

RESOLUTION NO. 2020-154

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DECLARING EASEMENT INTERESTS IN PORTIONS OF PRIVATELY-OWNED PARCELS [ASSESSOR PARCEL NUMBERS (APNS) 0297-021-25, 0297-021-27 AND 0297-021-28] TOTALING APPROXIMATELY 46,051 SQUARE FEET OF LAND LOCATED NORTHEAST OF GREENSPOT ROAD IN THE CITY OF HIGHLAND NO LONGER NECESSARY TO BE RETAINED FOR THE SPECIFIC USES AND PURPOSES OF THE DISTRICT AND THAT THE 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 INTEREST TO THE UNDERLYING FEE OWNERS.

On Tuesday July 28, 2020, on motion of Supervisor Gonzales, and duly seconded by Supervisor Lovingood and carried, the following Resolution is adopted by the Board of Supervisors of the San Bernardino County Flood Control District (District), County of San Bernardino, State of California.

WHEREAS, 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); and

WHEREAS, 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, part of a regional flood control system; and

WHEREAS, the proposed development on the Greenspot Property requires vacation of approximately 46,051 square feet of the District's easement interests across the Greenspot Property and the adjacent third-party properties; and

WHEREAS, Greenspot Corridor, LLC has agreed to make infrastructure improvements to its property within two years of easement vacation to establish a public road system through the development site allowing the District unlimited and perpetual access rights, or the relinquished easements will revert back to the District; and

WHEREAS, 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; and

WHEREAS, the District reviewed the proposed vacation and determined that with the proposed alternative access to the area in place, the specific easement interests are no longer necessary to be retained for the specific uses and purposes of the District, that conveyance of the easement interest is in the public interest and would not conflict with regional flood control operations; and

WHEREAS, Greenspot Corridor, LLC agrees to pay fair market value of the easement interest and reimburse the District's administrative fees for the transaction; and

WHEREAS, the District identified a need for an additional easement across the Greenspot Property that would offset the fair market value paid by Greenspot Corridor, LLC; and

WHEREAS, the Real Estate Services Department determined the fair market value of the easement interests to be relinquished equates to \$12,400 while the fair market value of the new

easement across Greenspot Property equates to \$1,750, and would offset what is paid to the District; and

WHEREAS, the easement interest will be relinquished to Greenspot Corridor, LLC in accordance with Water Code Appendix Section 43-6 and County Policy 12-17; and

WHEREAS, the relinquishment of the easement interests was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be exempt under Section 15305 (Class 5), minor alterations in land use which do not result in any changes in land use or density, and 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.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the San Bernardino County Flood Control District hereby declares 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 and 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 and County Policy 12-17, upon payment of \$12,400 plus administrative fees to the District.

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

AYES: SUPERVISORS: Robert A. Lovingood, Janice Rutherford, Dawn Rowe,
Curt Hagman, Josie Gonzales

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

* * * * *

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

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the San Bernardino County Flood Control District, County of San Bernardino, 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 Tuesday July 28, 2020. #70 LA

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy