

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
SITTING AS THE GOVERNING BODY OF THE FOLLOWING:
OF SAN BERNARDINO COUNTY
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

January 28, 2025

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

NOEL CASTILLO, Director and Chief Flood Control Engineer, Department of Public Works-Transportation and San Bernardino County Flood Control District

SUBJECT

Acquisition of Property Interests and Replacement Easements for the Rock Springs Road Bridge Over Mojave River Project in the Unincorporated Area of Apple Valley

RECOMMENDATION(S)

1. Acting as the governing body of San Bernardino County:
 - a. Approve three Acquisition Agreements to acquire the following real property interests for the Rock Springs Road Bridge over Mojave River Project in the unincorporated area of Apple Valley:
 - i. Acquisition **Agreement No. 25-52** between the County and Lawrence W. Johnston, Trustee of the Lawrence W. Johnston Separate Property Trust dated June 3, 2004, to acquire one easement of approximately 55,283 square feet for highway and roadway purposes, and one temporary construction easement of approximately 5,315 square feet for a period commencing on February 7, 2025, and expiring on the earlier of project completion or February 6, 2028, over portions of real property located in an unincorporated area of Apple Valley (portion of Assessor's Parcel Number 0433-014-01-0000) at a cost of \$18,000.
 - ii. Acquisition **Agreement No. 25-53** between the County and Julie G. McClaine, as Successor Trustee of the Cecil & Julie McClaine Living Trust 2004 dated November 16, 2004, to acquire two easements totaling approximately 30,717 square feet for highway and road purposes and two temporary construction easements totaling approximately 5,907 square feet, for a period commencing on February 7, 2025, and expiring on the earlier of project completion or February 6, 2028, over portions of real property located in an unincorporated area of Apple Valley (portions of Assessor's Parcel Numbers 0438-165-30-0000 and 0438-165-31-0000) at a total cost of \$38,500.
 - iii. Acquisition **Agreement No. 25-54** among the County, San Bernardino County Flood Control District, and Billy W. Renkema and Shirley B. Renkema, husband and wife as joint tenants, for the Renkemas, to convey fee title to real property of approximately 11,407 square feet, subject to a reserved non-exclusive access easement over the entire property, located in an unincorporated area of Apple Valley (Assessor's Parcel Number 0433-014-07-0000) to San Bernardino County Flood Control District, with the acquisition cost to be paid by County in the amount of \$43,126.

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- b. Approve the **First Amendment to Acquisition Agreement No. 24-1096** with San Bernardino County Flood Control District to acquire two replacement Temporary Construction Easements, totaling approximately 70,762 square feet over portions of real property located in an unincorporated area of Apple Valley (portions of Assessor's Parcel Numbers 0433-014-04-0000 and 0438-165-26-0000) for a revised three-year period commencing on February 7, 2025, (instead of July 1, 2025) and expiring on the earlier of project completion or February 6, 2028, at no cost.
 - c. Approve the form of First Amendment to the existing Acquisition Agreement among the County, San Bernardino County Flood Control District, and Angiely Goodman, a married woman as her sole and separate property, and Deborah Lamb, to acquire a replacement Temporary Construction Easement of approximately 2,932 square feet over a portion of real property located in an unincorporated area of Apple Valley (portion of Assessor's Parcel Numbers 0438-165-27-0000) for a revised three-year period, commencing on February 7, 2025, (instead of July 1, 2025) and expiring on the earlier of project completion or February 6, 2028, at no cost.
 - d. Approve the form of First Amendment to existing Acquisition Agreements with two property owners to acquire two replacement Temporary Construction Easements, totaling approximately 4,179 square feet over portions of real property located in an unincorporated area of Apple Valley (portions of Assessor's Parcel Numbers 0438-165-37-0000 and 0438-165-32-0000) for a revised three-year period commencing on February 7, 2025, and expiring on the earlier of project completion or February 6, 2028, at no cost.
 - e. Authorize the Director of the Real Estate Services Department to complete and execute the First Amendments to existing Acquisition Agreements in substantial conformance with the approved form in Recommendation No's. 1.c. and 1.d, and any other non-substantive documents necessary to complete these transactions, subject to County Counsel review.
2. Acting as the governing body of the San Bernardino County Flood Control District:
- a. Find that granting two replacement Temporary Construction Easements to the County over portions of San Bernardino County Flood Control-owned real property totaling approximately 70,762 square feet, located in an unincorporated area of Apple Valley (portions of Assessor's Parcel Numbers 0433-014-04-0000 and 0438-165-26-0000) for a revised three-year period commencing on February 7, 2025 and expiring on the earlier of project completion or February 6, 2028, is in the public interest and that the revised term will not substantially conflict or interfere with San Bernardino County Flood Control District's regional flood control protection.
 - b. Approve the **First Amendment to Acquisition Agreement No. 24-1096** with the County to acquire two replacement Temporary Construction Easements totaling approximately 70,762 square feet over portions of real property located in an unincorporated area of Apple Valley (portions of Assessor's Parcel Numbers 0433-014-04-0000 and 0438-165-26-0000) for a revised three-year period commencing on February 7, 2025 and expiring on the earlier of project completion or February 6, 2028, at no cost.
 - c. Approve two replacement Temporary Construction Easements to the County totaling approximately 70,762 square feet over portions of real property located in an unincorporated area of Apple Valley (Assessor's Parcel Numbers 0433-014-04-0000 and 0438-165-26-0000) for a period commencing on February 7, 2025, and expiring on the earlier of project completion or February 6, 2028.

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- d. Approve an Acquisition **Agreement No. 25-54** among the County, San Bernardino County Flood Control District, and Billy W. Renkema and Shirley B. Renkema, husband and wife as joint tenants, for the Renkemas, to convey fee title to real property of approximately 11,407 square feet, subject to a reserved non-exclusive access easement over the entire property, located in an unincorporated area of Apple Valley (Assessor's Parcel Number 0433-014-07-0000) to the San Bernardino County Flood Control District with the acquisition cost to be paid by the County in the amount of \$43,126.
- e. Approve the form of First Amendment to the existing Acquisition Agreement among the County, San Bernardino County Flood Control District, and Angiely Goodman, a married woman as her sole and separate property, and Deborah Lamb, to acquire a replacement Temporary Construction Easement of approximately 2,932 square feet over a portion of real property located in an unincorporated area of Apple Valley (portion of Assessor's Parcel Number 0438-165-27-0000) for a revised three-year period commencing on February 7, 2025 and expiring on the earlier of project completion or February 6, 2028, at no cost.
- f. Authorize the Director of the Real Estate Services Department to complete and execute the First Amendment to the existing Acquisition Agreement with Angiely Goodman, a married woman as her sole and separate property, and Deborah Lamb, in substantial conformance with the approved form in Recommendation No. 2.e and any other non-substantive documents necessary to complete these transactions, subject to County Counsel review.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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 acquisition cost of \$435,350 for various property interests by the County for the Rock Springs Road Bridge over the Mojave River Project (Project) in the unincorporated area of Apple Valley, will be funded through a combination of Federal Highway Bridge Program (HBP) funds, Measure I Major Local Highway Program-Victor Valley Subarea funds. On November 19, 2024 (Item No. 67), the County's Board of Supervisors (Board) approved the acquisition of certain real property interests for the Project. Sufficient appropriation and revenue are included in the County's 2024-25 Road Operations budget (54204020-6650002000 H15087) and will be included in future recommended budgets.

BACKGROUND INFORMATION

The Project is a coordinated effort among the County, through the Department of Public Works – Transportation (DPW-T), the California Department of Transportation (Caltrans), and the Town of Apple Valley (Town) to improve Rock Springs Road by replacing the existing two-lane low water crossing on Rock Springs Road over the Mojave River with a two-lane bridge. The new bridge will feature four-foot shoulders, a concrete-barricaded sidewalk with streetlighting on the south side, and drainage improvements.

On November 19, 2024 (Item No. 67), the Board, acting for the County, approved the acquisition of the necessary property rights for the Project, including fee title, easements, and temporary construction easements (TCE) for a term commencing on July 1, 2025, and expiring

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on the earlier of project completion or June 30, 2028, from seven property owners, including the San Bernardino County Flood Control District (FCD) as follows:

Property Owner	Acquisition Number	Assessor's Parcel Number	Approximate Total Area to be Acquired
Johnston, Trustee	Easement -1 TCE – 1 Non-Vehicular Access	0433-014-01-0000	55,283 square feet 5,315 square feet N/A
FCD	Easement -2 TCE - 2	0433-014-04-0000	7,751 square feet 23,514 square feet
FCD	Easement – 3 TCE - 3	0438-165-26-0000	54,848 square feet 47,248 square feet
Goodman & Lamb	Easement – 4 TCE – 4	0438-165-27-0000	20,420 square feet 2,932 square feet
Scott	Easement – 5 TCE - 5	0438-165-37-0000	12,399 square feet 2,099 square feet
McClaine	Easement – 6 TCE - 6	0438-165-30-0000	20,809 square feet 4,001 square feet
McClaine	Easement – 7 TCE - 7	0438-165-31-0000	9,908 square feet 1,906 square feet
Fintikakis	Easement – 8 TCE - 8	0438-165-32-0000	10,810 square feet 2,080 square feet
Renkema	Fee – 1 to FCD	0433-014-07-0000	11,407 square feet

Subject to the County's acquisition of fee interest in the Renkema property for FCD, the Renkemas would retain a non-exclusive access easement and FCD would grant a non-exclusive access easement to Goodman & Lamb as follows:

Property Owner	Grantee	Assessor's Parcel Number	Approximate Total area to be conveyed
FCD	Renkema	0433-014-07-0000	11,407 square feet
FCD	Goodman & Lamb	0433-014-07-0000	3,003 square feet

Acquisition Agreement No. 24-1096 between the County and FCD was executed on November 19, 2024, whereby FCD granted two Easements and two TCEs to the County. Acquisition agreement templates were also approved for use by the Real Estate Services Department (RESD) to acquire the required property rights from the remaining six property owners.

Acquisition Agreements were subsequently entered into with three of the property owners (Goodman & Lamb, Scott, and Fintikakis), which were signed by the RESD Director pursuant to delegated authority, whereby the property owners granted easements and TCE's to the County. Before the acquisition agreements with the other three property owners were finalized, DPW-T determined that, due to a recent change in the award of HBP funds, the Project would need to be submitted to Caltrans for certification in February 2025. This requires that the TCE

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commencement date be revised to commence on February 7, 2025, rather than the original date of July 1, 2025.

This item seeks approval for an amendment to Acquisition Agreement No. 24-1096 between the County and FCD for the County to acquire TCEs for a revised three-year term to commence on February 7, 2025, and expire on the earlier of project completion or February 6, 2028, and for FCD to grant two new TCEs, which will replace the previously granted TCEs. It also seeks approval for an amendment template for use by RESD to acquire TCEs from Goodman & Lamb, Scott, and Fintikakis, for a revised three-year term to commence on February 7, 2025, and expire on the earlier of project completion or February 6, 2028 and for these property owners to grant new TCEs, which will replace the previously granted TCEs. The form of amendment for Goodman & Lamb will also clarify that the non-exclusive access easement to be granted by FCD to them as the owner of Assessor's Parcel Number (APN) 0438-165-27-0000 is conditioned on the County first acquiring the Renkema property for the District.

RESD has completed negotiations with the remaining three property owners and the department's request that Acquisition Agreements be approved with Johnston and McClaine for easements and TCE's for a term commencing on February 7, 2025, and expiring on the earlier of project completion or February 6, 2028, and with the Renkemas for a fee title interest subject to a non-exclusive access easement reservation for the Renkemas.

All property owners were presented offers for just compensation offers on a fair market value appraisal performed by RESD's staff appraiser dated April 1, 2024, to May 24, 2024. Johnston and McClaine requested additional compensation, in the amount of \$5,029 and \$29,466, respectively, based on the revised and expedited TCE terms, and for what they perceive as a diminution of the utility of their property resulting from the Project. The Renkemas requested additional compensation in the amount of \$9,260 to account for additional site conditions at their property. RESD recommends approving the additional compensation in lieu of additional protracted negotiations that would threaten Project timely delivery.

On June 2, 2015 (Item No. 67), the Board, acting for the County, adopted a Mitigated Negative Declaration (MND) for the Project, finding that there will not be a significant effect on the environment after implementation of the mitigation measures identified in the MND and the mitigation monitoring reporting program. The Clerk of the Board was directed to file and post a Notice of Determination (NOD). Accordingly, no further California Environmental Quality Act (CEQA) action is required by the County at this time. On November 19, 2024, (Item No. 67), the Board, acting on behalf of FCD, adopted a Resolution making findings of fact as a Responsible Agency pursuant to CEQA and directed that a responsible agency NOD be filed by RESD. Accordingly, no further CEQA action by FCD is required at this time.

PROCUREMENT

Not Applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, Aaron Gest, and Kristina Robb, Deputies County Counsel, 387-5455) on January 16, 2025; Public Works - Transportation (Noel Castillo, Director, 387-7916) on January 17, 2025; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on January 17, 2025; Finance (Kathleen Gonzalez, 387-5412, and Ivan Ramirez, 387-4020, Administrative Analysts) on January 22, 2025; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on January 22, 2025.

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(KD- 665-0430)


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

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: January 28, 2025



cc: RESD - Thompson w/agrees
 Contractor - c/o RESD w/agree
 File - Real Estate Services w/attachments
 File - w/agree

CCM 01/28/2025