

RESOLUTION NO. 2023-58

RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DECLARING THE CONVEYANCE OF AN EASEMENT TO THE CITY OF FONTANA FOR SEWER PIPELINE PURPOSES OVER DISTRICT-OWNED PROPERTY LOCATED WITHIN THE HAWKER CRAWFORD CHANNEL IN THE CITY OF FONTANA, TOTALING APPROXIMATELY 7,720 SQUARE FEET (A PORTION OF ASSESSOR'S PARCEL NUMBER 0226-075-62) IS IN THE PUBLIC INTEREST, THE EASEMENT INTEREST CONVEYED WILL NOT SUBSTANTIALLY CONFLICT OR INTERFERE WITH THE USE OF PROPERTY BY THE DISTRICT, WILL NOT IMPACT NOR INTERFERE WITH REGIONAL FLOOD CONTROL PROTECTION, AND AUTHORIZING THE CONVEYANCE OF SAID EASEMENT INTEREST TO THE CITY OF FONTANA.

On Tuesday, May 9, 2023, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Hagman and carried, the following resolution is adopted by the Board of Supervisors (Board), acting as the governing body of the San Bernardino County Flood Control District, State of California.

WHEREAS, the San Bernardino County Flood Control District (District) owns the real property forming part of the Hawker Crawford Channel (Channel) including Assessor's Parcel Number 0226-075-62, in the city of Fontana, which is part of a regional flood control system; and

WHEREAS, the District entered into a Memorandum of Understanding, Agreement No. 21-610 (MOU), with Arroyo Cap II-6, LLC, as successor developer (Land Owner) of the Nara Hills Project (Project), which is located near the Channel; and

WHEREAS, Section 7(g) of the MOU provides that the District will convey a sewer easement to the City of Fontana; and

WHEREAS, the consideration for the sewer easement, totaling approximately 7,720 square feet, is included in the value of the Channel improvements provided by the Land Owner and, therefore, the easement will be conveyed at no additional cost; and

WHEREAS, the District determined that the conveyance of the easement for the installation, operation, and maintenance of one public subterranean sewer pipeline and necessary surface appurtenances is in the public interest, the easement interest conveyed will not substantially conflict or interfere with the use of the property by the District, and will have no impact nor interfere with regional flood control protection; and

WHEREAS, the District may convey the sewer easement to the City, pursuant to Water Code Appendix section 43-6 and Government Code Section 25526.6.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors acting as the governing body of the District hereby finds, determines and orders as follows:

1. The above recitals constitute findings of the Board and are incorporated herein.
2. The conveyance of an Easement Deed to the City of Fontana for sewer pipeline purposes over District-owned property located within the Hawker Crawford Channel in the City of Fontana totaling approximately 7,720 square feet (a portion of APN 0226-075-36) is in the public interest, the easement interest conveyed will not substantially conflict or interfere with the use of the property by the District, will have no impact nor interfere with regional flood control protection; and authorizes the conveyance of said easement interest to the City of Fontana in accordance with Water Code Appendix Section 43-6 and Government Code section 25526.6, at no cost.

3. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Board of Supervisors, acting as the governing body of the 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

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STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors, acting as the governing body of the San Bernardino County Flood Control District, 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 May 9, 2023. Item #62 JLL

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy