Condemnation recorded December 11, 1995, as Document Number 19950423928 Official Records of the County, both being granted in fee title as part of the Senilis Avenue at 29 Palms Highway Realignment Project for the purpose of realigning the centerline alignment and the right-of-way of Senilis Avenue, widening the right-of-way along the north side of Senilis Avenue from its original 25-foot half-width to its current 33-foot half-width across portions of said Lot 22 and said Lot 36, widening Senilis Avenue across that portion of said alley lying between said lots, and for the purpose creating alley returns that allow for appropriate vehicle turning movements from Senilis Avenue into and out of said alley; and

WHEREAS, the lots at the most southwesterly end of the alley, at the northeast corner of 29 Palms Highway and Senilis Avenue, being Lots 21 through 26 (Assessor Parcel Number [APN] 0583-212-01 through 06, respectively) along the northwesterly side of the alley, and Lot 36 (APN 0583-212-21) along the southeasterly side of the alley, together with that portion of the fee interest into the property underlying the alley between said lots, are owned by the same person, Circle K Stores, Inc. ("Applicant"), while the County is the owner of the fee interest into the property underlying the alley returns at Senilis Avenue; and

WHEREAS, on December 5, 2017 (Item No. 72), the San Bernardino County Board of Supervisors conditionally approved the development of a convenience store and gas station on the Applicant's properties ("Project"), the total Project area being approximately 1.20 acres, the convenience store being located on top of and across a portion of the alley and across a portion of the alley return areas, thereby blocking the use of the alley (P201600219 / CUP – Morongo Valley Circle K); and

WHEREAS, pursuant to the Project's Conditions of Approval, the Applicant has granted for public use a new 20-foot wide alley easement along the east line of the Project's property (APN 0583-212-21), new alley area being 2,619 square feet (0.060 acres), thereby relocating the usable portion of alley around the Project's convenience store so that the alley continues to outlet

onto Senilis Avenue and connects with the remaining portion of the alley that outlets onto Ocotillo Street (Grant of Easement recorded April 17, 2018 as Document No. 20118-0138415 Official Records of said County); and

WHEREAS, also pursuant to the Project's Conditions of Approval, the Applicant has submitted to the Department of Public Works ("Department") a request to vacate the alley and the alley return areas, being only that portion of the original alley and the alley returns lying within the Project area ("Alley"), being 4,041 square feet (0.092 acres); and

WHEREAS, of the 4,041 square feet (0.092 acres) of the Alley requested to be vacated, the Applicant is the underlying fee property owner of 0.082 acres (3,598 square feet) and the County is the fee title owner of the remainder 0.010 acres (443 square feet); and

WHEREAS, the Department has determined the Alley, is superseded by relocation due to it being rededicated and physically relocated to a new alignment, does not cut off all access to any other properties along the remainder of the existing alley, does not prevent or terminate the use of any utility facilities, is not required for public road purposes, and therefore is not necessary for present or prospective public use; and

WHEREAS, based on the above recitals, the Alley is excess public road right-of-way that has been superseded by relocation and may be vacated pursuant to Streets and Highways Code section 8330; and

WHEREAS, the proposed vacation serves a public purpose by eliminating and clearing the public records of unnecessary public road right-of-way.

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 the recitals contained hereinabove are true and correct.
- (2) It is now in the public interest that the public Alley 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 excess Alley right-of-way that has been superseded by relocation, is not necessary for present or prospective public use, and is not required for street or highway purposes.
- (3) The vacation of the excess Alley right-of-way serves a public purpose by eliminating and clearing the public records of unnecessary public alley right-of-way.
- (4) The vacation of the excess Alley right-of-way is hereby made pursuant to section 8330 of the Streets and Highways Code of the State of California.
- (5) The alley right-of-way superseded by relocation does not cut off all access to a person's property which, prior to relocation, adjoined the alley, and does not terminate any public service easements.
- (6) The vacation of the excess Alley right-of-way is consistent with the County's General Plan.

BE IT FURTHER RESOLVED, pursuant to Section 892 of said Streets and Highways Code, the excess Alley 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 excess Alley right-of-way heretofore existing shall no longer constitute an alley, 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 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.), Janice Rutherford, Dawn Rowe, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Curt Hagman

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STATE OF CALIFORNIA)
)
SAN BERNARDINO COUNTY) ss.

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 June 28, 2022. #74 LA

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy