

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

September 9, 2025

**FROM**

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

**SUBJECT**

Acceptance of Grant of Road Right-of-Way Easement and Segment of Argus Avenue from Sage Street North to Athol Street in the Trona Area Into the County of Maintained Road System

**RECOMMENDATION(S)**

1. Approve acceptance of Grant of Easement Agreement, including non-standard terms, from Searles Valley Minerals Inc., for highway and roadway purposes.
2. Authorize the Chair of the Board of Supervisors to sign the Acceptance Certificate, certifying acceptance of road right-of-way easement and consenting to its recordation by the County's authorized representative.
3. Adopt **Resolution No. 2025-190** to accept a portion of Argus Avenue from Sage Street north to Athol Street in the Trona area into the County Maintained Road System pursuant to Streets and Highways Code Section 941.
4. Direct the County Surveyor to record the Grant of Easement Agreement upon execution.  
(Presenter: Noel Castillo, Director, 387-7906)

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

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 Discretionary General Funding (Net County Cost). It will cost less than \$1,000 to update the Department of Public Works (Department) records, and future road maintenance costs will be funded by Gas Tax revenue. Sufficient appropriation and revenue are included in the Department's 2025-26 Road Operations budget and will be included in future recommended budgets

**BACKGROUND INFORMATION**

Pursuant to Streets and Highways Code Section 941, the Board of Supervisors (Board) may accept into the County Maintained Road System (CMRS) roads that are necessary for public convenience. The Department evaluated a portion of Argus Avenue, in the Trona area, as detailed in the table below, and determined that the proposed improvements will meet the minimum standards for inclusion into the CMRS. Accepting this road into the CMRS will ensure the proper maintenance of this short section of roadway which is necessary for public convenience.

Road Limits	Road No.	Sequence
Sage Street N / Athol Street	127450	020

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Searles Valley Minerals, Inc. (Grantor) has agreed to grant the County a road right-of-way easement for a portion of Argus Avenue. However, the grant is conditioned on acceptance of certain non-standard terms and conditions which include the following:

1. The County and Grantor each agree to indemnify, defend and hold harmless the other from all claims, actions, losses, damages, and liabilities. The County's indemnity obligation applies to losses arising from the Easement's use as a road, except those caused by pre-existing conditions or the Grantor's gross negligence or willful misconduct; the Grantor's indemnity obligation applies to losses caused by pre-existing conditions not attributable to the Grantee, or by the Grantee's gross negligence or willful misconduct.
  - The County standard contract does not include any indemnification or defense by County of the other contracting party.
  - Potential Impact: By agreeing to indemnify Grantor, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against Grantor without such limitations and the County would be responsible to defend and reimburse Grantor for costs, expenses, and damages, which could exceed the total contract amount.
2. The easement terms and conditions do not require Grantor to meet the County's insurance standards as required pursuant to County Policy 11-07.
  - The County Policy requires contacting parties to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and set forth in the County standard contract.
  - Potential Impact: The easement's terms and conditions do not include County standard insurance requirements. This means that the County has no assurance that Grantor will be financially responsible for claims that may arise and result in expenses to the County that exceed the total contract amount.
3. The easement terms and conditions require County to maintain the easement.
  - The County does not assume broad maintenance obligations unless road right of way is brought into the CMRS.
  - Potential Impact: The County could face liability for damages or deterioration caused by third parties, allowing the Grantor to shift maintenance responsibility entirely to the County and be financially responsible for costs that may arise and could exceed the total contract amount.

The Department recommends approval of the Grant of Easement, including its non-standard terms, to provide the necessary public road right-of-way and allow Trona Unified School District (District) to proceed with road improvements as set forth in the approved street plans. The District's street improvement plans were approved in April 2023, with construction slated to begin July 28, 2025 and an anticipated completion date of December 2025. Further delays may require the District to incur additional costs to re-secure contractor support. The County Surveyor's Office has reviewed the road dedication (easement) and recommends acceptance. The Department confirms that the proposed improvements for this road segment will meet County standards for inclusion in the County Maintained Road System. Acceptance of the

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easement, including the non-standard terms, is a requirement before the pending construction permit can be issued.

This item aligns with the County and the Chief Executive Officer's goals and objectives to provide for the safety, health, and social service needs of County residents by ensuring the proper maintenance of these sections of roadways.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on August 26, 2025; and County Finance and Administration (Kathleen Gonzalez, Administrative Analyst, 387-5412) on August 23, 2025.


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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: September 9, 2025



cc: PW/Surveyor - Castillo w/grant of easement  
File - Public Works - Surveyor w/grant of easement w/attach  
MBA 09/10/2025