

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

October 26, 2021

FROM

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

SUBJECT

Conveyance of Public Road and Utilities Easement to the City of Ontario Across Lower Deer Creek Channel in the City of Ontario

RECOMMENDATION(S)

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

1. Adopt **Resolution No. 2021-184** declaring that the conveyance of a Public Road and Utilities easement over a portion of District-owned property [Assessor Parcel Number (APN) 0218-141-07], located on the east side and adjacent to Archibald Avenue and straddling both the north and south side of Lower Deer Creek Channel in the City of Ontario, consisting of approximately 4,228 square feet, is in the public interest and will not substantially conflict or interfere with District's regional flood control operations and authorizing the conveyance of said easement interest to the City of Ontario improvements to Archibald Avenue, in accordance with Water Code Appendix Section 43-6, Government Code Section 25526.6, County Policy 12-17, and upon payment of \$30,000 to the District.
2. Authorize the Chairman of the Board of Supervisors to execute the Easement Deed to convey said easement interest to the City of Ontario.
3. Authorize the Director of the Real Estate Services Department to execute any documents necessary to complete this transaction, subject to County Counsel review.
4. Adopt a finding of exemption under California Environmental Quality Act and direct the Clerk of the Board to post the Notice of Exemption.

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

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 and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The District will receive a one-time payment for Zone 1 (1910002518) in the amount of \$30,000, plus reimbursement of incurred fees of approximately \$10,000 for administration costs related to this request. The City of Ontario (City) will be responsible for operation and maintenance of the improvements within the proposed easement area.

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BACKGROUND INFORMATION

The recommended action will authorize the conveyance of the easement interest in the District's real property consisting of a public road and utilities easement for the improvements proposed for Archibald Avenue by the City, as part of the Countryside Specific Plan development. The easement portion is approximately 4,228 square feet (portion of APN 0218-141-07) within the Lower Deer Creek Channel flood control system, to be granted to the City of Ontario, upon payment of \$30,000 to the District as compensation for the easement interest, plus reimbursement of incurred fees of approximately \$10,000 for administration costs related to this request.

The District owns fee simple interest in APN 0218-141-07 (District Property), an approximately 6.57 acres parcel. The proposed easement is 4,228 square feet, in part of the Lower Deer Creek Channel flood control system. Foremost Communities, Inc. (Foremost) is conditioned to install a traffic signal at the Archibald Avenue and Dolomite Street intersection. The easterly traffic signal poles and conduit would be within the District's property within this portion of the Lower Deer Creek Channel. The easement to be conveyed to the City will accommodate the improvements.

The District requested the Real Estate Services Department (RESA) assist with conveyance of the easement at fair market value to the City. Appraisal No. 21-21 was prepared by Michael S. Murphy, of J. William Murphy and Associates, for the easement. RESA staff reviewed the appraisal and concluded fair market value to be \$30,000 using a commonly used and acceptable method of valuation. Foremost will pay the fair market value prior to recording and conveyance of the easement.

Staff has reviewed the recommended action pursuant to the California Environmental Quality Act (CEQA) and has determined the proposed granting of this easement for minor alteration of existing public or private structures, is exempt under Section 15301 of the CEQA Guidelines (Title 14 of the California Code of Regulations). Additionally, the Common-Sense Exemption found in Section 15061(b)(3) of the CEQA Guidelines applies since it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment pursuant to Section 15061 of the Guidelines. A Notice of Exemption accompanies this item and will be posted by the Clerk of the Board.

PROCUREMENT

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

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Supervising Deputy County Counsel, 387-5455) on October 18, 2021; Flood Control District (Grant Mann, Deputy Director, 387-7918) on October 18, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Carl Lofton, Administrative Analyst, 387-5404) on October 18 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on October 18 2021.

(LD: 453-5349)

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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: 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: October 26, 2021



cc: w/Resolution
RESD - Thompson w/NOE & Receipt, w/Deed
File - Flood Control Operations w/NOE & Receipt, w/Deed
CCM 10/27/2021