

RESOLUTION NO. 2021-001

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DECLARING THAT THE CONVEYANCE OF A SEWER PIPELINE EASEMENT INTEREST OVER DISTRICT-OWNED LAND CONSISTING OF APPROXIMATELY 47,950 SQUARE FEET [PORTIONS OF ASSESSOR PARCEL NUMBER'S (APN'S) 0210-062-41 AND 0210-062-04] OVER THE CUCAMONGA CREEK CHANNEL IS IN THE PUBLIC INTEREST AND WILL NOT SUBSTANTIALLY CONFLICT WITH 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 AUTHORIZE THE CONVEYANCE OF SAID EASEMENT INTEREST TO THE CUCAMONGA VALLEY WATER DISTRICT

On Tuesday January 5, 2021, on motion of Supervisor Baca Jr., and duly seconded by Supervisor Rutherford and carried, the following Resolution is adopted by the Board of Supervisors of San Bernardino County Flood Control District (District), County of San Bernardino, State of California.

WHEREAS, the District owns fee title to approximately 5.60 acres commonly known as APNs 0210-062-41 and 0210-062-04 in the City of Ontario that make up a portion of the Cucamonga Creek Channel system (District Property); and

WHEREAS, the District and the Cucamonga Valley Water District (CVWD) are parties to a 50-year Master License Agreement (LA 96-66) allowing CVWD to construct water and sewer lines at 14 locations within District Right-of-Way; and

WHEREAS, the CVWD requested an additional easement interest containing 47,950 square feet over the District Property for installation of a sewer pipeline not already considered in the Master License Agreement; and,

WHEREAS, the easement will allow CVWD to install and maintain sewer pipeline and indemnify the District against any and all damages or claims arising from the sewer pipeline; and

WHEREAS, the District reviewed CVWD's request and determined the conveyance of the easement to CVWD will not interfere with the flood protection in the region; and

WHEREAS, the District can convey the easement to CVWD in accordance with the San Bernardino County Flood Control Act, Water Code Appendix Section 43-6 and Government Code Section 25526.6; and

WHEREAS, County Policy 12-17 (Surplus Real Property) provides that the District may, by resolution of the Board of Supervisors, authorize the disposition of property at fair market value; and

WHEREAS, the County of San Bernardino Real Estate Services Department (RESA) established fair market value of the proposed easement as \$215,775; and

WHEREAS, CVWD and the District have agreed that in light of the existing Master License Agreement, consideration for the additional easement shall be \$70,000 and CVWD will pay all related administrative fees to the District for the easement, totaling approximately \$26,000; and

WHEREAS, the District requests waiver of County Policy 12-17 for this transaction to sell the easement interest for less than the fair market value; and

WHEREAS, 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 section 15312 (Class 12) Surplus Government Property Sales and

Section 15305 (Class 5) Minor alterations in Land Use Limitations. The proposed easement is not located in an area of statewide, regional or areawide concern and no significant values for wildlife habitat or other environmental concerns were identified on-site as required under CEQA Section 15206(b)(4). The District will have fulfilled its obligation under CEQA for this Property with the posting of the Notice of Exemption by the Clerk of the Board

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the San Bernardino County Flood Control District hereby declares that the conveyance of the easement interest over District-owned land consisting of approximately 47,950 square feet [portions of Assessor Parcel Number's (APN's) 0210-062-41 and 0210-062-04] for sewer pipeline purposes 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 authorize the conveyance of said easement interests to the Cucamonga Valley Water District, a public agency of the State of California in accordance with Water Code Appendix Section 43-6 and Government Code Section 25526.6, and waives County Policy 12-17 that authorizes the sale of the easement interest for less than fair market value, upon payment of \$70,000 to the District plus reimbursement of administrative fees totaling approximately \$26,000.

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.), Janice Rutherford, 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, County of San Bernardino, 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 Tuesday January 5, 2021. #46 LA

Lynna Monell
Clerk of the Board of Supervisors

By _____
Deputy