

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



110 WEST A STREET, SUITE 1100
SAN DIEGO, CA 92101

P.O. Box 85266
SAN DIEGO, CA 92186-5266
(619) 645-2001

FACSIMILE: (619) 645-2191
DIRECT DIAL: (619) 645-2210

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February 10, 1994

Ron Kennedy
550 Hazel Drive
Corona Del Mar, CA 92625

RE: Opinion No. 93-1205

Dear Mr. Kennedy:

We have received a revised request from Assemblyman Gilbert Ferguson for an opinion of the Attorney General on the following questions:

1. Did the County of Orange have legal authority to abandon an existing public road (Bonita Canyon Road) and convey it to the San Joaquin Hills Tollway (SJHT) where it will contain a toll booth requiring the public to pay for its use in the future?
2. Did the County of Orange have legal authority to abandon a public road (Newport Coast Road) which had been built by the Irvine Company as a condition of its permit to develop its coastal property and convey it to the SJHT?
3. If such authority existed and the free public road requires the public to pay a toll in order to transit part of its length, would this preclude the Irvine Company from developing its property further since the conditions demanded by the permitting authorities no longer pertain?
4. Did the County of Orange give sufficient public notice that it intended to abandon the Bonita Canyon Road and a portion of the Newport Coast Road?
5. Was there an adequate, legal abandonment hearing held for each road?
6. Did the SJHT give sufficient legal notice that it intended to charge a toll to the public for transiting the Bonita Canyon Road and a portion of the Newport Coast Road?

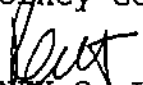
Opinion No. 93-1205
February 10, 1994
Page 2

7. Was there an adequate, legal public hearing held on the tollway's intention to charge such tolls on those roads?

It is the policy of our office to solicit the views of all interested parties prior to issuing an opinion. If you would like to submit comments, a response by March 18, 1994, would be most helpful; materials received after such date will nonetheless be considered. Views submitted will be treated by our office as public records under the Public Records Act. Please address your views to: Deputy Attorney General Clayton Roche, 455 Golden Gate Avenue, Suite 6200, San Francisco, CA 94102-3658; telephone (415) 703-1635.

Sincerely,

DANIEL E. LUNGREN
Attorney General


RODNEY O. LILYQUIST
Senior Assistant Attorney General
Chief, Opinion Unit

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