

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

July 28, 2020

**FROM**

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

**SUBJECT**

Relinquish Existing Easements and Acquisition of New Easement Across Private Property Northeast of Greenspot Road in the City of Highland

**RECOMMENDATION(S)**

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

1. Adopt **Resolution No. 2020-154** declaring that that easement interests in portions of privately-owned parcels [Assessor Parcel Numbers (APNs) 0297-021-25, 0297-021-27, and 0297-021-28] located northeast of Greenspot Road in the City of Highland, totaling approximately 46,051 square feet of land is no longer necessary to be retained for the specific uses and purposes of the District, and that relinquishment of said easement interests is in the public interest and would not conflict with regional flood control operations, and authorizing the relinquishment of said District easement interests to the underlying fee owners in accordance with the Water Code Appendix, Section 43-6, County Policy 12-17, and upon payment of \$12,400 to the District.
2. Approve acquisition and authorize acceptance of a new easement consisting of approximately 7,768 square feet (across a portion of APN 0297-021-27 and 0297-021-29 in the City of Highland) to perfect the Districts access rights to the Seven Oaks Dam at fair market value of \$1,750.
3. Authorize the Chairman of the Board of Supervisors to execute the Quitclaim Deeds to relinquish the easement interests to the underlying fee owners.
4. Authorize the Director of the Real Estate Services Department to execute any other documents necessary to complete these transactions.
5. 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.**

**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 Zone 3 (1930002526) in the amount of \$12,400 for the relinquishment of existing easements to private parties, and pay \$1,750 for a new easement across private land, for total net revenue to the District of \$10,650. In addition, the private property owner requesting the relinquishment (Greenspot Corridor, LLC) will reimburse the District for all related administrative costs incurred by the District to complete the transaction,

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estimated at \$36,000. The District will not be responsible for any ongoing maintenance associated in the areas to be relinquished.

**BACKGROUND INFORMATION**

The recommended actions will authorize the relinquishment of existing easements over private property totaling approximately 46,051 square feet (portions of APNs 0297-021-25, 0297-021-27, and 0297-021-28), and acquisition of a new easement of 7,768 square feet across APN 0297-021-27 and 29 to perfect District access to Seven Oaks Dam.

Greenspot Corridor, LLC owns approximately 180 acres northeast of Greenspot Road in the City of Highland and has approvals for a planned development on its property (Greenspot Property). The District owns easement interests in several areas across the Greenspot Property and an adjacent property owned by a third party for access to the Seven Oaks Dam, which are part of a regional flood control system.

Greenspot Corridor, LLC has requested that the District relinquish existing easements totaling approximately 46,051 square feet across the Greenspot Property and the adjacent property as a condition of development of the Greenspot Property. Relinquishment of the easements requires that Greenspot Corridor, LLC make infrastructure improvements to its property within two years of easement vacation, or the relinquished easements will revert back to the District. Greenspot Corridor, LLC has agreed to convey a Permit to Enter allowing the District continued access through the areas while the infrastructure is being developed.

In addition, the District has a need for an additional easement across an unencumbered area of the Greenspot Property (portion of APN 0297-021-27 and 29) consisting of approximately 7,768 square feet to perfect its access rights to the Seven Oaks Dam. The District and Greenspot Corridor, LLC agreed that the District would be compensated for the relinquishments at fair market value in accordance with the Water Code Appendix, Section 43-6, and County Policy 12-17, while the District would pay fair market value for the new easement across the Greenspot Property. Greenspot Corridor, LLC will pay the District for all administrative costs.

Greenspot Corridor, LLC submitted appraisals for the easement rights. The District requested the Real Estate Services Department (RESD) review the appraisals. RESD reviewed the appraisals, found them to be unacceptable, and determined fair market value under a corrective appraisal review maintained in RESD files. Fair market value of the easements for purposes of this transaction were determined by RESD to total \$12,400 for the relinquishments, and \$1,750 for the new easement. Instead of acquiring the new easement in a separate transaction, the District will offset the value it receives for the relinquishments by the price to be paid for the new easement. The net revenue for the transaction to the District is \$10,650, plus reimbursement for all related administrative costs incurred by the District to complete the transaction, estimated at \$36,000.

<u>Easement</u>	<u>Square feet</u>	<u>Fair Market Value</u>
Relinquishments (paid to District)	46,051	\$12,400
New Easement (paid by the District)	7,768	<\$1,750>
Net Total to District		\$10,650

The relinquishment of the existing easements and acquisition of a new easement interest was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to

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be exempt under Section 15305 (Class 5), minor alterations in land use which do not result in any changes in land use or density. Additionally, the proposed easement relinquishments 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 A. Akins, Deputy County Counsel, 387-5455) on June 22, 2020; San Bernardino County Flood Control District (David Doublet, Deputy Director, 387-7918) on June 10, 2020; Finance (Carolina Mendoza, Administrative Analyst, 387-4222 and Wen Mai, Principal Administrative Analyst, 387-4020) on July 6, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on July 12, 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: Josie Gonzales    Seconded: Robert A. Lovingood  
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY



DATED: July 28, 2020



cc:    W/RESOLUTION  
      Flood- Biggs w/Quitclaim Deed w/CEQA & receipt  
      File- Flood Control Operations Division w/Quitclaim Deed  
      w/CEQA & receipt w/map  
la     07/29/2020