

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

December 17, 2019

FROM

TERRI RAHHAL, Director, Land Use Services Department

BRENDON BIGGS, Interim Director, Department of Public Works- Transportation

SUBJECT

Rescission of street and drainage improvement construction agreement for Assessor's Parcel No. 0299-052-01, in the Mentone area.

RECOMMENDATION(S)

1. Approve the rescission of the Street and/or Drainage Improvement Construction Agreement entered into on July 22, 2008, with Lawrence Klenske and Marlene Klenske regarding Assessor's Parcel No. 0299-052-01, located on Third Avenue and King Street, in the Mentone area, recorded as Doc No. 2008-0393671.
2. Designate the Director of Land Use Services Department or Department of Public Works as authorized to execute any document releasing the Agreement from chain of title on Assessor's Parcel No. 0299-052-01.

(Presenter: Sameh Basta, Land Development Manager, 387-4111)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible Manner and Business-Like Manner.

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

FINANCIAL IMPACT

Approval of this item will not result in the use of any additional Discretionary General Funding (Net County Cost). The requested action is administrative in nature with minimal financial impact. Sufficient appropriation is included in the 2019-20 Department of Public Works Road Operations budget (6650002000) and will be included in future recommended budgets to accommodate for any necessary future road improvements.

BACKGROUND INFORMATION

This item requests the rescission of the Street and/or Drainage Improvement Construction Agreement (Agreement) entered into on July 22, 2008, with Lawrence Klenske and Marlene Klenske (Owners), owners of Assessor's Parcel No. 0299-052-01, recorded as Doc No. 2008-039367. The Agreement authorized the Owners to delay completion of certain curb, gutter, and match-up pavement improvements required by Permit Number B200706246, dated May 15, 2007, in connection with the construction of a single-family dwelling.

On July 22, 2008 (Item No. 26), the Board of Supervisors (Board) approved the Agreement as a form of security from the Owners to guarantee future participation in the construction of the road improvements along Third Avenue and King Street. The Agreement imposes a perpetual commitment of the Owners to participant in any future street and drainage improvement

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December 17, 2019**

program for the block or area where the property is located, and to pay a pro rata share of cost for said future improvement program.

On October 5, 2018, in connection with a proposed subdivision of the property (Parcel Map 20011) both directors of Department of Public Works (DPW) and Land Use Services Department (LUSD) approved an updated waiver of the required road and drainage improvements along the same portion of Third Avenue and King Street due to a drainage problem that would occur on the neighboring properties if the road improvements were to be constructed and the necessity to acquire an off-site easement to relocate a power pole providing electricity service to the neighborhood. The waiver confirms that a planned orderly improvement of this segment of roadway would be the best approach to achieve design solutions to the varied issues along Third Avenue and King Street.

The Owners are now requesting a rescission of the Agreement. LUSD and DPW recommend approval of the rescission because the requirement that an owner participate in an improvement program, as required by the Agreement, is no longer a common method or practice utilized by the County to achieve master planning of roadway improvements.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Deputy County Counsel, 387-5455) on October 31, 2019; Finance (Kathleen Gonzalez, Administrative Analyst III, 387-5412 and Jessica Trillo, Administrative Analyst III, 387-4222) on December 2, 2019; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on December 3, 2019.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: December 17, 2019



cc: File - Street and Drainage w/ copy of agreement
jll 01/3/2020