

REGULAR MEETING

Oversight Board Meeting
for the
City of San Bernardino as Successor Agency
to the
Redevelopment Agency of the City of San Bernardino

AGENDA

Friday, December 28, 2012 – 11:00 a.m.
Citrus Room
San Bernardino County Government Center
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, CA 92415
(909) 663-1044

The Oversight Board recognizes its obligation to provide equal access to those individuals with disabilities. Please contact us at (909) 663-1044 prior to the meeting for any requests for reasonable accommodation that includes interpreters.

CHAIRMAN CALLS MEETING TO ORDER

1. CALL TO ORDER

Jim Morris, City of San Bernardino, Mayor Appointee
Doug Headrick, San Bernardino Valley Municipal Water District, Largest Special District Appointee
Carey K. Jenkins, Representing Former RDA Employees, Mayor Appointee
Mary O'Toole, County of San Bernardino Board of Supervisors Appointee
Gloria Macias-Harrison, County of San Bernardino Member of the Public Appointee
John Longville, Chancellor of the California Community Colleges Appointee
Margaret Hill, County Superintendent of Education Appointee

2. PUBLIC COMMENTS: A three-minute limitation shall apply to each member of the public who wishes to address the Oversight Board with a matter within the jurisdiction of the Oversight Board, whether or not on the agenda. . No member of the public shall be permitted to "share" his/her three minutes with any other member of the public. (Usually, any items heard under this heading are referred to Staff for further study, research, completion and/or future Oversight Board action).

3. SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT REQUEST FOR EASEMENT

Adopt Resolution SBOB 2012-20: A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN BERNARDINO APPROVING A GRANT OF A REAL PROPERTY EASEMENT TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT FOR PUBLIC USE PURPOSES PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE §34181(a) WITH RESPECT TO A PORTION OF ASSESSOR'S PARCEL NUMBERS 0281-021-30, 0281-031-51, 0281-031-52 AND 0281-041-41 AND APPROVING CERTAIN RELATED ACTIONS

Oversight Board Meeting
for the
City of San Bernardino as Successor Agency
to the
Redevelopment Agency of the City of San Bernardino

4. UPCOMING OVERSIGHT BOARD ITEMS/PENDING REQUIREMENTS (NO BACK-UP/NO ACTION REQUIRED):

- Non-housing DDR (Due to DOF by January 15, 2013; Auditor to begin on December 10, 2012);
- ROPS IV (by March 3, 2013); and
- Long-Range Property Management Plan (Due to DOF within 6 months of receipt of a Finding of Completion for both DDRs; presentation to OS Board anticipated during February 2013).
- Cash Flow Analysis
- Supplemental Legal Services

5. ADJOURNMENT

The next meeting will take place on Monday, January 28, 2013, at 11:00 am in the Economic Development Agency Board Room, located at 201 North E Street, Suite 301, San Bernardino, CA.

OVERSIGHT BOARD

FOR THE CITY OF SAN BERNARDINO AS SUCCESSOR AGENCY
TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SAN BERNARDINO

TO: OVERSIGHT BOARD MEMBERS

DATE: DECEMBER 28, 2012

FROM: TERI BAKER, ASSISTANT TO THE CITY MANAGER

ITEM NO: 3

SUBJECT: SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT REQUEST FOR EASEMENT

RECOMMENDATION:

It is recommended that the Oversight Board adopt a resolution approving a grant of a real property easement to the San Bernardino County Flood Control District for public use purposes pursuant to California Health and Safety Code §34181(a) with respect to a portion of Assessor's Parcel Numbers 0281-021-30, 0281-031-51, 0281-031-52 and 0281-041-41 and approving certain related actions.

BACKGROUND:

The Redevelopment Agency of the City of San Bernardino was dissolved February 1, 2012. The Oversight Board for the Successor Agency ("Successor Agency") to the Redevelopment Agency of the City of San Bernardino ("Oversight Board") has been established pursuant to Health and Safety Code § 34179 to assist in the wind-down of the dissolved redevelopment agency.

Per Health and Safety Code §34181, the Oversight Board may, among other things, direct the Successor Agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, police and fire stations, libraries, and local agency administrative buildings, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset. Pursuant to Health and Safety Code § 34181(a), the San Bernardino County Flood Control District ("SBCFCD") has:

1. Requested a grant of a real property easement with respect to a portion of Assessor's Parcel Numbers 0281-021-30, 0281-031-51, 0281-031-52 and 0281-041-41 (the "Property"); and
2. Offered to assume any costs associated with the preparation and grant of the prescribed easement as compensation.

Most of the Property is situated on a bluff above and overlooking the Santa Ana River. That portion of the Property to be included within the requested easement is situated below the bluff, is within a flood plain, is physically a portion of the Santa Ana River bed and/or embankment, is depicted on the exhibits to this staff report (the "Easement Area"), is commercially undevelopable and is of negligible value. The Easement Area has on an implied basis historically been in actual and continuous use as a physical portion of the Santa Ana river bed and/or embankment for an indeterminate period of time.

Meeting Date: December 28, 2012

Item Number: 3

The SBCFCD is responsible for certain flood control and water re-charge activities within the County of San Bernardino which includes management of such matters with respect to portions of the Santa Ana River watershed, inclusive of the Easement Area. The SBCFCD will use the Easement Area for flood control and other public use purposes, inclusive of a portion for the Santa Ana River Trail Project for which the County of San Bernardino is a recipient of a \$559,000 grant from the California Parks Bond Act Program to develop. The County of San Bernardino has indicated that its \$559,000 grant from the California Parks Bond Act Program for the Santa Ana River Trail Project is subject to sanctions if the funding is not committed within the next few months and that the use of said funds is limited to development of improvements on property held in fee or by prescribed easement and that implied easements are unacceptable. Pursuant to the foregoing, the grant of the real property easement for the Easement Area at the earliest possible time is essential to San Bernardino County's conformance with the requirements of the California Parks Bond Act Program with respect to the Santa Ana River Trail Project.

The Property is encumbered with a certain "Lease and Option to Purchase Agreement" dated November 1, 1997 by and between the Community Development Commission of the City of San Bernardino on behalf of the Redevelopment Agency of the City of San Bernardino, as Lessor, and the ABC Rail Products Corporation, as Original Lessee. During 2006, the Original Lessee was acquired by Meridian Rail Acquisition, DBA, Greenbrier Rail Service which included the assumption of the Original Lessee's obligations with respect to the Lease and Option to Purchase Agreement, which was acknowledged by the Lessor. The business operations of Meridian Rail Acquisition, DBA, Greenbrier Rail Service do not include or affect in any way the Easement Area. The Meridian Rail Acquisition, DBA, Greenbrier Rail Service has orally confirmed their concurrence with the granting of a real property easement to the SBCFCD for the Easement Area for the purposes stated herein and will formally confirm such at the time the easement is to be granted in the form required for consummation and recordation of the easement.

Subsequent to the Oversight Board's approval of the attached Resolution, it will be submitted to the California Department of Finance for their review and consideration consistent with the provisions therefore prescribed in the Health and Safety Code. Subsequent to the California Department of Finance review process, it will be necessary for the Successor Agency to take further appropriate actions to consummate and record the requested easement.

FISCAL IMPACT:

As noted above, the SBCFCD has offered to assume any costs associated with the preparation and grant of the prescribed easement as compensation. With that in mind, the approval of the attached Resolution will not create a cost to the Successor Agency.

ATTACHMENTS: Depiction of Easement Area
Resolution

RESOLUTION NO. SBOB 2012-20

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN BERNARDINO APPROVING A GRANT OF A REAL PROPERTY EASEMENT TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT FOR PUBLIC USE PURPOSES PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE §34181(a) WITH RESPECT TO A PORTION OF ASSESSOR'S PARCEL NUMBERS 0281-021-30, 0281-031-51, 0281-031-52 AND 0281-041-41 AND APPROVING CERTAIN RELATED ACTIONS

WHEREAS, the Redevelopment Agency of the City of San Bernardino was dissolved February 1, 2012; and

WHEREAS, the Oversight Board for the Successor Agency ("Successor Agency") to the Redevelopment Agency of the City of San Bernardino ("Oversight Board") has been established pursuant to Health and Safety Code §34179 to assist in the wind-down of the dissolved redevelopment agency; and

WHEREAS, per Health and Safety Code §34181, the Oversight Board may, among other things, direct the Successor Agency to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, police and fire stations, libraries, and local agency administrative buildings, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset; and

WHEREAS, pursuant to Health and Safety Code §34181 (a), the San Bernardino County Flood Control District ("SBCFCD") has i) requested a grant of a real property easement with respect to a portion of Assessor's Parcel Numbers 0281-021-30, 0281-031-51, 0281-031-52 and 0281-041-41 (the "Property"); and, ii) offered to assume any costs associated with the preparation and grant of the prescribed easement as compensation; and

WHEREAS, most of the Property is situated on a bluff above and overlooking the Santa Ana River; and

WHEREAS, that portion of the Property to be included within the requested easement is situated below the bluff, is within a flood plain, is physically a portion of the Santa Ana River bed and/or embankment, is depicted on the exhibits attached to the staff report that accompanies this Resolution (the "Easement Area"), is commercially undevelopable and is of negligible value; and

1 **WHEREAS**, the Easement Area has on an implied basis historically been in actual and
2 continuous use as a physical portion of the Santa Ana river bed and/or embankment for an
3 indeterminate period of time; and

4 **WHEREAS**, the SBCFCD is responsible for certain flood control and water re-charge
5 activities within the County of San Bernardino which includes management of such matters with
6 respect to portions of the Santa Ana River watershed, inclusive of the Easement Area; and

7 **WHEREAS**, the SBCFCD will use the Easement Area for flood control and other public use
8 purposes, inclusive of a portion for the Santa Ana River Trail Project for which the County of San
9 Bernardino is a recipient of a \$559,000 grant from the California Parks Bond Act Program to
10 develop; and

11 **WHEREAS**, the County of San Bernardino has indicated that its \$559,000 grant from the
12 California Parks Bond Act Program for the Santa Ana River Trail Project is subject to sanctions if
13 the funding is not committed within the next few months and that the use of said funds is limited to
14 development of improvements on property held in fee or by prescribed easement and that implied
15 easements are unacceptable; and

16 **WHEREAS**, pursuant to the foregoing, the grant of the real property easement for the
17 Easement Area at the earliest possible time is essential to San Bernardino County's conformance
18 with the requirements of the California Parks Bond Act Program with respect to the Santa Ana
19 River Trail Project; and

20 **WHEREAS**, the Property is encumbered with a certain "Lease and Option to Purchase
21 Agreement" dated November 1, 1997 by and between the Community Development Commission of
22 the City of San Bernardino on behalf of the Redevelopment Agency of the City of San Bernardino,
23 as Lessor, and the ABC Rail Products Corporation, as Original Lessee; and

24 **WHEREAS**, during 2006, the Original Lessee was acquired by Meridian Rail Acquisition,
25 DBA, Greenbrier Rail Service which included the assumption of the Original Lessee's obligations
26 with respect to the Lease and Option to Purchase Agreement, which was acknowledged by the
27 Lessor; and

28 **WHEREAS**, the business operations of Meridian Rail Acquisition, DBA, Greenbrier Rail
Service do not include or affect in any way the Easement Area; and

WHEREAS, the Meridian Rail Acquisition, DBA, Greenbrier Rail Service has orally
confirmed their concurrence with the granting of a real property easement to the SBCFCD for the
Easement Area for the purposes stated herein and will formally confirm such at the time the

1 easement is to be granted in the form required for consummation and recordation of the easement;
2 and

3 **WHEREAS**, subsequent to the Oversight Board’s approval of this Resolution, it will be
4 submitted to the California Department of Finance for their review and consideration consistent with
5 the provisions therefore prescribed in the Health and Safety Code; and

6 **WHEREAS**, subsequent to the California Department of Finance review process, it will be
7 necessary for the Successor Agency to take further appropriate actions to consummate and record
8 the requested easement; and

9 **WHEREAS**, all of the prerequisites with respect to the approval of this Resolution have
10 been met.

11 **NOW, THEREFORE, BE IT RESOLVED** by the Oversight Board for the Successor
12 Agency to the Redevelopment Agency of the City of San Bernardino, as follows:

13 **Section 1.** The foregoing recitals are true and correct and are a substantive part of this
14 Resolution.

15 **Section 2.** Pursuant to Health and Safety Code §34181(a) and consistent with terms
16 specified within this Resolution, the Successor Agency is authorized and directed to grant a real
17 property easement to the San Bernardino County Flood Control District with respect to that portion
18 of Assessor’s Parcel Numbers 0281-021-30, 0281-031-51, 0281-031-52 and 0281-041-41 that
19 constitutes the Easement Area.

20 **Section 3.** The City Manager, or designee, is hereby authorized to transmit this Resolution
21 to the California Department of Finance as prescribed by the Health and Safety Code.

22 **Section 4.** Subsequent to the completion of the California Department of Finance review
23 process, the Successor Agency is authorized to take those necessary and appropriate actions to
24 consummate and record the requested easement.

25 **Section 5.** This Resolution shall take effect upon the date of its adoption.

26 ///

27 ///

28 ///

///

///

///

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN BERNARDINO APPROVING A GRANT OF A REAL PROPERTY EASEMENT TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT FOR PUBLIC USE PURPOSES PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE §34181(a) WITH RESPECT TO A PORTION OF ASSESSOR'S PARCEL NUMBERS 0281-021-30, 0281-031-51, 0281-031-52 AND 0281-041-41 AND APPROVING CERTAIN RELATED ACTIONS

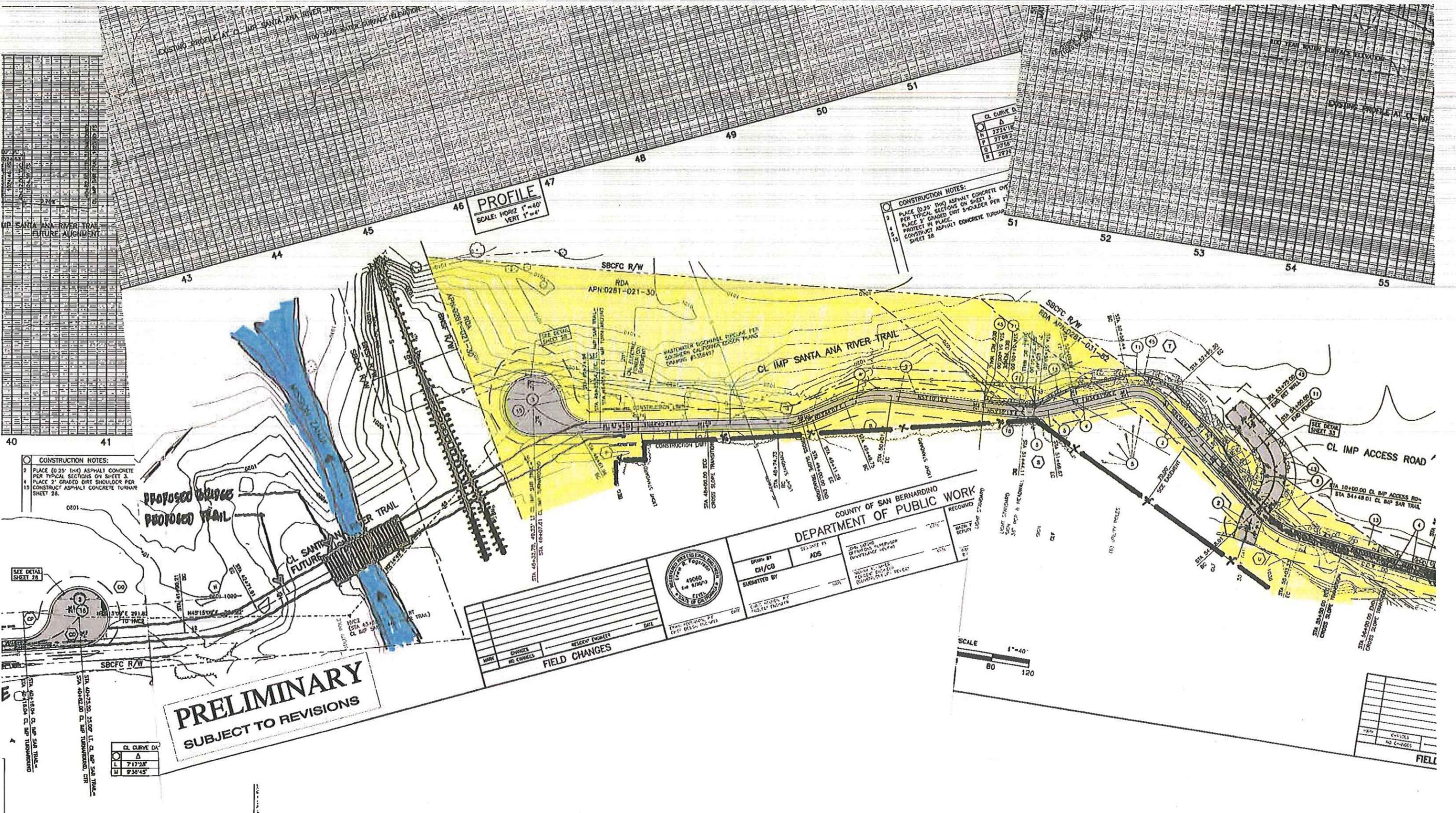
PASSED, APPROVED AND ADOPTED THIS 28th day of December, 2012, by the following vote:

Board Members	Ayes	Nays	Abstain	Absent
HEADRICK	_____	_____	_____	_____
HILL	_____	_____	_____	_____
JENKINS	_____	_____	_____	_____
LONGVILLE	_____	_____	_____	_____
MACIAS-HARRISON	_____	_____	_____	_____
MORRIS	_____	_____	_____	_____
O'TOOLE	_____	_____	_____	_____

Secretary

The foregoing Resolution is hereby approved this 28th day of December, 2012.

Doug Headrick, Vice-Chairman
Oversight Board for the City of San Bernardino
As Successor Agency to the Redevelopment
Agency of the City of San Bernardino



PRELIMINARY
SUBJECT TO REVISIONS

RKS		SANTA ANA RIVER TRAIL PHASE III WATERMAN AVE TO CALIFORNIA ST	
DESIGNED / APPROVED BY		PLAN AND PROFILE FROM STA 30+00 TO STA 40+00	
ASST. DIR. OF PUBLIC WORKS		DATE	
DATE		DATE	
DATE		DATE	
PL. NO.	PROJ. NO.	PLAN SCALE	TOT. SHEETS
JL 10766	H13463	1" = 40'	7 X

95% PLANS

COUNTY OF SAN BERNARDINO
DEPARTMENT OF PUBLIC WORKS

DESIGNED BY CH/CS	DESIGNED BY ADS	DATE	DATE
ENGINEER	DATE	DATE	DATE

FIELD CHANGES

MARK	CHANGES	REVISION ENGINEER	DATE

SCALE 1"=40'
80 120

