

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

**May 23, 2023**

**FROM**

**TERRY W. THOMPSON, Director, Real Estate Services Department**

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

**SUBJECT**

Resolution Declaring Certain County-Owned Properties in Fontana as Exempt Surplus Land and Conveyance of Properties to City of Fontana

**RECOMMENDATION(S)**

1. Adopt **Resolution No. 2023-72** that declares certain San Bernardino County-owned properties as surplus, consisting of approximately 4,266 square feet of land, Assessor's Parcel Numbers 0234-232-47 and 0234-232-49 (portion), along Cherry Avenue and Washington Drive in the City of Fontana are no longer necessary for the uses and purposes of San Bernardino County and are surplus, consistent with County Policy No. 12-17, and Exempt Surplus Land, pursuant to Government Code section 54221(f)(1)(D).
2. Approve the conveyance of fee simple title to said properties by a Grant Deed to the City of Fontana at no cost.
3. Authorize the Chair of the Board of Supervisors to execute the Grant Deed to convey the said properties to the City of Fontana, subject to receipt of concurrence by or no objections from the California Department of Housing and Community Development in accordance with the Surplus Land Act Guidelines.
4. Authorize the Director of the Real Estate Services Department to execute any other documents necessary to complete this transaction, subject to County Counsel review.

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

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

**Ensure the 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 or revenue associated with declaring certain San Bernardino County (County)-owned properties, consisting of approximately 4,266 square feet of land [Assessor's Parcel Numbers (APNs) 0234-232-47 and 0234-232-49 (portion)], along Cherry Avenue and Washington Drive in the City of Fontana (Properties) as surplus and as Exempt Surplus Land. In addition, there is no cost or revenue associated with conveying the Properties in fee simple by a Grant Deed to the City of Fontana (City) due to the completion of the Cherry Avenue at Interstate 10 Interchange Improvement Project (Project). Transferring the Properties to the City for local street operations will eliminate the County's liability for any improvements in and to the Properties.

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**BACKGROUND INFORMATION**

The declaration of the Properties as surplus and as Exempt Surplus Land and conveying the Properties to the City will aid in completing the final steps of the Project. The Properties, which were initially acquired by the County for the Project, are to be conveyed to the City by a Grant Deed.

On June 23, 2009 (Item No. 43), the Board of Supervisors (Board) approved Cooperative Agreement No. 09-564 between the County and the State of California Department of Transportation (Caltrans) that defined the roles and responsibilities of the County and Caltrans and committed the County to manage the right-of-way functions to include all appraisal, acquisition, and relocation tasks necessary for acquiring the right-of-way needed to construct the Project improvements. Cooperative Agreement No. 09-564 also stated the funding for this Project would be a part of a separate future three-party funding agreement between San Bernardino Associated Governments (SANBAG), now known as the San Bernardino County Transportation Authority (SBCTA), the County, and the City. The three-party funding agreement was approved by the Board on March 23, 2010 (Item No. 51). The function of Caltrans for the Project is oversight through the entire process, including design and engineering, right-of-way acquisition and construction.

On September 15, 2009 (Item No. 37), the Board, with the City's consent, adopted Resolution No. 2009-206 declaring the segment of Cherry Avenue, between Slover Avenue and Valley Boulevard within the City limits, as a County highway, and approved Cooperative Agreement No. 09-868, which detailed the contractual obligations between the County and the City for this segment of Cherry Avenue designated as County highway for right-of-way acquisition purposes. This Board action gave the County the authority necessary to act as the lead agency and the legal authority to acquire right-of-way in the County's name. Further, upon completion of the Project, this segment of Cherry Avenue would cease to be a County highway and all the local road right-of-way acquired in the County's name would be transferred to the City.

The Project, which was constructed between 2011 and 2019, replaced the existing five-lane Cherry Avenue bridge over Interstate 10 with an eight-lane bridge, added one additional lane on all four ramps of the Interchange, improved the Cherry Avenue at Valley Boulevard intersection, and widened the existing Cherry Avenue Bridge over the Union Pacific Railroad from four lanes to eight lanes. These improvements enhance turning maneuverability, increased vehicular stacking capacity off Interstate 10 exit ramps, alleviate traffic congestion and improve mobility at this location which has become impacted by several decades of growth in the industrial, commercial, and residential sectors of Fontana.

On April 21, 2020 (Item No. 47), the Board adopted Resolution No. 2020-42, which declared that all properties acquired in fee and by easement for the Project were no longer a County highway, pursuant to Streets and Highways Code section 1704, following completion of all improvements commenced by the County, and authorized the conveyance of fee simple interests by a Grant Deed and easement interests by assignment to the City. While the Properties have previously been declared to no longer be a County highway, they were inadvertently omitted from the conveyance to the City, as required by Cooperative Agreement No. 09-868 with the City. Therefore, the County Department of Public Works-Transportation (DPW-T) and the Real Estate Services Department (RESA) recommend that the Board approve the conveyance of the Properties to the City as set forth in Cooperative Agreement No. 09-868.

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The Properties to be conveyed from the County to the City via a Grant Deed include all of APN 0234-232-47 and a portion of APN 0234-232-49 (formerly portions of APNs 0234-232-44 and 46), totaling 4,266 square feet. The conveyance of the Properties will relieve the County of any liability in and to the Properties and the improvements thereon.

At a future date, RESD and DPW-T will return to the Board to seek authorization to dispose of additional property, not being conveyed to the City and not necessary for the County's use, resulting from the Project.

The process of acquiring and then conveying the Properties by the County, back to the City, following completion of all improvements, was set forth in Cooperative Agreement No. 09-868 and Resolution No. 2009-206, in furtherance of the Project, for which Caltrans was the Lead Agency with respect to California Environmental Quality Act (CEQA) review. A Mitigated Negative Declaration was filed by Caltrans for the Project on December 10, 2008, and a Notice of Determination was filed on March 27, 2009. No additional review under CEQA is required.

**PROCUREMENT**

The proposed conveyance of the Properties was reviewed in accordance with the Surplus Land Act and is recommended to be declared Exempt Surplus Land as defined in Government Code section 54221(f)(1)(D), because the surplus land will be conveyed to another local, state, or federal agency for the agency's use. In accordance with California Department of Housing and Community Development (HCD) Surplus Land Act Guidelines Section 400(e), RESD will provide a copy of the adopted Resolution to HCD for review. Subject to the receipt of concurrence by, or no objections from HCD within 30 days after the County's submission of the adopted Resolution, the County shall deliver the Grant Deed to the City.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, and Aaron Gest, Deputy County Counsel, 387-5455) on May 18, 2023; Transportation (Mervat Mikhail, Deputy Director, 387-7916) on March 30, 2023; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on March 23, 2023; Finance (Carl Lofton, Administrative Analyst, 387-5404, and Garrett Baker, Administrative Analyst, 387-5423) on May 1, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on May 4, 2023.

(BF: 361-8976)

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: May 23, 2023



cc: w/Resolution  
RESD - Thompson w/grant deed  
File - Real Estate Services w/grant deed w/map  
CCM 06/1/2023