

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

May 24, 2022

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Joint Powers Agreement with the City of Rancho Cucamonga for the City's Acquisition of Real Property Interests Located within an Unincorporated Area of San Bernardino County

RECOMMENDATION(S)

Approve Joint Powers **Agreement No. 22-349** with the City of Rancho Cucamonga to allow the exercise of joint powers for the purpose of acquiring real property interests associated with the Etiwanda Grade Separation Project in an unincorporated area of San Bernardino County.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

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

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). All costs associated with the exercise of the joint powers as the City of Rancho Cucamonga (City) acquires the property interests located within an unincorporated area of San Bernardino County (County) will be borne entirely by the City.

BACKGROUND INFORMATION

This item will approve a Joint Powers Agreement (JPA) between the County and the City for the purpose of acquiring real property interests in connection with the Etiwanda Grade Separation Project (Project) in an unincorporated area of San Bernardino County. The County will consent to the City's acquisition of a permanent road easement and two temporary construction easements (TCE's), pursuant to California Code of Civil Procedure Sections 1240.140 (a) and (b), Streets & Highways Code Section 1810, and Government Code Section 6500 et seq. The City will be authorized to acquire said real property interests over a parcel owned by Southern California Edison Company (SCE) located at 9333 Etiwanda Avenue in an unincorporated area of San Bernardino County, identified as Assessor Parcel Number 0229-291-23 (Property).

The Project will eliminate an at-grade rail crossing by creating a bridge along Etiwanda Avenue between Whittram Avenue and Napa Street. Most of the City's right-of-way acquisitions for the Project are from property located within the City. However, at the south end of the Project area, the westerly half of Etiwanda Avenue is situated within the City boundary while the easterly half is situated within the unincorporated County. Consequently, three property interests are needed over a parcel owned by SCE located in the County's jurisdiction.

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To carry out its acquisitions within the County jurisdiction, the City has requested the County and City enter a JPA. The exercise of powers under the proposed JPA will authorize the City to acquire the necessary real property interests for the Project, which includes one permanent road easement of 45 square feet, one 12-month TCE of 686 square feet, and one 12-month TCE of 11 square feet, all over portions of the Property.

Under the JPA, all costs and other obligations for the SCE acquisitions will be borne entirely by the City, and no associated liabilities or obligations will be imposed on the County. The property interests will be acquired in the name of the City. The JPA is effective upon execution of the JPA by both the County and City and will terminate upon the earlier of: (a) the complete acquisition of the Property Interests by the City or (b) two years after completion of construction of the Project, unless modified in writing by the parties.

PROCUREMENT

The County can enter into the JPA, and consent to the acquisitions within its unincorporated area by the City, pursuant to California Code of Civil Procedure Sections 1240.140 (a) and (b), Streets and Highways Code Section 1810, and Government Code Section 6500 et seq.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on May 5, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on May 6, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on May 7, 2022.

(BJO: 659-4676)

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Janice Rutherford
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 24, 2022



cc: RESD - Thompson w/ agree
Contractor c/o RESD w/ agree
File – w/ agree
JLL 05/25/2022