

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

May 19, 2020

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

BRENDON BIGGS, Interim, Director, Department of Public Works-Transportation

SUBJECT

Acquisition of Surplus Property from the San Bernardino County Transportation Authority for Access and Staging to existing Drainage Facilities in the Unincorporated Area of Devore

RECOMMENDATION(S)

1. Approve the rescission of the Purchase and Sale Agreement, Contract No. 19-560, between the County of San Bernardino and the San Bernardino County Transportation Authority that was approved by the Board of Supervisors on August 20, 2019 (Item No. 51).
2. Approve a new **Purchase and Sale Agreement No. 20-267** between the County of San Bernardino and the San Bernardino County Transportation Authority for the County's acquisition of approximately 21,225 square feet of vacant property [Assessor Parcel Number (APN) 0349-174-12] located on the southwest corner of Cajon Boulevard and Glen Helen Parkway in the unincorporated area of Devore for the total purchase price of \$27,000 plus escrow and title fees not to exceed \$2,500, and \$100 for the independent consideration, for purposes of access and staging to existing drainage facilities.
3. Authorize the Director of the Real Estate Services Department to execute escrow instructions and any other documents necessary to complete this transaction, and direct the Director of the Real Estate Services Department to transmit all executed amendments to said purchase agreement to the Clerk of the Board of Supervisors within 30 days after close of escrow.

(Presenter: Terry W. Thompson, Director, 387-5252)

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.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Department of Public Works-Transportation (DPW-T) is funded by Gas Tax revenue, fees, and other local, state, and federal funding. There is no cost to rescind the Purchase and Sale Agreement, Contract No. 19-560, between the County of San Bernardino and the San Bernardino County Transportation Authority (Prior Agreement). The cost to acquire this real property in fee under a replacement Purchase and Sale Agreement (New Agreement) remains \$27,000 plus escrow and title fees not to exceed \$2,500. Additionally, DPW-T will also still pay \$100 as independent consideration directly to the San Bernardino County Transportation Authority (SBCTA) for the County's right to purchase the property and to terminate the Agreement prior to the close of escrow if necessary. Sufficient appropriation will be included in

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the 2020-21 DPW-T Road Operations recommended budget for acquisition of SBCTA surplus property (6650002000 11H14057).

BACKGROUND INFORMATION

Approval of this item will authorize the rescission of Contract No. 19-560 (Prior Agreement), and the execution of the New Agreement for the acquisition of approximately 21,225 square feet of vacant land (APN 0349-174-12) located at 18405 Cajon Boulevard on the southwest corner of Cajon Boulevard and Glen Helen Parkway in the unincorporated area of Devore (Property), for access and staging to existing drainage facilities.

Pursuant to Senate Bill 1305, effective January 1, 2017, San Bernardino County Transportation Authority (SBCTA) was named successor to San Bernardino County Transportation Commission (also known as the San Bernardino Associated Governments).

On January 6, 2017, SBCTA distributed a 60-day public agency notification of surplus property for sale or lease, in compliance with Government Code Sections 54220-54232, for a property that was declared surplus as a result of the I-15 and the I-215 freeway improvement project in the north San Bernardino area.

On February 17, 2017, the County's Real Estate Services Department (RESD) responded to SBCTA with a certified letter of interest for the Property, on behalf of the DPW-T within the Government code sanctioned 60-day window. DPW-T currently maintains a portion of road right-of-way adjacent to the Property and is interested in the remaining interests for purposes of access and staging to existing drainage facilities.

On March 28, 2017, a notice was received from SBCTA acknowledging DPW-T's interest in the Property owned by the agency formerly known as SANBAG. SBCTA offered to sell the Property to DPW-T for \$27,000 based on an appraisal obtained by SBCTA on November 28, 2016, prepared by Overland, Pacific, and Cutler, Inc.

DPW-T requested assistance from RESD to acquire this Property in fee. The Property was appraised on November 16, 2016 and was reviewed by the RESD. The fair market value of \$27,000 was determined to be reasonable.

On August 20, 2019 (Item No. 51), the Board of Supervisors (Board) approved the appraisal, the acquisition of the Property, and the Prior Agreement. Subsequently, after Board approval, SBCTA advised RESD that the Grant Deed for the Property needed to be corrected to show SBCTA as the successor to San Bernardino County Transportation Commission. The New Agreement corrects the name of the seller to SBCTA, as successor, revises the form of Grant Deed to reflect the proper vesting by SBCTA, and corrects a discrepancy in the legal description of the Property. RESD and County Counsel reviewed and concurred with the revisions made in the New Agreement. The item now requests the Board rescind the Prior Agreement and approve the New Agreement.

Upon mutual execution of the New Agreement, DPW-T shall have 20 days to complete its title review of the Property.

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

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election to proceed), contingency waivers, and settlement statements to complete the purchase of the Property. 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 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 this Property was reviewed pursuant to the California Environmental Quality Act (CEQA) and a finding of exemption was made by the Board on August 20, 2019 (Item No. 51). The Clerk of the Board was directed to file the Notice of Exemption for the acquisition of this Property, which finalized the County's obligations under CEQA for this Project

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel and Agnes Cheng, Deputy County Counsel, 387-5455) on April 24, 2020; DPW-T (Brendon Biggs, Interim Director, 387-5907) on April 14, 2020; Purchasing (Bruce Cole, Staff Analyst II, 387-2148) on April 15, 2020; Finance (Wen Mai, Principal Administrative Analyst, 387-4020 and Jessica Trillo, Administrative Analyst, Administrative Analyst, 387-4222) on April 29, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 4, 2020.

(KD: 665-0430)

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 19, 2020



cc: RESD- Thompson w/agree for sign
Contactor- C/O RESD w/agree
File- w/agree w/map
la 05/20/2020