

RESOLUTION NO. 2020-140

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DECLARING THAT THE CONVEYANCE OF AN EASEMENT INTEREST IN A PORTION OF DISTRICT-OWNED PARCELS [ASSESSOR PARCEL NUMBERS (APNS) 0218-311-09 AND 0218-271-15] LOCATED NORTH AND SOUTH OF THE EXISTING ALIGNMENT OF MERRILL AVENUE WHERE IT CROSSES CUCAMONGA CHANNEL IN THE CITY OF ONTARIO IS IN THE PUBLIC INTEREST AND WILL NOT CONFLICT WITH REGIONAL FLOOD CONTROL OPERATIONS, AND AUTHORIZING THE CONVEYANCE OF SAID DISTRICT EASEMENT INTEREST TO THE CITY OF ONTARIO

On Tuesday July 14, 2020, on motion of Supervisor Lovingood, and duly seconded by Supervisor Gonzales 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, the District owns the real property forming part of the Cucamonga Channel facility (Cucamonga Channel), part of a regional flood control system; and

WHEREAS, the City of Ontario (City) is facilitating the construction of road widening to Merrill Avenue at the Cucamonga Channel crossing; and

WHEREAS, the City has requested a road easement area consisting of 21,581 square feet north and south of the existing alignment of Merrill Avenue where it crosses Cucamonga Channel within the District owned land [Assessor Parcel Numbers (APN) 0218-311-09 and 0218-271-15] for the road widening; and

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

WHEREAS, the City submitted an appraisal report that values the easement interest to \$131,000; and

WHEREAS, the District reviewed the proposed easement and determined that the easement interest is 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, the Real Estate Services Department reviewed the appraisal provided by the City and accepts the fair market value of \$131,000; and

WHEREAS, the easement interest will be conveyed to the City in accordance with Water Code Appendix Section 43-6, Government Code Section 25526.6 and County Policy 12-17; and

WHEREAS, the conveyance of the easement interest was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be exempt under Section 15312 (Class 12), sales of surplus government property when the subject property is not located in an area of statewide, regional, or area wide concern and does not have significant value for wildlife habitat or other environmental purposes, 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 the conveyance of an easement interest in a portion of District-owned parcels [APNs 0218-311-09 and 0218-271-15] located north and south of the existing alignment of Merrill Avenue where it crosses Cucamonga Channel in the City of Ontario and totaling approximately 21,581 square feet of land is in the public interest and will not conflict with regional flood control operations, and authorizes the conveyance of said easement interest to the City of Ontario for the widening of Merrill Avenue, in accordance with the Water Code Appendix, Section 43-6, Government Code Section 25526.6 and County Policy 12-17, upon payment of \$131,000 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, Curt Hagman,
Josie Gonzales

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Dawn Rowe

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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 14, 2020. #61 LA

LYNNA MONELL
Clerk of the Board of Supervisors

By _____

Deputy

