

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

July 23, 2024

**FROM**

**TERRY W. THOMPSON, Director, Real Estate Services Department**

**NOEL CASTILLO, Director, Department of Public Works – Transportation**

**SUBJECT**

Waiver Valuations and Acquisition Agreements for Temporary Construction Easement and Grants of Easement for the Newmark Elementary School Sidewalk Improvement Project in the City of San Bernardino

**RECOMMENDATION(S)**

1. Approve Waiver Valuations, Nos. 24-05 and 24-06, copies of which are on file with the Real Estate Services Department.
2. Authorize the acquisition of one Temporary Construction Easement for a period to commence on the date of full execution and to expire on the earlier of completion of the project or two years thereafter, and two Grants of Easement from two property owners over portions of certain real properties, totaling approximately 1,628 square feet, for the Newmark Elementary School Sidewalk Improvement Project in the City of San Bernardino, at a total cost not to exceed \$5,350, which includes the just compensation and an approximate 10% contingency amount.
3. Approve the form of an Acquisition Agreement to acquire one Temporary Construction Easement and two Grants of Easement from two property owners for the Newmark Elementary School Sidewalk Improvement Project in the City of San Bernardino.
4. Authorize the Director of the Real Estate Services Department to:
  - a. Execute two Acquisition Agreements in conformance with the approved form of Acquisition Agreement to acquire one Temporary Construction Easement and two Grants of Easement from two property owners over portions of certain real properties, totaling approximately 1,628 square feet, for the Newmark Elementary School Sidewalk Improvement Project in the City of San Bernardino, at a total cost not to exceed \$5,350, which includes the just compensation and an approximate 10% contingency amount.
  - b. Execute any other documents necessary to complete these transactions, subject to County Counsel review.

(Presenter: Terry W. Thompson, Director, 387-5000)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

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

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The Temporary Construction Easement (TCE) and two Grants of Easements (Easements) for the Newmark Elementary School Sidewalk Improvement Project (Project) will

**Waiver Valuations and Acquisition Agreements for Temporary Construction Easement and Grants of Easement for the Newmark Elementary School Sidewalk Improvement Project in the City of San Bernardino**  
**July 23, 2024**

be funded with General Fund – Maintenance of Effort allocated to the Department of Public Works (DPW) and with Community Development Block Grant funds. The total cost to acquire the TCE and Easements is estimated to be \$4,864 plus an approximate 10% contingency amount for potential administrative settlements, for an aggregate cost not to exceed \$5,350. Sufficient appropriation and revenue are included in DPW's 2024-25 Road Operations budget (6650002000 H15204).

**BACKGROUND INFORMATION**

The Project involves the construction of new sidewalks, curbs, gutters, driveway approaches, and curb ramps in accordance with current design standards and pursuant to the Americans with Disabilities Act (ADA) guidelines. DPW will require the TCE and Easements, totaling approximately 1,628 square feet, from two properties to complete the Project. One Easement will total approximately 128 square feet and is located at 4105 Leuzinger Drive in San Bernardino [Assessor's Parcel Number (APN) 0265-181-16]. The second Easement and one TCE totaling approximately 1,500 square feet is located at 4094 Leuzinger Drive, San Bernardino, CA 92407, APN 0265-241-02. DPW has requested assistance from the Real Estate Services Department (RES D) in the valuation and acquisition of the TCE and Easements required for the Project.

The TCE and Easements to be acquired for the Project are described as follows:

<b>Property Owner</b>	<b>TCE Number</b>	<b>APN</b>	<b>Total Easement Area to be Acquired</b>
Cho	Easement-1	0265-181-16 (portion)	128 square feet
Nahas Family Trust	Easement-2	0265-241-02 (portion)	225 square feet
Nahas Family Trust	TCE -1	0265-241-02 (portion)	1,275 square feet

RES D reviewed the Project with DPW and initiated the valuation of the easement interests under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Government Code section 7260 et seq., corresponding regulations, and San Bernardino County (County) Policy No. 12-20, for the acquisition of property rights for a public project.

Waiver Valuations, Nos. 24-05 and 24-06, copies of which are on file with RES D, were approved by qualified RES D staff. The waiver valuations, which is a permitted administrative valuation process for low value/non-complex acquisitions, establish the amounts of just compensation to be paid to the two property owners for the TCE and Easements necessary to complete the Project. RES D recommends that the waiver valuations be approved and that written offers be made to the impacted property owners.

Approval of this item by the Board of Supervisors (Board), will authorize the acquisition of the TCE and Easements and delegate authority to the Director of RES D to execute two Acquisition Agreements to acquire the Easements from the two property owners, for a total cost not to exceed \$5,350, which includes the just compensation and an approximate 10% contingency amount. The Director of RES D will also be authorized to execute any other documents necessary to complete these transactions, subject to County Counsel review. In addition, the Director of RES D will accept the TCE and Easements executed by the property owners pursuant to the authority granted by the Board on March 27, 2012 (Item No. 75).

**Waiver Valuations and Acquisition Agreements for Temporary  
Construction Easement and Grants of Easement for the Newmark  
Elementary School Sidewalk Improvement Project in the City of San  
Bernardino  
July 23, 2024**

The Project was approved by the Board as part of the 2023-24 United States Department of Housing and Urban Development Annual Action Plan project list on May 9, 2023 (Item No. 20). Updating of existing ADA compliant curb ramps and installation of new ADA compliant curb ramps in the Project area are required for the subject road improvements under the federal "2013 Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing" guidelines.

On August 8, 2023 (Item No. 41), the Board approved the Project and determined it to be exempt in accordance with the California Environmental Quality Act (CEQA). The Clerk of the Board was directed to file and post a Notice of Exemption. Accordingly, no further action is required under CEQA.

**PROCUREMENT**

RESD can make offers and acquire the necessary Easements in conformance with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Government Code section 7260 et seq., corresponding regulations, and County Policy No. 12-20.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Agnes Cheng, and Aaron Gest, Deputies County Counsel, 387-5455) on June 27, 2024; Public Works (Noel Castillo, Director, 387-7916) on May 23, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on May 28, 2024; Finance (Carl Lofton, 387-5404, and Garrett Baker, 387-3077, Administrative Analysts) on July 2, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on July 5, 2024.

(TJS: 893-0340)

**Waiver Valuations and Acquisition Agreements for Temporary  
Construction Easement and Grants of Easement for the Newmark  
Elementary School Sidewalk Improvement Project in the City of San  
Bernardino  
July 23, 2024**

Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Curt Hagman   Seconded: Joe Baca, Jr.  
Ayes: Col. Paul Cook (Ret.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.  
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: July 23, 2024



cc:     File - Real Estate Services w/attach  
CCM   08/2/2024