



San Bernardino County

Legislation Text

File #: 3461, Agenda Item #: 46

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

January 5, 2021

FROM

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

SUBJECT

Conveyance of an Easement in the City of Ontario to Cucamonga Valley Water District

RECOMMENDATION(S)

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

1. Adopt Resolution declaring the conveyance of an easement interest for sewer pipeline purposes over District-owned land, consisting of approximately 47,950 square feet [portions of Assessor Parcel Numbers (APN's) 0210-062-41 and 0210-062-04], 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 authorize the conveyance of said easement interest to the Cucamonga Valley Water District, a public agency of the State of California, in accordance with the Water Code Appendix Section 43-6 and Government Code Section 25526.6, and waiving County Policy 12-17 that provides for disposition of District property at fair market value, upon payment of \$70,000, plus reimbursement of incurred administrative fees of approximately \$26,000.
2. Approve the Easement Deed to the Cucamonga Valley Water District, a public agency of the State of California and authorize the Chairman to execute said document.
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.
4. Adopt 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 \$70,000, plus reimbursement of incurred fees of approximately \$26,000 for administration costs related to this request. The District will share responsibility for ongoing maintenance associated with the portion of land encumbered with the easement.

BACKGROUND INFORMATION

The recommended action will authorize the conveyance of an easement interest over District property consisting of approximately 47,950 square feet (portions of APN's 0210-062-41 and 0210-062-04) (Property) for installation of a sewer pipeline, within the Cucamonga Creek Channel (Channel) flood control system, to the Cucamonga Valley Water District (CVWD), upon payment of \$70,000 to the District as compensation for the easement interest, plus reimbursement of incurred fees of approximately \$26,000 for administration costs related to this request.

The District owns fee title to Property of approximately 5.60 acres. The Property is located north of 4th Street in the City of Ontario and makes up a portion of a larger corridor associated with the Channel system that stretches from the City of Rancho Cucamonga (City) into the City of Chino.

CVWD provides water and wastewater services within a 47-square-mile area of the County and serves the City and portions of the cities of Fontana, Ontario, and Upland and some unincorporated areas of San Bernardino County.

CVWD and the District have a 50-year Master License Agreement (LA 96-66) allowing CVWD to construct water and sewer lines at 14 locations within District Right-of-Way. CVWD is now intending to replace an existing siphon facility crossing the Cucamonga Channel and install new sewer lines west and east of the Channel. The District requires CVWD to obtain a permanent easement for the new lines not already identified in the Master License Agreement. Therefore, CVWD has requested to acquire the new easement totaling 47,950 square feet to install said improvements and for ongoing access and maintenance. The District reviewed the request and determined that the proposed easement will not interfere with the flood protection in the region. The District requested the Real Estate Services Department (RES D) complete the transaction.

County Policy 12-17 (Surplus Real Property) provides that the District may, by resolution of the Board of Supervisors, authorize the disposition of property at fair market value. RES D established fair market value of the easement interest at \$215,775. However, Government Code section 25526.6 provides that the Board may convey an easement for use of any real property of the County to a public agency in the manner and upon the terms and conditions as the Board determines, upon a finding that the conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the County. In light of the existing Master License Agreement, and an intent to work with other agencies, both CVWD and the District have agreed to the purchase price of \$70,000, plus reimbursement of associated administrative costs for the easement. Therefore, the District requests that the Board of Supervisors waive County Policy 12-17 for this transaction.

CVWD has the obligation to install and maintain the sewer pipeline, and indemnify the District against any and all damages or claims arising from the pipeline. This easement is non-exclusive and will allow additional non-conflicting facilities to be installed in the same easement area.

Upon approval of this item, the District will convey an easement interest of 47,950 square feet across District property to CVWD in accordance with the Water Code Appendix Section 43-6 and Government Code Section 25526.6.

Additionally, approval of this item will authorize the Director of RES D to execute any other documents necessary to convey the easement to CVWD, 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 conveyance which is the subject of these recommendations.

The conveyance 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 15312 (Class 12) 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 and no significant values for wildlife habitat or other environmental concerns were identified on-site as required under CEQA Section 15206(b)(4). The District 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 (Robert Messinger, Principal Assistant County Counsel and Sophie A. Akins, Deputy County Counsel, 387-5455) on December 16, 2020; Flood Control District (David Doublet, Assistant Director, 387-7918) on November 19, 2020; Finance (Carl Lofton, Administrative Analyst, 387-5404 and Carolina Mendoza, Administrative Analyst, 387-0294) on December 9, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on December 15, 2020.

(NS: 677-8388)