

RESOLUTION NO. 2022- 36

RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DECLARING THAT THE CONVEYANCE OF ROAD AND UTILITY EASEMENTS OVER DISTRICT-OWNED PROPERTY TOTALING APPROXIMATELY 23,656 SQUARE FEET (PORTIONS OF ASSESSOR PARCEL NUMBERS 1073-111-20 AND 0218-231-04) IS IN THE PUBLIC INTEREST, THE EASEMENT INTERESTS CONVEYED WILL NOT SUBSTANTIALLY CONFLICT OR INTERFERE WITH THE USE OF THE PROPERTY BY THE DISTRICT, AND WILL HAVE NO IMPACT NOR INTERFERE WITH FLOOD PROTECTION IN THE REGION, AND AUTHORIZE THE CONVEYANCE OF SAID EASEMENT INTERESTS TO THE CITY OF ONTARIO

On Tuesday, February 8, 2022, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Rowe and carried, the following resolution is adopted by the Board of Supervisors of the San Bernardino County Flood Control District.

WHEREAS, the District owns fee title to approximately 24 acres commonly known as APNs 1073-111-20 and 0218-231-04 in the City of Ontario (City) that make up a portion of the Cucamonga Creek system (District Property); and

WHEREAS, ARROYO CAP VII LLC and Real Estate Development Associates, represented by WestLAND Group, and Lewis Management Company (Developers), are responsible for acquiring road easements on behalf of the City as part of conditions of development within the Parkside Specific Plan, Subarea 29 Specific Plan, and West Ontario Commerce Center Specific Plan; and

WHEREAS, Developers have agreed to pay fair market value to acquire two road and utility easements totaling approximately 23,656 square feet on behalf of the City and to reimburse the District for reasonable costs associated with these requests; and

WHEREAS, the District reviewed the request and determined that the conveyance of the easement interests is in the public interest and the easement interests conveyed will not substantially conflict or interfere with the use of the land by the District and will have no impact nor interfere with flood protection in the region; and

WHEREAS, the District reviewed the request pursuant to the Surplus Land Act and given the nature of the easement interest interests, with the District retaining significant rights within Cucamonga Channel, the conveyance of easement interests for road and utility purposes to the City of Ontario is not subject to the Surplus Land Act; and

WHEREAS, the fair market value of the easement interests was determined to total \$181,560; and

WHEREAS, the easement interests 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 interests was reviewed pursuant to the California Environmental Quality Act (CEQA) and determined to be exempt under the CEQA Guidelines, Title 14 of the California Code of Regulations, Section 15301 for minor alteration of existing public or private structures. Additionally, the Common-Sense Exemption applies since it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment pursuant to Section 15061 of the CEQA Guidelines. The District will have fulfilled its obligation under CEQA for the disposition with the posting of the Notices of Exemption by the Clerk of the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the San Bernardino County Flood Control District hereby finds that the recitals set forth hereinabove are true and correct, and finds based on the facts described hereinabove, that the conveyance of road and utility easements over District-owned land consisting of approximately 23,656 square feet (portions of APN 1073-111-20 and 0218-231-04) is in the public interest, the easement interests conveyed will not substantially conflict or interfere with the use of the property by the District, and will have no impact nor interfere with flood protection in the region; and authorizes the conveyance of said easement interests to the City of Ontario in accordance with Water Code Appendix section 43-6, Government Code section 25526.6, and County Policy 12-17 upon payment of \$181,560, the fair market value of the easement interests, plus an estimated \$107,000, for reimbursement of administrative processing costs 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: 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)
) ss.
COUNTY OF SAN BERNARDINO)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors 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 Tuesday, February 8, 2022. #64, CCM.

LYNNA MONELL
Clerk of the Board of Supervisors

By _____

