

RECORDING REQUESTED BY DEPARTMENT OF GENERAL SERVICES FOR THE BENEFIT OF THE COUNTY OF SAN DIEGO PER GOVERNMENT CODE SECTION 27383

WHEN RECORDED, PLEASE RETURN THIS INSTRUMENT TO:

(MAIL STATION A45)

Clerk, Board of Supervisors
San Diego County Administration Center
1600 Pacific Highway
San Diego, California 92101

SPACE ABOVE FOR RECORDER'S USE ONLY

Assessor No.: 125-050-54

RESOLUTION No. : _____

Meeting Date: March 25, 2026

RESOLUTION TO SUMMARILY VACATE A HIGHWAY SLOPE EASEMENT IN THE FALLBROOK COMMUNITY PLAN AREA (VAC 2025-0056)

WHEREAS, a highway slope easement was acquired by CalTrans to support Old Highway 395 improvements when State Highway 15 was originally constructed. After CalTrans completed the construction of State Highway 15, they relinquished their rights to this highway slope easement, and other easements, to the County as per the freeway agreement dated May 19, 1971. The relinquishment was finalized by a Resolution duly passed by the California Transportation Commission at its meeting on January 29, 1982, which was recorded February 5, 1982 as File/Page No. 82-033580; and

WHEREAS, TGRH3, LLC, owner of Assessor’s Parcel Number (APN) 125-050-54 has requested that the County of San Diego, General Services, Real Estate Division, summarily vacate the portion of highway slope easement lying within their property, more specifically described in Exhibit “A” and depicted in Exhibit “B” attached hereto; and

WHEREAS, the California Streets and Highways Code, at Chapter 4, of Part 3, of Division 9, commencing with Section 8330 and following, provides for the summary vacation of such interests; and

WHEREAS, after investigation, County of San Diego Department of Public Works (DPW) recommends approval of the proposed vacation.

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

1. The highway slope easement as described in Exhibit "A," is incident to a public street or highway pursuant to California Streets and Highways Code section 8308 and is not required for public right-of-way purposes pursuant to California Streets and Highways Code section 8334(a) because it has been determined by DPW to be excess. Therefore, the Board finds that highway slope easement may be summarily vacated pursuant to California Streets and Highways Code section 8334(a).

2. The proposed summary vacation conforms to the San Diego County General Plan pursuant to California Streets and Highways Code section 8313 and Government Code section 65402.

3. The highway slope easement to be vacated is not useful as a non-motorized transportation facility pursuant to California Streets and Highways Code sections 892 and 8314.

4. There are no in-place public utility facilities that are in use and would be affected by the vacation pursuant to California Streets and Highways Code section 8334.5. Therefore, in place public utility facilities will not be affected by the proposed vacation

5. The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of an encumbrance from private lands that is no longer needed for highway slope purposes and in this case, there is also a public benefit through improved use of the lands made available by the vacation.

BE IT FURTHER RESOLVED AND ORDERED that the highway slope easement is hereby summarily vacated pursuant to Division 9, Part 3, Chapter 4, Sections 8330-8336, of the California Streets and Highways Code; the Clerk of the Board of Supervisors shall cause a copy of this Resolution, including Exhibit "A" and "B" to be recorded pursuant to California Streets and Highways Code section 8336; and from and after the date of the recording of this Resolution, the subject area no longer constitutes a right-of-way, street, highway or public service easement.

THE FACTS UPON WHICH THIS VACATION IS MADE ARE AS FOLLOWS:

The highway slope easement proposed for summary vacation is located in the unincorporated

area of the County in the Fallbrook Community Plan Area. The highway slope easement to be vacated was originally acquired by the State of California (CalTrans) described as Parcel 2 in the Grant Deed recorded December 21, 1972 as File/Page No. 338995 of Official Records of San Diego County. The easement was originally acquired by CalTrans to support Old Highway 395 improvements when State Highway 15 was originally constructed. After CalTrans completed the construction of State Highway 15, they relinquished their rights to this highway slope easement, and other easements, to the County as per the freeway agreement dated May 19, 1971. The relinquishment was finalized by a Resolution duly passed by the California Transportation Commission at its meeting on January 29, 1982, which was recorded February 5, 1982, as File/Page No. 82-033580. The area subject to the easement has since been improved, eliminating the current and future needs for the easement.

The Department of Parks and Recreation has determined that the slope easement to be vacated is not needed for trail purposes because there are no community adopted trails or pathways planned for this area in the General Plan Community Trails Network, and the easement rights do not authorize non-motorized transportation use, such as a trail or pathway. Therefore, the proposed area to be summarily vacated is not useful as a non-motorized transportation facility pursuant to Streets and Highways Code sections 892 and 8314.

The Department of Planning and Development Services confirmed the proposed summary vacations are in conformance with the County of San Diego General Plan in a letter dated January 5, 2026. There are no in-use public utilities that would be affected by the vacation. Public Works determined there is no current or future need for the highway slope easement to be vacated. The easement to be summarily vacated is located within the applicant's property (APN 125-050-54), more particularly described in Exhibit "A." No property owner would be land-locked as a result of the proposed vacation. Therefore, the easement can be summarily vacated.

The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of an encumbrance from private land that is no longer needed for public road purposes and in this case, there is also a public benefit through improved use of the land made available by the vacation.

LEGAL DESCRIPTION OF REAL PROPERTY TO BE SUMMARILY VACATED

SEE EXHIBIT "A" LEGAL DESCRIPTION (ONE PAGE) ATTACHED HERETO AND MADE A PART HEREOF, AND DEPICTED ON EXHIBIT "B," ATTACHED HERETO, CONSISTING OF ONE (1) PAGE, FOR ILLUSTRATIVE PURPOSES ONLY.

Approved as to form and legality:

DAMON M. BROWN, County Counsel

By: THOMAS L. BOSWORTH, Senior Deputy County Counsel