

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

July 13, 2021

FROM

**BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District
TERRY W. THOMPSON, Director, Real Estate Services Department**

SUBJECT

Conveyance of Easement Interest to the State of California for the State Route 210 Lane Addition/Base Line Interchange

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District (District):

1. Adopt a **Resolution No. 2021-137** declaring that conveyance of the easement interest for access purposes over a portion of District-owned property [portion of Assessor Parcel Number (APN) 1191-121-35] located in the Sand Creek Channel system in the City of Highland, consisting of approximately 472 square feet, 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 flood protection in the region, and authorize the conveyance of said easement interest to the State of California pursuant to Water Code Appendix Section 43-6, County Policy 12-17, and Government Code Section 25526.6 upon payment of \$1,000 to the District.
2. Approve the Right-of-Way **Contract No. 21-536** between the District and the San Bernardino County Transportation Authority and Easement Deed to the State of California, to convey said easement.
3. Authorize the Director of the Real Estate Services Department to execute any other documents necessary to complete this transaction and return the Right-of-Way Contract to the Clerk of the Board within 30 days of execution.
4. Confirm a finding of exemption and direct the Clerk of the Board to post the Notice of Exemption as required under the California Environment 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). The District is funded by property tax revenue, fee revenue, and other local, state, and federal funding. The District will receive revenue for Zone 2 (1920002522) from the conveyance of this easement interest in the amount of \$1,000.

BACKGROUND INFORMATION

The recommended actions will convey the easement interest consisting of 472 square feet in the District-owned property (APN 1191-121-35) (Easement), to the State of California

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Department of Transportation (Caltrans) for the State Route 210 (SR-210) Lane Addition/Base Line Interchange Project (Project).

The San Bernardino County Transportation Authority (SBCTA), in partnership with Caltrans, has undertaken the Project to widen and improve SR-210, which includes construction of a sound wall on Caltrans property in the vicinity of Sand Creek in the City of Highland. SBCTA has requested the Easement on behalf of Caltrans from the District to allow for ingress and egress for maintenance of the sound wall. The District has reviewed SBCTA's request and determined that the Easement is not in conflict with regional flood control operations.

Pursuant to District Fee Ordinance FCD No. 20-01, applicants would typically pay the surplus property administrative fees incurred by the District in processing SBCTA's surplus property easement request. However, in review of this Project and at the request of SBCTA, County staff has determined that the conveyance of the Easement also serves a general County public purpose by providing access for the maintenance and ongoing graffiti removal on the sound wall, which is a component of the Project. As such, on January 5, 2021 (Item No. 53), the Board of Supervisors authorized the payment of the District's Surplus Property Administrative Fees to be paid by the Department of Public Works with Discretionary General Funding in the amount of \$21,115 on behalf of SBCTA.

SBCTA submitted an appraisal and written offer to acquire the Easement at fair market value of \$1,000. The District requested the Real Estate Services Department (RESA) review the appraisal. RESA reviewed the appraisal and accepts the determination of fair market value of the Easement.

The District can convey the requested Easement to the State of California in accordance with Water Code Appendix Section 43-6, County Policy 12-17, and Government Code Section 25526.6.

The conveyance of this Easement was reviewed pursuant to the California Environmental Quality Act (CEQA) and determined to be categorically exempt from further environmental review in accordance with Categorical Exemption, Section 15312 (Class 12) regarding Surplus Government Property Sales and Section 15305 (Class 5) Minor Alterations in Land Use Limitations. The Easement is not located in an area of statewide, regional or area-wide concern as identified in Section 15206(b)(4) and no significant values for biological or cultural resources have been identified on the site. The District will have fulfilled its obligation under CEQA with the posting of the Notice of Exemption by the Clerk of the Board.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Robert F. Messinger, Chief Assistant County Counsel, and Sophie A. Akins, Deputy County Counsel, 387-5455) on June 4, 2021; Flood Control District (Grant Mann, Deputy Director, 387-7918) on June 2, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Carl Lofton, Administrative Analyst, 387-5404) on June 25, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on June 25, 2021.

(DW: 269-1240)

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

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: July 13, 2021



cc: W/RESOLUTION
SDD/SBCFCD- Thompson w/agree w/Easement Deed w/CEQA
& Receipt
Contractor- C/O SBCFCD w/agree
File- w/agree w/Easement Deed w/CEQA & Receipt
LA 07/14/2021