

RESOLUTION NO. 2024-26

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DECLARING THAT CERTAIN REAL PROPERTY, CONSISTING OF A TOTAL OF APPROXIMATELY 3 ACRES OF LAND [ASSESSOR'S PARCEL NUMBERS 0257-021-02 and 0257-012-12], IN THE UNINCORPORATED AREA OF BLOOMINGTON IS NO LONGER NECESSARY FOR THE USES AND PURPOSES OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AND IS SURPLUS AND AVAILABLE FOR DISPOSAL PURSUANT TO COUNTY POLICY NO. 12-17; DECLARING THAT THE LAND IS EXEMPT SURPLUS PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(E); FINDING THAT THE SALE OF THE LAND IS AN EXEMPT PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND AUTHORIZING THE SALE OF THE LAND TO AVILA COLLECTION, LLC IN ACCORDANCE WITH WATER CODE APPENDIX SECTION 43-6 AND COUNTY POLICY NO. 12-17.

On Tuesday February 27, 2024, on motion of Supervisor Hagman, duly seconded by Supervisor Baca, Jr., and carried, the following resolution is adopted by the Board of Supervisors of the San Bernardino County Flood Control District, State of California.

WHEREAS, the San Bernardino County Flood Control District (District) holds certain real property, consisting of a total of approximately 3 acres of land [Assessor's Parcel Numbers 0257-021-02 and 0257-012-12], (District Property) located in the unincorporated area of Bloomington; and

WHEREAS, the District Property was acquired by quitclaim deed in 1961 for use as a right-of-way, but is currently no longer necessary for the uses and purposes of the District; and

WHEREAS, County Policy No. 12-17 – Surplus Real Property (Policy No. 12-17) provides that if property is no longer needed, the District's Board of Supervisors (Board) may declare it surplus and authorize its disposition; and

WHEREAS, the Surplus Land Act, Government Code sections 54220-54234 (Act), defines surplus land as District land for which the Board takes formal action in a regular public meeting declaring the land is surplus and not necessary for the District's use and provides that surplus land shall be disposed of in accordance with the Act; and

WHEREAS, Section 54221(f)(1)(E) of the Act provides for an exemption if the surplus land is a former street, right-of-way, or easement and is conveyed to an owner of an adjacent property; and

WHEREAS, Avila Collection, LLC (Developer) owns certain real property [APNs 0257-021-28 and 0257-031-35], which is adjacent to the District Property (Adjacent Property); and

WHEREAS, Developer desires to purchase the District Property from the District and has agreed to pay \$475,000, an amount determined by the Real Estate Services Department to be consistent with fair market value, and the District's incurred administrative costs, currently estimated to be \$17,000; and

WHEREAS, the District may sell the District Property to Developer pursuant to Water Code Appendix Section 43-6 and County Policy No. 12-17; and

WHEREAS, Water Code Appendix section 43-6 provides, in pertinent part, that the Board may determine, by resolution duly entered in its minutes, that any real property held by the District is no longer necessary to be retained for the uses and purposes of the District, and may thereafter sell the property; and

WHEREAS, County Policy No. 12-17 (Surplus Real Property) provides that the District may, by Resolution of the Board, authorize the disposition of property at fair market value; and

WHEREAS, the sale of the District Property was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be categorically exempt from further environmental review under California Code of Regulations sections 15312 (Surplus Government Property Sales) and 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines. The District Property is not located in an area of statewide, regional, or area-wide concern as identified in Section 15206(b)(4) and no significant values for biological or cultural resources have been identified on the District Property. Additionally, the Commonsense Exemption applies when it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The District will have fulfilled its obligation under CEQA for this District Property with the posting of the Notice of Exemption by the Clerk of the Board; and

WHEREAS, the Board has considered the staff report presented at its meeting of January 23, 2024, relating to sale of the District Property to Developer; and

NOW, THEREFORE, the Board of the District hereby finds, declares, and resolves as follows:

SECTION 1. The above recitals, including the findings, are true and correct and are a substantive part of this Resolution.

SECTION 2. The Board of the District hereby declares that the District Property is surplus land pursuant to County Policy No. 12-17 because it is no longer necessary for the use and purposes of the District is exempt surplus land pursuant to Government Code section 54221(f)(1)(E) because it is a former right of way and is being conveyed by the District to the property owner of adjacent land.

SECTION 3. The Board of the District hereby finds that the sale of the land is an exempt project pursuant to California Code of Regulations sections 15312 (Surplus Government Property Sales) and 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines.

SECTION 4. The Board of the District authorizes the sale of the District Property by quitclaim deed to Avila Collection, LLC for \$475,000, which has been determined as the fair market value, plus payment of the District's administrative costs, in accordance with Water Code Appendix Section 43-6 and County Policy No. 12-17.

SECTION 5. The Real Estate Services Department is directed to file a Notice Exemption in accordance with the California Environmental Act.

PASSED AND ADOPTED by the Board of Supervisors of the San Bernardino County Flood Control District, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez,

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

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STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the San Bernardino County Flood Control District, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of February 27, 2024. Item #70 JLL

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy