

## RESOLUTION NO. 2024- 123

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY MAKING RESPONSIBLE AGENCY FINDINGS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, DECLARING THAT THE CONVEYANCE OF EASEMENTS FOR PUBLIC ROAD, DRAINAGE, RECIPROCAL DRIVEWAY, AND UTILITY PURPOSES OVER SAN BERNARDINO COUNTY-OWNED PROPERTY TOTALING APPROXIMATELY 6.671 ACRES (PORTIONS OF ASSESSOR PARCEL NUMBERS 1026-081-12, 1026-091-04, 1054-401-01, 1054-401-02, 1055-011-01, and 1055-041-01) LOCATED IN THE CITY OF CHINO IS IN THE PUBLIC INTEREST, DECLARING THAT THE EASEMENT INTERESTS CONVEYED WILL NOT SUBSTANTIALLY CONFLICT OR INTERFERE WITH SAN BERNARDINO COUNTY'S USE OF THE PROPERTY, AND AUTHORIZING THE CONVEYANCE OF SAID EASEMENT INTERESTS TO THE CITY OF CHINO, SCANNELL PROPERTIES #404 LLC, AND SOUTHERN CALIFORNIA EDISON COMPANY**

On Tuesday, July 23, 2024, on motion of Supervisor Hagman, duly seconded by Supervisor Baca and carried, the following resolution is adopted by the Board of Supervisors (Board) of San Bernardino County, State of California.

**WHEREAS**, San Bernardino County (County) owns certain real property located in the City of Chino, San Bernardino County, State of California, commonly known as the Chino Airport with an address of 7000 Merrill Ave, Chino, CA 91710; and

**WHEREAS**, Scannell Properties #404 LLC (Scannell) has developed a FedEx parcel delivery facility ("Project") on certain Scannell-owned real property, commonly known as Assessor's Parcel Numbers ("APNs") 1054-391-02 and 1054-391-03 with an address of 15020 Flight Ave Chino CA 91710, which is located adjacent to portions of Chino Airport; and

**WHEREAS**, as a result of certain development conditions imposed by the City of Chino (City) for the Project, Scannell seeks two public road easements and one drainage easement to be granted to the City, one reciprocal driveway easement and one drainage easement to be granted to Scannell, and one utility easement to be granted to Southern California Edison (Edison) over portions of County-owned property at Chino Airport, comprising a total of approximately 6.671 acres (portions of APNs 1026-081-12, 1026-091-04, 1054-401-01, 1054-401-02, 1055-011-01, and 1055-041-01); and

**WHEREAS**, Scannell specifically seeks (a) a non-exclusive, revocable Grant of Easement to the City over a portion of County-owned property, comprising approximately 0.031 acres, located in the City of Chino [portion of Assessor's Parcel Number 1055-041-01] for public highway and roadway purposes; (b) a non-exclusive, revocable Grant of Easement to the City over portions of County-owned property, comprising approximately 0.50 acres, located in the City of Chino [portions of Assessor's Parcel Numbers 1054-401-01 and 1026-081-12] for public highway and roadway purposes; and (c) a non-exclusive Grant of Easement to the City over portions of County-owned property, comprising approximately 5.824 acres, located in the City of Chino [portions of Assessor's Parcel Numbers 1054-401-01, 1054-401-02, 1026-081-12, 1026-091-04, and 1055-011-01] for drainage and flowage purposes; and

**WHEREAS**, Scannell additionally seeks (a) a non-exclusive Grant of Reciprocal Easement to convey to Scannell an easement over a portion of County-owned property, comprising approximately 0.133 acres, located in the City of Chino [portion of Assessor's Parcel Number 1055-041-01] and to grant to the County an easement over portions of Scannell-owned property, comprising approximately 0.742 acres, located in the City of Chino [portions of Assessor's Parcel Numbers 1054-391-02 and 1054-391-03] for shared driveway and access purposes; and (b) a non-exclusive Grant of Easement to Scannell over portions of County-owned property, comprising approximately 0.563 acres, located in the City of Chino [portions of Assessor's Parcel Numbers 1054-401-02 and 1055-011-01] for drainage and flowage purposes; and

**WHEREAS**, Scannell further seeks a non-exclusive Grant of Easement to Southern California Edison (Edison) over a portion of County-owned property, comprising a total of approximately 0.13 acres, located in the City of Chino [portion of Assessor's Parcel Number 1055-041-01] for utility purposes; and

**WHEREAS**, the County may convey the easement interests in accordance with Government Code sections 25526.6 and 23004(d); and

**WHEREAS**, the fair market value of two public road and one drainage easement to be granted to the City and one reciprocal driveway and one drainage easement to be granted to Scannell, comprising a total of approximately 6.541 acres, was determined by appraisal to be \$2,144,925; and

**WHEREAS**, Scannell has agreed to pay the appraised fair market value of \$2,144,925 to acquire two road public easements and one drainage easement to the City and one reciprocal driveway easement and one drainage easement to Scannell; and

**WHEREAS**, the easement to Edison will be granted at no additional cost will be conveyed at no cost pursuant to Government Code section 25526.6; and

**WHEREAS**, the Real Estate Services Department (RESA) reviewed the request with the Department of Airports (Airports) and determined that the conveyance of the easement interests is in the public interest and the easement interests conveyed will not substantially conflict or interfere with the use of the property by Airports; and

**WHEREAS**, the City, as Lead Agency pursuant to the California Environmental Quality Act (CEQA) prepared an Environmental Impact Report (EIR) for the Project. The City determined from this report that the proposed Project would have a significant effect on the environment. The Project would result in four (4) significant and unavoidable environmental effects. The City prepared and adopted written environmental findings and filed a Notice of Determination on October 3, 2019, pursuant to CEQA

**WHEREAS**, the County, as a CEQA Responsible Agency, must make certain findings pursuant to Section 15096 of the CEQA Guidelines in order to take action on the conveyance of the easements; and

**WHEREAS**, the County, in its capacity as Responsible Agency, considered the EIR prepared by the City for the Project, and independently finds that the EIR is adequate for use by the County to take action on the easement conveyances and the Right of Way Acquisition Contract; and

**WHEREAS**, the County and the City propose to enter into a Right of Way Acquisition Contract (Contract) to memorialize the terms of the easement conveyances; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of the County hereby finds and declares as follows:

SECTION 1. The above recitals, including the findings, are true and correct and are a substantive part of this Resolution.

SECTION 2. The conveyance of two public road easements and one drainage easement to the City, one reciprocal driveway easement and one drainage easement to Scannell, and one utility easement to Edison over portions of County-owned property consisting of approximately 6.671 acres (portions of APNs: 1026-081-12, 1026-091-04, 1054-401-01, 1054-401-02, 1055-011-01, and 1055-

041-01) is in the public interest, the easement interests conveyed will not substantially conflict or interfere with the use of the property by the County.

SECTION 3. The Board of the County authorizes the conveyance of said easement interests to the City and Scannell in accordance with Government Code sections 25526.6, and 23004(d) upon payment of \$2,144,925 from Scannell, the fair market value of these easement interests.

SECTION 4. The Board of the County authorizes the conveyance of said easement interest to Edison at no cost in accordance with Government Code section 25526.6.

SECTION 5. The County hereby certifies that, acting as the Responsible Agency for the Project, pursuant to Section 15096 of the CEQA Guidelines, it has reviewed the EIR prior to acting upon or approving the conveyance of the easements and the execution of the Contract.

SECTION 6. The County, in its capacity as Responsible Agency, considered the EIR prepared by the City for the Project, and independently finds that it is adequate for use by the County to take action on the easements conveyance and execution of the Contract.

SECTION 7. RESD is directed to file and post the Notice of Determination for the conveyance of the easements and the execution of the Contract.

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

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

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Jesse Armendarez

\* \* \* \* \*

STATE OF CALIFORNIA                    )  
  )       ss.  
SAN BERNARDINO COUNTY            )

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, 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 Tuesday, July 23, 2024. #58 CCM

LYNNA MONELL  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy