

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY AND RECORD OF ACTION

January 28, 2025

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

NOEL CASTILLO, Director, Department of Public Works - Transportation

SUBJECT

Waiver Valuations and Acquisition Agreements for Road Easements for the Blake Street and Other Roads Project in the Unincorporated Area of Muscoy

RECOMMENDATION(S)

1. Approve Waiver Valuation Nos. 24-101 and 24-102, copies of which are on file with the Real Estate Services Department.
2. Authorize the acquisition of two road easements from two property owners over portions of certain real properties, totaling approximately 468 square feet, for the Blake Street and Other Roads Project in the unincorporated area of Muscoy, at a total cost not to exceed \$5,300, which includes the just compensation and a ~~minimum~~-contingency amount of up to \$1,000 for each property owner.
3. Approve the form of Acquisition Agreement to acquire two road easements from two property owners for the Blake Street and Other Roads Project in the unincorporated area of Muscoy.
4. Authorize the Director of the Real Estate Services Department to:
 - a. Complete and execute two Acquisition Agreements, in substantial conformance with the approved form of Acquisition Agreement, to acquire two road easements from two property owners over portions of certain real properties, totaling approximately 468 square feet, for the Blake Street and Other Roads Project in the unincorporated area of Muscoy, at a total cost not to exceed \$5,300, which includes the just compensation and a ~~minimum~~ contingency amount of up to \$1,000 for each property owner.
 - b. Execute any other non-substantive documents necessary to complete these transactions, subject to County Counsel review.

(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The two road easements for the Blake Street and Other Roads Project (Project) in the unincorporated area of Muscoy, will be funded with City of San Bernardino funding and Senate Bill 1 (SB1) Road Maintenance and Rehabilitation Account (RMRA) funds. The total cost to acquire the two easements is estimated to be \$3,300 plus a ~~minimum~~-contingency amount of up to \$1,000 for each property owner for potential administrative settlements, for an aggregate cost not to exceed \$5,300 (rounded). Sufficient appropriation and revenue are included in the Department of Public Works-Transportation (DPW-T) 2024-25 Road Operations budget (6650002000 34H15177).

BACKGROUND INFORMATION

The Project involves pavement rehabilitation of approximately 39 miles of curb ramps in accordance with current design standards and pursuant to the Americans with Disabilities Act (ADA) guidelines and sidewalks, curb and gutter, and various road treatments.

The Project was prioritized by the Board of Supervisors (Board) as part of the 2019-20 SB1 RMRA project list, which was approved on April 30, 2019 (Item No. 53). Updates to existing ADA-compliant curb ramps or installation of new ADA-compliant curb ramps for the Project are required under the federal “2013 Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the ADA Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing” guidelines.

DPW-T has requested assistance from the Real Estate Services Department (RESD) in the valuation and acquisition of the easements required for the Project.

The easement interests to be acquired for the Project are described as follows:

| Property Owner/Last Name | Property Address & APN | Acquisition No. | Total Easement Area to be Acquired |
|--------------------------|--|-----------------|------------------------------------|
| Mendez | 2575 North Macy Street 0268-261-01-0000 (portion) | E-1 | 247 square feet |
| Flores | 2424 North California Street 0268-371-11-0000 (portion) | E-2 | 221 square feet |

RESD reviewed the Project with DPW-T and initiated the valuation of the required easement interests under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Government Code section 7260 et seq., corresponding regulations, and County Policy No. 12-20, for the acquisition of property rights for a public project.

Waiver Valuation Nos. 24-101 and 24-102, copies of which are on file with RESD, were prepared by qualified RESD staff. The waiver valuations, which is a permitted administrative valuation process for low value/non-complex acquisitions, establish the amounts of just compensation to be paid to the two property owners for the easements necessary to complete the Project. RESD recommends that the waiver valuations be approved and that written offers be made to the impacted property owners.

Approval of this item by the Board will authorize the acquisition of the easements and delegate authority to the Director of RESD to execute two Acquisition Agreements to acquire the easements from the two property owners for a total cost not to exceed \$5,300, which includes the just compensation and a ~~minimum~~-contingency amount of up to \$1,000 for each property owner.

Real Estate Services is requesting the use of a template and delegation of authority to the RESD Director to enhance efficiency and flexibility in the acquisition process. This approach helps mitigate delays often caused by protracted negotiations while ensuring that all agreements comply with Board-approved standards. Delegation of authority further enables staff to manage routine execution tasks effectively, streamlining the overall process.

The Director of RESD will also be authorized to execute any other non-substantive documents necessary to complete these transactions, subject to County Counsel review. In addition, the Director of RESD will accept both easements executed by the property owners pursuant to the authority granted by the Board on March 27, 2012 (Item No. 75).

On September 12, 2023 (Item No. 47), the Board approved the Project and determined it to be exempt in accordance with the California Environmental Quality Act (CEQA). The Clerk of the

Board was directed to file and post a Notice of Exemption. Accordingly, no further action is required under CEQA.

PROCUREMENT

RESD can make offers and acquire the necessary easements in conformance with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Government Code section 7260 et seq., corresponding regulations, and County Policy No. 12-20.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, and Aaron Gest, Deputies County Counsel, 387-5455) on December 27, 2024; Public Works (Noel Castillo, Director, 387-7916) on December 5, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on November 26, 2024; Finance (Kathleen Gonzalez, 387-5412, and Ivan Ramirez, 387-4020, Administrative Analysts,) on January 9, 2025; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on January 10, 2025.

(JAG: 677-8210)