

RESOLUTION NO. 2023- 34

RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT MAKING FINDINGS OF FACT AS A RESPONSIBLE AGENCY PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES, TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS SECTION 15096, IN CONNECTION WITH THE RIGHT-OF-WAY CONTRACT WITH THE CITY OF COLTON; DECLARING THAT THE CONVEYANCE OF ONE PERMANENT EASEMENT AND ONE TEMPORARY CONSTRUCTION EASEMENT, COLLECTIVELY TOTALING APPROXIMATELY 13,830 SQUARE FEET, OVER DISTRICT-OWNED PROPERTY (PORTIONS OF ASSESSOR'S PARCEL NUMBERS 0163-361-13 AND 0163-361-18) IS IN THE PUBLIC INTEREST, THE EASEMENT INTERESTS CONVEYED WILL NOT SUBSTANTIALLY CONFLICT OR INTERFERE WITH THE DISTRICT'S REGIONAL FLOOD CONTROL OPERATIONS; AND AUTHORIZING THE CONVEYANCE OF SAID EASEMENT INTERESTS TO THE CITY OF COLTON IN ACCORDANCE WITH WATER CODE APPENDIX SECTION 43-6, GOVERNMENT CODE SECTION 25526.6, AND COUNTY POLICY 12-17

On Tuesday, March 28, 2023, on motion of Supervisor Baca, Jr., and duly seconded by Supervisor Hagman and carried, the following Resolution is adopted by the Board of Supervisors of the San Bernardino County Flood Control District (District), State of California.

WHEREAS, the District owns fee title to approximately 31 acres commonly known as APNs 0163-361-13 and 0163-361-18 in the City of Colton that make up a portion of the Santa Ana River system (District Property); and

WHEREAS, the City of Colton's (City) proposed La Cadena Drive over Santa Ana River Bridge Replacement Project (Project) would replace the existing La Cadena Drive bridge with a new 98-foot wide bridge that would accommodate four 12-foot lanes (two lanes in each direction), a 14-foot wide striped median, a 5 ft. class II bike lane within the 9-foot, 6-inch shoulder, and a 6-foot sidewalk protected by a 1-foot 6-inch wide concrete barrier in each direction. The proposed project would also replace the existing access to the Santa Ana River Trail (SART) parking lot and a portion of the existing bike trail connection between the SART and southbound side of La Cadena Drive; and

WHEREAS, the City, through a Right-of-Way Contract, has agreed to pay fair market value to acquire one permanent easement, containing approximately 9,854 square feet, and one temporary construction easement, containing approximately 3,976 square feet, over District-owned property, a portion of Assessor's Parcel Numbers 0163-361-18 and 0163-361-13, respectively, and to reimburse the District for reasonable costs associated with these easement 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 the conveyance of easement interests is not subject to the Surplus Land Act; and

WHEREAS, the fair market value of the easement interests was determined to total \$64,100; 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, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (Title 14 of the California Code of Regulations Section 15000 *et seq.*) (CEQA), an Initial Study/Mitigated Negative Declaration (MND) for the Project was prepared and adopted by the City as the CEQA Lead Agency on February 21, 2017; and

WHEREAS, the District has a more limited approval and implementing authority related to the Agreement required for the Project, and, therefore, serves only as a Responsible Agency pursuant to CEQA; and

WHEREAS, the District, as the CEQA Responsible Agency, has verified that the City-adopted MND adequately analyzes the potential environmental impacts and concurs in the analysis and conclusions set forth in said MND; and

WHEREAS, the District as a CEQA Responsible Agency must make certain findings pursuant to Section 15096(h) of the CEQA Guidelines in order to take action on the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors (Board) of the San Bernardino County Flood Control District hereby finds, determines and orders as follows:

1. The above recitals constitute findings of the Board and are incorporated herein.
2. The MND for the Project is, by this reference, incorporated into this Resolution as if fully set forth herein.
3. The District hereby certifies that, acting as the Responsible Agency for the portion of the Project before the Board for consideration, pursuant to Section 15096 of the CEQA Guidelines, it has independently reviewed and analyzed the MND and other information in the record and has considered the information contained therein, prior to acting upon or approving the portion of the Project before the Board for consideration.
4. Based on this review, the District finds that, as to those potential environmental impacts within the District's powers and authorities as Responsible Agency, that the MND contains a complete, objective, and accurate reporting of the potential impacts and represents the independent judgment and analysis of the San Bernardino County Flood Control District as the Responsible Agency.
5. The District, in its capacity as Responsible Agency, considered the MND prepared for the Project, and independently finds that the MND is adequate for use by the District to take action on the Agreement. Furthermore, the District finds that no significant adverse impacts will occur as a result of the Right-of-Way Contract and easement conveyance and that no further CEQA analysis is required.
6. The District designates the District's offices at 825 E. Third Street, Room 123, San Bernardino CA 92415-0835 as the custodian of documents and records of proceedings on which this decision is based.
7. The Board authorizes and directs that a Notice of Determination shall be filed with the Clerk of the Board of Supervisors within five (5) County business days of the date of the adoption of this Resolution.
8. The Board finds that the conveyance of one permanent easement, containing approximately 9,854 square feet, and one temporary construction easement, containing approximately 3,976

square feet, over District-owned property (a portion of Assessor's Parcel Numbers 0163-361-18 and 0163-361-13, respectively) 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 Colton in accordance with Water Code Appendix section 43-6, Government Code section 25526.6, and County Policy 12-17 upon payment of \$64,100, the fair market value of the easement interests, plus an amount not to exceed \$28,785, for reimbursement of administrative costs to the District associated with this transaction.

9. This Resolution shall take effect upon its adoption.

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.), Jesse Armendarez, Dawn Rowe
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

* * * * *

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, March 28, 2023. Item #63 JLL

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy