

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

July 14, 2020

FROM

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

SUBJECT

Conveyance of New Road Easement to City of Ontario for Widening of Merrill Avenue

RECOMMENDATION(S)

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

1. Adopt **Resolution No. 2020-140** declaring that the conveyance of an easement interest in a portion of District-owned parcels [Assessor Parcel Numbers (APNs) 0218-311-09 and 0218-271-15] located north and south of the existing alignment of Merrill Avenue where it crosses Cucamonga Channel and totaling approximately 21,581 square feet of land, is in the public interest and will not substantially conflict with the District's regional flood control operations; and authorizing the conveyance of said easement interest to the City of Ontario for widening of Merrill Avenue, in accordance with the Water Code Appendix, Section 43-6, Government Code Section 25526.6, County Policy 12-17, and upon payment of \$131,000 to the District.
2. Authorize the Chairman of the Board of Supervisors to execute the Easement Deed to convey the easement interest to the City of Ontario.
3. Authorize the Director of the Real Estate Services Department to execute any other documents necessary to complete this transaction.
4. Confirm a finding of exemption under the California Environmental Quality Act and direct the Clerk of the Board to post the Notice of Exemption.

(Presenter: Terry W. Thompson, Director, 387-5252)

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.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The District will receive revenue for its Zone 1 (1910002518) in the amount of \$131,000 for the conveyance of a road easement to the City of Ontario to widen Merrill Avenue. In addition, the City of Ontario (City) will reimburse the District for all related administrative costs incurred by the District to complete the transaction, estimated at \$13,000. The District will not be responsible for any ongoing maintenance associated in the area conveyed to the City.

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BACKGROUND INFORMATION

The recommended actions will authorize the conveyance of a new road easement totaling approximately 21,581 square feet across District land (portion of APNs 0218-311-09 and 0218-271-15) to widen Merrill Avenue in the City.

The District, as established by the San Bernardino County Flood Control Act (Water Code Appendix, Chapter 43), is subdivided into six zones with interests, responsibilities or geographical divisions distinctive of the particular zone. Zone 1 is the westernmost portion of the County, and includes facilities extending northeast from Prado Dam to San Antonio Dam in the Upland area. The City of Ontario falls in the District's Zone 1 area.

The City is facilitating the construction of road improvements to Merrill Avenue at the Cucamonga Channel crossing. The City has asked the District to convey a public road easement across District land north and south of the existing alignment of Merrill Avenue where it crosses Cucamonga Channel. The City has agreed to pay fair market value and all administrative costs in accordance with the District's surplus property procedures. Upon execution of the Easement Deed, the District will issue Encroachment Permit P-12018035 that allows the City to perform the construction of the street improvements.

The City submitted an appraisal for a road easement that totals 21,581 square feet across portions of Assessor Parcel Number (APNs) 0218-311-09 and 0218-271-15. The appraisal concludes fair market value of the proposed road easement at \$131,000. The District requested the Real Estate Services Department (RESO) review the appraisal submitted by a developer on behalf of the City. RESO reviewed the appraisal and accepts the determination of fair market value of the road easement for purposes of this transaction.

The conveyance of the easement interest was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be exempt under Section 15312 (Class 12), sales of surplus government property when the subject property is not located in an area of statewide, regional, or areawide concern and does not have significant value for wildlife habitat or other environmental purposes. Additionally, the proposed conveyance of the easement interest is an activity exempt under Section 15061(b) (Common Sense) when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Robert F. Messinger, Principal Assistant County Counsel and Sophie Akins, Deputy County Counsel, 387-5455) on June 4, 2020; San Bernardino County Flood Control District (David Doublet, Deputy Director, 387-7918) on June 2, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Wen Mai, Principal Administrative Analyst, 387-4020) on June 19, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on June 27, 2020.

(NS: 677-8388)

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

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales
Ayes: Robert A. Lovingood, Janice Rutherford, Curt Hagman, Josie Gonzales
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 14, 2020



cc: W/RESOLUTION
 Flood- Biggs w/easement deed w/CEQA&receipt
 File- Flood Control District w/CEQA&receipt w/map
la 07/15/2020