

RESOLUTION NO. 2021-184

RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DECLARING THAT CONVEYANCE OF AN NON-EXCLUSIVE EASEMENT OVER DISTRICT-OWNED LAND CONSISTING OF APPROXIMATELY 4,228 SQUARE FEET (PORTION OF ASSESSOR PARCEL NUMBER 0218-141-07) 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 AUTHORIZING THE CONVEYANCE OF SAID EASEMENT INTEREST TO CITY OF ONTARIO

On Tuesday October 26, 2021, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Cook and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County Flood Control District (District), San Bernardino County, State of California.

WHEREAS, the District owns fee title to 6.57 acres land parcel, commonly known as APN 0218-141-07 in the City of Ontario (City) that makes up a portion of the Lower Deer Creek Channel (District Property); and

WHEREAS, Foremost Communities, Inc. (Foremost) is developing nearby real property, located west of Archibald Avenue and south of Dolomite Street along the north of the Channel; and

WHEREAS, as a condition of Foremost's development on its property, the City is requiring Foremost to make certain street and utility improvements within an easement to be conveyed by the County to the City on a portion of the District Property (portion of APN 0218-141-07) as identified in the City's Street Improvement Plans for Archibald Avenue; and

WHEREAS, the District reviewed the request and determined that the conveyance of the easement is in the public interest, the easement interest conveyed will not substantially conflict 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

WHEREAS, Foremost has agreed to pay fair market value to the District for the easement plus administrative costs incurred by the District for processing the easement; and the fair market value of the proposed easement interest was determined to be \$30,000 and administrative processing costs were determined to be \$10,000; and

WHEREAS, the easement interest will be conveyed to the City in accordance with the Water Code Appendix Section 43-6, Government Code Section 25526.6, and County Policy No. 12-17; and

WHEREAS, the conveyance of this easement interest was reviewed pursuant to the California Environmental Quality Act (CEQA) and determined the proposed granting of this easement for minor alteration of existing public or private structures, is exempt under Section 15301. Additionally, the Common-Sense Exemption 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. The County will have fulfilled its obligation under CEQA for this property with the posting of the Notice of Exemption by the Clerk of the Board.

1. NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the San Bernardino County Flood Control District hereby finds that the recitals set forth hereinabove are true and correct, and finds based on the facts described hereinabove, that the conveyance of a road and utility easement over District-owned land consisting of approximately 4,228 square feet (portion of APN 0218-141-07) 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 authorizes the conveyance of said easement interest to the City of Ontario in accordance with Water Code Appendix Section 43-6, Government Code Section 25526.6 and County Policy No. 12-17 upon total payment of \$40,000, comprised of \$30,000, as the fair market value of the easement interest plus \$10,000, for reimbursement of administrative processing costs to the District.

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

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STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the San Bernardino County Flood Control District, 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 October 26, 2021. #79, CCM.

LYNNA MONELL
Clerk of the Board of Supervisors

By _____

