

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

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

September 15, 2020

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District

LUTHER SNOKE, Interim Director, Public Works Department

TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Conveyance of Drainage Easement to the County of San Bernardino for the Rancho Road Corridor Widening Project

RECOMMENDATION(S)

1. Acting as the governing body of the County of San Bernardino (County):
 - a. Approve Appraisal No. 20-10 dated March 30, 2020, a copy of which is on file with the Real Estate Services Department.
 - b. Approve the Purchase and **Sale Agreement No. 20-903** between the County and the San Bernardino County Flood Control District for the acquisition by the County of a drainage easement over approximately 16,320 square feet of land owned by the San Bernardino County Flood Control District [Assessor Parcel Number (APN) 0357-511-49] located at the northeast corner of Rancho Road and Foley Road in the unincorporated area of Hesperia for the construction of drainage improvements associated with the Rancho Road Corridor Widening Project, for a purchase price of \$6,000 and title fees not-to-exceed \$2,500.
 - c. Authorize the Chairman of the Board of Supervisors to execute the Purchase and **Sale Agreement No. 20-903**.
2. Acting as the governing body of the San Bernardino County Flood Control District (District):
 - a. Adopt **Resolution No. 2020-173** declaring that the conveyance of a drainage easement over a portion of a District-owned parcel [Assessor Parcel Number (APN) 0357-511-49] located at the northeast corner of Rancho Road and Foley Road in the unincorporated area of Hesperia and consisting of approximately 16,320 square feet of land, is in the public interest and will not substantially conflict with the District's regional flood control operations; and authorizing the conveyance of said easement interest to the County of San Bernardino for the construction of drainage improvements associated with the Rancho Road Corridor Widening Project, in accordance with the Water Code Appendix, Section 43-3, Government Code Section 25526.6, County Policy 12-17, and upon payment of \$6,000 to the District.

**Conveyance of Drainage Easement to the County of San Bernardino for
the Rancho Road Corridor Widening Project
September 15, 2020**

- b. Approve the Purchase and Sale Agreement between the County of San Bernardino and the District for said property for the total purchase price of \$6,000 plus escrow and title fees not-to-exceed \$2,500.
- c. Authorize the Chairman of the Board of Supervisors to execute the Purchase and Sale Agreement and Grant of Easement (Drainage and Flowage) to the County of San Bernardino.
- d. Authorize the Director of the Real Estate Services Department to execute any other documents necessary to complete this transaction.
- e. Confirm a finding of exemption under the California Environmental Quality Act and direct the Clerk of the Board to post the Notice of Exemption.

(Presenter: Terry W. Thompson, Director, 387-5252)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

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

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The County of San Bernardino's (County) total cost to acquire said drainage easement is \$6,000, plus escrow and title fees not-to-exceed \$2,500. The County and City of Hesperia (City) are joint participants in the Rancho Road Corridor Widening Project (Project). Each agency will be responsible for right-of-way acquisition and utility relocation within their own jurisdiction. The budgeted County's portion for right-of-way cost of the Project is \$2,490,000, of which San Bernardino County Transportation Authority (SBCTA) will reimburse \$1,456,650 to the County. The remaining \$1,033,350 will be funded through the County's Local Measure "I" Victor Valley Subarea funds. Sufficient appropriation is included in the 2020-21 Road Operations budget (6650002000 H14943). SBCTA reimbursement will be funded by Measure "I" Major Local Highway Program (MLHP) – Victor Valley Subarea funds.

As a result of conveying this property, the District will receive revenue (1940002532-F02760) in the amount of \$6,000 and be relieved of any ongoing maintenance associated with the property.

BACKGROUND INFORMATION

The recommended actions will approve the appraisal and acquisition of a drainage easement from the District to the County for drainage and flowage purposes over District-owned land consisting of approximately 16,320 square feet (portion of APN 0357-511-49) for construction of the Project.

The Department of Public Works-Transportation (DPW-T), on behalf of the County, is working jointly with the City of Hesperia (City) on the Project to widen Rancho Road from two through lanes to an interim five-lane road that has four through lanes and one continuous left turn lane, between east of Mariposa Road to 7th Avenue. The City is the Lead Agency of the Project, and after right-of-way acquisitions, the City shall resume as Lead Agency of the construction component of the Project. The Project is designed to improve the flow of traffic, promote safety and provide infrastructure needed to prepare for future growth in the area.

Before proceeding with the Project, right-of-way will be required from various property owners fronting Rancho Road to allow for the widening of the road and the construction of improvements. One of the parcels from which right-of-way is needed is owned by the District.

**Conveyance of Drainage Easement to the County of San Bernardino for
the Rancho Road Corridor Widening Project
September 15, 2020**

A 16,320 square foot easement for drainage and flowage purposes is required from the District's larger nine-acre parcel (portion of APN 0357-511-49) which is part of the Oak Hills Basin.

DPW-T requested the Real Estate Services Department (RESO) complete an appraisal, and make an offer to acquire the necessary easement from the District. An appraisal dated March 30, 2020 completed by RESO, established a value of \$6,000 for the 16,320 square foot easement.

The District reviewed DPW-T's request and determined that the conveyance of the proposed easement will not substantially conflict with the District's regional flood control operations and that access to the District's remaining land will not be affected.

On February 11, 2020 (Item No. 57), the Board adopted a Resolution No. 2020-10 considering the Final Environmental Impact Report, the Mitigation Monitoring Reporting Program, and Findings of Fact and Statement of Overriding Considerations for the Project in compliance with California Environmental Quality Act (CEQA) Guidelines 15093. A Notice of Determination was posted and filed, which finalized the County's obligations under CEQA for this Project, confirming that the Project will not have a significant effect on the environment. Therefore, no further CEQA actions are necessary with respect to the conveyance of the easement.

On March 10, 2020 (Item No. 52), the Board approved the appraisal and acquisition of easements across private property and approved an authorization and reimbursement agreement with Union Pacific Railroad for the Project in the unincorporated Oak Hills area.

On March 24, 2020 (Item No. 47), the Board approved the appraisal and acquisition of easements across private property for the Project in the unincorporated Oak Hills area, representing the second phase of acquisitions.

Approval of this item will allow the County to acquire the 16,320 square feet of District land as a permanent drainage and flowage easement needed to widen and improve Rancho Road and provide revenue to the District in the amount of \$6,000. Completion of this Project will reduce traffic congestion, promote safety, and provide infrastructure needed to prepare for future growth in the area.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Robert F. Messinger, Principal Assistant County Counsel, 387-5455) on August 21, 2020; San Bernardino County Flood Control District (David Doublet, Deputy Director, 387-7918) on August 19, 2020; Department of Public Works (Luther Snoke, Interim Director, 386-8839) on August 21, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Wen Mai, Principal Administrative Analyst, 387-4020) on August 24, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on August 31, 2020.

(KD: 665-0430)


**Conveyance of Drainage Easement to the County of San Bernardino for
the Rancho Road Corridor Widening Project
September 15, 2020**

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

APPROVED (CONSENT CALENDAR)

Moved: Josie Gonzales Seconded: Janice Rutherford
Ayes: Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales
Absent: Robert A. Lovingood

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 15, 2020



cc: W/RESOLUTION
 PW- Thompson w/agree w/NOE & receipt w/Easement Deed
 Contractor- C/O PW w/agree
 File- w/agree w/NOE & Receipt w/map
LA 09/25/2020