

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

November 15, 2016

**FROM: GERRY NEWCOMBE, Director
Flood Control District**

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

**SUBJECT: CONVEYANCE OF PROPERTY TO THE SAN BERNARDINO VALLEY
MUNICIPAL WATER DISTRICT**

RECOMMENDATION(S)

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

1. Approve Appraisal No. 16-34, dated November 30, 2015, prepared by Smothers Appraisal, a copy of which is on file with the Real Estate Services Department.
2. Adopt **Resolution No. 2016-212** making findings of fact as a responsible agency pursuant to the California Environmental Quality Act (CEQA) in connection with the approval of the conveyance of fee property to the San Bernardino Valley Municipal Water District (SBVMWD), and directing the Clerk of the Board to post the Notice of Determination as required under CEQA.
3. Adopt **Resolution No. 2016-213** declaring the conveyance of San Bernardino County Flood Control District (District) property [portions of Assessor Parcel Numbers (APNs) 0297-101-32 and 0297-061-34], totaling 12.35 acres of vacant land in the City of Highland, is in the public interest; the fee portions of the land conveyed will not substantially conflict or interfere with the use of the remaining property by the District; and authorize the conveyance of said 12.35 acres to SBVMWD for a water recharge system in accordance with the San Bernardino County Flood Control Act, California Water Code Appendix, Chapter 43, Section 43-6, and Government Code Section 25365, upon payment of \$164,800 to the District (Four votes required).
4. Authorize the Chairman of the Board of Supervisors to execute the Purchase and Sale **Agreement No. 16-909** and Escrow Instructions and Grant Deed to convey said 12.35 acres to SBVMWD.
5. Authorize the Director of the Real Estate Services Department to execute any other documents necessary to complete this transaction.

(Presenter: Terry W. Thompson, Director, 387-5252)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS AND OBJECTIVES

Pursue County Goals and Objectives by Working with Other Agencies.

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w/ resolutions
cc: RESD-Thompson w/ agree, deed &
NOD
Contractor c/o RESD w/ agree
ATC-Accts Pay Mgr w/ agree
Flood-Newcombe; Blakeslee
CAO-Garth
RESD-Lowe
File - w/ agree
jll 12/05/16

ITEM 63

Record of Action of the Board of Supervisors

**APPROVED (CONSENT CALENDAR)
COUNTY OF SAN BERNARDINO
County Flood Control District**

MOTION	<u>SECOND</u>	<u>AYE</u>	<u>AYE</u>	<u>MOVE</u>	<u>AYE</u>
	1	2	3	4	5

LAURA H. WELCH, CLERK OF THE BOARD

BY _____

DATED: November 15, 2016

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FINANCIAL IMPACT

Approval of the recommended actions will not result in the use of Discretionary General Funding (Net County Cost). The District will receive total revenue (RFL 093) in the amount of \$164,800, plus the reimbursement of administrative processing fees, estimated to be \$20,000, for the conveyance of 12.35 acres in fee to SBVMWD. The District will not be responsible for any ongoing maintenance and liability associated with the property conveyed to SBVMWD.

BACKGROUND INFORMATION

Approval of this item will declare 12.35 acres of District property no longer necessary to be retained for District purposes and authorize the sale of said property to SBVMWD for \$164,800 plus administrative processing fees estimated to be \$20,000.

SBVMWD is a regional water agency providing long-range water supply management to the San Bernardino Valley. In 2012, the SBVMWD Enhanced Recharge Facilities Project (Project) was approved to add facilities to an operating recharge system in the Santa Ana River floodplain to capture and recharge storm water. On February 25, 2014 (Item No. 61), the San Bernardino County Board of Supervisors authorized the conveyance of approximately 3.44 acres of vacant District land for the Project. SBVMWD subsequently redesigned a portion of the facilities to protect sensitive wildlife habitat. The Project redesign requires a 12.35-acre fee portion of approximately 64 acres of District land (APNs 0297-101-32 and 0297-061-34) located east of Old Greenspot Road, south of Santa Ana Canyon Road, in the City of Highland.

The District has reviewed SBVMWD's request to acquire the 12.35-acre portion of District property and determined that the conveyance would not negatively impact the District's related flood control operations. The District is reserving an easement for access over the property should an unforeseen occurrence prevent District's access into the Santa Ana River. RESD reviewed the appraisal prepared by James Smothers, MAI of Smothers Appraisal, and concurred with the value conclusion of \$164,800. The District requested the Real Estate Services Department (RESD) complete the transaction.

The District can convey the fee interest in the 12.35 acres to the SBVMWD in accordance with the San Bernardino County Flood Control Act, California Water Code Appendix, Chapter 43, Section 43-6, and Government Code Section 25365 of the State of California.

SBVMWD is the lead agency for the Project with respect to CEQA. Environmental Impact Reports, and Addenda, were prepared for the Project pursuant to the provisions of CEQA and reflect the independent judgement of the Lead Agency, copies of which are on file with the Department of Public Works Environmental Management Division. Upon adoption, the resolution making findings of fact as a responsible agency pursuant to CEQA will authorize and direct that a Notice of Determination be filed with the Clerk of the Board of Supervisors within five County business days of the date of the adoption of the resolution. Such filing will fulfill the District's obligation under CEQA with respect to the conveyance of the property.

PROCUREMENT

Not applicable.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Robert Messinger, Deputy County Counsel, and Sophie Akins, Deputy County Counsel, 387-5455) on October 21, 2016; District (Kevin Blakeslee, Deputy Director, Public Works, Flood Control District, 387-7916) on October 19, 2016; Finance (Debbie Garth, Administrative Analyst, 387-5426 and Janet Lowe, Assistant Director, Real Estate Services Department, 387-5252) on October 24, 2016; and County Finance and Administration (Mary Jane Olhasso, Assistant Executive Officer, 387-4599) on October 26, 2016.

(BJO: 659-4676)