

**TO:** Mayor and Council Members  
Marlene Best, City Manager  
Shawn Hagerty, City Attorney

**FROM:** Annette Ortiz, CMC, City Clerk

**DATE:** May 12, 2021

**SUBJ: UPDATED COUNCIL MEETING MATERIALS – MAY 12, 2021**

**NEW BUSINESS:**

- (12) Report on the Status of Mesa Road in the City of Santee, and Paved Surface Conditions. (Development Services – Kush)**

The attached correspondence relating to the above-mentioned Item is provided for your consideration of this Item.



Dear City Clerk,

I have registered for the virtual council meeting. I am a longtime resident of Santee with the last 22 years living on the unmaintained section of Mesa Road. I have tried for at least 20 of those years to have the City improve the road. Upon one request, the City did provide temporary pavement the entire section and a couple years later repaired sections of it. It has since fallen into a terrible state and it is only a matter of time before some resident or visitor to Mission Trails park injured due to the state of the road. One of the City engineers stated that it was a private road since it was never declared a County road which would have automatically become a City road on incorporation. The County researched and found the declaration and stated that it was actually declared a highway and provided the attached photo copy of the 1884 County Board Meeting. This document and the California Street and Highway codes clearly show that Mesa Road is a Santee City street and should be provided the same maintenance as the other streets.

Thank You for your attention to this matter,

Allen Zwan

Attachments

- 1) Copy of the Board Declaration Mtg Minutes April 14, 1884 Vol 6 Pg 192 (Mesa Road).
- 2) Transcription of Board Declaration Mtg Minutes April 14, 1884 Vol 6 Pg 192 (Mesa Road).
- 3) Excerpts of the California Street and Highway Codes (940, 941, 989)

Monday April 11<sup>th</sup> 1877

Board met pursuant to adjournment at 10 AM  
Present full Board.

In the matter of Mesa Road  
from San Diego to El Cajon

This being the time to which was continued the hearing of the report of Vincent heretofore appointed to make a report on said road and for hearing objections to the adoption of said road. Levi Cohen Esq appearing in favor of and Mill M. Smith Esq <sup>opponent</sup> the adoption of said report. After arguments of Council on both sides and it appearing to the Board that proper notice has been served upon the owners of land through which said proposed road is run. On motion the Board are allowed to file amendments to their report. Whereupon it appearing to the Board that no damages will be sustained by any run consenting owners over what said road has been laid out by reason of the building of said road. On motion it is ordered that the report of said Board be approved and said road is declared a public highway and the Road Overseer of the District in which said road is situated is ordered to open the same to the public.

It is further ordered that the Clerk advertise for proposals for building that portion of the road lying between stations No 136 to 2411 + 20 = 17 in accordance with the survey and report of said Board for and with the bids to be opened on July 7<sup>th</sup> at 10 AM.

In the matter of claims



Monday April 14<sup>th</sup> 1884

Board met pursuant to adjournment at 10am

Present full Board

In the matter of Mesa Road

From San Diego to El Cajon

This being the time to issue which one continues the hearing of the report of Viewers heretofore appointed to swear and report on said road and for hearing objections to the adoption of said road. Livi Ghau Esq appearing in favor of and Will M. Smith Esq against the adoption of said report. After arguments of Counsel on both sides and it appearing to the Board that proper service has been made upon the owners of unused land through which said proposed road is viewed. In motion On spoken the Viewers are allowed to file amendments ammendments to their report. Whereupon it appearing to the Board that no damages will be sustained by any new own consenting owners over which said road has been laid out by reason of the building of said road. In motion it is ordered that the report of said Viewers be approved and said road is declared a public highway, and the Road Division of the District in which said road is situated is ordered to open the same to the public.

It is further ordered that the Clerk Club advertise adopt for Proposals for building that portion of the road lying between stations No 136 to 244 + 20 = 17' in accordance with the survey and report of said Viewers for one week. The bids to be opened on July 7<sup>th</sup> at 10am

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**STREETS AND HIGHWAYS CODE - SHC**

**DIVISION 2. COUNTY HIGHWAYS [900 - 1757]** ( *Division 2 enacted by Stats. 1935, Ch. 29.* )

**CHAPTER 2. Powers and Duties of Boards of Supervisors [940 - 991]** ( *Chapter 2 enacted by Stats. 1935, Ch. 29.* )

**940.** Boards of supervisors shall have general supervision, management, and control of the county highways.  
(*Enacted by Stats. 1935, Ch. 29.*)

**941.** (a) Boards of supervisors shall, by proper order, cause those highways which are necessary to public convenience to be established, recorded, constructed, and maintained in the manner provided in this division.  
(b) No public or private road shall become a county highway until and unless the board of supervisors, or its designee, by appropriate action, has caused the road to be accepted into the county road system. No county shall be held liable for failure to maintain any road unless and until it has been accepted into the county road system by action of the board of supervisors or its designee.  
(c) The acceptance of any road or the acceptance of any road subject to improvements pursuant to Section 66477.1 of the Government Code does not

**989.** (a) (1) Upon the incorporation of a city or upon the annexation of territory to a city, all right, title, and interest of the county, including the underlying fee where owned by the county, in and to any county highway within the territory involved, which had been accepted into the county road system pursuant to Section 941 shall vest in the city and shall thereupon constitute a city street.  
(2) All right, title, and interest of a county in and to any county highway included within territory heretofore incorporated as a city or annexed to a city is hereby determined to have vested in the city as a city street.  
(b) Subdivision (a) does not apply to a road or highway which had been accepted into the county road system pursuant to Section 941 after the date of the first signature on a petition for annexation or incorporation, the adoption of a resolution of application by an affected local agency, or a date mutually agreed upon by the city and county.  
(c) Nothing in subdivision (a) requires a city to improve the affected road or highway to city standards.  
(*Amended by Stats. 1991, Ch. 531, Sec. 3.*)