

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

June 9, 2020

**FROM**

**BRENDON BIGGS, Interim Director, Department of Public Works - Transportation**

**SUBJECT**

Summary Vacation of Impassable Road Right-of-Way on Milbury Road, Lucerne Valley Area

**RECOMMENDATION(S)**

1. Find the vacation of road right-of-way on Milbury Road in the Lucerne Valley 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. 2020-91** that finds and determines that the road right-of-way on Milbury Road in the Lucerne Valley area is impassable public road right-of-way, and may be vacated to achieve the public purpose of eliminating and clearing the public records of unusable and unnecessary public road right-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 and revenue has been included in the Department's 2019-20 Road Operations budget (6650002000 – AR0032).

**BACKGROUND INFORMATION**

The summary vacation will remove public road right-of-way on the most southerly end of Milbury Road since it is 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 right-of-way that is not used by the public (impassable road right-of-way) and eliminating an unnecessary title encumbrance.

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

- This vacation affects the most southerly portion of the Milbury Road right-of-way.
- The County holds public road right-of-way along Milbury Road as a public road easement offered to the County and accepted by Parcel Map 19264 (Map), on

**Summary Vacation of Impassable Road Right-of-Way on Milbury Road,  
Lucerne Valley Area  
June 9, 2020**

November 21, 2011, as part of a two-parcel development. This right-of-way is adjacent to and along the east side of Parcels 1 and 2 of the Map; only Parcel 2 is affected by this request.

- Parcel 2 of the Map (Assessor Parcel No. 0464-253-09; approximately 40 acres) is along the west side of the Milbury Road right-of-way.
- The easterly adjoining property (Assessor Parcel No. 0464-253-04; approximately 80 acres) is along the east side of the Milbury Road right-of-way.
- These two properties have been merged through the lot merger process (Notice of Merger: P201400027 – new Assessor Parcel No. 0464-253-10) and now has direct access to and from Lucerne Valley Cutoff, also known as Lucerne Road.
- Milbury Road right-of-way adjacent to Parcel 2 of the Map, and through the merged properties, is the most southerly 685 feet of the right-of-way.
- This portion of the Milbury Road right-of-way is split and blocked by an east/west directional rock out-cropping making it impassable to vehicles; no physical publicly used roadway is on the ground within the right-of-way, is not used by the adjoining property owner or the general public for access purposes, and is generally referred to as a “paper street”.
- The Saint Joseph Monastery (Applicant) has requested this vacation of the impassable portion of the Milbury Road right-of-way due to it splitting, and ending at, their property, and due to it passing through the center of their planned development (Land Use Services Department Project No. P201700152/RMC). The Applicant’s affected properties are:
  - Assessor Parcel No. 0464-253-10; religious structures
  - Assessor Parcel No. 0464-241-07; vacant land
  - Assessor Parcel No. 0464-241-08; vacant land
- The vacation request only affects the most southerly 685 feet of the Milbury Road right-of-way which is that portion through Assessor Parcel No. 0464-253-10 and ending at the north line of Assessor Parcel Nos. 0464-241-07 and 08.
- The Department has determined that the public road right-of-way for the southerly 685 feet of Milbury Road does not serve as access to anyone’s property other than the Applicant’s, has been impassable for vehicular travel for the past five consecutive years, no public money has been spent for the maintenance thereof, is excess public road right-of-way, and is not necessary for current or future public use. As a result, the subject portion of Milbury Road 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 right-of-way that has not been accepted or utilized by the general public, and by removing an unnecessary title encumbrance.
- 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

**Summary Vacation of Impassable Road Right-of-Way on Milbury Road,  
Lucerne Valley Area  
June 9, 2020**

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on May 13, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on May 19, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 25, 2020.

**Summary Vacation of Impassable Road Right-of-Way on Milbury Road,  
Lucerne Valley Area  
June 9, 2020**

Record of Action of the Board of Supervisors  
County of San Bernardino

**APPROVED (CONSENT CALENDAR)**

Moved: Josie Gonzales Seconded: Robert A. Lovingood  
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: June 9, 2020



cc: W/RESOLUTION  
PW/Trans- Biggs w/NOE & Receipt  
PW-Zamora w/reso for recording  
File- Public Works Transportation w/NOE & receipt w/map  
la 06/11/2020