

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

October 8, 2019

FROM

DON TRAPP, Interim Fire Chief/Fire Warden, San Bernardino County Fire Protection District

TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Sale of Surplus Property to the Adjoining Property Owner in the City of Hesperia

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District (SBCFPD):

1. Approve Appraisal 19-11 on file with the Real Estate Services Department.
2. Adopt a **Resolution No. 2019-157** declaring that SBCFPD-owned property [Assessor Parcel Number (APN) 0357-211-22], containing approximately 16,783 square feet of undeveloped land located in the City of Hesperia is no longer necessary for the uses and purposes of SBCFPD; and authorizing the sale of SBCFPD land to the adjoining property owner, American Pacific Investments LLC, in accordance with California Government Code section 25526.5, Health and Safety Code section 13861(b), and County Policy No. 12-17 for \$18,000, is in the public interest.
3. Authorize the Chairman of the Board of Directors to execute the Purchase and Sale **Agreement No. 19-673** and Joint Escrow Instructions, as well as the Grant Deed to convey the SBCFPD-owned land to the adjoining property owner, American Pacific Investments LLC.
4. Confirm a finding of exemption and direct the Clerk of the Board to post the Notice of Exemption as required under the California Environmental Quality Act.
5. Authorize the Director of the Real Estate Services Department to execute escrow documents and any other documents necessary to complete this transaction.

(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.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). SBCFPD will convey the land to the adjoining property owner upon payment to SBCFPD in the amount of \$18,000 (6000042448). Once conveyed to the adjacent property owner, SBCFPD will not be responsible for any ongoing maintenance associated with the ownership of the land.

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BACKGROUND INFORMATION

The recommended actions will declare SBCFPD property, referenced as APN 0357-211-22, located along the south side of State Highway 173 (SH 173), east of the westerly terminus of Las Flores Road, consisting of approximately 16,783 square feet (Property), surplus and authorize its sale to the contiguous property owner, American Pacific Investments LLC (API), upon payment of \$18,000.

The Property (APN 0357-211-22) is one of two parcels, which were separately owned by different fire service entities, but used jointly as a fire station site in the 1970s serving the unincorporated area of Summit Valley along SH 173. The Property is the northerly of the two parcels and fronts SH 173; the other parcel (APN 0357-221-34) (Fire Station Site) is improved with a fire station building and shares a common boundary with the Property's southerly property line. The two parcels were jointly operated as Las Flores Fire Station by various local fire service agencies, including County Service Area 38 (CSA 38) and Crest Forest Fire District (CFFD). Fire service operations ceased at this site in 1979 with the opening of the Summit Valley Fire Station. Both the Property and the Fire Station Site were abandoned entirely in 1995 and have remained vacant.

The SBCFPD held title in the Fire Station Site as successor-in-interest to CSA 38. On October 27, 2009, the Board approved (Item No. 43) conveying title in the Fire Station Property to Las Flores Ranch, Limited (LFR), the original property owner who granted title to CSA 38 subject to a reversionary clause. The reversionary clause provided that the parcel would revert to the original owner should it not be used for fire protection purposes. After taking title, LFR did not pay property taxes on the parcel. In 2018, the property was sold by tax sale to API.

After acquiring the Fire Station Site by tax sale, API recognized that this property by itself was landlocked and that access had historically been obtained across the Property from SH 173. In May of 2018, SBCFPD received a request from API to purchase the Property to provide its Fire Station Site access to SH 173. The Property had historically been vested in the CFFD; however, the fee interest transferred to SBCFPD on July 1, 2015, pursuant to Local Agency Formation Commission action number 3186.

SBCFPD reviewed API's request to acquire the property and determined that the Property, which has not been used for fire purposes for decades, is not necessary for the purposes and uses of the SBCFPD, and can be sold as surplus property to the adjoining property owner. Because access to State Highways is governed by the Streets and Highways Code and California Department of Transportation requirements, the purchase and sale agreement does not include any representation or warranty with respect to access to SH 173.

SBCFPD requested that the Real Estate Services Department (RESA) appraise the Property for surplus disposition. Appraisal Report 19-11 was prepared by RESA and concluded a fair market value of \$9,200 for the land consisting of approximately 16,783 square feet in size; the agreed upon purchase price of \$18,000 was negotiated by RESA to also recover fees and administrative costs associated with the disposition of the Property by SBCFPD.

Approval of this item will authorize SBCFPD to convey the Property to API upon payment of \$18,000. The conveyance is made in accordance with California Government Code section 25526.5, Health and Safety Code section 13861(b) and County Policy No. 12-17.

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Additionally, approval of this item will authorize the Director of RESD to execute escrow documents, such as amended escrow instructions, property disclosures, notices (such as an election to proceed), contingency waivers, and settlement statements. The Director 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.

The conveyance of the Property 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) of the CEQA Guidelines, regarding Surplus Government Property Sales. The County 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 (Suzanne Bryant, Deputy County Counsel and Scott Runyan, Deputy County Counsel, 387-5455) on September 10, 2019; District (Ron Walls, Assistant Chief, Division 3, 760-774-2569) on September 3, 2019; Finance (Tom Forster, Administrative Analyst, 387-4635 and Wen Mai, Principal Administrative Analyst, 387-4020) on September 19, 2019; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on September 22, 2019.

(CQ: 501-2493)

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Record of Action of the Board of Directors
San Bernardino County Fire Protection District

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Janice Rutherford
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 8, 2019



cc: W/RESOLUTION
SBCFPD- w/agree w/NOE w/grant deed
Contractor- C/O SBCFPD w/agree
File- w/agree
la 10/9/2019