

RESOLUTION NO. 2021-065

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO DECLARING THAT THE CONVEYANCE OF AN EASEMENT DEED OF RIGHT-OF-WAY DEDICATION TO THE CITY OF ONTARIO FOR APPROXIMATELY 5,474 SQUARE FEET (A PORTION OF APN 0210-181-45) OF COUNTY OF SAN BERNARDINO-OWNED PROPERTY LOCATED ALONG ARCHIBALD AVENUE IN THE CITY OF ONTARIO, FOR PUBLIC STREET AND PUBLIC UTILITY PURPOSES IS IN THE PUBLIC INTEREST AND THAT SAID EASEMENT CONVEYED WILL NOT SUBSTANTIALLY CONFLICT OR INTERFERE WITH THE USE OF THE PROPERTY BY THE COUNTY OF SAN BERNARDINO AND AUTHORIZING THE CONVEYANCE OF SAID EASEMENT TO THE CITY OF ONTARIO

On Tuesday May 18, 2021, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Rutherford and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, the County OF San Bernardino (County) owns the Cucamonga-Guasti Regional Park (Park) in the City of Ontario; and

WHEREAS, the County leases an approximately 13.70-acre portion of the Park, located at the southeast corner of Archibald Avenue and Fourth Street (portions of APNs 0210-181-34 and 0210-181-45), to Topgolf USA SBD, LLC (Topgolf) pursuant to Lease Agreement No. 19-279 dated April 30, 2019; and

WHEREAS, Topgolf is developing a sports entertainment facility on the leased premises at the Park (Project); and

WHEREAS, the widening and improvement of Archibald Avenue is a condition of development required by the City of Ontario (City) for the Project and the City requests that the County convey an Easement Deed of Right-of-Way Dedication (Easement) to the City for approximately 5,474 square feet (a portion of APN 0210-181-450 of adjacent County-owned property (Property), to facilitate Topgolf's construction of the improvements; and

WHEREAS, the conveyance of the Easement for public street and public utility purposes is in the public interest and will not substantially conflict or interfere with the use of the Property by the County; and

WHEREAS, the City will adopt the Archibald Avenue improvements into its roadway system and maintain the improvements; and

WHEREAS, the County may convey the Easement to the City at no cost in accordance with Section 25526.6 of the Government Code; and

WHEREAS, the Project was reviewed pursuant to the California Environmental Quality Act (CEQA), an Initial Study was prepared, and a Mitigated Negative Declaration was adopted by the Board of Supervisors on April 30, 2019 (Item No. 63). The conveyance of the Easement is part of the Project and no further CEQA review is necessary; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of San Bernardino hereby declares that the conveyance of an Easement Deed of Right-of-Way Dedication to the City for approximately 5,474 square feet of County of San Bernardino-owned Property located along Archibald Avenue in the City of Ontario for public street and public utility purposes is in the public interest and that said easement will not substantially conflict or interfere with the use of the Property by the County of San Bernardino, and authorizes the conveyance of said easement to the City of Ontario, at no cost in accordance with Section 25526.6 of the Government Code.

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

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford, 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 of the 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 May 18, 2021. Item #66, CCM.

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy