

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

March 28, 2023

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District
TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Conveyance of Public Road Easement and Temporary Construction Easement to the City of Colton for the La Cadena Drive Over Santa Ana River Bridge Replacement Project

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District:

1. Adopt **Resolution No. 2023-34** making findings of fact as a Responsible Agency pursuant to the California Environmental Quality Act Guidelines, Title 14 of the California Code of Regulations Section 15096; declaring the conveyance of one permanent easement, containing approximately 9,854 square feet, and one temporary construction easement with a term of two years, containing approximately 3,976 square feet, over San Bernardino County Flood Control District-owned property, a portion of Assessor's Parcel Numbers 0163-361-18 and 0163-361-13, respectively, located on the west side of La Cadena Drive, to the City of Colton for street, highway, road and/or bridge and temporary construction purposes is in the public interest and will not substantially conflict or interfere with the District's regional flood control operations; and authorizing the conveyance of the easements to the City of Colton in accordance with Water Code Appendix Section 43-6, Government Code section 25526.6, and County Policy 12-17, upon payment of \$64,100 plus an amount not to exceed \$28,785 for reimbursement of administrative costs associated with this transaction; and directing the Clerk of the Board of Supervisors to post the Notice of Determination as required under the California Environmental Quality Act.
 2. Approve the Right-of-Way **Contract No. 23-206** between the City of Colton and the San Bernardino County Flood Control District for the property interests described in Recommendation No. 1 for the purchase price of \$64,100 plus an amount not to exceed \$28,785 for reimbursement of administrative costs associated with this transaction.
 3. Authorize the Chair of the Board of Supervisors to execute the Easement Deed (Public Road) and Temporary Construction Easement to convey the property interests described in Recommendation No. 1 to the City of Colton.
 4. Authorize the Director of the Real Estate Services Department to execute any other documents necessary to complete this transaction, subject to County Counsel review.
- (Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

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

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

**Conveyance of Public Road Easement and Temporary Construction
Easement to the City of Colton for the La Cadena Drive Over Santa Ana
River Bridge Replacement Project
March 28, 2023**

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) will receive revenue for the easements in the total amount of \$92,885, composed of \$64,100 for the fair market value of the easements plus an amount not to exceed \$28,785 for reimbursement of administrative costs related to this request. The City of Colton (City) will be responsible for the operation and maintenance of the street, highway, road and/or bridge improvements located within the proposed permanent easement.

BACKGROUND INFORMATION

The conveyance of one permanent easement, containing approximately 9,854 square feet, and one temporary construction easement with a term of two years, containing approximately 3,976 square feet, over District-owned property, a portion of Assessor's Parcel Numbers 0163-361-18 and 0163-361-13, respectively, located on the west side of La Cadena Drive at the Santa Ana River in Colton, to the City for street, highway, road and/or bridge and temporary construction purposes, will advance the La Cadena Drive over Santa Ana River Bridge Replacement Project (Project) to facilitate improvement of the City's infrastructure.

The proposed Project would replace the existing La Cadena Drive bridge with a new 98-foot-wide bridge that would accommodate four 12-foot lanes (two lanes in each direction), a 14-foot-wide striped median, a 5-foot class II bike lane within the 9-foot, 6-inch shoulder, and a 6-foot sidewalk protected by a 1-foot 6-inch wide concrete barrier in each direction. The proposed Project would also replace the existing access to the Santa Ana River Trail (SART) parking lot and a portion of the existing bike trail connection between the SART and southbound side of La Cadena Drive.

The District requested the Real Estate Services Department (RES D) assist with conveyance of the easements at fair market value to the City. Appraisal Nos. 21-23 and 21-24 were prepared by Christine Santolucito, of Santolucito Dore Group, for the easements. RES D staff reviewed the appraisals and concluded fair market value for both easements to be \$64,100, using a commonly used and acceptable method of valuation. The City will pay the fair market value of \$64,100 and reimburse the District an amount not to exceed \$28,785 for administrative costs associated with this transaction prior to the conveyance and recording of the easements.

Additionally, approval of this item will authorize the Director of RES D to execute any other incidental documents as necessary to complete this transaction, subject to County Counsel review. The Director of RES D will not be authorized to execute any documents that would bind the County to any actions not contemplated by, or arising from, the transaction which is the subject of these recommendations.

As the California Environmental Quality Act (CEQA) Lead Agency for the Project, the City adopted an Initial Study/Mitigated Negative Declaration (MND), for the Project on February 21, 2017. The MND reflects the independent judgment of the Lead Agency, a copy of which is on file with the Department of Public Works Environmental Management Division. The District has a more limited approval and implementing authority related to the Project by approving the Right-of-Way Contract and conveyance of the easements, and, therefore, serves only as a Responsible Agency pursuant to CEQA. As the Responsible Agency, District staff has verified that the City-adopted Project MND adequately analyzes the potential environmental impacts and concurs in the analysis and conclusions set forth in said MND. Upon adoption, the

**Conveyance of Public Road Easement and Temporary Construction
Easement to the City of Colton for the La Cadena Drive Over Santa Ana
River Bridge Replacement Project
March 28, 2023**

Resolution, making findings of fact as a Responsible Agency pursuant to CEQA, will authorize and direct that a Notice of Determination be filed with the Clerk of the Board of Supervisors within five County business days of the date of the adoption of the Resolution. Such filing will fulfill the District's obligation under CEQA with respect to the Right-of-Way Contract.

PROCUREMENT

The District can convey the requested easements to the City in accordance with Water Code Appendix Section 43-6, Government Code Section 25526.6, and County Policy 12-17.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Principal Assistant County Counsel, and Sophie A. Curtis, Deputy County Counsel, 387-5455) on March 22, 2023; San Bernardino County Flood Control District (Brendon Biggs, Director, 387-7906) on March 20, 2023; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on March 20, 2023; Finance (Carl Lofton, Administrative Analyst, 387-5404, and Garrett Baker, Administrative Analyst, 387-5423) on March 20, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on March 21, 2023.

(BJO: 387-5000)

**Conveyance of Public Road Easement and Temporary Construction
Easement to the City of Colton for the La Cadena Drive Over Santa Ana
River Bridge Replacement Project
March 28, 2023**

Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

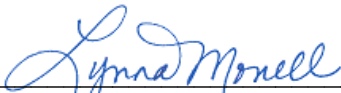
APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman

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

Lynna Monell, CLERK OF THE BOARD

BY



DATED: March 28, 2023



cc: RESD - Thompson w/ agree., NOD, Rec., Deed & Easement
Contractor c/o RESD w/ agree
File w/ agree

JLL 03/29/2023