RESOLUTION NO. 2020-91

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO SUMMARY VACATION OF IMPASSABLE ROAD RIGHT-OF-WAY ON MILBURY ROAD, LUCERNE VALLEY AREA

On Tuesday June 9, 2020, on motion of Supervisor Gonzales, duly seconded by Supervisor Lovingood 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 Milbury Road, was offered to, and was accepted by, the County per Parcel Map No. 19264 ("Map") recorded November 21, 2011 records of said County; and

WHEREAS, Milbury Road is a north/south directional road right-of-way, and that portion of the right-of-way coincident to Parcel 2 of said Map, being the most southerly 685 feet of said right-of-way, is split and blocked by an east/west directional naturally occurring rock out-cropping making it impassable to vehicles, therefore no physical publicly used roadway is on the ground within said right-of-way, it is not used by the adjoining property owner or the general public for access purposes, and is generally referred to as a "paper street"; and

WHEREAS, the owner of the properties along the west, east, and south sides of the southerly 685 feet of said right-of-way, the Saint Joseph Monastery ("Applicant"), has submitted to the Department of Public Works – Transportation ("Department") a request to vacate said impassable portion of Milbury Road right-of-way that is through their property (Assessor Parcel Number 0464-253-10; property along the west and east sides of said right-of-way), and ending at other properties also owned by them (Assessor Parcel Numbers 0464-241-07 and 08; properties along the south side of said right-of-way); and

WHEREAS, the Department has determined the southerly 685 feet of the Milbury Road right-of-way is excess right-of-way due to it not serving as access to anyone's property, and due to it being surrounded on both sides, and ending in, properties owned by the same property owner, the Applicant, and all other local area property owners already utilizing other traversable roadways for access to their properties, and other nearby north/south directional traversable and publicly maintained roadways, Barstow Road and Lucerne Valley Cutoff, having been accepted and are being utilized by the general public, therefore it is not necessary for current or future public needs; and

WHEREAS, the Department has also determined that said southerly 685 feet of the Milbury Road right-of-way is impassable right-of-way, has 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, the southerly 685 feet of the Milbury Road public road right-of-way is excess and impassable public road right-of-way, is 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 an unnecessary public road right-of-way that has 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 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) Milbury Road public road 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 impassable public road right-of-way that is not necessary for present or prospective public use.

(3) The vacation of impassable public road right-of-way serves a public purpose by eliminating and clearing the public records of an unnecessary public road right-of-way that has 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 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 impassable public road right-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 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 the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the County of San Bernardino, 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 9, 2020. #46LA

BOARD OF SUPERVISORS SAN BERNARDINO COUNTY, CA

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy