

RESOLUTION NO. 2023-33

RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY DECLARING THE CONVEYANCE OF AN EXCLUSIVE AND NON-EXCLUSIVE EASEMENT TOTALING APPROXIMATELY 14,952 SQUARE FEET (COMPRISED OF APPROXIMATELY 6,952 SQUARE FEET AS NON-EXCLUSIVE AND APPROXIMATELY 8,000 SQUARE FEET AS EXCLUSIVE) AND A TEMPORARY RIGHT OF ENTRY TOTALING 8,000 SQUARE FEET OVER PORTIONS OF ASSESSOR'S PARCEL NUMBER 1119-231-04, LOCATED WITHIN THE MID-VALLEY SANITARY LANDFILL IN THE CITY OF RIALTO, TO THE SOUTHERN CALIFORNIA GAS COMPANY FOR GAS COLLECTION PURPOSES IS IN THE PUBLIC INTEREST, THE INTERESTS IN THE LAND CONVEYED WILL NOT SUBSTANTIALLY CONFLICT OR INTERFERE WITH THE USE OF THE PROPERTY BY THE COUNTY, AND AUTHORIZING THE CONVEYANCE OF SAID EASEMENT AND TEMPORARY RIGHT OF ENTRY TO THE SOUTHERN CALIFORNIA GAS COMPANY

On Tuesday, March 14, 2023, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Hagman and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, San Bernardino County (County) owns real property consisting of approximately 499 acres of land known as the Mid-Valley Sanitary Landfill in the City of Rialto (MVSL); and

WHEREAS, Southern California Gas Company (SoCalGas) has requested an Exclusive and Non-Exclusive Easement (Easement) totaling approximately 14,952 square feet (comprised of approximately 6,952 square feet as non-exclusive and approximately 8,000 square feet as exclusive) and a Temporary Right of Entry (TRE) totaling 8,000 square feet over portions of Assessor's Parcel Number 1119-231-04 located within the MVSL; and

WHEREAS, the conveyance of the Easement and TRE will support the County's regulatory agency-required landfill gas collection and mitigation; and

WHEREAS, instead of burning the collected landfill gas (current method), the Solid Waste Management Division, which operates the MVSL, will sell the collected landfill gas to Biofuels San Bernardino Bio Gas, LLC, who will process it and then deliver it to SoCalGas for distribution to market. Contract numbers 19-649, 19-650 and 19-651 with Biofuels San Bernardino Bio Gas, LLC were approved by the Board of Supervisors on September 24, 2019 (Item No. 31) and amended on June 28, 2022 (Item No. 69). The Easement is needed to provide a space for SoCalGas to house its interconnect infrastructure. The Temporary Right of Entry is needed for laydown work space during construction, and has a term of 24 months commencing upon execution; and

WHEREAS, the conveyance of the Easement and TRE is in the public interest and will not substantially conflict or interfere with the County's use of the MVSL and are needed to comply with regulatory agencies; and

WHEREAS, the County may convey the Easement and TRE to SoCalGas at no cost in accordance with California Government Code Section 25526.6; and

WHEREAS, the conveyance of the Property was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be categorically exempt from further environmental review under Title 14 of the California Code of Regulations (CEQA Guidelines), sections 15312 (Surplus Government Property Sales) and 15061(b) (Common Sense Exemption). The subject parcels are surplus government property that are not located in an area of statewide, regional, or area-wide

concern as identified in Section 15206(b)(4) of the CEQA Guidelines. Also, pursuant to section 15061(b) of the CEQA Guidelines, it can be seen with certainty that there is no possibility that the real property interest sale may have a significant effect on the environment. The County will have fulfilled its obligation under CEQA for this property with the posting of the Notice of Exemption by the Clerk of the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of San Bernardino County hereby declares that the recitals above are all true and correct and are incorporated herein and that conveyance of an Exclusive and Non-Exclusive Easement totaling approximately 14,952 square feet (comprised of approximately 6,952 square feet as non-exclusive and approximately 8,000 square feet as exclusive) and a Temporary Right of Entry totaling 8,000 square feet over portions of Assessor's Parcel Number 1119-231-04 to Southern California Gas Company for gas collection purposes is in the public interest, the interests conveyed will not substantially conflict or interfere with the use of the MVSL owned by the County, and authorizes the conveyance of said Easement and Temporary Right of Entry to Southern California Gas Company in accordance with Section 25526.6 of the Government Code at no cost.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

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

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of March 14, 2023. #43, CCM

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy