

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

**March 29, 2022**

**FROM**

**TERRY W. THOMPSON, Director, Real Estate Services Department  
BRENDON BIGGS, Director, Department of Public Works**

**SUBJECT**

Acquisition of Unimproved Property in Forest Falls for the Department of Public Works

**RECOMMENDATION(S)**

1. Approve the acquisition of approximately 5,662 square feet of unimproved property (Assessor Parcel Number 0323-382-26), known as Lot 45 of Tract No. 2260, Valley of the Falls No. 2, located in the unincorporated area known as Forest Falls, from Patrick Kelley, a single man and Deborah C. Jacobs, widow, each to an undivided 50% interest as tenants in common, for the purchase price of \$9,000 plus escrow and title fees estimated to be \$3,000 and independent consideration of \$100, for the Department of Public Works in accordance with Government Code Section 23004.
2. Approve the Purchase and Sale Agreement and Joint Escrow Instructions **Agreement No. 22-220** between San Bernardino County and Patrick Kelley, a single man, and Deborah C. Jacobs, widow, each to an undivided 50% interest as tenants in common, to acquire said property.
3. Authorize the Director of the Real Estate Services Department to execute escrow instructions and any other non-substantive documents necessary to complete this transaction, subject to County Counsel review.
4. Confirm a finding of exemption under the California Environmental Quality Act Guidelines and direct the Clerk of the Board of Supervisors to post the Notice of Exemption as required under the California Environmental Quality Act.

(Presenter: Terry W. Thompson, Director, 387-5000)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Improve County Government Operations.**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

**Operate in a Fiscally Responsible and Business-Like Manner.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The total cost of this acquisition is \$9,000 and other costs associated with this purchase include escrow and title fees, which are estimated to be \$3,000, and an independent consideration of \$100. Sufficient appropriation is included in the Department of Public Works 2021-2022 budget (6650000200).

**BACKGROUND INFORMATION**

Approval of this item will authorize the acquisition of approximately 5,662 square feet of unimproved property (Assessor Parcel Number 0323-382-26), known as Lot 45 of Tract No. 2260, Valley of the Falls No. 2, located in the unincorporated area of the County known as

**Acquisition of Unimproved Property in Forest Falls for the Department  
of Public Works  
March 29, 2022**

Forest Falls (Property) from Patrick Kelley, a single man and Deborah C. Jacobs, widow, each to an undivided 50% interest as tenants in common (Owners), for the purchase price of \$9,000 plus independent consideration of \$100 for the Department of Public Works - Transportation Operations (Transportation Operations) and approve a Purchase and Sale Agreement and Joint Escrow Instructions with the Owners to enable Yard 5 crew to better clear the Valley of the Falls Drive after storms.

The Transportation Operations Yard 5 handles the operation and maintenance of the County Maintained Road System in the Forest Falls area. The area is prone to mud flows during storms and Valley of the Falls Drive has multiple creek crossings which frequently need to be cleared after storms. Due to the buildup of road debris on the Property, the Owners contacted the County regarding acquiring the land.

Transportation Operations asked the Real Estate Services Department (RESO) to negotiate the acquisition. RESO staff negotiated a purchase price of \$9,000 which staff determined is below market value and the Owners have agreed to sell the property for this amount plus \$100 as independent consideration.

Approval of this item will authorize the Director of RESO to execute escrow instructions and any other non-substantive documents, such as any amended escrow instructions, property disclosures, related notices, contingency waivers, and settlement statements necessary to complete the purchase of the Property, subject to County Counsel review. The Director will not be authorized to execute any documents that would bind the County to any actions contemplated by, or arising from, the transaction which is the subject of these recommendations.

The County can purchase this Property pursuant to Government Code Section 23004 which provides that the County can purchase, receive by gift or bequest, and hold land within its limits, or elsewhere when permitted by law.

The acquisition of the Property was reviewed by staff pursuant to the California Environmental Quality Act (CEQA) and determined to be exempt pursuant to 15303 Class 3(d) street improvements of the CEQA guidelines. When the Board considers the environmental finding, the filing and posting of a Notice of Exemption is recommended.

**PROCUREMENT**

The County can acquire this parcel pursuant to Government Code Section 23004. There are no publication requirements associated with this Code Section.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, and Aaron Gest, Deputy County Counsel, 387-5455) on February 23, 2022; Department of Public Works-Operations (Sameh Basta, Interim Deputy Director, 387-7995) on February 17, 2022; Purchasing Department (Bruce Cole, Supervising Buyer, 387-2148) on February 2, 2022; Finance (Carl Lofton, Administrative Analyst, 387-5404) on March 10, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on March 13, 2022.

(MR:677-8388)

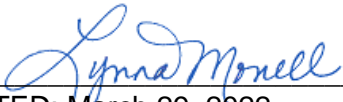
**Acquisition of Unimproved Property in Forest Falls for the Department  
of Public Works  
March 29, 2022**

Record of Action of the Board of Supervisors  
San Bernardino County

**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 29, 2022



cc: RESD- Thompson w/agree w/CEQA & Receipt  
Contractor- C/O RESD w/agree  
File- w/agree w/CEQA & Receipt w/map  
LA 03/30/2022