

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - Wed
WEDNESDAY, OCTOBER 16, 2019**

MINUTE ORDER NO. 3

SUBJECT: GENERAL SERVICES - ADOPT A RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD AND ENRICO FERMI DRIVE, ALL OF MICHAEL FARADAY DRIVE AND ROLL COMMERCE DRIVE, AND ALL OF AN EASEMENT FOR HIGHWAY EMBANKMENT SLOPES FOR OTAY MESA ROAD, IN THE EAST OTAY MESA AREA (VACATION NO. 2018-0290) (DISTRICT: 1)

OVERVIEW

The Department of General Services, Real Estate Services Division is processing a request to summarily vacate the offers of dedication (ODs) made on Map No. 16097 for portions of Otay Mesa Road and Enrico Fermi Drive, and all of Roll Commerce Drive and Michael Faraday Drive, and to vacate all of an easement for embankment slopes along the south side of Otay Mesa Road. The ODs and the easement for embankment slopes are all located in the unincorporated East Otay Mesa area of the County and are within the Otay Community Plan Area. A summary vacation of public service easements and roads, or in this case, offers to dedicate roads, may be requested by the public if the road or public service easement is found to be excess right of way not required for road or public service purposes. In many cases the road and public service easement vacation can be a public benefit through improved use of the land made available by the vacation.

Today's request is to approve and adopt a resolution to summarily vacate these ODs made on Map No. 16097 and to vacate the public service easement for embankment slopes in its entirety. The roads within the ODs have not been constructed. They are not part of a General Plan Mobility Element (ME) roadway, and the right-of-way has not been used for the installation of any facilities by a utility with franchise rights to use public streets. No property owner will be land-locked as a result of the proposed vacations. Therefore, these ODs and public service easement may be found to be excess and summarily vacated in accordance with California Streets and Highways Code sections 8334 and 8333 respectively.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the environmental impact report (EIR) dated July 27, 1994 on file with the Department of Planning and Development Services as Environmental Review Log Number 93-19-6 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Director has reviewed and considered the information contained therein and the Addendum thereto dated January 18, 2019 on file with the Department of Planning and Development Services as Environmental Review Number PDS2018-ER-93-19-006ZZH before approving the project; and

Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts that were not considered in the previously certified EIR dated July 27, 1994, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated January 18, 2019.

2. Approve and adopt the attached Resolution entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD AND ENRICO FERMI DRIVE, ALL OF MICHAEL FARADAY DRIVE AND ROLL COMMERCE DRIVE, AND ALL OF AN EASEMENT FOR EMBANKMENT SLOPES FOR OTAY MESA ROAD, IN THE EAST OTAY MESA AREA (VACATION NO. 2018-0290).
3. Direct the Clerk of the Board to record the Resolution pursuant to California Streets and Highways Code section 8336.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2019-20 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$3,500 to process the proposed vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Gaspar, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 19-166, entitled: RESOLUTION OF THE BOARD OF SUPERVISORS TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD AND ENRICO FERMI DRIVE, ALL OF MICHAEL FARADAY DRIVE AND ROLL COMMERCE DRIVE, AND ALL OF AN EASEMENT FOR EMBANKMENT SLOPES FOR OTAY MESA ROAD, IN THE EAST OTAY MESA AREA (VACATION NO. 2018-0290).

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Marvice Mazyck, Chief Deputy