

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

July 14, 2020

FROM

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

SUBJECT

Summary Vacation of Impassable Road Rights-of-Way on Coyote Road and Four Un-Named Roads, Pioneertown Area

RECOMMENDATION(S)

1. Find the vacation of road rights-of-way on Coyote Road and four un-named roads in the Pioneertown 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. 2020-148** that finds and determines that the road rights-of-way on Coyote Road and four un-named roads in the Pioneertown 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 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 2020-21 Road Operations budget (6650002000 – AR0033).

BACKGROUND INFORMATION

The summary vacation will remove public road rights-of-way on the most southerly end of Coyote Road and four un-named roads since they are impassable to the adjoining property owner 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 rights-of-way that are not used by the public (impassable road rights-of-way) and eliminating an unnecessary title encumbrance.

**Summary Vacation of Impassable Road Rights-of-Way on Coyote Road
and Four Un-Named Roads, Pioneertown Area
July 14, 2020**

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

- This vacation affects the most southerly portion of the Coyote Road right-of-way and the surrounding four un-named road rights-of-way.
- The County holds public road rights-of-way along Coyote Road and the surrounding four un-named roads as public road easements as transferred to the County per the issuance of two Government Land Patents:
 - 1) Serial Patent No. 1211529 – Government Lot 78
(Assessor Parcel Number 0594-331-15; vacant land – 5.00 acres)
 - Coyote Road – 50-foot wide right-of-way along the east boundary line of the lot
 - Un-named roads – 50-foot wide rights-of-way along the south and west boundary lines of the lot
 - 2) Serial Patent No. 1211530 – Government Lot 79
(Assessor Parcel Number 0594-331-16; vacant land – 5.00 acres)
 - Coyote Road – 50-foot wide right-of-way along the west boundary line of the lot
 - Un-named roads – 50-foot wide rights-of-way along the south, east, and north boundary lines of the lot
- These two properties, Assessor Parcel Numbers 0594-331-15 and 16, have been merged through the lot merger process (Notice of Merger: P201900019 – new Assessor Parcel Number 0594-331-21).
- Coyote Road right-of-way through the merged properties is 100 feet wide and approximately 614 feet in length.
- The un-named road rights-of-way are 50 feet wide and are along the outer boundaries of the merged properties.
- This portion of the Coyote Road right-of-way and the surrounding four un-named road rights-of-way are blocked by the large natural rock out-cropping that crosses through the entire local area making all the rights-of-way impassable to vehicles.
- All the rights-of-way have no physical publicly used roadway on the ground within the rights-of-way, are not used by the adjoining property owner or the general public for access purposes, and are generally referred to as “paper streets”.
- The Psaltiras Family Trust (Applicant) has requested this vacation of the impassable portion of the Coyote Road right-of-way due to it splitting their property and due to it passing through the center of their planned single-family residence, and has requested this portion of the Coyote road right-of-way and the surrounding four un-named road rights-of-way due to all of them lying within the natural rock out-cropping.
- The vacation request only affects the most southerly 614 feet of the Coyote Road right-of-way which is that portion that splits Assessor Parcel Number 0594-331-21, and only affects the four un-named road rights-of-way that lie within this parcel.
- The Department has determined that the public road rights-of-way for the southerly 614 feet of Coyote Road and the four un-named roads, all lying within the boundaries of Assessor Parcel Number 0354-331-21, do not serve as access to anyone’s property other than the Applicant’s, have been impassable for vehicular travel for the past five consecutive years, no public money has been spent for the maintenance thereof, are excess public road rights-of-way, and are not necessary for current or future public use. As a result, the subject portion of Coyote Road right-of-way and the four un-named road rights-of-way 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 rights-of-way that have not been accepted or utilized by the general public, and by removing an unnecessary title encumbrance.

**Summary Vacation of Impassable Road Rights-of-Way on Coyote Road
and Four Un-Named Roads, Pioneertown Area
July 14, 2020**

- 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 purpose.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on June 10, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on June 19, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on June 28, 2020.

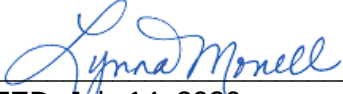
**Summary Vacation of Impassable Road Rights-of-Way on Coyote Road
and Four Un-Named Roads, Pioneertown Area
July 14, 2020**

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, Curt Hagman, Josie Gonzales
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 14, 2020



cc: W/RESOLUTION
 PWTrans- Biggs w/CEQA & receipt
 File- Transportation w/CEQA & receipt w/maps
la 07/17/2020