

RESOLUTION NO. 2024-171

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AUTHORIZING THE SALE OF VACANT LAND OWNED BY THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, IDENTIFIED AS APPROXIMATELY 1,252.21 ACRES WITHIN THE ETIWANDA HEIGHTS NEIGHBORHOOD AND CONSERVATION PLAN AREA, IN THE CITY OF RANCHO CUCAMONGA, TO RANCHO ETIWANDA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY PURSUANT TO WATER CODE APPENDIX SECTION 43-6 AND COUNTY POLICY NO. 12-17.

On Tuesday, December 3, 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) owns certain real property, identified as approximately 1,252.21 acres within the Etiwanda Heights Neighborhood and Conservation Plan Area, in the City of Rancho Cucamonga (District Property); and

WHEREAS, Water Code Appendix section 43-6 authorizes the District to sell its surplus property and 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, by resolution, authorize its disposition at fair market value; and

WHEREAS, on this same date, the Board is considering the District's approval of the Purchase and Sale Agreement and Escrow Instructions with Rancho Etiwanda, LLC, a California Limited Liability Company (Developer) for the District to sell up to a total of approximately 1,252.21 acres of the District Property, in phases to be determined, during a five-year Original Acquisition Term and an optional five-year Extended Acquisition Term, for a maximum Purchase Price of \$93,000,000, plus interest, plus the consideration noted in the Agreement (which capitalized terms are defined in the Agreement); and

WHEREAS, the District Property was appraised by Michael Frauenthal & Associates, Inc., which appraisal is dated March 12, 2024, and is on file with the San Bernardino County Real Estate Services Department (Appraisal). The Appraisal was based on market data as of February 28, 2024, and was based on a single acquisition of the entire District Property; and

WHEREAS, on October 22, 2024, the Board, pursuant to Water Code Appendix section 43-6 and Government Code section 54221(f)(1)(N), determined by resolution, duly entered in its minutes, that the District Property is no longer necessary to be retained for the uses and purposes of the District, and was "exempt surplus land" under the Surplus Land Act; 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 section 15312 (Surplus Government Property Sales).

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 finds that the sale of the District Property is an exempt project pursuant to California Code of Regulations section 15312 (Surplus Government Property Sales) of the CEQA Guidelines.

SECTION 3. The Board of the District authorizes the sale of the District Property to the Developer under the terms and conditions of the Purchase and Sale Agreement and Escrow Instructions pursuant to Water Code Appendix section 43-6 and Policy No. 12-17.

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, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

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 December 3, 2024. #58 MBA

LYNNA MONELL
Clerk of the Board of Supervisors

By  Deputy

