

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

June 28, 2022

FROM

BRENDON BIGGS, Director, Department of Public Works – Transportation

SUBJECT

Summary Vacation of Right-of-Way for Alley Superseded by Relocation, Morongo Valley Area

RECOMMENDATION(S)

1. Find the vacation of right-of-way along an alley in the Morongo Valley area superseded by relocation is an exempt action under the California Environmental Quality Act Guidelines pursuant to Section 15305 Categorical Exemptions, and direct the Clerk of the Board of Supervisors to file and post the Notice of Exemption.
2. Adopt **Resolution No. 2022-102** that finds and determines that the right-of-way along an alley in the Morongo Valley area has been superseded by relocation, is excess alley right-of-way, is not required for street or highway purposes, and may be vacated to achieve the public purpose of eliminating and clearing the public records of unnecessary public road right-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.

(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 are applicant-funded through the approved Road Abandonment Fee. Sufficient appropriation and revenue have been included in the Department of Public Works (Department) 2022-23 Road Operations budget (6650002000 AB0012).

BACKGROUND INFORMATION

The summary vacation will remove the excess public road right-of-way for an alley superseded by relocation because it is not required for public road right-of-way purposes and is not necessary for current or future public road use. The vacation 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 public road right-of-way.

Circle K Stores, Inc. (Applicant), is requesting this vacation of a portion of an alley that crosses through their planned development. The Department has completed its review of the Applicant's vacation request and finds that:

**Summary Vacation of Right-of-Way for Alley Superseded by Relocation,
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June 28, 2022**

- The County currently holds public road right-of-way along a 20-foot wide alley located along the southeasterly side of, and parallel with, 29 Palms Highway, and between Senilis Avenue and Ocotillo Street, being approximately 597 feet in length, as acquired by the County in 1937 per Tract 2541, “Morongo Subdivision No. 1”.
- The Applicant is the owner of multiple lots along the alley; Lots 21 through 26 along the northwesterly side of the alley (Assessor Parcel Number [APN] 0583-212-01 through 06, respectively) and Lot 36 along the southeasterly side of the alley (APN 0583-212-21), all at the northeast corner of 29 Palms Highway and Senilis Avenue.
- On December 5, 2017 (Item No. 72), the Board of Supervisors (Board) conditionally approved the development of a convenience store and gas station on the Applicant’s properties (Project). The Project’s convenience store is to be located approximately centered on top of and across that portion of the alley (“Alley”) that lies between the Applicant’s properties, thereby blocking the use of the Alley (P201600219 / CUP – Morongo Valley Circle K). In addition, the Board reviewed the Project under the California Environmental Quality Act (CEQA) and adopted a Mitigated Negative Declaration.
- Pursuant to the Project’s Conditions of Approval, the Applicant has recently granted for public use a new 20-foot wide alley easement along the east line of the Project’s property (APN 0583-212-21); see “new location of alley” shown in Exhibit “B” of the resolution, consisting of 2,619 square feet (0.060 acres), thereby relocating the usable portion of alley around the Project’s convenience store so that it continues to outlet onto Senilis Avenue and connects with the remaining portion of the alley which outlets onto Ocotillo Street. The Applicant also worked directly with all affected utility owners to relocate their utility facilities to the new alley alignment. All of the affected utilities have agreed to relocate their utility facilities to the new alley alignment.
- Also pursuant to the Project’s Conditions of Approval, the Applicant is requesting the vacation of the Alley superseded by relocation to facilitate the Project’s improvements.
- The Alley has been 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 is not necessary for current or future public road use. As a result, the Alley right-of-way may be vacated pursuant to Streets and Highways Code section 8330.
- The proposed vacation serves a public purpose by eliminating and clearing the public records of unnecessary public road right-of-way.
- The Department’s Environmental staff reviewed this project and determined that a categorical exemption in accordance with the CEQA Guidelines, Title 14 of the California Code of Regulations, Section 15305 is appropriate. This exemption allows for minor alterations in land use limitations, which do not result in any changes in land use or density.

**Summary Vacation of Right-of-Way for Alley Superseded by Relocation,
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June 28, 2022**

- The total area of the Alley requested to be vacated is 0.092 acres (4,041 square feet): the Applicant is the underlying fee property owner of 0.082 acres (3,598 square feet); the County is the fee title owner of the remainder 0.010 acres (443 square feet).
- If the Board approves this vacation request, the public road rights will be removed and, due to the County being the fee owner of a 0.010-acre portion of the Alley, the Department, as requested by the Applicant, will submit at a later date a request to the Real Estate Services Department to administer the disposition of the 0.010 acres if it is determined to be surplus County property.

If the Board approves this item, the County will no longer hold public road rights over the Alley. A certified copy of the Board approved resolution to vacate the excess road right-of-way superseded by relocation will be recorded in the office of the San Bernardino County Recorder.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on March 14, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on June 10, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on June 13, 2022.

**Summary Vacation of Right-of-Way for Alley Superseded by Relocation,
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Janice Rutherford Seconded: Col. Paul Cook (Ret.)
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Joe Baca, Jr.
Absent: Curt Hagman

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 28, 2022



cc: W/RESOLUTION
 PW/Trans- Biggs w/CEQA & Receipt
 File- Transportation w/CEQA & Receipt w/map
LA 06/30/2022