

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
SITTING AS THE GOVERNING BOARD OF THE FOLLOWING:
COUNTY OF SAN BERNARDINO
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

April 6, 2021

FROM

BRENDON BIGGS, Director, Department of Public Works – Special Districts and Chief Flood Control Engineer, Flood Control District
TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Acquisition of Right of Way Easement over Flood Control District Land for the Snowdrop Road Improvement Project in the City of Rancho Cucamonga

RECOMMENDATION(S)

1. Acting as the governing body of the County of San Bernardino (County):
 - a. Approve Appraisal No. 20-72 dated November 3, 2020, a copy of which is on file with the Real Estate Services Department.
 - b. Approve the Acquisition Agreement and Escrow Instructions (**County Contract No. 21-271**) between the County and San Bernardino County Flood Control District for the acquisition of a right of way easement over approximately 83,900 square feet of land owned by the San Bernardino County Flood Control District [Assessor Parcel Number (APN) 0201-281-19] located on the east side of Haven Avenue, generally south of Snowdrop Road in the City of Rancho Cucamonga for the construction of road and drainage improvements associated with the Snowdrop Road Improvement Project, for a purchase price of \$57,891.
 - c. Authorize the Chairman of the Board of Supervisors to execute the Acquisition Agreement and Escrow Instructions.
2. Acting as the governing body of the San Bernardino County Flood Control District (District):
 - a. Adopt **Resolution No. 2021-045** declaring that the conveyance of a right of way easement over a portion of a District-owned parcel (APN 0201-281-19) located on the east side of Haven Avenue, generally south of Snowdrop Road in the City of Rancho Cucamonga and consisting of approximately 83,900 square feet of land, is in the public interest and will not substantially conflict with the District's regional flood control operations; and authorizing the conveyance of said easement interest to the County of San Bernardino for the construction of road and drainage improvements associated with the Snowdrop Road Improvement Project, in accordance with the Water Code Appendix, Section 43-3, Government Code Section 25526.6, County Policy 12-17, and upon payment of \$57,891 to the District.
 - b. Approve the Acquisition Agreement and Escrow Instructions between the County of San Bernardino and the District for said property for the total purchase price of \$57,891.
 - c. Authorize the Chairman of the Board of Supervisors to execute the Acquisition Agreement and Escrow Instructions and Grant of Easement (Right of Way) to County of San Bernardino.

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d. 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, 387-5252)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

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

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The County's total cost to acquire this right of way easement is \$57,891. The Snowdrop Road Improvement Project (Project) is funded by voter approved Assessment District 2018-1 (Snowdrop Road). Sufficient appropriation is included in the Project budget (Cost Center 1050003600).

BACKGROUND INFORMATION

This item will approve the appraisal and acquisition of a permanent right of way easement by the Department of Public Works – Special Districts (Special Districts) from the District for roadway and drainage purposes over District property, consisting of approximately 83,900 square feet (portion of APN 0201-281-19), for the Snow Drop Road Improvement Project.

The Project involves making improvements to approximately 2.1 miles of roadway in the City of Rancho Cucamonga. These improvements will include approximately 1.3 miles of Snowdrop Road between Archibald Avenue to the west and Haven Avenue to the east, approximately 0.5 miles of Archibald Avenue south of Snowdrop Road, and approximately 0.3 miles of Haven Avenue south of Snowdrop Road. Currently, portions of the existing roadway are only partially paved.

Before proceeding with the Project, easements will be required from various property owners fronting Haven Avenue, Snowdrop Road and Archibald Avenue to allow for the widening and repaving of the road, as well as upgrading the drainage improvements. One of the parcels from which a right of way easement is needed is owned by the District. An 83,900 square foot easement for right of way and drainage purposes is required from the District's 290.95-acre larger parcel (APN 0201-281-19) which is part of the Deer Creek Spillway.

Special Districts requested the Real Estate Services Department (RESA) complete an appraisal, and make an offer to acquire the necessary easement from the District. RESA prepared Appraisal No. 20-72, dated November 3, 2020, on file with RESA, which established a value of \$57,891 for the 83,900 square foot easement.

The District reviewed Special District's request and determined that the conveyance of the proposed easement will not substantially conflict with the District's regional flood control operations and that access to the District's remaining land will not be affected.

Approval of this item will allow Special Districts to acquire the necessary right of way in conformance with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Government Code section 7260 et seq., corresponding regulations, and County Policy No. 12-20.

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The Project was reviewed pursuant to the California Environmental Quality Act and an Initial Study and Mitigated Negative Declaration (IS/MND) was approved by the Board of Supervisors (Board) on March 19, 2019 (Item No. 41) and a Notice of Determination (NOD) was posted. In July of 2020, a peer review of a Project redesign to narrow portions of the road determined the MND was still sufficient and the Board approved an addendum to the IS/MND on November 17, 2020 (Item No. 61). The NOD was refiled with the Clerk of the Board on January 5, 2021.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Robert Messinger, Principal Assistant County Counsel, Sophie Akins, Deputy County Counsel and Katherine Hardy, Deputy County Counsel, 387-5455) on March 17, 2021; Department of Public Works – Special Districts Department (Trevor Leja, Deputy Director, 361-2337) on February 25, 2021; Flood Control District (David Doublet, Assistant Director, 387-7918) on February 25, 2021; Purchasing (Bruce Cole, Supervising Buyer, 381-2164) on March 4, 2021; Finance (Carl Lofton, Administrative Analyst, 387-5404 and Tom Forster, Administrative Analyst, 387-4635) on March 23, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on March 23, 2021.

(BHF: 361-8976)

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Record of Action of the Board of Supervisors
County of San Bernardino
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Col. Paul Cook (Ret.)
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: April 6, 2021



cc: w/RESOLUTION
PW/SD - Thompson w/agree
Contractor - C/O PW/SD w/agree
File - w/agree w/Grant w/Map
CCM 04/14/2021