

**RESOLUTION NO. 2024- 157**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DECLARING THAT EASEMENTS TOTALING APPROXIMATELY 28.75 ACRES OVER PORTIONS OF YUHAAVIATAM OF SAN MANUEL NATION-OWNED REAL PROPERTY AND THE DRAINAGE FACILITIES THEREON, COMPRISING A PORTION OF THE SAND CREEK BASIN AND CHANNEL IN SAN BERNARDINO, ARE NO LONGER NECESSARY TO BE RETAINED FOR THE USES AND PURPOSES OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DUE TO YUHAAVIATAM OF SAN MANUEL NATION'S ASSUMPTION OF FUTURE MAINTENANCE AND OPERATIONAL RESPONSIBILITIES FOR THE DRAINAGE FACILITIES AND THAT RELINQUISHING THE EASEMENTS AND TRANSFERRING OWNERSHIP OF THE DRAINAGE FACILITIES TO YUHAAVIATAM OF SAN MANUEL NATION WILL NOT INTERFERE WITH FLOOD CONTROL OPERATIONS IN THE REGION AND IS IN THE PUBLIC INTEREST, IN ACCORDANCE WITH WATER CODE APPENDIX SECTION 43-6 AND COUNTY POLICY 12-17**

On Tuesday, October 22, 2024, on motion of Supervisor Baca, Jr. , duly seconded by Supervisor Armendarez and carried, the following resolution is adopted by the Board of Supervisors of the San Bernardino County Flood Control District (Board).

**WHEREAS**, the San Bernardino County Flood Control District (the "DISTRICT") currently owns, operates, and maintains essential drainage improvements within the County of San Bernardino, including a basin, improved channel, and associated facilities located north of the City of San Bernardino, adjacent to the northernmost portion of Victoria Boulevard and north of San Manuel Boulevard, a portion of which is located on real property (Assessor's Parcel Nos. 0285-121-04-0000, 0285-121-14-0000, 0285-121-30-0000, 0285-121-33-0000, 0285-121-34-0000, 0285-153-14-0000, and 0285-153-15-0000), owned by Yuhaaviatam of San Manuel Nation (SAN MANUEL) over which SAN MANUEL previously granted easements (Easements) to the DISTRICT; and

**WHEREAS**, SAN MANUEL expressed a desire to assume all maintenance and operational responsibilities for the drainage facilities located on its property, subject to the DISTRICT transferring the ownership of these facilities to SAN MANUEL and relinquishing the Easements; and

**WHEREAS**, the DISTRICT has reviewed SAN MANUEL's request and determined that the Easements are no longer necessary to be retained for the uses and purposes of the DISTRICT due to SAN MANUEL's assumption of future maintenance and operational responsibilities for the Drainage Facilities and that relinquishing the Easements and transferring ownership of the Drainage Facilities to SAN MANUEL will not interfere with flood control operations in the region and is in the public interest; and

**WHEREAS**, the parties have negotiated a Facilities Transfer Agreement (FTA) by which the Easements will be relinquished to SAN MANUEL by quitclaim from the DISTRICT, the ownership of the Drainage Facilities will be transferred to SAN MANUEL by bill of sale to be executed by the parties, and SAN MANUEL shall assume maintenance and operational responsibilities for the Drainage Facilities; and

**WHEREAS**, the DISTRICT and the Real Estate Services Department have determined that SAN MANUEL's assumption of maintenance and operational responsibilities for the Drainage Facilities will result in anticipated savings to the DISTRICT that will exceed the fair market value of the Easements and the Drainage Facilities, and as such the relinquishment of the Easements and the transfer of the ownership of the Drainage Facilities to SAN MANUEL will be at no cost to SAN MANUEL; and

