

RESOLUTION NO. 2023-79

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DECLARING THAT CERTAIN REAL PROPERTY, COMPRISING A TOTAL OF APPROXIMATELY 6.71 ACRES OF LAND [ASSESSOR'S PARCEL NUMBERS 011-031-106 (PORTION), 011-031-112 (PORTION), 011-031-114, and 021-016-114 (PORTION)], LOCATED NORTH OF INTERSTATE 10 WITHIN DEER CREEK CHANNEL IN THE CITY OF ONTARIO IS SURPLUS, PURSUANT TO COUNTY POLICY NO. 12-17 AND CALIFORNIA WATER CODE APPENDIX SECTION 43-6, AND NO LONGER NECESSARY TO BE RETAINED FOR THE USES AND PURPOSES OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AND IS SURPLUS LAND PURSUANT TO THE SURPLUS LAND ACT

On June 13, 2023, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Curt and carried, the following Resolution is adopted by the Board of Supervisors of San Bernardino County Flood Control District ("District"), County of San Bernardino, State of California.

WHEREAS, the District is the owner in fee simple of that certain real property, comprising a total of approximately 6.71 acres of land [commonly referenced as Assessor's Parcel Numbers 011-031-106 (portion); 011-031-112 (portion); 011-031-114; and 021-016-114 (portion)] located north of Interstate 10 within Deer Creek Channel in the City of Ontario, as depicted in Exhibit "A" attached hereto and made a part of hereof (collectively, the "Property"); and

WHEREAS, pursuant to County Policy No. 12-17, Surplus Real Property ("Policy") and California Water Code Appendix Section 43-6 ("Water Code"), the District's Board of Supervisors ("Board") may declare the Property surplus if it is no longer needed, and thereafter, it may be disposed in accordance with law; and

WHEREAS, the District has evaluated the Property for its potential to be used for flood protection in the region, and finds that, over the past four decades, improvements made by the District, including the Day Creek and Deer Creek Debris Dam, spreading grounds, and channels, have rendered the Property unnecessary for flood management, and as such, the Property is surplus and no longer needed for the District's use; and

WHEREAS, the Real Estate Services Department has evaluated the Property and recommends making it available for disposition; and

WHEREAS, under the Surplus Property Land Act, Government Code Sections 54220-54234 ("Act"), surplus land is land owned in fee simple by the District for which the Board takes formal action in a regular public meeting declaring the land surplus and not necessary for the District's use and further declaring the land either surplus land or exempt surplus land; and

WHEREAS, the Board desires to declare that the Property is surplus under the Policy and the Water Code and no longer necessary for the District's uses and purposes and further declare that the Property is surplus land under the Act; and

WHEREAS, the Act requires that before the Board disposes of the Property or engages in negotiations to dispose of the Property, the District shall send a written notice of availability of the Property to certain designated entities set forth in Government Code Section 54222 ("Designated Entities"); and

WHEREAS, the accompanying staff report provides supporting information upon which the declaration and findings set forth in this Resolution are based;

NOW, THEREFORE, the Board 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 hereby declares that the Property is surplus pursuant to the Policy and the Water Code and is not necessary for the District's use, and further declares that the Property is surplus land pursuant to the Act.

SECTION 3. The Director of the Real Estate Services Department is hereby directed to send, or cause to be sent, a notice of availability, to the Designated Entities, in accordance with the Act.

SECTION 4. District staff has determined that the designation of this Property as surplus does not have the potential for creating a significant effect on the environment. Therefore, this action is covered by the commonsense exemption and exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15061(b)(3). Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. If and when the Property is sold to a purchaser or leased to a tenant and that purchaser or tenant proposes a use for the Property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.

SECTION 5. The Clerk of the Board of Supervisors is directed to file a Notice of Exemption pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 6. The officers and staff of the District are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby confirmed. Such actions include negotiating in good faith in accordance with the requirements of the Act with any of the Designated Entities that submit a written notice of interest to purchase or lease the Property in compliance with the Act.

NOW, THEREFORE, BE IT RESOLVED that the District's Board hereby declares, in accordance with the Policy and the Water Code, that the Property is surplus and no longer necessary for the uses and purposes of the District, and in accordance with the Act, the Property is surplus land.

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

* * * * *

STATE OF CALIFORNIA)
)
SAN BERNARDINO COUNTY) ss.

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the San Bernardino County Flood Control District, County of San Bernardino, 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 June 13, 2023. #88 CCM

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy

Exhibit "A"
Property

