



San Bernardino County

Legislation Text

File #: 1446, Agenda Item #: 50

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

December 17, 2019

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

TERRI RAHHAL, Director, Land Use Services Department

SUBJECT

Acceptance of Easement for Public Road, Drainage, and Sidewalk Purposes from Southern California Edison Company

RECOMMENDATION(S)

1. Approve acceptance of an easement for public road, drainage, and sidewalk purposes, comprising approximately 0.39 acres [a portion of Assessor Parcel Number (APN) 0292-051-20] located along the north side of San Bernardino Avenue and west of Alabama Street in the unincorporated area of Redlands, from Southern California Edison Company to the County of San Bernardino, at no cost.
 2. Adopt a finding of exemption under the California Environmental Quality Act and direct the Clerk of the Board to post the Notice of Exemption.
 3. 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

Improve County Government Operations.

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). Subject to California Public Utilities Commission (CPUC) approval, the easement is granted by Southern California Edison (Edison) to the County of San Bernardino (County) at no cost. The County shall maintain the public road, drainage, and sidewalk improvements located within the easement area. Since the easement area is currently within the County Maintained Road System (CMRS), there is no additional financial impact for the Department of Public Works - Transportation (Transportation) to provide the required maintenance. Road maintenance is funded with Gas Tax revenue. Sufficient appropriation and revenue are included in Transportation's 2019-20 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

The recommended action will authorize acceptance of a public road, drainage, and sidewalk easement,

comprising approximately 0.39 acres, over a portion of an Edison owned parcel (APN 0292-051-20), located along the north side of San Bernardino Avenue in the unincorporated area of Redlands.

The owner of the adjacent property (Adjacent Landowner) located north of the easement area, close to San Bernardino Avenue, intends to develop its approximately 8.45-acre property (APN 0292-051-32) (Adjacent Parcel), and has submitted a planning application with the Land Use Services Department (LUS). Typically, LUS will require owners of property with roadway frontage to dedicate roadway easements as conditions of their proposed developments. There is a narrow Edison-owned parcel, containing electrical transmission lines, between the Adjacent Parcel and San Bernardino Avenue. Therefore, the Adjacent Landowner has no control over the frontage area and cannot make the roadway dedication. Nevertheless, the easement is still required as a condition of the proposed development, so the Adjacent Landowner and Edison entered into a separate agreement, whereby Edison agreed to convey an easement to the County for public road, drainage, and sidewalk purposes over a portion of Edison's narrow frontage parcel, at no cost to the County.

LUS reviewed the proposed easement and determined that because the easement footprint is situated within the CMRS, the conveyance is acceptable and fulfills the development condition for the Adjacent Landowner's project. The configuration of the easement area matches existing contiguous easement areas held by the County over neighboring parcels for the same purposes. The total 0.39-acre easement area to be acquired from Edison is composed of 0.29 acres for public road and drainage areas and 0.10 acres for public sidewalk areas. LUS requested the Real Estate Services Department (RES D) process the authorization required for the County to accept this easement from Edison.

The easement contains a non-standard indemnity from the County to Edison and stipulates that the easement interest will revert back to Edison if the easement area is vacated by the County as a public road, drainage and sidewalk right-of-way. In addition, because the CPUC must approve the easement before Edison can execute the easement grant, the County must approve and sign its acceptance of the grant first, so as to provide the CPUC with a final execution version for review. After CPUC approval is received, Edison will execute the County-accepted easement grant.

Additionally, approval of this item will authorize the Director of RES D to execute any other documents necessary to accept the easement grant from Edison, such as property disclosures and notices, subject to County Counsel review. The Director of RES D will not be authorized to execute any documents that would bind the County to any actions not contemplated by, or arising from, the acceptance which is the subject of these recommendations.

The acceptance 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 15303 (d) of the CEQA Guidelines, regarding New Construction or Conversion of Small Structures. 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

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel and Jason Searles, Deputy County Counsel, 387-5455) on November 26, 2019; Land Use Services Department (Terri Rahhal, Director, 387-7916) on November 15, 2019; Department of Public Works, Transportation Division (Mazin Kasey, Deputy Director, 387-7916) on November 19, 2019; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412; Jessica Trillo, Administrative Analyst, 387-4222; and Monique Amis, Administrative Analyst, 387-4883) on December 3, 2019; and County Finance and Administration (Katrina Turturro, Deputy Executive Officer, 387-3076) on December 3, 2019.

(BJO: 659-4676)