

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

March 1, 2022

FROM

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

SUBJECT

Conveyance of San Bernardino County Flood Control District Land in the Mojave River Levee to the City of Victorville

RECOMMENDATION(S)

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

1. Adopt **Resolution No. 2022-39** making responsible agency findings in accordance with the California Environmental Quality Act, and declaring the fee simple interest in District-owned property (portion of Assessor's Parcel Number 0473-181-17), consisting of approximately 80,849 square feet in the City of Victorville, is no longer necessary for the uses and purposes of the District and the conveyance of the real property interest is in the public interest; that pursuant to Government Code section 54221(f)(1)(D), the District-owned land is exempt surplus land; and authorizing the sale of said fee interest to the City of Victorville at fair market value in accordance with Water Code Appendix section 43-6, County Policy 12-17, and Government Code section 25365 (Four votes required).
2. Approve the Purchase and Sale Agreement (**County Contract No. 22-144**) between the District and the City of Victorville and authorize the Chairman of the Board of Supervisors to execute the Grant Deed to convey the District-owned property to the City of Victorville.
3. Authorize the Director of the Real Estate Services Department to execute any other documents and take any actions necessary to complete this transaction, subject to County Counsel review.

(Presenter: Terry W. Thompson, Director, Real Estate Services Department, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Pursue County Goals and Objectives by Working with Other Governmental Agencies.
Ensure Development of a Well-Planned, Balanced, and Sustainable County.
Provide for the Safety, Health and Social Service Needs of County Residents.**

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). Pursuant to the terms of a Participation Agreement (Agreement No. 21-170) between the District and the City of Victorville (City), the City made a \$70,000 refundable good faith deposit to the District comprising \$40,000 as consideration for the fee simple interest in that portion of Assessor Parcel Number (APN) 0473-181-17, composed of approximately 80,849 square feet, owned by the District (Property) and \$30,000 for the District's reimbursable administrative costs. Sufficient appropriation and revenue have been included in the District's Zone 4 2021-22 budget (1940002532-F02782).

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BACKGROUND INFORMATION

The recommended actions will approve the fee conveyance of the Property consisting of approximately 80,849 square feet of District-owned land (portion of APN 0473-181-17) to the City in order for the City to construct and operate a 24-Hour Wellness and Recuperative Care Center (Center).

On March 2, 2021 (Item No. 49) the District Board of Supervisors approved Participation Agreement (Agreement No. 21-170) between the District and the City, for a two-year term from March 2, 2021 to March 2, 2023, to allow the parties to negotiate the sale of a portion of the District's property to the City for the development of the Center. The City intends to construct the Center on approximately 4.5 acres of open space land within the Old Town Specific Plan located at the northern terminations of First Street and River Street and west of and abutting the Mojave River. The proposed Center will provide housing and on-site supportive services to the homeless population in the High Desert region. Pursuant to the terms of the Participation Agreement, the City has made a \$70,000 good faith deposit intended to cover the cost of consideration of the Property (\$40,000) and the District's reimbursable administrative costs (estimated to be \$30,000). The Participation Agreement also allows the City to commence construction by pursuing an encroachment permit with the District although the City has not done so, stating they require permanent site control before the City Council will authorize a construction contract. Therefore, the parties are proceeding with seeking approval for the conveyance at this time.

The District has requested the Real Estate Services Department (RESO) complete the transaction with the City. RESO determined that the consideration of \$40,000 for the Property is within the range of values constituting fair market value. The proposed Purchase and Sale Agreement requires the City to indemnify, defend, and hold the District and its officers, employees, volunteers, and agents harmless from and against any and all claims, actions, losses, and/or liability and for any damages, judgments, costs, expenses, attorney's fees and/or liability arising from or related to any act or omission of City in the course of performing its inspection of the Property and out of City's construction of the Center. The deposit paid by the City includes \$30,000 for estimated administrative and processing costs, which will be reconciled upon the closing of this transaction with any excess refunded or any shortage invoiced to the City.

The conveyance of the Property was reviewed pursuant to the Surplus Land Act, and the Property was determined to be "exempt surplus land" as defined in Government Code section 54221(f)(1)(D), because it is being conveyed by the District to the City for agency use.

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 (MND), together with a Mitigation Monitoring and Reporting Plan (MMP) that were prepared by the City for the Center. District staff independently finds that the MND and MMP adequately analyze the potential environmental impacts of the Center and that no significant adverse impacts will occur as a result of the conveyance of the Property. No further CEQA analysis is required.

Pursuant to Government Code section 25365(c), a notice of this intended action was published in accordance with Government Code section 6061 at least one week prior to this meeting in a newspaper of general circulation published in the County.

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The City of Victorville requested Board approval of the conveyance prior to their March 15, 2022 Council meeting in order for them to approve construction contracts. Therefore, the Chairman of the Board of Supervisors is being requested to execute the Purchase and Sale Agreement prior to the City of Victorville's execution.

PROCUREMENT

The District may convey the property pursuant to Water Code Appendix Section 43-6, County Policy 12-17, and Government Code sections 25365 and 54221(f)(1)(D).

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Supervising Deputy County Counsel, and Sophie A. Akins, Deputy County Counsel, 387-5455) on February 14, 2022; Flood Control District (Grant Mann, Deputy Director, 387-8186) on February 11, 2022; Finance (Jessica Trillo, Principal Administrative Analyst, 386-4222 and Carl Lofton, Administrative Analyst, 387-5404) on February 16, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on February 16, 2022.

(MR: 454-8407)

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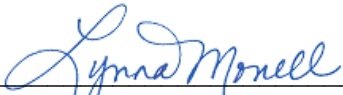
Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Dawn Rowe

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 1, 2022



cc: w/Resolution
Flood - Thompson w/agree for sign w/grant deed
Contractor - C/O Flood w/agree
File - w/agree w/grant deed
CCM 03/4/2022