



# San Bernardino County

## Legislation Text

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**File #: 2375, Agenda Item #: 111**

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

**June 23, 2020**

#### **FROM**

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

#### **SUBJECT**

Conveyance of Road Easement to City of Ontario for Completion of Remington Avenue

#### **RECOMMENDATION(S)**

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

1. Adopt Resolution declaring that easement interest in a portion of District-owned parcel [Assessor Parcel Number (APN) 0218-311-12] located within Remington Avenue and totaling approximately 1,963 square feet of land, is no longer necessary to be retained for the specific uses and purposes of the District and that conveyance of said easement interest is in the public interest and would not conflict with regional flood control operations; and authorizing the conveyance of said District easement interest to the City of Ontario for completion of Remington Avenue, in accordance with the Water Code Appendix, Section 43-6, County Policy 12-17, and upon payment of \$29,445 to the District.
2. Authorize the Chairman of the Board of Supervisors to execute the Easement Deed to convey the easement interest to the City of Ontario.
3. Authorize the Director of the Real Estate Services Department to execute any other documents necessary to complete this transaction.
4. Confirm a finding of exemption under the California Environmental Quality Act and direct the Clerk of the Board to post the Notice of Exemption.

(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 District will receive revenue for Zone 1 (1910002518) in the amount of \$29,445 for the conveyance of a road easement to the City of Ontario (City) to complete Remington Avenue. In addition the City will reimburse the District for all related administrative costs incurred by the District to complete the transaction, estimated at \$20,000. The City has deposited \$50,000 with the District towards the estimated purchase and administrative costs. The District will not be responsible for any ongoing maintenance associated in the area conveyed to the

City.

### **BACKGROUND INFORMATION**

The recommended actions will authorize the conveyance of the road easement of approximately 1,963 square feet across District land (portion of APN 0218-311-12) to complete Remington Avenue in the City.

The City is facilitating the construction of road improvements to Remington Avenue at the Cucamonga Creek Channel crossing. The City has asked the District to convey a public road easement across District land on the north half of the street to perfect the right-of-way. The City has agreed to pay fair market value and all administrative costs in accordance with the District's surplus property procedures. However, since the City's project timeline is short, the District and the City agreed to enter into a Participation Agreement to expedite the project completion.

On January 7, 2020 (Item 40), the Board of Supervisors (Board) approved the Participation Agreement with the City that allows the City to perform the construction of the street improvements under the authority of an encroachment permit to be issued by the District. Under the terms of the agreement, the City deposited \$50,000 to be applied toward purchasing the road easement and all related administrative costs incurred by the District. Permit P-12019077 was subsequently issued by the District and the City has completed construction.

Subsequently, the City submitted an appraisal for a road easement that totals 1,963 square feet across a portion of APN 0218-311-12. The appraisal concludes fair market value of the proposed road easement at \$29,445. The District requested the Real Estate Services Department (RESA) review the appraisal submitted by a developer on behalf of the City. RESA reviewed the appraisal and accepts the determination of fair market value of the road easement for purposes of this transaction.

The conveyance of the easement interest was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be exempt under Section 15305 (Class 5), minor alterations in land use which do not result in any changes in land use or density, and Section 15061(b) (Common Sense) when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **PROCUREMENT**

Not applicable.

### **REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Robert Messinger, Principal Assistant County Counsel and Sophie Akins, Deputy County Counsel, 387-5455) on May 11, 2020; San Bernardino County Flood Control District (David Doublet, Deputy Director, 387-7918) on April 29, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Wen Mai, Principal Administrative Analyst, 387-4020) on June 2, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on June 5, 2020.

(NS: 677-8388)