

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.: 585-100-21, 585-100-27, 590-110-06 & -08

RESOLUTION No. : _____
Meeting Date: September 10, 2025

RESOLUTION TO SUMMARILY VACATE PORTIONS OF DAIRY ROAD, IN THE
SWEETWATER COMMUNITY PLAN AREA
(VAC 2024-0025-A1)

WHEREAS, Dairy Road was dedicated to the County of San Diego (County) as a 40-foot-wide public highway in the documents recorded December 5, 1945 in Book 2003, Page 159, and Book 2004, Page 80, both Official Records of San Diego County; and

WHEREAS, the County of San Diego, owner of Assessor's Parcel Numbers (APN) 585-100-21, 590-110-06 and 590-110-08 has requested that the County of San Diego, Department of General Services, Real Estate Division, summarily vacate the unused portions of Dairy Road, as 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 Public Works 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 portions of Dairy Road, as described in Exhibit “A,” are determined to be excess right-of-way not required for street or highway purposes pursuant to California Streets and Highways Code section 8334 because the portion northerly of State Highway 125 lies within property under one ownership (County) and does not continue through such ownership or end touching property of another, and access from Dairy Road to the adjacent State Highway 125 has been relinquished. The existing road was demolished in 2006 as part of the State Highway 125 construction. The portion of Dairy Road southerly of the State Highway was also demolished in 2006 and now only provides public access to the two adjacent property owners, County and the San Diego County Water Authority. They are not included in the County maintained system of streets and are not a part of the General Plan Mobility Element. Therefore, the Board finds that these portions of Dairy Road may be summarily vacated pursuant to California Streets and Highways Code section 8334.

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 portions of Dairy Road to be vacated are not useful as a non-motorized transportation facility pursuant to California Streets and Highways Code sections 892 and 8314. All trails maintained by the County Department of General Services in the area are on County owned property not impacted by the vacation.

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, because at the request of the San Diego County Water Authority an easement is being reserved for their in-use utility facilities, and at the request of CalTrans an access easement is being reserved for access to their in-use utility facilities within the adjacent State Highway 125.

5. The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of an encumbrance from lands that are no longer needed for public road 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 portions of Dairy Road are 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 areas no longer constitute a public right-of-way, street, highway or public service easement.

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

The portions of Dairy Road proposed for summary vacation are located in the unincorporated area of the County in the vicinity of Sweetwater Community Plan Area. The portions to be vacated were dedicated to the County of San Diego (County) as a 40-foot-wide public highway in the documents recorded December 5, 1945 in Book 2003, Page 159, and Book 2004, Page 80, both Official Records of San Diego County. The Department of Parks and Recreation (DPR) has determined the portion of Dairy Road to be vacated are 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 that could utilize the portions of Dairy Road for public trail or portions thereof. 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 August 14, 2024. There are no in-use public utilities that would be affected by the vacation because at the request of the San Diego County Water Authority (SDCWA) an easement is being reserved for their existing facilities within portions of the vacated areas. Additionally, CalTrans has requested an easement reservation over all of the Southerly portion of Dairy Road for access to their utility facilities within the adjacent State Highway 125 right-of-way. and County is reserving an easement over the SDCWA owned portion of the vacated road for the purpose of retaining access to County's Sweetwater Bike Park. Public Works determined there are no current or future need for these portions of Dairy Road to be vacated because the portions northerly and southerly of State Highway 125 were demolished in 2006 as part of the construction of the State Highway, they are not in the county maintained road system and are not part of the General Plan Mobility Element. Additionally, the northerly portion lies within property under one ownership (County) and does not continue through such ownership or end touching property of another, and access from Dairy Road to the adjacent State Highway 125 has been relinquished. The portion of Dairy Road southerly of the State Highway now only provides public access to the two adjacent property owners, County and SCDWA. The portions of easement to be summarily vacated are located entirely within County and SDCWA property, more particularly described in Exhibit “A.” No property owner would be land-locked as a result of the proposed vacation. Therefore, the portions of easement are excess right-of-way not required for street or highway purposes.

The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of encumbrances from private land that are 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, ATTACHED HERETO CONSISTING OF TWO (2) PAGES, 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:

DAVID J. SMITH, Acting County Counsel

By: THOMAS L. BOSWORTH, Senior Deputy County Counsel