

RESOLUTION NO. 2022-38

RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIG BEAR VALLEY RECREATION AND PARK DISTRICT MAKING CERTAIN FINDINGS IN ACCORDANCE WITH THE SURPLUS LAND ACT AND DECLARING THE FEE SIMPLE INTEREST OF DISTRICT PROPERTY [ASSESSOR PARCEL NUMBER 0315-395-02], CONSISTING OF APPROXIMATELY 0.07 ACRES, IN THE UNINCORPORATED AREA OF THE COUNTY KNOWN AS LAKE WILLIAMS, IS NO LONGER NECESSARY FOR THE USES AND PURPOSES OF THE DISTRICT AND THAT CONVEYANCE OF THE REAL PROPERTY INTEREST IS IN THE PUBLIC INTEREST; AND AUTHORIZING THE CONVEYANCE OF SAID FEE INTEREST TO THE ADJOINING PROPERTY OWNER, BRIAN HINTERGARDT

On Tuesday March 1, 2022, on motion of Director Baca Jr., duly seconded by Director Rowe and carried, the following resolution is adopted by the Board of Directors of the Big Bear Valley Recreation and Park District (District), San Bernardino County, State of California.

WHEREAS, the District is the owner in fee simple of that certain real property consisting of approximately 0.07 acres (3,050 square feet) known as Assessor Parcel Number (APN) 0315-395-02 (Property); and

WHEREAS, under the Surplus Land Act, Government Code Sections 54220-54234 (Act), surplus land is land owned in fee simple by the District for which the Board of Directors takes formal action in a regular public meeting declaring the land is surplus and not necessary for the District's use, and the land must be declared either surplus land or exempt surplus land as supported by written findings; and

WHEREAS, Brian Hintergardt (Buyer) owns adjacent APN 0315-395-01, improved with a single-family residence; and

WHEREAS, Buyer has requested to purchase the Property from the District and has agreed to pay \$9,000, an amount determined by the Real Estate Services Department to be consistent with fair market value, and agrees to pay for all escrow and title fees associated with this request; and

WHEREAS, the District reviewed the request and determined that the Property is no longer necessary for its uses and purposes and the conveyance is in the public interest; and

WHEREAS, the District intends to convey the Property to Buyer pursuant to and in accordance with Public Resources Code section 5786.1(b), County Policy 12-17, and Government Code section 25526.5; and

WHEREAS, Public Resources Code section 5786.1(b) provides that the District shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including, but not limited to, the right and power to hold, manage, occupy, dispose of, convey and encumber its real property; and

WHEREAS, Recreation and Park District Law (Public Resources Code sections 5780 through 5796.20) provides no guidance as to how the District may sell its property; and

WHEREAS, County Policy 12-17 (Surplus Real Property) provides that the District may authorize the disposition of property; and

WHEREAS, the District generally follows the surplus procedures applicable to counties; and

WHEREAS, Government Code section 25526.5 provides, in pertinent part, that the County Board of Supervisors may, when the estimated value does not exceed \$25,000 sell, exchange, quitclaim, or convey that real property or interest therein in the manner and upon the terms and conditions as are agreed upon and without complying with any other provisions of the Government Code; and

WHEREAS, 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; and

WHEREAS, the Board of Directors has considered the staff report presented at its meeting of March 1, 2022, relating to sale of the Property to Buyer; and

NOW, THEREFORE, the Board of Directors of the Big Bear Valley Recreation and Park District hereby finds, declares, and resolves as follows:

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

SECTION 2. The Board of Directors hereby declares that the Property is exempt surplus land pursuant to Government Code Section 54221(f)(1)(B)(i), as the property is less than 5,000 square feet in area, and is being sold to an owner of contiguous land.

SECTION 3. The fee simple interest of District Property [APN 0315-395-02], consisting of approximately 0.07 acres (3,050 square feet) in the unincorporated County area known as Lake Williams is no longer necessary for the uses and purposes of the District.

SECTION 4. Conveyance of the Property is in the public interest.

SECTION 5. The Board of Directors of the Big Bear Valley Recreation and Park District authorizes the conveyance of said fee interest at fair market value to Brian Hintergardt, in accordance with Public Resources Code section 5786.1(b), County Policy 12-17, and Government Code section 25526.5.

SECTION 6. The Secretary of the Board of Directors is directed to file a Notice Exemption pursuant to CEQA Guidelines sections 15312 and 15061(b)(3).

PASSED AND ADOPTED by the Board of Directors of the Big Bear Valley Recreation and Park District, by the following vote:

AYES: DIRECTORS: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

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STATE OF CALIFORNIA)
)
SAN BERNARDINO COUNTY) ss.

I, **LYNNA MONELL**, Secretary of the Board of Directors of the Big Bear Valley Recreation and Park 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 Directors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of March 1, 2022. #62 LA

LYNNA MONELL
Secretary of the Board of Directors

By _____
Deputy