

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF BOARD GOVERNED COUNTY SERVICE AREAS
AND RECORD OF ACTION**

May 9, 2023

FROM

BRENDON BIGGS, Director, Department of Public Works – Special Districts
TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Grant of Easement Agreement between Lake Arrowhead Community Services District and County Service Area 70 D-1 (MacKay Park)

RECOMMENDATION(S)

Acting as the governing body of County Service Area 70 D-1 (MacKay Park):

1. Adopt the finding that approval of acceptance of a no cost easement from Lake Arrowhead Community Services District is an exempt project under the California Environmental Quality Act Guidelines, Sections 15312 (Surplus Government Property Sales) and 15061(b) (Common Sense Exemption).
2. Approve acceptance of a no cost easement for trail facilities purposes, comprising approximately 3,752 square feet over a portion of Assessor's Parcel Number 0330-011-49, located west of Rouse Ranch Road at MacKay Park in the unincorporated community of Lake Arrowhead, from Lake Arrowhead Community Services District, pursuant to Government Code Section 25212.
3. Approve a Grant of Easement **Agreement No. 23-340** between Lake Arrowhead Community Services District and County Service Area 70 D-1 (MacKay Park) for easement referenced in Recommendation No. 2.
4. Authorize the Director of the Real Estate Services Department to execute any other documents necessary to complete the acceptance of the no cost easement, subject to County Counsel review.
5. Direct the Clerk of the Board of Supervisors to file and post the Notice of Exemption for the project as required under the California Environmental Quality Act.

(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). There is no cost associated with the Grant of Easement Agreement (Agreement) and acceptance of the easement.

BACKGROUND INFORMATION

On September 21, 2021 (Item No. 18) and November 16, 2021 (Item No. 33), the Board of Supervisors (Board) approved allocations of \$4 million and \$7 million, respectively, to the Board

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Discretionary Fund - District Specific Priorities Program (Priorities Program), for each of the five Supervisorial Districts for projects that meet a public purpose, and provide services to citizens that promote health, safety, economic well-being, and other public services that enhance quality of life and meet the needs of the San Bernardino County (County) residents.

Priorities Program projects help to promote the vision of a complete County by recognizing the unique traits of each Supervisorial District and, thereby, allow individual Board Districts to work with community partners through County services and contractual agreements to identify programs, projects, and initiatives that support the vision, meet a public purpose, and provide services to residents that promote health, safety, economic well-being, education, recreation, and other public services that enhance quality of life, and meet the needs of the County's residents.

On March 29, 2022 (Item No. 67), the Board approved a Priorities Program Project for the construction of a trailhead at MacKay Park located in the unincorporated community of Lake Arrowhead. The Board also approved a contract between the County and County Service Area 70 Zone D-1 (MacKay Park) (CSA) to provide services consisting of construction of the trailhead, grading and expanding of gravel parking area, signage installation and construction of a hiking trail to connect with the existing hiking trail at MacKay Park.

The newly constructed trailhead and facilities in the area will require regular maintenance, repairs, and future improvements. The acquisition of the easement, which is conveniently located near these newly constructed improvements, will facilitate the day-to-day operations and maintenance of the trailhead and other facilities by CSA.

The easement will be conveyed via the Agreement between Lake Arrowhead Community Services District (LACSD) and CSA. The Agreement will provide CSA a perpetual non-exclusive easement and right-of-way to construct, reconstruct, remove and replace, operate, inspect, maintain, repair, improve and relocate, walking trail facilities for pedestrian, bicycle and other non-motorized access in, on, over, under, upon, along, through and across an approximately 3,752 square foot portion of LACSD-owned property, Assessor's Parcel Number 0330-011-49, located adjacent to MacKay Park.

The Agreement also includes the indemnification of LACSD, its officials, employees, and agents from and against claims and damages, except as to LACSD's sole gross negligence or willful misconduct, which arise out of or are in any way connected with the performance of the activities of the CSA or its agents under the grant of easement, including the use of the walking trail, trail facilities and related improvements by the general public. CSA and the Real Estate Services Department have conferred with both County Counsel and the Department of Risk Management regarding the provisions in the Agreement, and it was determined they are acceptable.

The conveyance of the easement was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be categorically exempt from further environmental review under California Code of Regulations Section 15312 (Surplus Government Property Sales) as the subject parcel is surplus government property not located in an area of statewide, regional, or areawide concern as identified in Section 15206(b)(4), and Section 15061(b) (Common Sense Exemption), as it can be seen with certainty that there is no possibility that the grant of easement may have a significant effect on the environment. CSA will have fulfilled its

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obligation under CEQA for this conveyance with the posting of the Notice of Exemption by the Clerk of the Board.

PROCUREMENT

Upon Board approval, the CSA may enter into the recommended Agreement and accept the easement pursuant to Government Code Section 25212.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (John Tubbs II, Deputy County Counsel, and Aaron Gest, Deputy County Counsel, 387-5455) on April 5, 2023; Risk Management (Victor Tordesillas, Director, 386-8621) on April 18, 2023; Special Districts (David Doublet, Assistant Director, 387-8810) on March 30, 2023; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on March 30, 2023; Finance (Tom Forster, Administrative Analyst, 387-4635, and Garrett Baker, Administrative Analyst, 387- 5423) on April 21, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387- 5423) on April 21, 2023.

(NA: 501-6726)

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Record of Action of the Board of Supervisors
Board Governed County Service Areas

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: May 9, 2023



cc: RESD- Thompson w/ NOE, Rec. & agree to record
Contractor c/o RESD w/ agree
File w/ agree

JLL 05/23/2023