

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Rights-of-Way Over, Under, Along or Through County or District Real Property

**Policy  
Number**

I-81

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**Purpose**

To provide a written policy establishing guidelines for the granting of Rights-of-Way and other encumbrances over County or District Real Property.

**Background**

The County frequently receives requests from public and private utility companies, municipalities, special districts, developers, and private parties to grant rights-of-way (primarily easements) for utility lines, pipelines, pole lines, roads, and other municipal purposes over County real property, thereby, creating an encumbrance on the land. These requested conveyances are to be evaluated by the Real Estate Services Division of the Department of General Services and the responsible County department based on the overall net benefit to the County; compliance with County ordinances, codes, policies, and guidelines; the consideration to be received from requesting party; the mutual cooperation between public and quasi-public bodies and the general public; and the overall benefits to the residents of the County.

Requests for the granting of right-of-way in fee for road or other uses over public ownership are also routinely received by the County. Generally, these requests are from developers for access required to develop adjacent property. Developers and private users are not always aware that by law, prior to the granting of fee ownership, the property must be declared surplus to County needs. Therefore, their requests to purchase County property cannot be accommodated, unless the property is determined to be surplus to the County's needs. Then, it can be sold by applicable laws either to the highest bidder or, in the case of substandard parcels, to the adjacent property owner.

**Policy**

It is the policy of the Board of Supervisors that:

All requests for rights-of-way for utility or other purposes shall be directed to the Chief, Real Estate Services Division, Department of General Services, and screened by the Real Estate Services Division and the responsible County department for their benefit to the public ownership. All requests shall be reviewed based on the following considerations:

1. That the granting of the right-of-way will not substantially interfere with the County's existing or proposed use of the County property and will not be detrimental to any adjacent County uses, and when feasible, the grantee will be responsible for the maintenance, repair, replacement, or removal of the improvements from the right-of-way.

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2. That the County receives full market value for the right-of-way area conveyed, except when there are substantial mutual benefits to both parties, and, where feasible, the grantee will be responsible for the maintenance, repair, replacement, or removal of the improvements from the right-of-way.
3. That the overall public benefit is greater than the potential impact on the County property.
4. That the County review and approve the most efficient design that mitigates impacts to County property and facilities.
5. That the County shall be paid in full for staff costs to process the transaction in accordance with Board Policy B-29.

It shall be the obligation of the requesting party to obtain all necessary permits and approvals for the proposed project, obtain environmental review and CEQA certification, and agree to return the land to the previous condition and to revegetate or restore, where necessary, to as good or better condition.

Rights-of-way for road or other purposes may be granted in fee or by easement when the Board of Supervisors has elected to participate as a land owner with adjacent owners in a public improvement such as a 1911 Improvement Act project or when there is benefit to the public ownership so encumbered.

Provision of improved access to County property and the installation of road improvements will be considered to be benefits to the County ownership. The requesting party shall be required to pay full market value for the right-of-way, or establish that there are substantial mutual benefits to both parties, and reimburse the County for all staff costs incurred in the processing of the request in accordance with Board Policy B-29.

**Procedure**

All requests for rights-of-way for utility or other purposes shall be directed to the Chief, Real Estate Services Division, Department of General Services, and screened by the Real Estate Services Division and the responsible client department for any benefit or detriment to the public ownership. Requests for rights-of-way that are in accordance with this policy will be processed for approval by the Director of General Services pursuant to Government Code Section 25526.6, and Ordinance No. 7206 (New Series), which authorizes the Director of General Services to grant or otherwise convey rights-of-way.

The requesting party shall be required to submit a formal request to the Real Estate Services Division and to provide any vacation drawings or maps at their own expense. The requesting party will be required to provide a deposit in an amount sufficient to cover County staff costs for the processing of the application in accordance with the full cost recovery requirements of Board Policy B-29.

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Rights-of-way, whose main purpose is to serve County facilities, will be processed and granted with the County absorbing all costs related to the transaction.

Rights-of-way, which may be beneficial to the County property being encumbered, but whose main purpose is to serve a non-County property, shall be appraised to determine the fair market value. These rights-of-way shall be sold at fair market value.

Licenses and permits, including but not limited to those issued pursuant to Sections 398.14, 448.7(a), and 455 of the Administrative Code, are exempt from this policy.

**Sunset Date**

This policy will be reviewed for continuance by 12-31-2019.

**Board Action**

7-1-80(13)  
12-15-87(42)  
6-15-93(41)  
12-8-98(53)  
06/21/05(16)  
12-09-08 (33)  
12-04-12 (13)

**CAO Reference**

1. Department of General Services
2. Department of Public Works
3. Department of Parks & Recreation