

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

April 9, 2024

FROM

**TERRY W. THOMPSON, Director, Real Estate Services Department
NOEL CASTILLO, Director, Department of Public Works - Transportation**

SUBJECT

Acquisition Agreements for Temporary Construction Easements for the 35th Street at Elmwood Storm Drain Replacement Project

RECOMMENDATION(S)

1. Authorize the acquisition of two Temporary Construction Easements from two property owners, totaling approximately 924 square feet for the period of April 25, 2024, through the earlier of project completion or October 24, 2024, for the 35th Street at Elmwood Storm Drain Replacement Project in the unincorporated area of Del Rosa at a total not-to-exceed amount of \$1,000.
2. Approve the form of Acquisition Agreement to acquire Temporary Construction Easements from two property owners.
3. Authorize the Director of the Real Estate Services Department to:
 - a. Complete and execute two Acquisition Agreements, which will conform to the approved form of Acquisition Agreement, to acquire two Temporary Construction Easements from two property owners, totaling approximately 924 square feet, for the period commencing on April 25, 2024, through the earlier of project completion or October 24, 2024, for the 35th Street at Elmwood Storm Drain Replacement Project, at a total not-to-exceed amount of \$1,000.
 - b. Approve and execute any other documents necessary to complete these transactions, subject to County Counsel review.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVE

**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 Department of Public Works – Transportation Division (DPW-T) is funded by Gas Tax revenues, fee revenue, and other state, federal, and local funding. The 35th Street at Elmwood Storm Drain Replacement Project (Project) is funded with Gas Tax revenues. The total cost to acquire the two Temporary Construction Easements (TCEs) is estimated to be \$1,000. Sufficient appropriation and revenue are included in DPW-T's 2023-24 Road Operations budget (6650002000 H15114).

**Acquisition Agreements for Temporary Construction Easements for the
35th Street at Elmwood Storm Drain Replacement Project
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BACKGROUND INFORMATION

On April 25, 2023 (Item No. 57), the Board of Supervisors (Board) approved the acquisition of two TCEs on portions of two parcels (Assessor's Parcel Numbers [APN] 0271-391-16 and 0271-412-01) (Properties) for the period of April 25, 2023 through April 24, 2024, from two property owners for the Project located in the unincorporated area of San Bernardino County (County) known as Del Rosa (Initial TCEs) at a total cost not to exceed \$23,000. The total cost to acquire the Initial TCEs for the two parcels was \$20,784. The Board also approved Appraisal No. 22-62 to determine the just compensation for the initial TCEs.

The Project involves removing and replacing approximately 185 feet of existing deteriorated corrugated metal storm drain pipe and drainage structures with new reinforced concrete pipe and drainage structures between two residential Properties located at the intersection of 35th Street and Elmwood Road, and along a County Flood Control District (FCD) easement leading to FCD's Del Rosa Channel, in the unincorporated Del Rosa area of San Bernardino.

Due to unexpected delays with the coordination of the relocation of a power pole and other utilities, and additional plan modifications to work around existing private property improvements during the construction planning phase, the Initial TCEs need to be extended for a period from April 25, 2024 through the earlier of Project completion or October 24, 2024. DPW-T has requested the Real Estate Services Department's (RESD) assistance with this extension.

The Initial TCEs, which will be extended, are described as follows:

<u>Property Owner/Last Name</u>	<u>Exhibit No. and Type of Easement</u>	<u>APN</u>	<u>Total Area to be Acquired</u>
Mayer	TCE-1 (Temporary)	0271-412-01	462 square feet
Zamora	TCE-2 (Temporary)	0271-391-16	462 square feet

Upon the Board's approval of this item, the Director of RESD will complete and execute the Acquisition Agreements to extend the Initial TCEs with the two property owners for a total not-to-exceed amount of \$1,000. In addition, the Director of RESD will accept the conveyance of two extended TCEs from the property owners. Lastly, this item allows the Director of RESD to approve and execute any other documents necessary to complete these transactions, subject to County Counsel review. RESD will maintain these documents in its files.

On April 26, 2022 (Item No. 51), the Board approved the Project and determined it to be categorically 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 right of way 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.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, and Aaron Gest, Deputies County Counsel, 387-5455) on March 18, 2024; Public Works - Transportation (Noel Castillo, Director, 387-7916) on February 26, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on February 29, 2024; Finance (Carl Lofton, 387-4635, and Garrett Baker, 387-3077, Administrative Analysts) on March 21, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on March 22, 2024.

(NA: 501-6726)

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: April 9, 2024



cc: File - RESD w/ attachments
JLL 04/12/2024