

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF BIG BEAR VALLEY RECREATION AND PARK DISTRICT
AND RECORD OF ACTION**

March 1, 2022

FROM

BRENDON BIGGS, Director, Department of Public Works - Special Districts

TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Purchase and Sale Agreement for the Sale of Surplus Property in Lake Williams

RECOMMENDATION(S)

Acting as the governing body of the Big Bear Valley Recreation and Park District:

1. Adopt **Resolution No. 2022-38** declaring the Big Bear Valley Recreation and Park District-owned property Assessor Parcel Number 0315-395-02, consisting of approximately 3,050 square feet (0.07 acres), in the unincorporated County area known as Lake Williams, is surplus and no longer necessary for the uses and purposes and the conveyance is in the public interest; that pursuant to Government Code section 54221, the District property is exempt surplus land; and authorizing the sale of said District property to the adjoining property owner, Brian Hintergardt, in accordance with Public Resources Code section 5786.1(b), County Policy 12-17, and Government Code section 25526.5, for \$9,000 to the District.
2. Approve the Purchase and Sale Agreement and Escrow Instructions **Agreement No. 22-131** between Big Bear Valley Recreation and Park District and Brian Hintergardt.
3. Authorize the Chairman of the Board of Directors to execute said Purchase and Sale Agreement and the Grant Deed to convey the Big Bear Valley Recreation and Park District-owned property to the adjoining property owner, Brian Hintergardt.
4. 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.
5. Find the transaction described in Recommendation Nos. 1 through 4 an exempt project under the California Environmental Quality Act Guidelines, California Code of Regulations sections 15312 and 15061(b)(3).
6. Direct the Secretary of the Board of Directors to file and post the Notice of Exemption for the Project.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). Big Bear Valley Recreation and Park District (District) will receive sale proceeds of \$9,000 for this sale of surplus property. The buyer will pay for all title and escrow fees

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associated with this sale. The District will not be responsible for any ongoing maintenance associated with the property once conveyed.

BACKGROUND INFORMATION

The recommended actions will declare the District-owned property in the unincorporated County area known as Lake Williams, referenced as a 0.07-acre (3,050 square foot) parcel commonly known by Assessor Parcel Number 0315-395-02 (Property), as surplus property, and approve and authorize its sale to Brian Hintergardt for a purchase price of \$9,000 to the District.

The Property was conveyed to San Bernardino County in 1990 by quitclaim deed (conveyance number 1990-0218923) from the Lake Williams Estates Property Owners Association for use and benefit of the District. In 1998, the County transferred ownership of the Property to the District (Grant Deed 1998-0327458).

This lot and a nearby larger property were accepted by the District after failed attempts to make Lake Williams a permanent lake. Sprayed on liners and clay-like soils failed to hold the water from percolating through the soil. The Property was intended to be a pump building station. In September of 2021, Mr. Hintergardt contacted the District to inquire about purchasing the Property, given that he is the adjoining owner, with an offer of \$5,000. The District asked the Real Estate Services Department (RESO) to review the inquiry and negotiate the potential sale. RESO determined fair market value for the Property is \$9,000 and negotiated the purchase price at that value. Mr. Hintergardt will pay the concluded fair market value and all escrow fees and closing costs.

The District no longer needs the Property and has therefore determined it is surplus to its needs. County Policy 12-17 – Surplus Real Property (Policy 12-17), provides that the District Board of Directors may authorize the disposition of the Property. 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)(B)(i), because it is being conveyed by the District to the adjoining property owner, and the property is less than 5,000 square feet. Notification was provided to the California Department of Housing and Community Development on February 8, 2022.

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 California Code of Regulations sections 15312 (Surplus Government Property Sales) and 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The District will have fulfilled its obligation under CEQA for this Property with the posting of the Notice of Exemption by the Secretary of the Board of Directors.

PROCUREMENT

The District is authorized to complete the conveyance of the Property to Mr. Hintergardt pursuant to Public Resources Code section 5786.1(b), County Policy 12-17, and Government Code section 25526.5.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Supervising Deputy County Counsel, and Aaron Gest, Deputy County Counsel, 387-5455) on December 21, 2021; Special Districts (Trevor Leja, Assistant Director, 386-8810) on December 22, 2021; Purchasing

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Department (Bruce Cole, Supervising Buyer, 387-2148) on January 3, 2022; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Carl Lofton, Administrative Analyst, 387-5404) on January, 7, 2022; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on January 8, 2022.

(BF: 361-8976)

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Record of Action of the Board of Directors
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, SECRETARY

BY 
DATED: March 1, 2022



cc: W/RESOLUTION
SDD/BBVRPD- Thompson w/agree w/Grant Deed w/CEQA &
Receipt
Contractor- C/O BBVRPD w/agree
File- w/agree w/Grant Deed w/CEQA & Receipt
LA 03/3/2022