

RESOLUTION NO. 2023-209

RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY SUMMARY VACATION OF IMPASSABLE ROAD RIGHTS-OF-WAY ON MATILLA ROAD AND OTHERS, PIPES CANYON AREA

On Tuesday, December 5, 2023, on motion of Supervisor Hagman, duly seconded by Supervisor Baca, Jr., and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, easements for public road purposes known as Matilla Road, Nowana Road, Solano Road, Azure Street, Lexington Street, and Winsor Street ("Matilla Road and Others") were granted to the County pursuant to the Offer of Dedication recorded on July 19, 1977, in Book 8476, Pages 929-933 of the Official Records of the County, and were accepted pursuant to the Certificate of Acceptance of Offer of Dedication of Easement(s) for Public Roads recorded on November 14, 1990, as Document 90-454861 of the Official Records of the County; and

WHEREAS, Matilla Road and Others 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; and

WHEREAS, Matilla Road and Others are blocked by the mountainous terrain conditions of the local area making them impassable to vehicles, therefore no physical publicly used roadways are on the ground within said rights-of-way, they are not used by the adjoining property owner or the general public for access purposes, and are generally referred to as "paper streets"; and

WHEREAS, the owner of Assessor Parcel Numbers 0305-301-64, 63, and 62, the San Manuel Band of Mission Indians (Applicant), have submitted to the Department of Public Works (Department) a request to vacate said impassable Matilla Road and Others; and

WHEREAS, the Department has determined that Matilla Road and Others, all lying coincident with 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, and no public money has been spent for the maintenance thereof; and

WHEREAS, based on the above recitals, Matilla Road and Others lying coincident with said parcels, are excess and impassable public road rights-of-way, are not necessary for current or future public use and may be vacated pursuant to Streets and Highways Code section 8331; and

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

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of San Bernardino County, State of California, makes the following findings and determinations:

- (1) All the recitals contained hereinabove are true and correct.
- (2) Matilla Road and Others, described in Exhibit "A" Legal Description and shown in Exhibit "B" Vacation/Abandonment Plat attached hereto and made a part hereof, are hereby declared impassable public road rights-of-way that are not necessary for present or prospective public use.

- (3) The vacation of impassable public road rights-of-way serves a public purpose by eliminating and clearing the public records of unnecessary public road rights-of-way that are impassable and have not been accepted or utilized by the general public, and by eliminating an unnecessary title encumbrance.

BE IT FURTHER RESOLVED, pursuant to section 892 of said Streets and Highways Code, the impassable public road rights-of-way are not needed for non-motorized transportation facility; and

BE IT FURTHER RESOLVED, pursuant to section 8335 of said Streets and Highways Code, the impassable public road rights-of-way heretofore existing shall no longer constitute a 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 of Supervisors 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 (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.), Jesse Armendarez, Dawn Rowe
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

* * * * *

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

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 December 5, 2023. Item #49 JLL

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy