

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.: 648-040-13

RESOLUTION No. : _____

Meeting Date: August 17, 2022

**RESOLUTION TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD, AND AN
IRREVOCABLE OFFER OF DEDICATION FOR PORTIONS OF ALTA ROAD, LONE
STAR ROAD, AND AN UNNAMED ROAD IN THE EAST OTAY MESA COMMUNITY
PLAN AREA (VACATION NO. 2022-0011)**

WHEREAS, portions of Otay Mesa Road were dedicated as a public highway by a document recorded in the Office of the County Recorder of San Diego County, California on September 22, 2005 as Document No. 2005-0819333, and an Irrevocable Offer of Dedication (IOD) for public highway for portions of Alta, Road, Lone Star Road and an unnamed road were recorded in said County Recorder's Office on September 22, 2005 as Document No. 2005-0819334, both of Official Records; and

WHEREAS, the County of San Diego, Department of General Services, Asset Management Division, upon application by the owner of Assessor's Parcel Number (APN) 648-040-13, has requested to summarily vacate portions of the public road and portions of the IOD as more specifically described in Exhibit "A" and depicted in Exhibit "B" attached hereto; and

WHEREAS, the California Government Code section 7050, and 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 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 Otay Mesa Road, and the IOD for portions of Alta Road, Lone Star Road and an unnamed road, as described in Exhibit “A,” are determined to be excess right-of-way (ROW) not required for street or highway purposes pursuant to California Government Code section 7050 and California Streets and Highways Code section 8334 because there is no present or prospective public use, and no parcel would be land locked as a result of the vacation. The proposed ultimate remaining ROW width of 98-feet is consistent with the East Otay Mesa Specific Plan which designates Otay Mesa Road, Alta Road, and Lone Star Road as 98-foot wide four-lane Major Roads. Furthermore, highway easements for Otay, Mesa Road, Alta Road, and Lone Star Road on adjacent parcels have been dedicated and widened to the ultimate 98-foot ROW width.

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 public road and portions of the IOD are 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.

5. The proposed summary vacation is in the public interest because there is a public benefit associated with the removal of encumbrances from private 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 land made available by the vacation.

BE IT FURTHER RESOLVED AND ORDERED that the portions of public road easement for Otay Mesa Road, and the IOD for portions of Alta Road, Lone Star Road and an unnamed road, are hereby summarily vacated pursuant to California Government Code section 7050 and 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 public road areas and IOD proposed for summary vacation are located in the unincorporated area of the County in the vicinity of East Otay Mesa. The public road was dedicated to the public on September 22, 2005, in a document recorded in the Office of the County Recorder of San Diego County, California, as Document No. 2005-0819333, and the IOD for public highway was granted to the County on September 22, 2005, in a document recorded in said County Recorder’s Office, as Document No. 2005-0819334, both of Official Records. The Department of Parks and Recreation has determined the public road and IOD 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 public road or IOD for public trail or portions thereof. Therefore, the proposed areas to be summarily vacated are 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 vacation is in conformance with the County of San Diego General Plan in a letter dated May 12, 2022. Public utility providers in the service area were notified of the vacation and there are no in-use public utilities in the vacated area that would require easement reservations. The Department of Public Works determined there is no current or future need for these portions of public road or the portions of the IOD because the proposed ultimate remaining ROW width of 98-feet is consistent with the East Otay Mesa Specific Plan which designates Otay Mesa Road, Alta Road, and Lone Star Road as 98-foot wide four-lane Major Roads. Furthermore, highway easements for Otay, Mesa Road, Alta Road, and Lone Star Road on adjacent parcels have been dedicated and widened to the ultimate 98-foot ROW width. The portions of public road and IOD to be summarily vacated are located entirely within the applicant’s property, being the Southeast Quarter of the Southwest Quarter of Section 30, Township 18 South, Range 1 East, San Bernardino Base and Meridian, more particularly described in Exhibit “A.” No property owner would be land-locked as a result of the proposed vacation. Therefore, the portions of public road and IOD 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 benefit associated with the removal of encumbrances from private 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 land made available by the vacation.

**LEGAL DESCRIPTION OF PORTIONS OF OTAY MESA ROAD AND THE
IRREVOCABLE OFFER OF DEDICATION FOR A PUBLIC HIGHWAY TO BE
SUMMARILY VACATED**

SEE EXHIBIT "A" LEGAL DESCRIPTIONS, ATTACHED HERETO CONSISTING OF THREE (3) PAGES, AND MADE A PART HEREOF, AND DEPICTED ON EXHIBIT "B," ATTACHED HERETO, CONSISTING OF FOUR (4) PAGES, FOR ILLUSTRATIVE PURPOSES ONLY.

Approved as to form and legality:

By: Shiri Hoffman, Senior Deputy County Counsel