

RESOLUTION NO. 2024-162

RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, DECLARING THE CONVEYANCE OF TWO EASEMENTS TOTALING APPROXIMATELY 62,599 SQUARE FEET FOR HIGHWAY AND ROADWAY PURPOSES AND TWO TEMPORARY CONSTRUCTION EASEMENTS TOTALING APPROXIMATELY 70,762 SQUARE FEET TO SAN BERNARDINO COUNTY OVER PORTIONS OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT LAND [PORTIONS OF ASSESSOR'S PARCEL NUMBERS 0433-014-04-0000 AND 0438-165-26-0000], THE ACQUISITION OF FEE PROPERTY OF APPROXIMATELY 11,407 SQUARE FEET [ASSESSOR'S PARCEL NUMBER 0433-014-07-0000] FROM BILLY W. RENKEMA AND SHIRLEY B. RENKEMA, HUSBAND AND WIFE AS JOINT TENANTS, SUBJECT TO A RESERVED ACCESS EASEMENT, AND THE CONVEYANCE OF AN EASEMENT TOTALING 3,003 SQUARE FEET OVER THE ACQUIRED FEE PROPERTY (PORTION OF ASSESSOR'S PARCEL NUMBER 0433-014-07-0000) ALL LOCATED IN THE UNINCORPORATED AREA OF APPLE VALLEY IS IN THE PUBLIC INTEREST, THE EASEMENT INTERESTS CONVEYED WILL NOT SUBSTANTIALLY CONFLICT OR INTERFERE WITH SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT'S REGIONAL FLOOD CONTROL PROTECTION, AND AUTHORIZING THE CONVEYANCE OF SAID EASEMENT INTERESTS AND THE ACQUISITION OF THE FEE PROPERTY IN ACCORDANCE WITH WATER CODE APPENDIX SECTION 43-6 AND COUNTY POLICY NO. 12-17

On Tuesday, November 19, 2024, on motion of Supervisor Hagman, and duly seconded by Supervisor Baca and carried, the following Resolution by the Board of Supervisors (Board), acting as the governing body of the San Bernardino County Flood Control District (District) is hereby adopted.

WHEREAS, the District owns real property which is part of the Mojave River and located on the south side of Rock Springs Road, east of Glendale Avenue in the unincorporated area of Apple Valley [Assessor Parcel Numbers 0433-014-04-0000 and 0438-165-26-0000] (District Property) which is part of the regional flood control system; and

WHEREAS, the Rock Springs Road Bridge Over the Mojave River Project (Project) in the unincorporated area of Apple Valley is a coordinated effort among San Bernardino County (County), through the Department of Public Works-Transportation (DPW-T), the California Department of Transportation, and the Town of Apple Valley to widen 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 that includes four-foot shoulders, concrete barricaded sidewalk with streetlighting on the south side of the bridge, and drainage improvements; and

WHEREAS, the County, on behalf of DPW-T, requires two easements totaling approximately 62,599 square feet for highway and road purposes and two temporary construction easements totaling approximately 70,762 square feet for a period commencing on July 1, 2025, and expiring on the earlier of project completion or June 30, 2028, from the District over portions of the District Property for the Project; and

WHEREAS, the County's Real Estate Services Department (RESA) appraised the easement interests to be conveyed by the District for the Project at a total of \$7,007 and subsequently presented the District with an offer to acquire the easement interests for the County on behalf of the DPW-T; and

WHEREAS, because the easements to be granted by the District for the Project would impair the District's access to the District Property, the District will, at the County's cost, acquire a fee

interest in a property, comprising approximately 11,407 square feet, (Assessor's Parcel Number 0433-014-07-0000) (Renkema Property) located in the unincorporated area of Apple Valley from Billy W. Renkema and Shirley B. Renkema, husband and wife as joint tenants, (Renkemas) subject to the Renkemas' reserved access easement over the entire Renkema Property.

WHEREAS, simultaneous with the District's acquisition of the Renkema Property, the District will grant an access easement over a portion of the Renkema Property, comprising approximately 3,003 square feet, to Angiely Goodman, a married woman as her sole and separate property, and Deborah Lamb (Goodman & Lamb) to provide access for Goodman & Lamb to its property which was impaired due to separate easements granted by Goodman & Lamb for the Project.

WHEREAS, the District reviewed the totality of the County's request and determined that the conveyance of the easement interests over the District Property to the County, the acquisition of the Renkema Property, and the conveyance of an access easement over a portion of the Renkema Property to Goodman & Lamb for the Project is in the public interest and the easements interest conveyed to the County and Goodman & Lamb and the fee property acquired from the Renkemas will not substantially conflict or interfere with the District's regional flood control protection; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) and a mitigation monitoring reporting program for the Project was adopted by the County as the CEQA Lead Agency on June 2, 2015; and

WHEREAS, the District has a more limited approval and implementing authority under CEQA related to the conveyance of the easement interests over portions of the District Property to the County, the acquisition of the Renkema Property, and the conveyance of an access easement over a portion of the to be acquired Renkema Property to Goodman & Lamb for the Project, and, therefore, serves only as a Responsible Agency pursuant to CEQA; and

WHEREAS, the District has reviewed the County's MND as a CEQA Responsible Agency and determined that adequate mitigation has been provided to avoid direct and/or indirect environmental effects with respect to the easement interests over portions of the District Property to be conveyed by the District to the County, the acquisition of the Renkema Property, and the conveyance of an access easement of a portion of the to be acquired Renkema Property to Goodman & Lamb for the Project; and

WHEREAS, upon adoption of the Resolution making findings of fact as a Responsible Agency pursuant to CEQA, a Notice of Determination be filed by RESD.

NOW, THEREFORE, BE IT RESOLVED that the Board, acting as the governing body of the District, hereby finds and declares as follows:

1. The above recitals constitute the findings of the Board and are incorporated herein.
2. The District hereby certifies that, acting as a CEQA Responsible Agency for the conveyance of two easements for highway and road purposes and two temporary construction easements over certain portions of the District Property, the acquisition of the Renkema Property, and the conveyance of an access easement of a portion of the to be acquired Renkema Property to Goodman & Lamb for the Project, it has independently reviewed and analyzed the MND and other information in the record prior to acting upon or approving the conveyance of said easement interests and the acquisition of the Renkema Property.

3. Based on this review, the District finds that adequate mitigation has been provided to avoid direct and/or indirect environmental effects with respect to the conveyance of two easements for highway and road purposes and two temporary construction easements, the acquisition of the Renkema Property, and the conveyance of an access easement of a portion of the to be acquired Renkema Property to Goodman & Lamb for the Project, which represents the independent judgment and analysis of the District as a Responsible Agency.
4. The Board authorizes and directs RESD to file a Notice of Determination in accordance with CEQA following adoption of this Resolution.
5. The Board finds that the conveyance of two easements totaling approximately 62,599 square feet for highway and roadway purposes and two temporary construction easements totaling approximately 70,762 square feet for a period commencing on July 1, 2025 and expiring on the earlier of project completion or June 30, 2028 to the County over certain portions of the District Property, as well as the acquisition of fee property of approximately 11,407 square feet of the Renkema Property, subject to the Renkemas' reserved access easement, and the conveyance of an easement totaling 3,003 square feet over the to be acquired Renkema Property, all located in the unincorporated area of Apple Valley is in the public interest, the interests conveyed will not substantially conflict or interfere with the District's regional flood control protection, and authorizing the conveyance of said easement interests and the acquisition of the fee property in accordance with Water Code Appendix, Section 43-6 and County Policy No. 12-17 upon payment by the County to the District of \$7,007 for the easements and a total cost not to exceed \$38,946 for the fee interest.
6. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Board, acting as the governing body of the District, by the following vote:

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

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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

I, **LYNNA MONELL**, Clerk of the Board of Supervisors acting as the governing body of the San Bernardino County Flood Control District, 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 November 19, 2024. #67 CCM

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy