



# San Bernardino County

## Legislation Text

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**File #: 8030, Agenda Item #: 103**

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

**May 23, 2022**

**FROM**

**BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District and Director, Department of Public Works - Special Districts**

**TERRY W. THOMPSON, Director, Real Estate Services Department**

**SUBJECT**

Easements to County Service Area 64 (Spring Valley Lake), Southern California Edison Company, and the Town of Apple Valley for the Bear Valley Road Bridge over the Mojave River Rehabilitation Project

**RECOMMENDATION(S)**

1. Acting as the governing body of the San Bernardino County Flood Control District:
  - a. Adopt Resolution for the following actions of the Board of Supervisors of the San Bernardino County Flood Control District:
    - i. Making Responsible Agency findings pursuant to the California Environmental Quality Act, and
    - ii. Declaring the conveyance of two utility easements, one to County Service Area 64 (Spring Valley Lake) and the other to Southern California Edison Company, and one roadway easement, one access and maintenance easement, and one temporary construction easement to the Town of Apple Valley, all over a portion of San Bernardino County Flood Control District-owned Assessor's Parcel Number 0444-121-18, collectively totaling 2.99 acres and located on the north side of Bear Valley Road, is in the public interest and will not substantially conflict or interfere with the San Bernardino County Flood Control District's regional flood control operations, and
    - iii. Authorizing the conveyance of the easements to County Service Area 64 (Spring Valley Lake), Southern California Edison Company, and the Town of Apple Valley in accordance with Water Code Appendix Section 43-6, Government Code Section 25526.6, County Policy 12-17, upon payment of \$2,000 by the Town of Apple Valley to the San Bernardino County Flood Control District.
  - b. Approve Purchase and Sale Agreement between the San Bernardino County Flood Control District and the Town of Apple Valley, and the following grant of easement documents over a portion of San Bernardino County Flood Control District-owned Assessor's Parcel Number 0444-121-18, collectively totaling 2.99 acres and located on the north side of Bear Valley Road:
    - i. Utility Easement, to operate and maintain underground pipeline, to County Service Area 64 (Spring Valley Lake).
    - ii. Utility Easement, to construct, use and maintain electric lines, to Southern California Edison Company.
    - iii. Roadway Easement, for street, highway, sewer, drainage, public utilities, and public access, to the Town of Apple Valley.

- iv. Access and Maintenance Easement, for utility access and temporary equipment storage, to the Town of Apple Valley.
  - v. Temporary Construction Easement, for temporary construction purposes, to the Town of Apple Valley.
  - c. Authorize the Chair of the Board of Supervisors to execute the easement documents identified in Recommendation No. 1(a)(iii) to County Service Area 64 (Spring Valley Lake), Southern California Edison Company, and the Town of Apple Valley.
  - d. Authorize the Director of the Real Estate Services Department to execute any other documents necessary to complete these transactions, subject to County Counsel review.
  - e. Direct the Clerk of the Board of Supervisors to file and post the Notice of Determination for the conveyance of the easements.
2. Acting as the governing body of County Service Area 64 (Spring Valley Lake):
- a. Approve acquisition of a permanent utility easement interest over a portion of property owned by the San Bernardino County Flood Control District, Assessor's Parcel Number 0444-121-18, and acceptance of the Utility Easement Deed.
  - b. Authorize the Director of the Real Estate Services Department to execute a certificate of acceptance for the grant of easement or any other documents necessary to complete this transaction, subject to County Counsel review.
  - c. Direct the Clerk of the Board of Supervisors to file and post the Notice of Determination for the conveyance and acceptance of the easement.
- (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.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**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 San Bernardino County Flood Control District (District) will receive a one-time revenue for Zone 4 (1940002532) for all the easements in the total amount of \$2,000 from the Town of Apple Valley (Town), which comprises \$2,000 as the fair market value of the easements, plus any administrative costs related to this request. The Town will be responsible for the operation and maintenance of the street, highway, road and/or bridge improvements located within the proposed permanent easement.

### **BACKGROUND INFORMATION**

The Town, in cooperation with the California Department of Transportation (Caltrans), is working to widen, rehabilitate, and seismically retrofit the Bear Valley Road Bridge over the Mojave River and improve approach roadways from Mojave Fish Hatchery Road to Jess Ranch Parkway (Project). The bridge is located in the Town of Apple Valley but the west approach roadway is in the cities of Hesperia and Victorville. Bear Valley Road is designated a major divided arterial in the Town's General Plan. At the bridge, Bear Valley Road carries six lanes of traffic with an annual average daily traffic of approximately 56,000 vehicles, approximately five percent of which are trucks.

The Town is the lead agency delivering the Project, which includes acquiring on behalf of all three agencies the necessary property rights, over a portion of District-owned property, Assessor's Parcel Number (APN) 0444-121-18, collectively totaling 2.99 acres and located on the north side of Bear Valley Road at the Mojave River in the Town. The property rights include the following five easements that will allow the Town to complete all necessary improvements related to the Project:

Easement Grantee	Type of Easement	APN	Total Area to be Acquired
County Service Area 64	Utility	0444-121-18	0.146 acres
Southern California Edison	Utility	0444-121-18	0.315 acres
Town of Apple Valley	Roadway	0444-121-18	0.112 acres
Town of Apple Valley	Access and Maintenance	0444-121-18	0.866 acres
Town of Apple Valley	Temporary Construction	0444-121-18	1.551 acres
<b>Total</b>			<b>2.99 acres</b>

The Real Estate Services Department (RES D) reviewed the easement requests and determined they do not substantially conflict nor interfere with the District's use of the property. The District requested RES D to assist with conveyance of the easements at fair market value to the respective entities. Appraisal No. 22-59 was prepared by Thomas M. Pike, Jr., MAI, for the easements. RES D staff reviewed the appraisal and concluded fair market value for all five easements to be \$2,000, using a commonly used and acceptable method of valuation. The Town will pay the fair market value of \$2,000 and reimburse any processing fees prior to the conveyance and recording of the easements.

Additionally, approval of this item will authorize the Director of RES D to execute any other incidental documents as necessary to complete this transaction, 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 transaction which is the subject of these recommendations.

Pursuant to Section 15096 of the California Environmental Quality Act (CEQA) Guidelines, the District, in its capacity as a Responsible Agency, considered the Mitigated Negative Declaration, that was prepared and adopted by the Town as Lead Agency pursuant to CEQA on March 2, 2017, with a Notice of Determination. The Town prepared an Initial Study for the Project and determined from this study that the proposed Project would not have a significant effect on the environment for the following reasons: 1) the proposed Project would have no impacts on agriculture and forest resources, and mineral resources 2) the Project would have less than significant impact on land use and planning, population and housing, utilities and service systems, and recreation, and 3) the Project would have less than significant impact with mitigation incorporated on aesthetics, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation/traffic, and mandatory findings of significance.

### **PROCUREMENT**

The District can convey the requested easements to County Service Area 64 (Spring Valley Lake), Southern California Edison, and the Town 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 (John Tubbs II, Deputy County Counsel, and Aaron Gest , Deputy County Counsel, 387-5455) on May 1, 2023; Flood Control District (Grant Mann, Deputy Director, 387-7918) on April 21, 2023; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on May 2, 2023; Finance (Carl Lofton, Administrative Analyst, and Garrett Baker, Administrative Analyst, 387-5423) on May 3, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on May 4, 2023.

(JAG: 677-8210)